

**CHAPTER 8 UNMARRIED & SAME SEX RELATIONSHIPS
SECTION 9**

**FURTHER GUIDANCE ON THE UNMARRIED AND SAME SEX PARTNERS RULES AND
REQUIRED LEVELS OF DOCUMENTATION**

1. PREVIOUS MARRIAGE OR CIVIL PARTNERSHIP HAS PERMANENTLY BROKEN DOWN

Each of the parties to the unmarried or same sex partnership is required to provide, where appropriate, evidence that any previous marriage or civil partnership they have entered into is no longer subsisting. They should be asked to specify whether if so, how long ago the previous relationship was terminated, either by divorce or by separation.

Interpretation

"Akin to marriage or civil partnership", is a relationship that is similar in its nature to a marriage or civil partnership which would include unmarried and same sex relationships.

2. THE PARTIES HAVE BEEN LIVING TOGETHER IN A RELATIONSHIP AKIN TO MARRIAGE OR CIVIL PARTNERSHIP WHICH HAS SUBSISTED FOR TWO YEARS OR MORE

The intention of the Rules relating to unmarried and same sex partners is to allow ***genuine long-term relationships to continue***. It is not an open door to couples who are in the early stages of a cohabiting relationship, but provides an opportunity for those couples who are ***already living together*** in a committed relationship akin to marriage or civil partnership to enter or remain in the United Kingdom on this basis alone.

In order to assess whether a couple is in a genuine long-term relationship we would expect to see evidence of cohabitation for the preceding 2 year period. Short breaks apart of up to 6 months would be acceptable for good reasons, such as work commitments, or caring for a dependent relative. Evidence must be provided which shows that the relationship continued throughout that period by visits, letters etc.

Where a couple claim that they have maintained their relationship during the 2 year period by merely visiting each other as often as they can, this will not be sufficient to satisfy these provision of the Rules. However where a couple have been living together in a committed relationship for the preceding 2 year period, barring short breaks, but have been dividing their time between countries (for example, by using the "visitor" category), this will be sufficient to meet the requirement.

Evidence of a committed relationship and proof of its length can take the form of:

- joint commitments, (such as joint bank accounts, investments, rent agreements, mortgage, death benefit etc);

- if there are children of the relationship, a record of their birth entry;
- correspondence which links them to the same address;
- any official records of their address (eg Doctors records, DWP record, national insurance record etc);
- letters from third parties may be of evidential value but should not of themselves form the sole basis of a claim;
- any other evidence that adequately demonstrates their commitment to each other.

It will not be necessary to provide all of the above, but caseworkers should be looking for sufficient conclusive evidence of the relationship.