

Previously known as 13.19 of DSPs.

Now 13.20 of Entry Clearance Guidance (from 01/08)

13.20 - Polygamous and potentially polygamous marriages

This instruction aims to explain to ECOs the circumstances in which a polygamous spouse will or will not qualify for admission to the United Kingdom.

You should consider first whether the marriage is valid under the laws of the United Kingdom. For wives, see [Annex 3](#). If it is not, the spouse should be refused on that account alone without considering the requirements of the Rules relating to polygamous spouses.

If the marriage is valid, you should then consider whether the spouse qualifies for admission to the United Kingdom under the [Rules Paragraphs 278-280](#). Guidance in assessing this is given in [Annex 4](#).

The important thing to remember in applying the Rules for polygamous spouses is that it is not the order in which polygamous spouses marry which is crucial but the order in which they go to the United Kingdom.

Children of polygamous spouses

If a polygamous spouse is disqualified by the Immigration Act/Rules from entering the United Kingdom, any children he or she had by his or her spouse may not qualify for entry to the United Kingdom, depending on the circumstances and in particular the operation of the Legitimacy Act 1976 (see [Chapter 14 on Settlement for Children](#)).

Polygamous spouses entering in their own right

A polygamous spouse may have an entitlement to enter the United Kingdom in his or her own right - for example as a returning resident. A woman who obtained settlement in the United Kingdom on the basis of a marriage which has since ended and who travels to another country where she enters into an actually polygamous marriage, has the right to return to the United Kingdom under [Rules Paragraph 18](#), provided that she does so within the 2 year limit.

A polygamous spouse may also enter in his or her own right as a visitor or a student, provided of course that he or she meets in full the requirements of the relevant paragraphs of the Rules. Such a spouse will not, however, qualify for entry clearance in a temporary capacity leading to settlement (for example, as a spouse of a work permit holder) if that would result in the formation of a polygamous household in the United Kingdom.

Termination of previous marriage

Even where it is suspected that a divorce of convenience has taken place and that a man, for example, is continuing to live with a previous wife, entry clearance cannot be withheld from a second wife, even if a polygamous household will be created as a result.

A polygamous spouse may apply for entry clearance and support the application by claiming that a previous marriage (which would otherwise disqualify him or her) has been dissolved or terminated by the death of the spouse concerned. ECOs should be wary of death and divorce certificates in such circumstances, especially where talaq or customary laws are involved. Guidance on talaqs/customary divorces is given in [Annex 1](#).

Potentially Polygamous Marriages

Hitherto, potentially polygamous marriages (i.e. celebrated under a law which permits polygamy) where the spouse is domiciled in the UK have been considered invalid in UK law. (Potentially polygamous marriages where the husband is domiciled in the UK have been considered valid in UK law since in 1982). An amendment to the Matrimonial Causes Act 1973 by the Private International Law (Miscellaneous Provisions) Act has served to legitimate all potentially polygamous marriages where they are, in fact, monogamous.

As a result of this amendment to the 1973 Act, in cases where it is clear that the marriage is actually monogamous, potentially polygamous spouses can now be issued with Husband/Wife ECs, subject to the usual criteria of the Rules being met. Such marriages will, however, be deemed to be made void by any subsequent marriage by one of the parties or by an annulment.