

## Bureaucracy versus Love

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### Abstract:

Marriage is no longer considered to be just a sacred ceremony but also a way how to improve one's living standard. Changes in societal tendencies have brought not only a large number of divorces but so-called sham marriages are also on the rise. What is the reason?

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For migrants, it is one of the fastest way how to legalize their stay in the territory of the Czech Republic.. Getting permanent-residence status which guarantees good quality of life available to all Czech citizens - regular health care, comfortable and secure residence in the territory - is problematic for almost all groups of foreigners. For instance, a foreign entrepreneur, who pays fees and taxes responsibly and invests money into the Czech state system, has to endure at least five years of waiting for the 'secure residence'. For students, the limit increases to 10 years of continual study which is nearly impossible to meet (the standard study period at university is 5 years). One can gain permanent residency for the so-called family reunification purposes after 2 years, which might be an appealing idea for people who dream about living in the Czech Republic. Nevertheless, it is not easy either.

Our minds are filled with fairy-tale stories about sham marriages with a hint of romance that are typically constructed by Hollywood – two people get married in order to get certain benefits, they go through some adventure of a humorous spirit and eventually, they fall in love as it could be seen, for instance, in the film Green Card with Gérard Depardieu and Andie MacDowell. Unfortunately, real life does not unfold along the same lines. Sham marriage is mostly connected with tremendous stress, endless feeling of insecurity and on top of that, in the Czech Republic both partners can be sentenced to up to one year in prison. No wonder that only the people who find themselves in a desperate situation want to solve their problems in this way.

A very nice and good-looking woman, who has exactly the same experience, recalls her story: *"I have an older brother and no other relatives, we are alone, our parents died when I was 18. It was very difficult for me. I don't know how I would have been able to cope without my brother. He helped me fight the depression and he helped me out financially. He moved to the Czech Republic a couple of years after our parents' death and later got permanent residency. I never wanted to go to the Czech Republic, I liked my life in Russia and I was planning to*

*stay there. Then, suddenly, my brother fell ill. The idea that he was there left completely alone and no one took care of him was unbearable. Unfortunately, according to the Czech law, siblings are not regarded as close relatives so I was not entitled to a family reunification visa. Therefore, a sham marriage seemed to be the fastest and the easiest way how to get a visa. But the opposite was true. The man, to whom I paid several thousand euros, still keeps blackmailing me. I have no idea how to continue living.”*

### **The scope of the phenomenon**

According to the statistics, in 2011 sham marriage was uncovered among 72 persons This is just a fraction of the total number of marriages between the foreigners from the so-called third countries (i.e. the states outside the EU) and Czech citizens (1780 marriages).<sup>1</sup> Despite these low figures, the state is afraid of systematic abuse of the institution of marriage so much that it intends to further tighten up the rules.

However, tighter enforcement of law penalizes not only those who really cheat, but also those who act according to the norms. The couples who decide to enter international marriages often encounter problems which definitely do not contribute to the establishment of a strong relationship.

Anna from Russia shares her experience: *“You know, my husband has an awfully bad memory for minor details. When we were having our interview at the Ministry of the Interior, he made a mistake in the number of guests at our wedding. That caused a huge problem! Subsequently, they refused to issue my EU family-member passport. Of course, we successfully appealed, but it cost us a lot of energy.”*

Natálie, who got married in 2010 in the Czech Republic, adds: *“I got married because I was in love; without it, I would not have been able to. However, after a year and a half we were going through a crisis and in addition, we started to be suspected of a sham marriage. They inspected us in the middle of the night, they rummaged through our personal things. Once, they caught my husband on the way to work, right in the café they inquired about the cream brand I was using and other absurd questions. Eventually, we got divorced. I cannot say it was because of the checks, but this kind of attitude definitely does not contribute to building up a normal relationship. All the time, I felt that I was being perceived as a dangerous criminal or a liar and my Czech husband was not used to experiencing such an attitude from the state; he grew tired of it and was upset.”*

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<sup>1</sup> <http://www.policie.cz/clanek/napomahani-k-nelegalni-migraci.aspx>;  
[http://www.czso.cz/csu/cizinci.nsf/kapitola/ciz\\_demogr\\_udalosti](http://www.czso.cz/csu/cizinci.nsf/kapitola/ciz_demogr_udalosti)

## Other restrictions

Unfortunately, the situation will not improve in the foreseeable future. Currently, concerns are articulated about the new Act on the Residence of Foreign Nationals which introduces restrictions in almost all aspects of a migrant's life:

- Compulsory integration tests for family members;
- Requirement of common language for spouses;
- It introduces disproportionately large amounts of money as a precondition for family reunification and access to permanent residency;
- It is partially aimed at the reduction in the number of sham marriages and at their prevention.

Nevertheless, the act itself is rather absurd. Lawyer Pavel Čížinský reflects on it: *“The legislation restriction also concerns the family members of the Czech citizens, who will thus have fewer rights than family members of the other EU states’ citizens. For example, a Ukrainian wife of a Czech should have fewer rights than a Ukrainian wife of a Slovak who resides in the Czech Republic.”* It definitely sounds absurd.

The question remains – how is the Czech Republic influenced by family reunifications? There are no doubts that a connection between two people from different cultures through a marriage encourages integration, establishes contacts and enhances understanding between cultures. It goes without saying that it promotes demographic and economic growth. Moreover, how many Great Czechs were of a migrant origin? Personalities such as Charles IV, Božena Němcová, Cyril and Methodius.

When discussing the current problem, we often leave out ordinary, yet the most important things, we are striving to give rational reasons. However, I tried looking at the same issue through the eyes of someone else. I asked a love expert Anna Liebert, a wedding planner. Why are family reunifications so important in her opinion?

*“We must not forget that to love is a natural human need and there is nothing more important in the world than a family. Almost all human beings dream about finding their other half. And it does not matter where they find them. Love does not respect any boundaries, it is not rational, it makes choices irrespective of passport, or country of origin. Bureaucracy cannot stand in the way of two loving people. As nothing makes a person happier than a taken vow to love in good times and in bad until the end of their lives,”* Liebert says.

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