AN INVESTIGATION INTO SECURITY CHALLENGESPOSEDBY MARRIAGES OF
CONVENIENCE RELATING TO NAMIBIAN CITIZENSHIP: 2009-2014

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ABSTRACT

The overall purpose of this study was to investigate security challenges posed by marriages of convenience between Namibian women and foreigners to establish remedies of weeding out or reducing the occurrence of marriages of convenience.

This study adopted a mixed research approach by using both qualitative and quantitative research design. The instruments of data collection were both questionnaires and interviews. Questionnaires were administered to a sample of forty Namibian women who got into marriages of convenience with foreign nationals. Qualitative research method was conducted by means of interviews with four (4) selected government officials who had knowledge on the subject of marriage of convenience. The four government officials were selected from the Ministry of Home Affairs and Immigration and the Ministry of Safety and Security.

This study found out that marriages of convenience were orchestrated by poverty. The Namibian victims of marriages of convenience were promised lump sum payments followed by periodic monthly payments. This enticed the unmarried but needy Namibian women to enter into bogus marriages with foreign nationals. The study also revealed that some women entered into these marriages without clearly ascertaining the motives of their foreign partners. Whereas the Namibian women knew that they were getting into legitimate marriage bond, the foreign nationals on the other hand were using marriage as a passage to achieve legal residence status to achieve other ulterior motives, unknown to their unsuspecting Namibian partners.

Currently, Namibia does not have a law that regulates marriages of convenience and this pose security challenges to the nation.
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I must thank the living God for guiding and protecting me during the entire race. I strongly believe only He has made this possible and this could never happen without His protection.
DECLARATION

I, Sarah Katrina Serogwe, do hereby declare that the research thesis titled “An investigation into security challenges posed by marriages of convenience relating to Namibian citizenship”: 2009-2014’ is my own, original work, and that I am the sole author thereof. Works of other people used in this paper have been acknowledged and appropriately referenced. Therefore, any omissions or an error contained herein is the direct responsibility of the author.

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CHAPTER 1

INTRODUCTION AND BACKGROUND

1.1. Introduction

This chapter presents the background, statement of the problem, research purpose and propositions, significance, limitations, and structure of the study.

1.2. Background

Girgis et al (2011) defined marriage as “the union of a man and a woman who make a permanent and exclusive commitment to each other of the type that is naturally (inherently) fulfilled by bearing and rearing children together”. Although in their definition Girgis et al (2011) put more emphasis on bearing and rearing children in defining marriage, they acknowledged that couples who fail to bear and up bring children are regarded married if the union is between a man and a woman who commit to one another with the intention to live as husband and wife. In enhancing their definition of marriage, Girgis et al (2010) stated that a man and woman who enter into marriage contract commit themselves to romantically love and care for each other and share the burdens and benefits of domestic life. Haviland et al (2011) described marriage as a socially or ritually recognized union or legal contract between spouses that establishes rights and obligations between them, between them and their children, and between them and their in-laws. The above scholars viewed marriage as a union between man and woman. However, nowadays, couples of the same sex can, and have legally in some countries been recognized to be in a marriage relationship. For the purpose of this study, Girgis et al (2011) and Haviland et al (2011)
definitions will be adopted as the legitimate definitions of marriage. Girgis et al (2011) and Haviland et al (2011) recognize that marriage is for procreation and preservation of human race which same sex marriages cannot achieve.

“A Marriage of convenience on the other hand refers to marriage entered into for a personal or family advantage, as for social, political, or economic reasons, usually without love and sexual relations” (Bhutto, 2014). With globalization, freedom of movement of people from across the globe has been made possible where people move from their countries of origin and settle in other countries for different reasons. To gain legal residence status, some foreigners device a number of strategies, one of which is marriage of convenience. Marriages of convenience have caught the attention of policy and decision makers in the world over with countries like Netherlands taking initiative to enact and enforce Marriage of Convenience Prevention Act. In a report conducted by European Migration Network (2012), in 2011, the Home Affairs Department in United Kingdom received 50, 000 applications from non-citizens to stay in the UK on the basis of marriage. According to the report, marriage of convenience appears to be a relatively attractive option for those seeking to remain in the United Kingdom (UK). According to (Charsley & Benson, 2012), the Indian subcontinent has long been a major source of spousal migrants to Britain. Charsley and Benson (2012) stated that transnational marriage is not uncommon among the large ethnic Indian, Pakistani and Bangladeshi nationals.

Namibia, like many other countries across the globe has registered a number of marriages considered to be marriages of convenience. The practice was wide spread culminating into tabling of the issue in Namibian Parliament. An investigation carried out by Namibian Police Force between the periods of 2007-2012, found the circumvention of procedures for legal status to be rampant especially among Pakistani nationals who used marriages of convenience to
acquire legal residence status. Prior to 2007, automatic citizenship would be accorded to any foreigner married to a Namibian, whether genuinely or otherwise (Dentlinger, 2004). This loophole was grossly abused as many marriages between foreigners and Namibian women were purely for convenience purposes (Dentlinger, 2004). This led to the amendment of the marriage law pertaining foreigners who marry Namibian nationals. According to the Namibian Constitution as amended in 2010, for any foreigner to apply and upon approval, to acquire Namibian citizenship, one need to have spent at least ten (10) years of uninterrupted stay in Namibia, among other requirements. Although it is premature to assume that the waiting period may be a temptation to some foreigners to fall into marriages of convenience in order to acquire legitimate residence status while waiting to accumulate 10 years to qualify to apply for Namibian citizenship, some foreigners may have heinous plans which they wish to execute through obtaining Namibian citizenship through the route of marriage.

The Namibian Immigration Control Act (No 7 of 1993) states that any foreigner married to Namibian spouse qualifies for domicile status provided that their marriages are bona-fide, conducted in good faith and in accordance with the Namibian Constitution. Domicile is acquired automatically and does not require a formal application. Chapter 3 Article 14 of the Namibian Constitution states that, men and women of full age, without any limitation due to race, colour, ethnic origin, nationality, religion, social or economic status shall have the right to marry and form a family. Article 14 further states that married couples shall be entitled to equal rights as to marriage, during marriage and at its dissolution. The Minister of Home Affairs, however, disagree with the Article 4 of the Constitution, stating that it left women vulnerable by allowing foreign men to acquire citizenship status if their marriage to Namibian women is done in good faith. According to the Minister of Home Affairs, it is difficult to determine who is and who is
not acting in good faith in a marriage contract as the Namibian constitution does not further elaborate on good faith marriage.

1.3. Statement of the problem

Marriages of convenience have become a common occurrence in Namibia with different stakeholders calling for varied measures to combat the vice. The Ministry of Home Affairs, recently called for stricter measures to combat the practice (Muraranganda, 2016). Since it is difficult to distinguish between marriages of convenience from authentic ones, it is challenging to come up with a concrete policy on marriages between foreigners with Namibian women. According to the Minister of Home Affairs, the Ministry only comes to knowledge of such marriages when a discontented wife reports the case to the Ministry seeking help from the Ministry, either to trace their spouses or to help them with the divorce process (Mhunduru, 2015). The situation is becoming complex as even some pastors and members of the judiciary mandated to officiate over marriages, either knowingly or unknowingly legitimize such marriages (Mhunduru, 2015). In 2013, the Ministry launched an investigation into 14 marriages involving Pakistani nationals that were conducted by one single Pastor in a space of five months (Muraranganda, 2016). These marriages were deemed to be marriages of convenience. In 2012, the Ministry of Home Affairs lamented the rate of commercialization of marriage where Namibian women would get married to foreigners in exchange for monthly payments. According to the Ministry of Home Affairs, foreigners obtain Namibian citizenship through marriages of convenience, because the vast majority of Commonwealth countries exempt Namibian citizens from visa requirements (Mhunduru, 2015). Official statistics from the National Population Register show that Ministry of Home Affairs solemnized 5,527 marriages in 2013 alone while
6,320 marriages were solemnized in 2014 (Mhunduru, 2015). In 2015, 890 Namibian Identity Cards were issued to foreigners on the basis of their marriages to Namibians (Ministry of Home Affairs, 2016). The increase in the number of marriages, and especially those entered for convenience purposes pose security threats to Namibia. Some foreigners with ill intentions may use Namibian passports to travel to other countries to wreak havoc. Despite the alarming increase in the rate of marriages of convenience, no study has been conducted in Namibia to establish security threats posed by such marriages to Namibia as a nation, hence, the need for this study.

“The problem of marriages of convenience has increased since 2006”

Kambala (2016)

1.4. Objectives of the study

The overall aim of this study was to gain information on the security challenges posed by the marriages of convenience in Namibia. In order to achieve this broad aim, the following specific objectives were addressed:

i. To find out the reasons why Namibian women are engaged in these marriages.

ii. To establish whether any security challenges are posed by marriages of convenience.

iii. To establish what can be done to address the challenges associated with marriages of convenience.
1.5. **Significance of the study**

This study is vital because it uncovered the reasons why Namibian women are engage in illicit marriages. The recommendations that this study proposed will be of benefit to policy makers at the Ministry of Home Affairs who may find the recommendations proposed useful in policy making process. This study is also significant to future researchers who will be researching on security threats posed by marriages of convenience. Furthermore, this study broadened the researcher’s knowledge base on the security threats posed by marriages of convenience.

1.6. **Scope of the study**

The scope of this study was as follows:

1.6.1. **Geographical scope**

This study was conducted in Windhoek, the capital city and administrative centre of Namibia. Windhoek city is located at the heart of Namibia and housed in Khomas region, one of the fourteen regions found in Namibia. Being the capital city, it houses most visitors who come into Namibia, whom some of them end up marrying to Namibian ladies for convenience reasons.

1.6.2. **Content scope**

This study sought to establish security threats posed by marriages of convenience entered into mainly by foreign male nationals with Namibian women. Therefore, marriages between two Namibian citizens fell outside the scope of this study. Marriages of convenience between two non-Namibian citizens too fell outside the scope of this study. Marriages of convenience between male Namibian nationals and foreign women residing outside Namibia also fall outside the scope
of this study. Marriages of convenience between male Namibians and foreign women also fall outside the scope of this study. The choice of the study variables was premised on the absence of empirical knowledge on marriages of convenience in Namibia.

1.6.3. Time scope

This study was confined to the period between 2009 –2014. This is because, during this period, there were a number of media reports and complaints made to the Ministry of Home Affairs and Immigration on the subject under study.

1.7. Limitations of the study

This study had the following limitations:

The depth of this study was affected by time in which the study was conducted and completed. This study was conducted in a space of less than seven months. Because of time constraint, the depth of this study was compromised. Another limitation was to obtain statistics of the actual number of marriages entered purely for convenience purposes only. It was further difficult to get the culprits to offer the required data for this study. Furthermore, this study focused only on Windhoek, leaving other parts of the country where the practice of marriage of convenience could be exercised as well. Lastly, the findings of this study may not reflect the general situation in Namibia or elsewhere in Africa since a small sample size based on only a few women was used for this study.
1.8. **Outline of the study**

Chapter one gives the background to the study, statement of the problem, research questions and objectives, research prepositions, scope and significance of the study, and definition of terms. Chapter two reviews literature on reasons for marriages of convenience, security threats posed by such marriages and control measures of mitigating marriages of convenience. Chapter three explains the methodology that was used in collecting data for this study and the research approach that was used. In chapter four, data collected is analyzed followed by the discussion of findings. Finally, in chapter five, summary of the key findings are outlined and recommendations given on how to enhance employment creation by foreign owned companies.
CHAPTER 2

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1. Introduction

Chapter one gave background information to the study, stated the problem of the study, outlined the research objectives and questions, limitations and significance of the study. This chapter reviews relevant literature on the causes of marriages of convenience, security threats posed by marriages of convenience, and factors of mitigating the rise of marriages of convenience.

2.2. Theoretical perceptions on the role of marriage

Girgis et al (2011) defined marriage as “the union of a man and a woman who make a permanent and exclusive commitment to each other of the type that is naturally (inherently) fulfilled by bearing and rearing children together”. Although in their definition Girgis et al (2011) put more emphasis on bearing and rearing children in defining marriage, they acknowledged that couples who fail to bear and up bring children are regarded married if the union is between a man and a woman who commit to one another with the intention to live as husband and wife. Haviland et al (2011) described marriage as a socially or ritually recognized union or legal contract between spouses that establishes rights and obligations between them, between them and their children, and between them and their in-laws. The above scholars viewed marriage as a union between man and woman. However, nowadays, couples of the same sex can, and have legally in some countries been recognized to be in a marriage relationship. For the purpose of this study, Girgis et al (2011) and Haviland et al’s (2011) definitions will be adopted as the legitimate definitions of marriage. Girgis et al (2011) and Haviland et al (2011) recognize that marriage is for procreation and preservation of human race which same sex marriages cannot achieve.
Marriage is universal and part of the nature of things. Judge (2013) suggested that the marriage was instituted by God in nature at the dawn of time and is not something peculiar to Christianity. The same author stated that the theologians call a creation ordinance and moral precepts as well as education on marriages are universally recognized as an intrinsic part of religious teaching and practice.

The bible account of creation in the book of Genesis spells out God’s original intention of marriage. When God created Adam and Eve, He commanded them to be fruitful and to multiply and to replenish the earth and subdue it. The role of marriage, therefore, according to the bible, is for procreation. The bible does not recognize same sex ‘marriages’ as marriage since the union between two men or between two women does not meet the God’s command of being fruitful.

2.3. Marriage in Namibia

Namibia has different cultural groups that celebrate marriages each according to their norms, values and religion. Marriage consideration is only required as the principal criterion in the patrilineal and cognate communities in some cultures. In patrilineal communities such as the Herero, lobola has the effect of legalizing the marriage and establishing patrilineal affiliation for any children born of the marriage. The wife, however, remains part of her own female line, because of the double-descent kinship system practised by the Herero (Ambunda & De Klerk, 2008).

Namibia recognizes the marriage between two adults, male and female who out of their own will agree to live as husband and wife. The couples intending to get married can do so either through customary law or through common law. According to Article 14 of the Namibian Constitution, men and women of full age, without any limitation due to race, colour, ethnic origin, nationality,
religion, creed or social or economic status shall have the right to marry and to found a family. From the provisions of the constitution, it can glean that the Namibian Constitution only acknowledges marriage between man and woman for the purpose of raising a family, regardless of their origin. Same sex marriages are not mentioned in the Namibian constitution, and therefore, cannot be regarded as marriage at the very least. The Namibian Constitution recognizes two types of marriages in Namibia, civil marriages and customary marriages.

The Namibian Constitution

Article 14 Family

(1) Men and women of full age, without any limitation due to race, colour, ethnic origin, nationality, religion, creed or social or economic status, shall have the right to marry and to found a family. They shall be entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

The Namibian Constitution Article 14 however does not explain the concept marriage in broad concept. Hubbard (2005) finds that Article 14 contemplates only relationships between people of the opposite sex and that the term “marriage” as used in the Constitution includes only civil marriages and not customary marriages which still do not have full legal recognition as
marriages in terms of Namibia’s statute law (although full recognition has been proposed by the Law Reform and Development Commission).

The latter further argued that the only other reference to marriage in the Constitution is in Article 4(3), which deals with the acquisition of citizenship by marriage. Here the term is explicitly defined to include “a marriage by customary law”. In contrast, Article 14 is silent on what is included in its use of the term marriage. However, Article 4(3) seems to indicate that the specific inclusion of customary marriage in its terms should not be considered to affect other provisions of the Constitution one way or the other, by adding the caveat that the definition of marriage for its purposes should not derogate from “any effect that it may have for any other purposes”.

Both civil marriage and customary marriage are recognised as “marriages” for many purposes in Namibia. For example, the ability to gain Namibian citizenship by marriage applies to both types of marriage. Hubbard (2005)

2.3.1. Civil marriage

Civil marriage is when a man and a woman are married by a marriage officer (Namibian Constitution, 1990). The Namibian Constitution confers the right to a select group of people to preside over civil marriages. The right to preside over civil marriages can be undertaken by magistrates, some select pastors, priests and other church leaders. Couples who decide to take up civil marriage are issued with a marriage certificate confirming the union between the two. Under civil marriage, the couples can decide to either get married in community of property or out of community of property.
According to the Married Persons Equality Act No. 1 of 1996, marriage in community of property means that all the belongings and the debts of the husband and the wife are regarded as one estate and each has a right to own a half of everything in the joint estate. When a man and a woman decide to get married in community of property and in effect become husband and wife, everything that belonged to the husband before the marriage, and everything that belonged to the wife before the marriage, becomes part of the joint estate. Any money earned by either of them during the marriage becomes part of the joint estate and everything that they buy during the marriage also goes into the joint estate regardless of who paid for it. The Act further stipulates that the money and property in the joint estate can be used to pay loans or debts owed to third parties regardless which spouse is responsible for them. The Act also stipulates that if the marriage comes to an end, the joint estate owned by both a husband and wife is divided equally between them.

Marriage out of community of property is a marriage arrangement where two people (male and female) live legally together as husband and wife but each of them has a separate estate. The husband and the wife each have their separate belongings and debts. According to the Equality of Married Persons Act, when couples get in marriage out of community of property, everything that belonged to the husband before the marriage remains his, and everything that belonged to the wife before the marriage remains hers. This marriage arrangement operates on his and hers principle. In effect, everyone is responsible for his or her debts or loans, owns his or her own property inside the marriage and in the event that the marriage comes to an end, everyone takes what belongs to him or her. Since each party in this kind of marriage arrangement owns his or her own property and is responsible for his or her own debts or loans, neither of the parties therefore has a say on how the other party manages his or her assets and or debts.
2.3.2. Customary marriage

What is a customary law? Ambunda and De klerk (2008) defined customary laws as the laws according to which most of the Namibian population regulate marriage, divorce, inheritance and land tenure, amongst other things. Thus, customary law is a body of norms, customs and beliefs relevant for most Namibians. However, despite this relevance for the majority of the population, customary law has for a time been marginalized and even ignored owing to colonial rule. Customary law is a complex, dynamic system which has constantly evolved in response to a wide variety of internal needs and external influences.

Culture is one underlying component of customary law and implies all issues of human thinking, feeling and behavior in one or more social or national groups. These issues involve religion, philosophy and attitude; social, administrative and legal institutions; clothes; nutrition; architecture; demography; behavior; the arts; etc. Thus, culture is composed of patterned and interrelated traditions which are transmitted over time by mechanisms based on the human capacity to create linguistic and non-linguistic symbols (Ambunda& De klerk, 2008).

The scholars further stressed that customary marriage is when a man and a woman are married according to the traditions of their community in absence of a marriage officer. There are different communities in Namibia, each practicing its own different set up of customary marriage. Whereas bride price is an important ingredient of customary marriage in some communities in Namibia, other communities do not place a lot of emphasis on bride price. The couples begin by performing traditional ceremonies and then afterwards go for a marriage ceremony in church or in a magistrate’s court.
Customary marriages have been identified as one of the grounds for disadvantage when it comes to attaining or determining gender equality. Traditionally, marriage is regarded as an arrangement between the kinship groups of the man and the woman. Most traditional communities undertake to pay a bride price to the women’s kinship group. This payment establishes a social relationship between the groups and, in the process, gives the man and his kinship groups certain rights of control over the woman. In many customary law systems, the payment of a marriage consideration or lobola is the principal criterion for a valid customary marriage. Thus, the bride price is used to distinguish a valid marriage from a non-formalised union. Lobola, as the criterion for a valid customary marriage, is tendered by the groom or his parents to the bride’s parents. This is usually paid in full and can be in the form of cattle or money (Ambunda& De klerk, 2008).

The Namibian Constitution, Article 66(1) places customary law on the equal footing as any other law of the country as far as its constitutionality is concerned. This means that customary law has to comply with the constitutional provisions, particularly Chapter 3, which contains fundamental human rights and freedoms. Thus, the constitutional recognition of customary law protects it against arbitrary inroads, and places a legal duty upon national lawmakers to treat customary law like any other law. Article 19 of the Constitution provides the rudiments of a new cultural approach to customary law.

**Namibian Constitution**

**Article 19**

*Every person shall be entitled to enjoy, practise, profess, maintain and promote any culture, language, tradition or religion subject to the terms of this Constitution and further subject to the*
Both civil and customary marriages are recognised under the definition of marriage in Namibia. According to Article 4 of the Constitution, which deals with the acquisition of citizenship by marriage, for the purposes of citizenship a marriage by customary law is deemed a valid marriage. Thus, the two forms of marriage are not always kept separate. Ambunda & De Klerk (2008) assess that a couple may choose to get married in terms of the customs of their community, such as the payment of lobola, and follow some of the traditional ceremonies. Such couples may also have a marriage ceremony in a church. The author point out that, a customary marriage can be registered in a magistrate’s court and these types of marriages are often referred to as dual or hybrid marriages because the civil and customary formalities are carried out simultaneously or are intertwined. Couples who marry in terms of both customary and civil law simply choose to conduct their marriages according to the norms which are familiar to them.

_Marriage is instituted by God so that human beings can fulfill the creation mandate. Marriage is necessary to help the human race do the jobs it is meant to do: to work, to be stewards of Creation, to have children and to raise them to be productive. Marriage is foundational to all this human activity._(Judge, 2013)

### 2.3.3. Marriage of convenience

Marriages of convenience have in the recent years gained attention of many especially in the academic world. The concept has been variously defined by different scholars.
Tamburlini (2016) defined marriage of convenience as a marital act that is contracted for the exclusive purpose of gaining residency rights. Marriage of convenience is the marriage concluded with the sole purpose of circumventing the conditions of entering and staying of foreigners and to obtain the right of residence in other countries (Lupsan, 2010). Marriage of convenience refers to marriage entered into for a personal or family advantage, as for social, political, or economic reasons, usually without love and sexual relations (Bhutto, 2014). According to Home Office (2013), a sham marriage, or a marriage of convenience, or a sham civil partnership is a marriage or civil partnership entered into for immigration advantage by two people who are not a genuine couple.

Liao (2012) affirms that in a marriage of convenience, people marry for money and social status with little concern for mutual affection. In modern marriages, mutual affection is usually more important than economic motives. That is, people are united by mutual affection rather than by economic need.

According to Lupsan (2010), the benefits derived from such sham marriages benefit foreigners more than their indigenous counterparts who normally receive a once off-cash payment which is meager. In a marriage of convenience, people marry for money and social status with little concern for mutual affection (Wang, 2011). Home Office (2013) identified three categories of migrants who are more prone to enter into marriages of convenience. Those categories are: immigrants whose days to stay in a foreign country have expired, those who enter foreign countries illegally, and those who have been refused extensions to their current visas.
“It is really worse. Women must not sell themselves to foreigners. They must believe in themselves, that God created them for a purpose other than selling themselves to foreigners.”

(Kambala, 2016)

2.4. Reasons for marriages of convenience

According to the Home Office (2013), foreigners are lured into marriages of convenience in order to legitimize their stay in the United Kingdom. The Home Office (2013) found out that foreigners who are more likely to enter into sham marriages are those whose status of stay in the United Kingdom (UK) is questionable. Because of lack of legitimate residence status, sham marriages or civil partnerships appear to be a relatively attractive option for those seeking to remain in the UK. The sentiments by the Home Office United Kingdom were also shared by Messinger (2013). He (Messinger, 2013) pointed out that foreigners enter into marriages of convenience in order to acquire legitimate residence status in foreign countries.

A study conducted by Lupsan (2010) titled ‘The Marriage of Convenience and Some Effects on the Regime of Foreigners in Romania’ found that foreigners get married to Romanian women in order to gain advantage of travelling to Schengen area (Schengen area includes most countries in European Union apart from Bulgaria, Croatia, Cyprus, Ireland, Romania and the United Kingdom). According to findings by Lupsan (2010), citizens from different countries which are required to go through a rigorous process of screening before being granted visas to travel to certain countries, use marriages of convenience to acquire travel documents of other countries which have visa exceptions.

Why do people engage in these marriages? According to Hehner (2016), people sometimes get married purely for legal reasons, such as the right to immigrate, or for a tax advantage. The legal
rights and responsibilities of marriage are why the question of who can legally marry whom is of interest. Marriage gives legal rights and responsibilities to a heterosexual couple and should also give the same rights and responsibilities to any couple or group.

2.5. Marriage of Convenience verses Marriage with Mutual Affection

Everybody engage into legal or illegal marriage contracts because they are a beneficiary of something, but do you in this process sacrifice your norms and values? For Wang (2011), unlike in marriages of convenience, in marriages with mutual affection the women would not see themselves as being sacrificed to an institution as their marriage is based on love; a marriage is seen as a way to achieve prosperity without compromising the self-esteem. While on the other hand in a marriage of convenience, people marry for money and social status with little concern for mutual affection. In modern marriages, mutual affection is usually more important than economic motives. That is, people are united by mutual affection rather than by economic need.

In a Pastoral Statement of the Irish Catholic Bishops’ Conference (2014), in a marriage with mutual affection, a woman and a man promise love and fidelity to each other, for the rest of their lives. Not knowing what lies ahead they nevertheless make a commitment that they will continue to love each other whatever comes. This committed, married love provides a stable and nurturing environment for children. It is here that children receive the most important and lasting education of all. They learn how to be a member of a family and of society.

Couples involved in marriages of convenience married in a shortest period of time and in haste. Many women entering the United States to marry have only met their sponsors in person once or twice and usually have only ninety days to marry or return home. Marriage in such haste and
with so many differences to bridge may well bring repentance at higher rates than in other marriages (Jackson, 2007). Marriage of convenience refers to marriage entered into for a personal or family advantage, for social, political, or economic reasons, usually without love and sexual relations (Bhutto, 2014).

2.6. Security threats associated with marriages of convenience

Besides increasing government expenditure on social infrastructure such as roads, hospitals, schools as a result of increased population size, marriages of convenience promote illegal activities as immigrants engage in illegal activities or work illegally at various firms (Lupsan, 2010). The scholar further noted that marriages of convenience provide a platform for grooming terrorist groups. Lupsan (2010), emphasis that terrorists use marriages of convenience in order to acquire legal status and legal travel documents which allow them to travel to other foreign countries with ease which would not have been possible if they used the travel documents from their countries of origin.

Marriages of convenience promote organized crime. According to Home Office (2013), foreigners work with organized crime groups, who co-ordinate sham marriages for a fee to support their illegal activities, for example drug trafficking. Organized refers to unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services including, but not limited to, gambling, prostitution, loan-sharking, narcotics, labour racketeering, and other activities of members of organizations (Gounev and Bezlov, 2010). Federal Bureau of Investigations (FBI) describes organized crime as a continuing criminal conspiracy with an organized structure that is successful because of its use of fear, corruption and violence. According to Gounev and Bezlov (2010), organized crime involves the
pursuit of profit through illegal activities by an organized hierarchy that shows continuity over time. In United Kingdom, the Home Office Department (2012) noted with concern that increase in lawlessness in Europe is partly attributed to immigration problems triggered by marriages of convenience. By infiltrating public institutions where employees of public institutions become promoters or accomplices of crime at institution level, organized crime birthed partly by illegal immigrants, makes administration and service delivery difficult (Gounev and Bezlov, 2010).

Dewer (2000) and Lupsan (2010) agreed that marriages of convenience fuel immigration through family reunification, adoption and invitation of relatives. Having obtained legal residence status through fictional marriages, the culprits of these marriages acquire legal status which allows them to reunite with their families, invite relatives and adopt children (Lupsan, 2010). These actions infringe on national security of affected countries as people of diverse backgrounds and motives flow into such countries. Tamburlini (2016) observed that people who usually get into fictional marriages have unemployable skills in foreign countries, making them to engage in criminal activities like house breaking, robbery and murder as a source for livelihood.

2.7. Measures for curbing marriages of convenience

Marriages of convenience are a complex phenomenon which can be tackled with the use of various investigation and law enforcement techniques and tools. A study conducted by Messinger in Austria in 2013 observed a paradox between application of laws and violation of fundamental human rights. Whereas Messinger (2013) recommended adoption and implementation of harsh immigration laws aimed at controlling the influx of immigrants into Austria, human rights activists on the other hand saw the move as the violation of international human rights standards and fundamental human right of freedom of movement (Messinger,
According to Messinger (2013), the fundamental right to the protection of marriage and family life is laid down in various international human rights documents. Therefore, whereas governments may desire to impose stricter laws to abolish marriages of convenience, such laws may contradict certain provisions regarding marriage and family life (Messinger, 2013). International human rights give people liberty to marry and to form a family. From the onset, it is difficult to distinguish between those marriages which are genuine from the bogus ones. The Viennese UN-Human Rights Expert, Manfred Nowak, Messinger (2013) stated that one of the most severe and widespread violations of the right to family life derive from the restrictive asylum and migration policies of industrialized countries. Although a paradox exists between adopting stricter immigration laws and violation of human rights, the researcher is of the view that imposition of strict immigration laws will go a long way in deterring marriages of convenience in Namibia.

To control marriages of convenience, the Home Office in the United Kingdom changed the marriage bill to require all foreigners to submit a 28 day notice period during which the would be couples be thoroughly investigated by intelligence officials from the Home Office (Home Office, 2013). By furnishing the responsible ministry or department with a longer notice period gives intelligence officials time to investigate the intentions of people who want to enter into a marriage relationship. If on investigation it is discovered that the intentions of the would-be couples is to enter into a fake marriage, such marriage would be prevented from taking place.

2.8. Comparative cases

According to Charsley and Benson (2012), marriages of convenience have posed serious challenges for the management of immigration to Britain. Charsley and Benson (2012) noted that 39% of the 194,780 grants of settlement issued in 2009 were on the basis of marriage or civil
partnership. The Home Office of United Kingdom, an equivalent of the Ministry of Home Affairs in Namibia estimated that 4,000 to 10,000 applications a year to stay in the UK, are made on the basis of a sham marriage. According to Home Office (2014), because of the gross abuse of the marriage bill, a new Bill was tabled and passed in 2013 that aimed at instituting new measures to prevent migrants gaining an immigration advantage by entering into a sham marriage or civil partnership. Messinger (2013) pointed out that marriages of convenience in several European countries started to gain public and political attention in 1970s when they came to be seen as a means to gain access to the labour markets that European countries tried to close off to immigrants. According to Messinger (2013, from the early 1990s, the number of marriages between Austrians and people of other nationalities has more than doubled. Messinger (2013) attributed this rise to globalized world, the benefit of the right to stay, to work, and the possibility to gain Austrian citizenship more easily. According to Lupsan (2013), a marriage of conveniences is judged as an attempt to undermine the rigid immigration regime by illegal and almost offensive means. Lupsan (2010) states that, the marriages of conveniences are entered into not with the purpose of starting a family but to infringe the national security. Although this may not be true for all such marriages, some ill-minded people may use marriages of convenience as a conduit of committing crime as stated by Lupsan (2010).

Jackson (2007) extends the argument further and notes that the contractual arrangement implicated in modern slavery is the contract marriage. The author stressed that the International Organization for Migration and the U.S. State Department found that traffickers seeking women and girls for prostitution often use marriage offers to lure them from safety across international borders. The latter argued that in China, decades of abortion and infanticide favoring male children has left fewer women available for marriage, impelling “bride trafficking” where men
purchase women and girls outright for purposes of forced marriage while in United States. One small study of forty women in prostitution found that almost thirty percent of the U.S.-born women were prostituted by husbands or boyfriends. Across the world, husbands use physical abuse to extract sexual and domestic services from their wives, even prostituting them for profit or selling them outright to brothels or agents. Brokers conduct some of this marriage-based slave trade in public; for example, one Taiwanese publication recently advertised nearly thirty Vietnamese women for sale as brides at a price of about $6,000 apiece.

Marriages of convenience are not only a peculiar occurrence in the developed world. Developing countries in same manner have also found themselves battling with the vice of marriages of convenience. This practice is evident in Namibia where male foreigners from especially Pakistan and Egypt are and have entered into marriages of convenience with Namibian women (Mhunduru, 2015).

2.9. Conclusion

This chapter reviewed literature related to the linkage between Foreign Direct Inflows and job creation. Overall, literature revealed that marriages of convenience are a global phenomenon, haunting both developed and developing countries. Literature also revealed that marriages of convenience occur partly of weak immigration controls in the affected countries. Furthermore, literature also revealed that marriages of convenience pose a number of security threats to countries where such marriages take place. Some of the security threats posed by marriages of convenience include brooding of terrorists, creation of organized crime groups and perpetuation of vices which make countries ungovernable. However, there is no empirical evidence linking marriages of convenience to security threats in Namibia. The recommendations generated in
studies directed at controlling marriages of convenience in other countries cannot be extrapolated to infer to the situation in Namibia, hence, the need for this study.
CHAPTER THREE

METHODOLOGY

3.1. Introduction

This chapter presents the methods and procedures that were used in conducting this study. These are explained in the following sections: research design, study population, sampling strategy, data collection including type, source and instruments, quality control including validity and reliability, data analysis including quantitative and qualitative techniques, and ethical considerations.

3.2. Research design

Both qualitative and quantitative research designs were used for the purpose of this study. Qualitative research method was conducted by means of interviews with selected government officials that had knowledge on the subject of marriage of convenience at the Ministry of Home Affairs and Immigration and Ministry of Safety and Security. The researcher conducted face to face interviews with selected officials of the above ministries. The researcher asked officials questions on causes, effects and possible actions that need to be taken in order to counteract the marriages of convenience.

Quantitative research was carried out in the form of a structured questionnaire. Forty women who were previously married to foreign men participated in the survey by answering questions that were focused on research objectives. Open space for comments was also provided so as to gain more insights from the respondents.
3.3. Target population

The population of the study comprised of eight hundred and ninety (890) women who got married to foreigners between 2009 and 2014, two (2) employees from the Ministry of Home Affairs and Immigration, and two (2) employees from the Ministry of Safety and Security. Therefore, in total, the study population was eight hundred and ninety four (894) people.

3.4. Sampling strategy

Leedy and Ormrod (2012) defined sampling as the act, process, or technique of selecting a suitable sample, or a representative part of a population for the purpose of determining parameters of the entire population. Both purposive and random probability sampling methods were used for selecting the sample for this study. Random probability sampling is a sample selection technique which does not follow a definite pattern when selecting a sample for the study while purposive sampling is when a researcher deliberately out of choice selects certain elements of the population for the purpose of the intended study (Sekaran, 2004). According to Sekaran (2004), using random sampling technique gives all objects under study the same chance of being included in the study. Random probability sampling was used to select a sample of forty (40) out of eight hundred ninety (890) women who got married to foreigners between 2009 and 2014 while purposive sampling was used to select officials from the two ministries, Ministry of Home Affairs and Immigration and Ministry of Safety and Security. This was done to ensure that information was received from people who had absolute access to such information that the researcher needed.
3.5. Data collection instruments

Interviews and questionnaires were used as data collection instruments. Questionnaires were used to collect data from women who were previously married to foreign men while interviews were conducted with ministry officials. Questionnaires were a suitable tool for collecting data from the forty (40) women because they gave freedom to respondents to answer questions without fear of being watched. Secondly, since quite a sizeable number of respondents were used, questionnaires enabled the researcher to collect the required data in a short space of time. Interviews on the other hand allowed the researcher to ask probing questions in order to extract necessary data for this study.

3.6. Administration of questionnaires

All questionnaires were delivered to the respondents personally and were administered in the presence of the researcher. This was done to safeguard the research instruments from getting lost and to save time. Posting questions would take time and some respondents would never have received them at all. Answered questionnaires were collected personally by the researcher on the same day.

3.7. Validity and reliability

To test for validity and reliability of the research instrument, questionnaires were tested using a sample of fifteen (15) Namibian women known to have got involved in marriages of convenience. Necessary adjustments were made on the questionnaires. Spelling mistakes in some questions were corrected. Some questions which did not add value to this study were deleted.
3.8. Data analysis method

Responses to questions raised were classified, tabulated, labelled and coded in different categories using excel spread sheet computer package. The tabulated data was then converted into graphs, tables and figures in Microsoft word application. The graphs, tables and figures of analysed data are presented as findings in Chapter 4. Microsoft excel was used because the data that was inputted did not require sophisticated and specialized data analysis software like SPSS. Content analysis was used to analyze qualitative data collected through interviews.

3.9. Ethical considerations

The researcher has moral responsibility to safeguard the participants’ rights and privacy. Marriage of convenience is a sensitive topic and to avoid claims of defamation of character and to gain accurate data for this study’s participants were informed in advance. Although right to privacy is respected, personal and emotional questions were asked with participant’s permission. The researcher is currently employed at the Ministry of Safety and Security, Namibian Police Department and is permitted to conduct study on the subject under review. During the study, the researcher approached the targeted research participants in semi-formal clothing, as the police uniform would have scared them off to participate in the research. At all times, when required, the researcher showed proper identification to the respondents to gain their confidence. The researcher also obtained clearance from the Research and Publication Committee of the University of Namibia and Ministry of Home Affairs and Immigration (custodians of the data needed for the subject under review) was informed of the study’s objectives.
3.10. Conclusion

This chapter presents the research methodology that was used in this study. The type of research, the research design, sampling procedures and the data collection methods and analysis used have been elaborated in this chapter. The next chapter presents and analyses the data obtained from a total sample of forty four (44) respondents.
CHAPTER FOUR

PRESENTATION AND ANALYSIS OF DATA

4.1. Introduction

This chapter presents the results of the study collected from a total sample of forty (40) Namibian women who were once engaged in marriages of convenience with foreigners. The sample was drawn from various suburbs in Windhoek city. This chapter also gives analysis of interviews conducted with two (2) Ministry of Home Affairs and Immigration officials and two (2) Ministry of Safety and Security officials. This chapter is divided into sections. Section 1 presents and discusses results obtained from women who were involved in marriages of convenience and section 2 presents and discusses results obtained from interviews. The findings are presented using charts, tables, and graphs followed by a brief discussion. Where data could not be presented using a table, graph or chart, a qualitative description was used.

4.2. Section 1: Responses from 40 women who were previously married to foreign men

4.2.1. Response rate

Respondents provided data for this study as follows:

<table>
<thead>
<tr>
<th></th>
<th>Questionnaires distributed</th>
<th>Retrieved</th>
<th>Not retrieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>40</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Percentage</td>
<td>100%</td>
<td>100%</td>
<td>0%</td>
</tr>
</tbody>
</table>

Table 4.2.1: Response rate
All the 40 questionnaires distributed to women who were formerly married to foreigners were successfully answered and retrieved, representing 100% response rate. This response rate was adequate in providing information necessary for this study.

4.2.2. Age groups of respondents

*Figure 4.1: Age groups of respondents*

![Pie chart showing age groups of respondents]

Source: Research data 2016

The majority of respondents were aged between 26 and 25 years. Out of a total of 40 respondents, 72% were aged between 26 and 35 years, 10% were aged between 18 and 25 years, and 18% were aged between 36 and 45 years. None of the respondents was older than 45 years. This statistics depict that most of the women who enter into marriages of convenience are aged between 26 and 35 years and least are those aged 46 years and above.
4.2.3. Home language

Figure 4.1: Home language

Source: Research data 2016

Oshiwambo speaking people constituted the majority of the respondents who took part in this study at a total percentage of 27%. They were closely followed by Nama-Damara at 25%. Hereroes were 23%. Afrikaans speaking people were 7%. Rukwangali and Silozi constituted 5% and 3% respectively. The remaining 10% were of other tribes. From the above statistics, it cannot be inferred that Oshiwambo speaking people are prone to enter into marriages of convenience than other tribes in Namibia because a small sample size was used.

4.2.4. Academic qualifications

Table 4.1: Academic qualifications of respondents

<table>
<thead>
<tr>
<th></th>
<th>Grade 10</th>
<th>Grade 12</th>
<th>Certificate</th>
<th>Diploma</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of respondents</td>
<td>25</td>
<td>13</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>63%</td>
<td>32%</td>
<td>5%</td>
<td>0%</td>
<td>0%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Research data 2016
The majority of respondents had studied only up to grade 10. Out of a total of 40 respondents, 63% had grade 10 certificates, 32% had grade 12 certificates while the remaining 5% had tertiary certificates. None of the respondents had a diploma or any other higher academic qualification. This statistics suggest that women who easily get drawn into marriages of convenience have low level of education. In today’s world, for one to get a good paying job, one should have better academic qualifications. It is possible that the majority of respondents were unable at the time they got married to foreign men because of low levels of education.

### 4.2.5. Place of residence

*Figure 4.3: Areas of residence*

The majority of respondents who took part in this study were drawn from Katutura. Out of 40 respondents, 42% were from Katutura, 22% were from Khomasdal, 20% were from Otjomuise, 10% were from Rocky Crest, 3% were from Olympia while the remaining 3% were drawn from other suburbs in Windhoek city. As seen from above, Katutura houses most of the women who got married with foreign men, whose marriages turned out to be marriages of convenience. It

*Source: Research data 2016*
should also be noted that Katutura houses the biggest proportion of people living in Windhoek city and it is a home to most of the poor people.

4.3. Data analysis

4.3.1. Employment status at the time of getting married

*Figure 4.4: Employment status*

Source: Research data 2016

An overwhelming majority of respondents who took part in this study were unemployed at the time they got married with foreign men. Out of 40 respondents, 92% were unemployed while only 8% were employed. When people are unemployed, they become vulnerable to anything. Marriages of convenience look appealing because they are usually accompanied with financial incentives.
4.3.2. Assessment of whether or not respondents were still married to their foreign spouses

*Figure 4.5: Existence of marriage*

![Pie chart showing 100% of respondents not married to foreign husbands.]

*Source: Research data 2016*

All the respondents who took part in this study were no longer staying with their foreign husbands. These statistics seem to suggest that the type of marriage entered between foreign men and Namibian women was contractual in nature. As it is akin with contracts, when parties to it perform their duties and obligations, and its objectives are achieved, the contract is brought to an end.
4.3.2. Reasons why Namibian women are no longer married to their foreign spouses

Figure 4.3: Reasons for separation

Source: Research data 2016

Most of the respondents did not know the whereabouts of their foreign husbands. 20% indicated that their husbands went back to their countries. 5% got divorced. None of the foreign men who got married to Namibian women between 2009 and 2014 was reported dead. Failure by women to know the whereabouts of their husbands raises concerns.

4.3.4. Assessment of whether the respondents stayed with their foreign husbands in the same home after marriage

Figure 4.5: Staying in the same home
58% of the respondents indicated that they never stayed together with their husbands after their marriage. Only 42% of the respondents stayed with their husbands when they got married. The usual in marriage is that husband and wife should stay together. From these statistics, it can be inferred that both affected women and their foreign men knew from the onset that they were entering into a bogus marriage for own selfish interests. While men receive legal residence status in Namibia, women on the other hand receive a lump sum or periodic amounts or any other agreed form of benefit for their services. Although women feigned ignorance about their true intentions, these statistics show that some of them are accomplices in the marriage of convenience.

4.3.5. The number of years that the marriages lasted

Source: Research data 2016

Most marriages between foreign men and Namibian women did not last for two years. Out of a total of 17 respondents, 70% did not see their marriages last for at least two years. 18% stayed in their marriages between 3 and 5 years while only 12% were married for over five years. The rate
of breakup in marriages is a sign that the original intentions of foreign men were not to get into a genuine marriage where husbands and wives live together for the rest of their lives.

4.3.6. Assessment of whether or not Namibian women had children as a result of their marriage to foreign spouses

*Figure 4.5: Children from the marriage*

A very small number of women had children from their marriages to foreign men. Out of 40 respondents, only 13% had children as a result of their marriage relationship with their foreign husbands while the remaining 87% never had children. One of the cornerstones of marriage is raising a family. Ideally, a family consists of a father, mother and children. However, it is also possible that a couple can stay without children if one of the couples is barren. It should however be noted that all women who took part in this study were of child bearing age. In normal circumstances people are expected to have children after marriage. However, if the marriage was purely for a different purpose from the onset, then there is no way children come be born. From the above statistics and arguments, it can be concluded that foreign men get married to Namibian women for other reasons other than raising a family.
4.3.7. Motivation for getting married to foreign nationals rather than Namibian citizens

Figure 4.5: Motivation for getting married to foreign nationals

Source: Research data 2016

An overwhelming majority of respondents indicated that their motivation to get married to foreign men was because of economic reasons. 80% of the respondents indicated that they got married to foreign men to secure economic security. 13% indicated that there were no potential Namibian men who showed interest to marry them while the remaining 7% indicated that they got married to foreign men because they felt genuine love for them. As it would be expected, the majority of women who got married to foreign men did not have jobs to enable them to cater for themselves. Desperate people have few choices to make. When presented with an opportunity of marriage, unemployed women will not think twice about it.
4.3.8. Whether or not respondents continue to receive financial help from their spouses

*Figure 4.5: Financial help*

![Pie chart showing 100% no financial help from spouses.]

*Source: Research data 2016*

There was complete agreement among respondents that they no longer receive any form of support from their foreign husbands. After achieving their goals, foreign men do not care anymore about their Namibian wives. It would be expected that after only five and less years in marriage, the couples would still be together and fully supporting one another.

4.3.9. Assessment of whether or not foreign men paid or promised to pay respondents some money or something of economic value so as to entice them into getting married

*Figure 4.5: Promise of incentives*

![Pie chart showing 70% promise of incentives and 30% no promise.]

*Source: Research data 2016*
An overwhelming majority of respondents indicated that they were enticed into getting married to foreign men because of the promise to be given money and other things of economic value. Although some women consider the financial status of their prospective husbands when making marriage decisions, it is highly unlikely that a promise to be given something of value in future would influence one’s decision of getting married. As observed by the Home Office (2013), sham marriages are entered into for the mutual benefit of the parties involved, one benefits from gaining residence status while the other gains from a once off payment or a series of payment distributed over a given period of time, depending on the agreement between the ‘husband’ and ‘wife’.

4.3.10. Assessment of whether respondents had sufficient proof of whether or not their foreign husbands never had wives in their countries of origin

*Figure 4.5: Proof of marriage*

![Pie chart showing proof of marriage]

*Source: Research data 2016*

The majority of respondents agreed of getting married to foreigners without first establishing whether their husbands-to-be had wives at their countries of origin or not. Out of 40 respondents, 7% managed to establish whether or not their husbands were married while the remaining 93%
went into marriage blindly without establishing whether or not their husbands had wives at their countries of origin. It is possible that some foreign men may lie to Namibian women that they are not married so as to influence their choices.

4.3.11. Assessment of whether respondents visited the countries of origin of their spouses

Figure 4.5: Visit to countries of origin of foreign spouses

Source: Research data 2016

A very insignificant proportion of respondents had ever visited the countries of origin of their foreign husbands. Out of 40 respondents, only 2% had visited the countries of origin of their husbands while the majority of 98% had never visited the countries of origin of their husbands. Visiting the countries of origin of foreigners helps Namibian women to ascertain whether or not their husbands are married in their countries.

4.3.12. Where respondents met their foreign spouses from

Figure 4.5: First place of meeting
All the respondents met their foreign spouses in Namibia. None of the respondents was met outside Namibia or through any other media. This implies that foreign nationals first enter into the country and then look for ways of extending their stay while already in the country.

### 4.3.13. Respondents’ knowledge about the authenticity of the marriage they entered into with their foreign partners

**Figure 4.5: Authenticity of the marriage**

A considerable number of women who fell into sham marriages entered into such marriages with genuine intentions of starting a family. Out of 40 respondents, 72% never knew the real intentions of their spouses while the remaining 28% knew from the onset that the marriage contracts they entered into with foreign men were sham marriages. In sham marriages where the intentions of two parties is not to form a family, there is usually an agreement or promise to pay or render something of value to one party in exchange. In a situation where a man and a woman agree to fake their intentions to the authorities for the purpose of gaining immigration advantage, usually the one who gains such advantage has to pay the other party for his/her services.

4.3.14. Assessment of whether respondents were aware at the time they entered into marriage with foreign men about any criminal activities their spouses were engaged in

*Figure 4.5: Knowledge about criminal activities*

All the respondents indicated that they had no knowledge about any criminal activities their spouses might have been involved in by the time they got married. Although respondents indicated they had no knowledge about any wrong doing by their spouses, it cannot be ruled out that some of them might have in the past been involved in criminal activities. Because of lack of proper background check, it is difficult for Namibian women to truly know the people they get married to.
4.3.15. Assessment of whether respondents were domestically abused by their foreign spouses

*Figure 4.14: Domestic violence*

Source: Research data 2016

Most of the respondents reported to have experienced domestic violence at the hands of their foreign husbands. Out of fourteen (14) respondents who actually lived with their husbands after getting married 86%, reported to have been abused by their husbands. Only 14% of the respondents did not experience domestic violence at the hands of their foreign husbands.

4.3.16. The number of years spent by foreigners in Namibia before getting married to the respondents

*Figure 4.5: Number of years spent in Namibia*

Source: Research data 2016

46
The majority of foreign men who entered into marriages of convenience with Namibian women between 2009 and 2014 had stayed in Namibia for a period of less than two years. Out of 40 respondents, 40% indicated that their foreign husbands had stayed in Namibia for a period of less than 2 years. 10% had stayed for a period between 2 and 5 years and 5% had stayed in Namibia for a period of 5 years and above. 45% of the respondents did not know how long their foreign husbands had stayed in Namibia before they got married to them.

4.3.17. Assessment of whether or not Namibian women who got married to foreign men were married before

*Figure 4.16: Previous marriage status*

An overwhelming majority of 95% of the respondents were not married before meeting and getting married to their foreign husbands. Only 5% of the respondents were previously married before getting married to foreign husbands. It is possible that the unsuspecting Namibian women could have entered into marriages of convenience unknowingly because of the desire to get married.

*Source: Research data 2016*
4.3.18. Foreign husband’s residence status in Namibia at the time of getting married

**Figure 4.16: Residence status**

![Pie chart showing residence status percentages](image)

**Source: Research data 2016**

The majority of foreign women who got married to Namibian women had questionable residence status in Namibia at the time of getting married to Namibian women. Out of 40 respondents who took part in this study, 48% did not know the residence status of their spouses. 37% indicated that their spouses were holders of visitors’ permits. 10% had student permits and only 5% had work permits. From the above statistics, it can be deduced that the motive behind getting married to Namibian women was to acquire legal residence status. These findings are consistent with the observations made by the Home Office (2013) in the United Kingdom and Messinger (2013). According to the Home Office (2013), foreigners enter into marriages of convenience in order to legitimize their stay in the United Kingdom. The Home Office (2013) found out that foreigners who are more likely to enter into sham marriages are those whose status of stay in the UK is questionable. Messinger (2013) pointed out that foreigners enter into marriages of convenience in order to acquire legitimate residence status in foreign countries.
4.3.19. Source of income of foreigners who got married to Namibian women

*Figure 4.16: Source of income*

Source: Research data 2016

The sources of income of foreigners who got married to Namibian women were unknown to their spouses. 90% of the women did not know what economic activities their husbands were engaged in as a source of income. 5% indicated that their husbands derived their living from running businesses. 2% of the respondents indicated that their husbands got income from employment while the remaining 3% indicated that their husbands got their incomes from other undisclosed sources. Lack of knowledge about the sources of income raises suspicion that some foreigners may be engaged in illegal activities like drug trafficking in order to generate income.

4.3.20. Types of marriage entered by Namibian women with foreign spouses

*Table 4.1: Types of marriage*

<table>
<thead>
<tr>
<th></th>
<th>Civil marriage</th>
<th>Customary marriage</th>
<th>Both customary and civil marriage</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of respondents</td>
<td>37</td>
<td>2</td>
<td>1</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>92%</td>
<td>5%</td>
<td>3%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Research data 2016
The majority of marriages entered into between foreign men and Namibian women were civil marriages. Out of 40 marriages, 92% were civil marriages, 5% were customary marriages while the remaining 3% were both civil and customary marriages. Most marriages of convenience are normally civil marriages especially those where both parties know from the onset that they are fake or sham marriages. The Namibian Constitution confers the right to a select group of people to preside over civil marriages. The right to preside over civil marriages can be undertaken by magistrates, some select pastors, priests and other church leaders. Couples who decide to take up civil marriage are issued with a marriage certificate confirming the union between the two.

4.3.21. Assessment of whether Namibian women married to foreign nationals were married in or out of community of property

Figure 4.16: Type of civil marriage entered

Source: Research data 2016

Out of all the 40 respondents, none of them was married in community of property. All the respondents were married out of community of property. Although the Namibian government allows to choose what type of civil marriage couples want to get married in, marriages done out of community of property are not based on true love. When people commit into a marriage
relationship, they technically agree to stay and be part of their spouses for the rest of their lives. Marriages out of community of property especially between foreigners and Namibian citizens raise doubts of their authenticity.

4.3.22. Assessment of whether or not after getting married, foreign husbands were implicated in any criminal charges inside Namibia

Figure 4.16: Criminal charges in Namibia

Source: Research data 2016

A great number of respondents did not know whether or not their foreign husbands were implicated of any criminal charges in Namibia after they got married to Namibian women. 25% indicated that their foreign husbands were implicated of criminal charges in Namibia after they obtained their domicile status. The remaining 17% on the other hand indicated that their foreign husbands to the best of their knowledge had never been implicated of any criminal charges in Namibia.
4.3.23. Respondents’ assessment of whether or not granting of legal residential status to their foreign husbands gave them licence to engage in subversive activities

*Figure 4.16: Licence to commit crime*

The majority of respondents did not know whether or not the granting of residence status to foreign men on the account of marriages of convenience gives them a licence to commit criminal acts. 17% believed that residence status gained as a result of marriages of convenience gives foreign men a licence to engage in other criminal activities while the remaining 13% did not believe that domicile status makes foreign men to commit criminal activities within and outside Namibia.

4.3.24. Assessment of whether thorough background check on foreign nationals intending to get married to Namibian women deters marriages of convenience

*Table 4.1: Background checks*

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>I don’t know</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>1</td>
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<td>0</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>92%</td>
<td>5%</td>
<td>3%</td>
<td>0%</td>
<td>0%</td>
<td>100%</td>
</tr>
</tbody>
</table>

*Source: Research data 2016*
The majority of the respondents felt that doing thorough background checks of prospective spouses to Namibian women would go a long way in weeding out unauthentic marriages. None of the respondents refuted the importance of backgrounds as an antidote to marriages of convenience. Out of a total sample of 40 respondent checks, 97% supported the idea of background checks while the remaining 3% did not know whether or not thorough background checks would help to eliminate marriages of convenience.

4.3.25. Assessment of whether the waiting period should be prolonged before a marriage certificate is granted

Table 4.1: Prolonging of waiting period

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>I don’t know</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of respondents</td>
<td>3</td>
<td>11</td>
<td>14</td>
<td>12</td>
<td>0</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>7%</td>
<td>28%</td>
<td>35%</td>
<td>30%</td>
<td>0%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Research data 2016

There were mixed views among respondents on whether or not prolonging the waiting period would help mitigate the growth of marriages of convenience. A total of 35% supported the view that lengthening the waiting period would help to curb marriages of convenience while 30% on the other hand did not see that as an effective measure. The remaining 35% were not sure of whether or not the waiting period had any positive effect on curbing marriages of convenience.
4.3.26. Assessment of whether heavy punishment should be meted on the offenders in order to discourage marriages of convenience

Table 4.1: Heavy punishment

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>I don’t know</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of respondents</td>
<td>31</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>77%</td>
<td>5%</td>
<td>5%</td>
<td>10%</td>
<td>3%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Research data 2016

A total of 82% of the respondents believed that imposition of heavy punishment on the offenders would act as a deterrent factor to others who would wish to pass through a similar route in order to gain legitimate residence status in a dubious manner. 5% of the respondents did not know whether or not imposition of heavy punishment would scale down marriages of convenience. A total of 13% however were of the view that no amount of punishment would help root out the vice of marriages of convenience.

4.3.27. Assessment of whether sensitisation of Namibian women against falling prey to sham marriages helps to reduce marriages of convenience

Table 4.1: Sensitization of Namibian women

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>I don’t know</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of respondents</td>
<td>37</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>40</td>
</tr>
<tr>
<td>Percentage</td>
<td>92%</td>
<td>5%</td>
<td>3%</td>
<td>0%</td>
<td>0%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Research data 2016

The majority of respondents supported sensitization programmes by the government as a measure that can address the occurrence of marriages of convenience. Out of a total of 40 respondents, 97% were in agreement that sensitization programmes can help reduce marriages of convenience. None of the respondents refuted the effectiveness of sensitization programmes as a
panacea for marriages of convenience. The remaining 3% were not sure of whether or not sensitization would be a befitting remedy to marriages of convenience.

4.4. **Section 2: Responses from the Ministry officials**

4.4.1. **Reasons or motives for entering into of marriages of convenience**

Ministry of Home Affairs and Immigration noted that poverty is one reason that has lured Namibian women into marriages of convenience. According to the Ministry of Home Affairs and Immigration, most women who get entangled in marriages of convenience do not have a reliable source of income. When an opportunity presents itself, such women are willing to take it up. The officials were also quick to blame greed in some Namibian women.

According to the Ministry of Home Affairs and Immigration, some women and men in Namibia have made it their business to connect customers to the poor and unsuspecting young women. As middlemen and women, they negotiate the price with foreigners and then they convince the woman to accept what she is being offered in return for a fake marriage.

The respondents also blamed lack of proper academic qualifications on the part of foreigners as a contributing factor to marriages of convenience. The officials noted that whereas foreigners who are well read easily get work permits which allow them to work and live in Namibia, others who do not have proper qualifications resort to alternative means of acquiring residence status.

The respondents further observed that desperation by some Namibian women to get married is responsible for marriages of convenience. Whereas the Namibian women may not know the true intentions of their partners, the marriage entered into by them and foreign men is only temporary.
The study also revealed that after obtaining domicile certificates through these marriages, the foreign men abandon their Namibian spouses.

4.4.2. Security threats posed by marriages of convenience to Namibia

Ministry of Safety and Security officials noted that marriages of convenience have created vent for the supply of Namibian passports to foreigners who end up using Namibian passports to travel to other countries to commit crime. The respondents pointed out that Namibian passport holders are exempted from visa requirements to most European countries. Therefore, foreigners from countries which have strict visa entry requirements to countries like United Kingdom use marriages of convenience to acquire Namibian passports which allow them to travel to other countries. In the era of global terrorism, the officials feared that some terrorists may in future use marriages of convenience to acquire Namibian passports and then go to commit terrorist acts in other countries under pretext that they are Namibian citizens. The Ministry of Safety and Security officials further noted that, Namibia is a peaceful country which is not blacklisted anywhere but they feared that marriages of convenience may soon tarnish Namibia’s image.

Besides terrorist threats, the Ministry of Safety and Security officials also noted that the acquisition of Namibian passports through marriages of convenience has abated drug trafficking. Drug traffickers use marriages of convenience to acquire multiple passports which then allow them to traffic drugs across the world using pseudo names.

4.4.3. Combating the phenomenon of marriages of convenience

Both the Ministry of Home Affairs and Immigration and Ministry of Safety and Security officials believed that long imprisonment term and heavy fines would act as a deterrent to marriages of
convenience. Respondents further pointed at the need of tight screening of visa applications to Namibia to ensure that people who are given approval to enter Namibia do not violate their visa conditions. Respondents also stated that amendments to existing laws will be of great assistance as there is currently no law that regulates these marriages.

The Ministry of Home Affairs and Immigration officials were in support of sensitization programmes to be carried out in order to educate the Namibian population about the tricks used by desperate foreigners to acquire legal status in Namibia.

4.5. Conclusion

This chapter presents and analyses results obtained from 40 Namibian women who were previously married to foreign men. This study found out that unemployment, lack of sensitization, poor background knowledge about foreigners and desire to receive monetary incentives contribute to marriages of convenience in Namibia. The study further found out that marriages of convenience pose threat to the national security of Namibia. The next chapter gives the summary and recommendations that should be adopted in order to discourage marriages of convenience from reoccurring in Namibia.
CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.1. Introduction

The previous chapter presented the data collected from 40 women who were previously married to foreign men and from four (4) government officials from the Ministry of Home affairs and Immigration and Ministry of Safety and Security. This chapter concludes the study and gives the summary of key findings followed by appropriate recommendations. This chapter also suggests area of further studies.

5.2. Summary of key findings

The overall purpose of this study was to investigate security challenges posed by marriages of convenience between Namibian women with foreign nationals. In order to achieve this broad aim, this study sought to address three specific objectives: to establish reasons why Namibian women get enticed into entering into marriages of convenience with foreign male nationals; assess the security challenges posed by these marriages to Namibia as a nation; and to establish remedies of weeding out or reducing the occurrence of marriages of convenience.

This study adopted a mixed research approach by using both qualitative and quantitative research design. The instruments of data collection were both questionnaires and interviews. Questionnaires were administered to a sample of forty (40) Namibian women who got to into marriages of convenience with foreign nationals. Qualitative research method was conducted by means of interviews with four (4) selected government officials who had knowledge on the
subject of marriage of convenience. The four government officials were selected from the Ministry of Home Affairs and Immigration and Ministry of Safety and Security. The study found out the following:

- Some women entered into these marriages without clearly ascertaining the motives of their foreign partners. Whereas the Namibian women knew that they were getting into legitimate marriage bond, the foreign nationals on the other hand were using marriage as a passage to achieve legal residence status so as to achieve their ulterior motives, unknown to their unsuspecting Namibian partners.

- Marriages of convenience were orchestrated by poverty. The Namibian victims of marriages of convenience were promised lump sum payments followed by periodic monthly payments. This enticed the unmarried but needy Namibian women to enter into bogus marriages with foreign nationals.

- Lack of proper academic qualifications on the part of foreigners is a contributing factor to marriages of convenience. Whereas foreigners who are well read easily get work permits which allow them to work and live in Namibia, others who do not have proper qualifications resort to alternative means such as marriages of convenience as a means of acquiring residence status.

- Desperation by some Namibian women to get married is responsible for marriages of convenience. The desire to get married above anything else has landed Namibian women into wrong hands.

- Marriages of convenience pose security threats to Namibia. Ministry of Safety and Security officials noted that marriages of convenience have created vent for the supply of
Namibian passports to foreigners who end up using Namibian passports to travel to other countries to commit terrorist acts and traffic drugs.

- Most women do not know the current residential addresses of their spouses. They last saw their spouses on the wedding day. All women did not share a common home with their spouses.
- Fake marriages are reported by the women to Home Affairs officials only after the spouses failed to make the agreed upon payment monthly or if she (woman) is proposed by another men for marriage.

5.3. Recommendations

This study recommends the following:

- Adoption of stricter laws to punish the offenders so as to act as a deterrent to other foreign nationals who may be harboring the same motives. Namibian women who are found guilty of entering into marriages of convenience knowingly should be severely punished. The punishment should be long imprisonment term and fine.
- The current Marriage Act to be updated as soon as possible to address the problem of convenience marriages.
- The current Immigration Control Act to be aligned to address the subject of domicile.
- The waiting period before marriage between Namibian women and foreign nationals can be legalized through either court or church marriage in order to allow thorough investigations to be done about the foreign nationals who intend to marry Namibian women.
• There should be a proper background check of foreign nationals before they can be allowed to get married to Namibian women. The background check helps to ascertain whether or not the people intending to get married to Namibian women have criminal records and whether or not they are married in their countries of origin.

• The Ministry of Home Affairs and Immigration should not issue official documents like national identity cards and passports to foreign nationals immediately after they are married to Namibian women. These documents should only be issued upon ascertaining that the real intentions of such men were to genuinely get married.

• The government should sensitize the general public (awareness campaigns and public lectures) and women in particular about the schemes by some foreigners who want to gain right of residence in Namibia through sham marriages. Education will empower these women.

• The general public should act as informers to the government so as to inform the government about people who are exploiting the institutions for their personal gain.

• Marriage officers should be educated to know the risk involved by wedding people with ill intentions.

5.4. Conclusion

This study sought to investigate the security threats posed by marriages of convenience to Namibia. The study specifically aimed at ascertaining the causes of marriage of convenience; determine the security threats caused by this type of marriages and to determine remedies to marriages of convenience. The study has found out that poverty, lack of academic qualification and poor sensitization are some of the causes of marriages of convenience.
References


Tamburlini, M.B (2016). *Narratives and counter-narratives on “marriage of convenience”. Conjugality and (il)legality in Portuguese migration policies and in couples’ experiences*. Universidade de LisboaInstituto de CiênciasSociais. Lisboa.

Research questionnaire

UNIVERSITY OF NAMIBIA

AN INVESTIGATION INTO SECURITY CHALLENGES POSED BY MARRIAGES OF CONVENIENCE RELATING TO NAMIBIA CITIZENSHIP: 2009-2014

By

Sarah Katrina Serogwe

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Cellphone: +264812787579

RESEARCH QUESTIONNAIRE
This research instrument is to be answered by Namibian women who were or are married to foreign nationals

Dear respondent,

You are kindly requested to complete this questionnaire to enable me collect data to enable me complete my research project. Your help is of great importance. May you kindly complete all parts of this questionnaire with honesty. Thanking you in advance for your assistance.

Section A

Mark the correct option that relates to you with an X inside the appropriate box.

1. Please indicate your age bracket
   - Between 18 and 25 years
   - Between 26 and 35 years
   - Between 36 and 45 years
   - Above 45 years

2. Home Language

<table>
<thead>
<tr>
<th>Language</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nama/Damara</td>
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</tr>
<tr>
<td>Afrikaans</td>
<td></td>
</tr>
<tr>
<td>English</td>
<td></td>
</tr>
<tr>
<td>Oshiwambo</td>
<td></td>
</tr>
<tr>
<td>Herero</td>
<td></td>
</tr>
<tr>
<td>Rukwangali</td>
<td></td>
</tr>
</tbody>
</table>
3. Please indicate your highest qualification level

- Below grade 10
- Grade 10
- Grade 12
- Tertiary certificate
- Diploma
- Others (please specify ………………………………………………………………………)

4. Place of residence

<table>
<thead>
<tr>
<th>Place</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Katutura</td>
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<tr>
<td>Khomasdal</td>
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<tr>
<td>Olympia</td>
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<tr>
<td>Rocky Crest</td>
<td></td>
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<tr>
<td>Otjomuise</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
</tbody>
</table>

5. What was your employment status before you got married?

- Employed
- Unemployed
6. Are you still married with your foreign spouse?
   □ Yes
   □ No

7. If your answer to the above question is no, state why
   □ We got divorced
   □ He went back to his country
   □ I don’t know where he is currently
   □ He died
   □ Others

8. How long did your marriage last?
   □ Less than 2 years
   □ Between 2 and 5 years
   □ Above five years

9. Do you have children as a result of the marriage between you and the foreign national
   □ Yes
   □ No

10. Did you ever stay in the same home with your foreign spouse?
    □ Yes
    □ No

11. What was the main motivation of getting married to a foreign national rather than a Namibian?
    □ Economic security
Love

There was no potential Namibian man

12. Is your husband still helping you financially?
   □ Yes
   □ No

13. Did the foreign national pay you some money or promised you something of economic value so as to entice you into getting married?
   □ Yes
   □ No

14. Did you have sufficient proof that your spouse was not married in his country of origin?
   □ Yes
   □ No

15. Did you visit the country of origin of your spouse?
   □ Yes
   □ No

16. Where did you meet your foreign spouse?
   □ Through internet
   □ Here in Namibia

17. When you entered into the marriage with the foreign spouse, what was understanding of the kind of the marriage you were getting into?
   □ I knew it was a genuine marriage
   □ I knew it was a fake marriage
18. Were you ever assaulted by your husband?
   - Yes
   - No

19. Were you aware at the time you entered into marriage with the foreign national about any criminal activities your spouse was engaged in?
   - Yes
   - No

20. If you met him in Namibia, how long was he in Namibia before you met?
   - Less than two years
   - Between two and five years
   - Over five years
   - I don’t know

21. Were you married before you met your foreign husband?
   - Yes
   - No

22. What was his legal status in Namibia before you got married?
   - A student
   - Permanent resident
   - Holder of a work permit
   - Visitor to Namibia
   - I don’t know
23. What was his source of income by the time you got married?

☐ Salary from employment

☐ Business

☐ I don’t know

☐ Others (please specify ……………………………………………………)

24. What kind of marriage did you enter into with your foreign spouse?

☐ Civil marriage

☐ Customary marriage

25. If you entered into a civil marriage, were you married in community of property or out of community of property?

☐ In community of property

☐ Out of community of property

26. After getting married, was your husband implicated of any criminal charges inside Namibia?

☐ Yes

☐ No

☐ I don’t know

27. In your own assessment, did the granting of legal residential status to your foreign husband/former give him license to engage in subversive activities?

☐ Yes

☐ No
28. Please indicate with an X your degree of agreement on the effectiveness of the following policies in regards to barring marriages of convenience:

<table>
<thead>
<tr>
<th>S/N</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>I don’t know</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Thorough background check on foreign nationals intending to get married to Namibian women</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>b</td>
<td>The waiting period should be prolonged before a marriage certificate is granted</td>
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<tr>
<td>c</td>
<td>Heavy punishment of the offenders</td>
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<tr>
<td>d</td>
<td>Sensitisation of Namibian women against falling prey to sham marriages</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

End

Thank you so much for your time