

▶ 15. FEES

- If both partners have permanent residence in the Czech Republic, there is no fee
- If none of the partners has permanent residence – CZK 3 000
- If only one of the partners has permanent residence – CZK 2 000
- Fee for holding the wedding elsewhere than at the usual place/schedule – CZK 1 000

▶ 16. WHAT NEEDS TO BE DONE AFTER THE WEDDING?

- The Registry Office will issue your **marriage certificate** (*oddací list*) in 30 days (33 in cases of a religious ceremony). Carefully save this document; it is an essential proof of your marital status
- You must report changes in your marital status to the Department of Asylum and Migration Policy within 3 days. If you use a joint name, you must report this name change as well
- An EU citizen or his/her family member must report the change in marital status and surname within 15 days
- If you decided to use a joint surname after the wedding, you must apply for a new passport. Your Embassy will probably require a legalized translation of your marriage certificate in the language of your country of origin – inquire at the Embassy.
- When you have a new passport, you must submit it again to the Department of Asylum and Migration Policy. The Department will issue a new residence permit in your new passport
- It is the decision of your Embassy whether to assist you in getting your new documents. It is possible that you will have to apply for a new passport in your country of origin.

▶ 17. CHANGE OF RESIDENCE STATUS AFTER THE WEDDING

If both you and your spouse have a long-term stay — you will retain a long term stay. You can change the purpose of the stay though, to long-term stay with the purpose of a family reunification.

If you have a long-term stay and your spouse has permanent residence or International protection — you can apply to the Department of Asylum and Migration Policy for a long-term stay with the purpose of family reunification with a foreigner who has a permanent residence. When you have this type of stay, you do not need a work permit, but you can only be part enrolled in the public health insurance system if you work in a company which has its seat in the Czech Republic.

You have a long term stay and your spouse is a Czech or EU citizen — you can apply for a temporary stay for a family member of a Czech/EU citizen. With this status you can apply for permanent residence in 2 years (if you had a long-term residency for at least a year prior to the wedding, you can apply one year after the wedding).

You do not have any type of residence and your spouse is a Czech/EU citizen — you can stay in the Czech Republic for up to 90 days without visa. Apply in the Department of Asylum and Migration Policy for a temporary stay of a family member of the Czech/EU citizen.

You do not have any type of residence and your spouse has long-term stay or permanent residency – you are eligible for a long-term stay status, but you have to apply at the Czech Embassy in your country of origin. Your application will be processed within 270 days.

▶ 18. MARRIAGE BY PROXY – EXCEPTIONAL CIRCUMSTANCES

- If one of the engaged couple is unable to attend the ceremony in person due to extenuating and serious circumstances, you can apply for permission to conduct the marriage by proxy.
- First you need to obtain a confirmation that your country of origin will recognize such a marriage.
- The authority competent to give permission to marriage by proxy is the Regional Council (*krajský úřad*), some Municipal Councils and the City Councils in Prague, Brno, Ostrava and Plzen.

▶ 19. WHAT ELSE YOU SHOULD KNOW

A wife and a husband have equal rights and equal obligations. They are obligated to provide mutual alimentation and support, help each other and raise children together. They make decisions about family matters together. They can act on behalf of each other in everyday matters and acts of one of the spouses in family matters are binding for the other.

What exactly are shared assets?

- The assets that the spouses (or just one of them) obtained during marriage are part of the **shared assets** (*společné jmění manželů, SJM*) with the exception of inheritances and gifts. Financial commitments which were undertaken during marriage are also part of the shared assets. Financial obligations entered into by one of the spouses (loans, mortgages) are obligations of both spouses. Debts are also part of the shared assets. In case of divorce, debts are divided between the spouses, even if one of the spouses was not aware of the debts.
- The spouses can **limit the extent of shared assets** (*zúžení společného jmění manželů*), both current and future assets. You must make a notarized contract. If one of the spouses does not agree to limit the shared assets, the decision can be made by a court. If there are serious reasons (destructive behavior such as alcoholism, drug abuse, gambling) the court can accept a proposal of one of the spouses and limit the extent of shared assets to the basic items of the household. If one of the spouses runs a business, the court can limit the share assets according to the proposal of one of the spouses.
- The joint assets can be defined in a **prenuptial agreement** (*předmanželská smlouva*). Prenuptial agreements are made prior to the marriage and must be signed in the presence of a notary.

▶ 20. REGISTERED PARTNERSHIP

- Registered partnership is a life-long union of a same sex couple. It is entered into by a **declaration** of the partners that they want to live in a partnership. This declaration is made in the presence of a Registrar. If a translator is required, he/she signs the protocol as well. Witnesses are not required.
- **At least one of the couple** entering into a registered partnership must be a **Czech citizen, both partners have to be over 18 years old** and they must not be married or in a registered partnership in another country
- Please get in touch with the Registry Office competent to register partnerships for the area where your partner has a permanent address. **Note: not simply the local Registry Office — only 14 Registry Offices in the country register partnerships.**
- If none of the partners has a permanent address in the Czech Republic, the District Council of Brno-střed is the relevant authority

You need similar documents as if you were to get married:

- Birth certificate, passport
- Certificate of no impediment to registered partnership, if your country of origin issues such a certificate (no older than 6 months)
- Confirmation of your marital and residence status if your country of origin issues such documents
- If you were married or have lived in a registered partnership previously, you must submit a death certificate, a legal divorce decree or a decision by the court on the cancellation of your previous partnership
- If you have no permanent residence in the Czech Republic you must submit a confirmation of your legal stay in the Czech Republic issued by the Foreigners' Police. It must be no older than 7 days. EU citizens need not submit this confirmation
- If you were granted International or Subsidiary Protection, the Registry Office can waive the obligation to submit the necessary documents, if obtaining them entails substantial difficulties

A list of the Registry Offices is available here: www.statnisprava.cz – section Matriční úřady.

An overview of bilateral agreements on legal assistance is available on the web pages of the Ministry of Justice, in the International relations section www.justice.cz.

An overview of the signatory countries of the Hague Conventions is available on: http://www.hcch.net/index_en.php?act=conventions.status&cid=41.

Details about different types of legal status in the Czech Republic are on the web pages of the Department of Asylum and Migration Policy: <http://www.mvcr.cz/clanek/sluzby-pro-verejnost-informace-pro-cizince-kontakty.aspx>.

This leaflet is available in a printable format on www.cicpraha.org/infoservis.

For further information you can inquire at the counseling centers of Centrum pro integraci cizinců www.cicpraha.org.

CENTRUM PRO INTEGRACI CIZINCŮ, Kubelíkova 55, 130 00 Praha 3, Tel. /fax: (+420) 222 360 452, Email: info@cicpraha.org

CENTRAL BOHEMIA REGION COUNSELING CENTRE, Centrum pro integraci cizinců, Zahradní 46, 280 02 Kolín, Tel.: + (420) 312 310 322

While the content of this leaflet is believed to be correct as of the date of issue it should only be considered informational in nature.



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MARRYING A FOREIGNER/MARRIAGE OF TWO FOREIGNERS

WHAT TO DO IF YOU WISH TO MARRY A FOREIGNER IN THE CZECH REPUBLIC

- You can have a **civil ceremony** (*civilní sňatek*) at a Town Hall or a **religious ceremony** (*církevní sňatek*) conducted by a recognized representative of a church or other religious organization.
- The marriage is confirmed by parties' acceptance, consent with and agreement to take wedding vows.
- Partners who agreed on getting married are referred to as the "engaged couple" (*snoubenci*).
- The wedding vows are taken in public in a ceremonial way, in the presence of two adult witnesses.
- The Registry Office (*matrika, matriční úřad*) is the competent authority for these matters.

Plan the place and date of your wedding a few months ahead, you will need time to collect all the required documents. Visit any Registry Office competent for the area where you want to have your wedding. The Registry Office is can be found in the City Hall or in the Offices of the Municipal District.

▶ 1. WHAT DOCUMENTS DO YOU HAVE TO SUBMIT TO THE REGISTRY OFFICE?

Foreigners with permanent or long-term residence and EU nationals need:

- Birth Certificate
- Certificate of your nationality – a passport
- Certificate of no impediment to marriage

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- In some cases: confirmation of your marital status and your residence
- Confirmation of your status as a legal resident in the Czech republic
- You may need other documents if you were previously married

▶ 2. A CERTIFICATE OF NO IMPEDIMENT TO MARRIAGE

- **EU nationals must also have a Certificate of No Impediment to Marriage (Vysvědčení o právní způsobilosti k uzavření manželství).**
- The Certificate must contain:
 - The first names and surnames of the engaged couple, their birthplaces and birthdates
 - A record of your permanent address (the address of your permanent residence, it can be either in your country of origin or in the Czech Republic)
 - A record of your citizenship
 - A confirmation that there are no obstacles for you to enter into a marriage
 - A record of your **marital status** (it must state: single, married or widow/er).
 - The date of issue, an official stamp, the name and signature of the official who issued the document
- The issuance of this Certificate is under the purview of your country of origin. Ask at your Embassy if they can help and issue the document or if you have to travel to your country of origin to get it.
- If the Certificate lacks any information mentioned above, you must have a document which proves the information (for example the confirmation of your residence, a document proving your citizenship etc.).
- If you are unable to obtain the confirmation because of **demonstrable and substantial** difficulties you can substitute a sworn statement (affidavit) **certified by a consular officer of your country of origin**. In case you come from a country which does not have a consular agreement with the Czech Republic regarding mutual document recognition, the signature of the consular officer must be legalized by the Ministry of Czech Foreign Affairs.
- The certificate must not be older than 6 months.

▶ 3. A CONFIRMATION OF YOUR MARITAL STATUS AND RESIDENCE

- If there is no record of your marital status and permanent residence in the Certificate of no impediment to marriage, you must obtain a **confirmation of your marital status and residence** (*potvrzení o rodinném stavu a pobytu*)
- The issuance of this confirmation is under the purview of your country of origin
- Enquire at your Embassy if they can help and issue the document or if you have to travel to your country of origin to get it
- The confirmation must no older than 6 months.

▶ 4. CONFIRMATION OF YOUR LEGAL RESIDENCY STATUS IN THE CZECH REPUBLIC

- You can apply for this confirmation in person at any department of the Foreigners' Police in the area where you have your address. **Note: Do not apply in the Department for Asylum and Migration Policy of the Ministry of Interior, apply at the Foreigners' Police.** Obtain this confirmation one week prior to the wedding, it must be **no older than 7 business days on the day of your marriage**
- You must submit this confirmation to the Registrar on the wedding day at the latest
- You will need a passport and a fee stamp (kolek), which can be bought at the office
- EU citizens and citizens of the states of the European Economic Community and their family members do not have to provide this confirmation

▶ 5. OTHER DOCUMENTS REQUIRED IF YOU WERE PREVIOUSLY MARRIED

- **If you are a widow or a widower – your spouse died:** attach the death certificate of your deceased spouse to the required documents. You do not have to provide the death certificate if the fact that you are a widow/er is stated in the Certificate of no impediment to marriage
- **If you are divorced** – please attach a valid legal ruling on the divorce. This ruling must be recognized in writing as being effective in the Czech

Republic. If you were divorced by a court in another country, the ruling must be verified as effective in the Czech Republic (by superlegalisation or by providing an Apostille, if no international agreements say otherwise) and it must be translated into Czech. The translation must be notarized

- If you were divorced in a foreign country and one of you is a Czech citizen, you must apply to the Supreme Court to recognize the divorce ruling. Some countries are exempt from this rule (no need to apply to the Supreme court): countries which are signatories to the **Agreement on International Legal Assistance and the Convention on the Recognition of Divorces and Legal Separations (part of The Hague Conventions)**

▶ 6. WHEN CAN THE REGISTRY OFFICE WAIVE THE REQUIREMENT OF DOCUMENTS?

- In exceptional situations when you are unable to get all the needed documents from your country of origin, you can try to get the Registry Office to waive some of required documents. This especially applies to foreigners who were granted International protection
- You will have to submit a confirmation or an affidavit that there are substantial difficulties in obtaining the documents.
- The Registry Office usually decides in 30 days

▶ 7. GENERAL REQUIREMENTS FOR ALL SUBMITTED DOCUMENTS

All the documents issued by the authorities of a foreign country must be presented with an official Czech translation by an authorized court translator feature official verification or certification.

- All the original documents (or notarized copies) must have the translation stapled to them, together with the standard translator's clause which confirms, that the translation is identical in meaning with the original text).
- **Note: the various documents must be translated and stapled separately. Let the translator know about this.**
- **Always make sure that the translator uses the same spelling of your name as in the original documents, not the Czech spelling used in your visa or registration slip.**
- Documents issued by the authorities of the Slovak Republic do not have to be translated.

▶ 8. LEGALIZATION OF THE DOCUMENTS

- All the documents issued by the authorities of some foreign countries must be legalized (certified for a legal use in the Czech Republic) either by a **certificate called an Apostille** (*ověřovací doložka Apostille*) or possibly by **super-legalisation** (*superlegalizace*). The registrar will tell you which type of legalization is required
- The certification is not necessary if the issuer is a signatory country of an Agreement to Provide Legal Assistance with the Czech Republic
- An Apostille is required if the document was issued by a signatory country to the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents. An Apostille is issued by the competent authority in the country where the document was issued, usually the Ministry of Foreign Affairs, or the Ministry of Justice
- Superlegalisation is required for the documents issued by non-signatory countries. The document must be first legalized by some state authority (usually by the Ministry of Foreign Affairs, which may require further legalization according to the nature of the document). This document is then super-legalized by the Embassy of the Czech Republic in the country where the document was issued. Superlegalisation verifies the authenticity of the signatures and stamps on a public document

▶ 9. SETTING A MARRIAGE IN THE REGISTRY OFFICE

- The registrar will check if you submitted all the required documents
- The engaged couple must come in person to prove their identities and they must fill in an **Application for Entering into a Marriage** (*Dotazník k uzavření manželství*). The registrar can help you to fill it out
- You will set the date, place and other details about the wedding

▶ 10. SURNAME AFTER THE WEDDING

On the application you must enter the surname you want to use after the wedding. You will also fill in the surnames of the children born within your marriage. If you are going to change your name, you must also change your travel document after the wedding. You have these alternatives:

- The surname of one of the partners will become a joint surname
- Both partners retain their original surnames
- One of the partners will use her/his original surname as a suffix after the joint surname. (If the original

surname already had a suffix, you can only use one)

- If a person uses two surnames (which is allowed in the Czech Republic), her/his children can also use two surnames
- Surnames of women are formed in compliance with Czech grammar rules for declination with the –ová suffix (Mr. Novák—Mrs. Nováková). A woman of a foreign nationality can apply to have the Registry record omit the –ová suffix. The same applies to a female child of a foreign national.

▶ 11. WEDDING IN AN UNUSUAL PLACE

- If you want to have your wedding somewhere other than in the ceremonial room in the City Hall or the City District Hall (e.g., outdoors, in a hospital...) you must get permission from the Registry Office. Write the application and submit it to the Registry Office competent for the area where you want the wedding to be held
- The application can be filed by just one of the partners, but he/she have a **power of attorney from the other partner**. The signature on the power of attorney need not be notarized. You can find free samples of Power of attorney texts at www.jknapsat.cz
- The place of the wedding must be dignified in order to get the permission of the Registry Office to hold the wedding there

▶ 12. IF YOU DO NOT SPEAK OR UNDERSTAND CZECH

- You must make sure that a court translator attends the wedding. The Registrar may recommend a translator
- The translator must prove his/her identity and license upon his/her arrival before the wedding ceremony starts

▶ 13. WHAT DOES THE WEDDING CEREMONY LOOK LIKE?

- You will arrive with witnesses (and translator) at the venue
- The registrar will ask you to submit your identity documents
- According to Czech law a marriage is a lifelong union of a man and a woman, its main purpose is to start a family and raise children in a proper fashion. At the start of the ceremony the registrar introduces the engaged couple to the person officiating the wedding and declares that “the engaged couple” is unaware of any circumstances hindering the marriage that they know each others' state of health and they have considered future property arrangements, housing and financial arrangements for the family.
- At the end of the ceremony the wedding officiate asks, if the engaged couple are entering into the marriage freely and voluntarily. Your answer will be **“ano”** (literally **“yes”**; an equivalent to “I do” in Czech) even if a translator is present. With that you accept all the obligations related to marriage
- You and your witnesses sign the Wedding Records Book

HAVE YOU DECIDED TO HAVE A RELIGIOUS CEREMONY?



14. WHAT DO YOU NEED TO DO?

- The wedding ceremony can be only conducted by an authorized representative of a registered church or religious organization
- You need to submit the same documents as when you have a civil ceremony
- Please contact the competent Registry Office in the area where your church or religious organization holds weddings (for example at a church or chapel)
- You must get a certificate confirming that all the statutory conditions under the Czech Family Act have been met (*Osvědčení o splnění požadavků zákona o rodině pro uzavření církevního sňatku*). You must apply for this document in writing at the Registry Office. You submit this certificate to the representative of the church or religious organization. It must not be older than 3 months
- The representative of the church or religious organization must deliver a “Record on the Wedding” to the Registry Office within 3 days of the wedding.

