

## What you should know if you want to get married in Romania

### Where do I have to go to get married?

- In Romania, marriages are concluded at the City Hall's Register Office or the Register Office of the Town Hall in the town or sector where one of the spouses is domiciled.
- For that, one has to submit an application and certain documents, and marriage shall be concluded only 10 days after the application dossier is submitted to the Register Office.

### What is the legal age to get married?

- A marriage can be concluded if the future spouses are above 18 years old.
- The minor that has turned 16 may get married only if certain requirements are met (there is a medical certificate, his/her parents or legal guardians agree to the marriage and there is an approval of the Juvenile Court .
- To prove age, the future spouses must provide valid Ids: passport, identification card/residency permit and birth certificate.

### Which are the documents that I need to get married?

Upon submitting the application to the Register Office, both spouses must also submit the following documents (original and copy):

#### **The Romanian citizen (if one or both spouses are Romanian citizen):**

- Declaration of marriage (a standard form that you can get from the Register Office). This form must include:
  1. The surname that the spouses will have during their marriage. They can keep the name they had before marriage, can take the name of either of them or take both names. Also, one spouse can keep the name before marriage, and the other one both surnames.
  2. The type of marriage they choose, with regard to the goods obtained during marriage (joint property or separation of goods; this can be changed after a year);
- Identity card, temporary identity card or passport of the Romanian citizen domiciled abroad;
- Birth certificate (original and copy);
- Medical certificate, valid 14 days since issuance, which must clearly state that the person in question can get married;
- Documents (original and copy), translated and legalised, attesting the dissolution of the previous marriage or the death certificate of the former spouse, if applicable;
- A written declaration made under oath before a notary public (affidavit), stating that there is no legal matter that could prevent the conclusion of marriage;

- Receipt proving the payment of 2 RON stamp duty for each of the spouses, at any office of the General Directorate for Local Fees and Taxes;

**The foreign citizen (if one or both spouses are foreign citizen)**

- Declaration of marriage (a standardized form that you can get from the Register Office) identical with the one that has to be submitted by Romanian citizens, stating the name of the spouses after marriage and the type of marriage with regard to property;
- Passport with valid long-term residency visa, or the residency permit of the foreign citizen(s);

*(!) Those who have a visa for short stay in Romania (eg tourism, visit) are not allowed to get married.*

- The birth certificate (apostilled or translated and legalised at a Notary Public's in Romania, depending on the foreigner's country of origin);
- A certificate of celibacy (attesting the fact that the person in question is not already married) issued by the authorities of the state of origin or the embassy/consulate of that state and/or an affidavit attesting that the person is not/is no longer married;
- Evidence that the requirements imposed by the national law of the foreign citizen's birth country regarding marriage are met. This evidence shall be produced by the diplomatic mission or consular office of the foreigner's country of origin. Citizens of the countries that do not have diplomatic missions or consular offices accredited in Romania, and which cannot provide such evidence, can provide an affidavit, authenticated by a notary public, stating that the individual, foreign citizen or stateless person, is not married and does meet the statutory requirements imposed by the national law in order to get married in Romania.
- A medical certificate, valid 14 days since issuance, proving that the person in question is fit to get married.
- An affidavit including personal data (name and surname, date and place of birth, parents' names).
- A declaration given before a notary public stating that the person in question is not aware of any legal issue that might prevent the conclusion of marriage.
- If the foreign citizen has been married before, they will have to also submit the documents proving the dissolution of the previous marriage or the death certificate of the former spouse (translated and legalised and apostil, if applicable);

If the document was issued in a country with which Romania has concluded bilateral treaties and conventions, which provide that the respective deed is exempt from the obligation of being superlegalized or apostilled, than it does not have to have that. The list of these countries is available at : <http://www.uniuneanotarilor.ro/?p=4.6.2>

Deeds issued by the countries that have not signed the Hague Convention or any other bilateral agreement with Romania must be superlegalized (the document must be endorsed by Romania's diplomatic mission in that country or by the

diplomatic mission in Romania of the country of origin and the final superlegalization by the Romanian Foreign Ministry).

- The minute drawn up together with an authorised interpreter, if the marriage is to be concluded between people who cannot speak Romanian or deaf-mute people.
- The receipt proving the payment of 2 RON stamp duty, by each of the spouses, at any office of the General Directorate for Local Fees and Taxes

### **What am I supposed to do on the day I get married?**

- On marriage day, the future spouses must be accompanied by 2 witnesses, with their IDs on them.
- The foreign citizens who do not understand Romanian must benefit from the services of an authorised interpreter (a minute shall be drawn up, as appendix to the file).
- The marriage ceremony is held in Romanian.
- Marriage is concluded only if the future spouses freely consent to that.

### **Who cannot get married in Romania?**

- An individual who is already married, even if marriage was concluded in this country.
- People under the age of 16 or those above 16 who do not meet the following requirements: can provide a medical certificate, parents' or guardian's agreement and the authorisation of the court that the minor belongs to.
- People who are related or if one of the spouses is the other one's legal guardian.
- People who on the day when the application is filed do not have the right of residency.
- The foreign citizens who have a short stay visa, asylum seekers with declared identity, as well the foreigners who have received a return decision/order.
- Before getting married in Romania you should get the right information concerning your obligations, from your country's embassy or consulate.
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### **What are the spouses' rights and obligations?**

- Spouses make common decisions regarding their marriage
- Spouses owe each other respect, faithfulness and moral support. They must live together. They can decide to leave separately only for the well grounded reasons.
- One spouse does not have the right to censure the other spouse's correspondence, social relations or choice of profession.
- They must bear the name declared before marriage. Either spouse cannot ask for the change of the name during marriage, other than with the consent of the other spouse.
- Each of the spouses may ask the other one for information regarding his/her goods, incomes and duties and, in case of unjustified refusal, they can go to court.
- Spouses must provide each other material support. They must contribute to the common expenses, depending on their means, unless they decided otherwise under a marriage convention.

- Each spouse is free to have a profession and to benefit from the incomes generated by that profession, as provided by law and by fulfilling their obligations regarding domestic expenses.
- The work done by either of the spouses at home, doing chores or raising the children, is considered contribution to domestic expenses.

## **How can I extend my right of residency when married to a Romanian citizen?**

In order to get the right of residency based on marriage (member of a Romanian citizen's family), you can submit the required documents to the General Inspectorate for Immigration.

- Those who already have a right of residency for other purposes (students, people who've come to Romania to work, etc.) may maintain the permit they already have, but must declare they've got married and send a copy of the marriage certificate to the General Inspectorate for Immigration.
- Those whose right of residency expire must quickly apply for a right of residency for marriage. For that, the foreign citizens must submit to the General Inspectorate for Immigration a dossier that should contain the following documents:
  - a standard application form (from the GII);
  - passport (original and copy);
  - the Romanian citizen's ID (original and copy);
  - the marriage certificate (original and copy);
  - proof of contribution to the health insurance fund;
  - proof of the existence of a home (lease contract, bailment contract, etc.);
  - medical certificate issued by a specialist or family doctor, stating that the holder *does not have diseases that may endanger public health*.
  - A simple declaration made by the Romanian citizen, in which he/she confirms that he/she lives with the foreign citizen at the address declared by the latter;
  - A written declaration made by the foreign citizen, stating that he/she is not married to someone else (a standard form provided by the GII);
  - The birth certificates of the two spouses' children( if applicable);
  - Receipt proving the payment of 260 RON permit fee, at CEC;
  - A 4 RON fiscal stamp;

***(!) Prior to submitting the application/dossier for getting or changing the right of residency, you are advised to check the list of documents required by the General Inspectorate for Immigration.***

## **How long does it take to get my residency permit, after submitting the necessary documents?**

***The application for an extension of the right of residency can be solved within 30 days, but when the extension is requested based on marriage, the deadline for processing the application may be extended up to 90 days.***

*To make sure you have not entered a marriage of convenience, the GII will conduct a number of verifications, consisting in visits to the declared domicile, interviews, etc.*

*If your dossier has been submitted and the right of stay expired after that, and in the meantime you have not yet received the residency permit, your stay is still legal.*

### **What is a marriage of convenience?**

- A marriage of convenience is a marriage jointly arranged for the only goal of providing the foreign citizen with a right of residency in Romania, without involving a personal attachment/relationship between the spouses.  
The General Inspectorate for Immigration will conduct verifications, will ask for evidence attesting the personal relationship between the partners, will pay home visits, will organise one or several interviews with both spouses, etc. Following these verifications, the foreign citizen will either get a residency permit or his/her right of residency will not be extended, if the marriage is proven to be one of convenience.
- A marriage can be considered a marriage of convenience if verifications show that:
  - The spouses do not live together.
  - The spouses have never met before getting married;
  - The spouses cannot speak a language that they can both understand;
  - The spouses do not actually contribute to meeting the obligations resulting from them being married to one another;
  - The spouses are not consistent in declaring personal information, the circumstances in which they met or other personal information.
  - The marriage was concluded in exchange for money, more precisely that the foreign citizen offered the Romanian citizen money to get married, or has arranged other similar deals.
- If it is proven that the marriage is a marriage of convenience, the extension of the right of temporary residency in Romania is denied, and the foreigner gets a return order.
- If the right of residency based on marriage is denied, the foreigner can maintain, if applicable, the right of residency obtained prior to submitting the dossier (if it is still valid) or will get an order of return, in which they are informed that they must leave Romania within 30 days. The order can be appealed within 10 days at the Court of Appeal with the General Inspectorate for Immigration that issued that order.

For further details contact the Registry Office of the town/sector one of the spouses lives in. For Bucharest you can access: <http://dgepmb.ro/acte-necesare-incheierii-casatoriei/35>

You can find details about apostillation and the list of states signatory to the Hague Convention at : <http://www.mae.ro/node/1455> or <http://www.apostile.ro/>.