

Marriage and Wedding

Marriage of Czech citizens and foreign nationals living in the Czech Republic is, among other things, the state's official confirmation of the wedding's validity. The text "Marriage and wedding" contains a number of convenient information on the formal requirements related to weddings.

Basic information on contracting of marriage

You may have a civil or religious wedding in the Czech Republic. Religious ceremonies held after civil weddings have no legal consequences. If you have contracted a religious marriage, the may not contract civil marriage later. (Section 10(1) and (2) of Act no. 94/1963 Coll., on Family, as amended).

Marriage is contracted by means of a free and unconditional concerted declaration by a man and a woman that they enter into marriage, made before the Municipal Office authorised to maintain registries, or before an office fulfilling this office (hereinafter the "Registry Office") or before a body of a church or a religious society with the appropriate license under a special regulation (Section 3(2) of the Family Act).

The engaged must present their documents and declare that they are unaware of any circumstances hindering the marriage and that they are aware of each other's health condition. In addition, they must declare that they have provided for the future property relations, housing and family alimentation after the marriage is contracted. (Section 6(1) of the Family Act)

Anyone who wants to contract a new marriage must prove his/her previous marriage has ceased to exist or was declared invalid (Section 6(2) of the Family Act).

The Registry Office may waive the duty to present the required documents if they cannot be obtained without substantial difficulties (Section 6(3) of the Family Act).

The engaged couple may get married:

- ◆ at a **Registry Office** competent in the area of the **permanent residence of one of the engaged** or at another **Registry Office**
- ◆ before the **Municipal Office** or a City District Office competent in the area of the relevant Registry Office, provided that at least one of the partners has permanent residence in the area
- ◆ before a body of registered **church** or religious society.
- ◆ If neither of the engaged partners is nor has **not been registered for permanent residence in the Czech Republic**, the marriage will be registered by the Registry Office competent at the place of the wedding.

The engaged couple may marry before a Czech diplomatic **abroad** or before an authorised body (for more information, address a Czech Registry Office).

If the marriage is to be contracted before **other authority** than the competent **Registry Office**, the Registry Office competent at the place of permanent residence of one of the partners must be notified. (For more information, address the Registry Office). In addition to the required documents, a written application for a permit to contract the marriage before other authority than the competent Registry Office must be attached to the marriage

application. The application is filed by one of the partners, having been granted a power of attorney by the second partner. The signature affixed on the power of attorney does not have to be verified. The application is approved or rejected by the local Registry Office in administrative proceedings.

An application for marriage contracted **by means of a representative** is approved or rejected by the Municipal Office competent at the place of the permanent residence or the last permanent residence of one of the partners. If neither of the partners has permanently resided in the Czech Republic, the application will be approved or rejected by the City Council of the Capital City of Prague.

What Documents Must Be Presented

An engaged Czech citizen must attach the following to the marriage application

- ◆ a document certifying his/her identity,
- ◆ birth certificate,
- ◆ certificate of citizenship (may be demonstrated by an identity card or passport)
- ◆ records from the citizen registry information system regarding permanent residence and marital status (may be demonstrated by the identity card),
- ◆ death certificate of the deceased spouse, if applicable,
- ◆ legally effective ruling on divorce of the previous marriage, if applicable. If the previous marriage was divorced by a ruling of a foreign court that has no legal effect in the Czech Republic, the citizen must present a decision by the Czech Supreme Court recognising the ruling (for more information, address the Registry Office).
- ◆ In case of a minor older than 16 years – a legally effective court decision permitting the marriage
- ◆ In case of a person with mental disability – a legally effective court decision permitting the marriage

In case of a **religious wedding**, all the **certificates** confirming that all the statutory conditions under the Czech Family Act have been met must be obtained. A couple may not get married in a church without this “certificate” – the marriage would be invalid. The certificate is issued by the Registry Office competent in the area where the wedding is to be held. The same documents must as in the case of a civil marriage must be presented; **the documents may not be older than three months.**

Foreign nationals and Czech citizens permanently residing abroad must attach the following to the application:

- ◆ birth certificate,
- ◆ certificate of citizenship,
- ◆ certificate of legal capacity to contract the marriage,
- ◆ certificate of marital status and residence, if issued by the foreign state,
- ◆ death certificate of the deceased spouse of the widowed foreigner (may not be presented if mentioned in the certificate of legal capacity to contract the marriage),
- ◆ legally effective ruling on divorce of a divorced foreigner (if the previous marriage was divorced by a ruling of a foreign court that has no legal effect in the Czech Republic, the citizen must present a decision by the Czech Supreme Court recognising the ruling) – for more information, address the Registry Office.
- ◆ In case the marriage is contracted by a representative: a confirmation that the marriage contracted by a representative will be declared valid in his/her home state,

- ◆ **certificate of legal residence in the Czech Republic issued by the Czech Police, not older than seven working days** (the engaged foreigner must apply for the certificate in person at the relevant office of the Aliens Police).

These documents must be issued by the home state of the engaged citizen. The documents (certificates) issued by the authorities of a foreign country must be presented **with an official translation** (by an authorised court interpreter) into Czech and must feature the relevant verifications (by “superlegalisation” – verification by the competent Embassy and the Czech Ministry of Foreign Affairs. The registrar will inform the engaged couple whether superlegalisation is necessary).

If the documents may not be obtained without serious difficulties, **the Registry Office** (by the Municipal Office) **may admit that some or all the documents** (specified in Section 48 of Directive no. 22/1977 Coll. implementing the Act on Registers) **be substituted by an affidavit**, or waive their presentation.

The foreigner certifies his/her identity by presenting his/her valid passport.

Fees

The amount of wedding fees depends on the residence status of the engaged couple and whether they have permanent residence in the Czech Republic. The wedding fees range from CZK 600 to 2,000. The fee for the issue of a certificate of legal capacity to contract the marriage abroad or with a foreigner amounts to **CZK 500**. The fees are paid **in cash** or by a **post money order** in advance.

Terms

We recommend taking the appropriate steps five to six months in advance (to reserve the ceremonial hall).

Further Attendants of the Wedding

If one or both partners do not speak or understand Czech or if one or both partners are death or mute, the wedding must be **attended by an interpreter**. The costs of the interpreter’s attendance are borne by one of the partners. **In the above cases, the marriage may not be declared valid in the absence of an interpreter**. In case the wedding is attended by an interpreter who has not been appointed by the Minister of Justice or the President of Regional Court, the interpreter must take a pledge before the registrar.

The marriage is declared valid in a public and ceremonial manner in the presence of **two witnesses**. Once the marriage has been contracted, the names, surnames and personal numbers of the witnesses (or the date and place of foreign witnesses without a personal number) are entered in the Wedding Book and the marriage certificate. The witnesses verify their identity by presenting their identity card or valid passport.

Capacity to Contract Marriage

Marriage **may not be** contracted:

- ◆ with a married man or woman,

- ◆ by direct parents and children and siblings; the same applies to relatives by adoption if the adoption still persists,
- ◆ with a minor (aged under 18); in special serious cases, the court may approve the wedding of minors aged sixteen and older,
- ◆ with a person deprived of legal capacity; a person with limited legal capacity may marry only with the approval by the competent court,
- ◆ with a person with mental disability that leads to limited or no legal capacity; the competent court may approve such a marriage if the person's disability is compatible with the purpose of marriage.

The marriage is **invalid** (invalidity and non-existence of marriage):

- ◆ if the man or the woman were forced to marry under the threat physical violence,
- ◆ if contracted by minors under 16 years of age,
- ◆ if it was not contracted before the competent governmental authority, church or religious group,
- ◆ if the priest has not been granted a valid license by the competent Registry Office, in case of religious weddings,
- ◆ if all the statutory conditions for contracting a marriage by means of a representative have not been met
- ◆ if the marriage was contracted under an illegal threat, in case of mistaken identity of on the partners or a mistake as to the nature of the legal act of marriage.

Note:

Foreigners must report changes in their surname and marital status (i.e. marriage or divorce) and the changes of data in their passport or in residence permit card to the police within three working days of the change (Section 103(e) of Act no. 326/1999 Coll.).

Formal Requirements of the Wedding

The engaged couple must make a concerted declaration that the surname of one of the partners will become the joint surname of the married couple or that they will both retain their original surnames or that they will retain their original surname and one of the partners will also use the original surname as a suffix to the joint surname. If the partners are to retain their original surnames, they must declare which surname will be the surname of their children (Section 8(1) of the Family Act).

A record will be compiled of the wedding, which will be signed by:

- 1) the married couple, witnesses and the priest/registrar,
- 2) the representative, if he/she is contracting the marriage,
- 3) the interpreter, if his/her attendance is necessary,
- 4) the registrar in case of a civil marriage.

The record on the wedding will specify the names and surnames of the spouses, their personal numbers, date and place of birth, valid official documents certifying their identity, and a declaration that the spouses are unaware of any circumstances that would hinder the marriage.

After the wedding, the spouses will obtain a **marriage certificate** (In case of a **religious wedding**, the relevant body of the registered church or religious society having contracted the

marriage must deliver a record on the wedding to the competent Registry Office within three working days of the wedding. Having registered the wedding with the Wedding Book, the Registry Office will issue the marriage certificate.), **on the basis of which the spouses may apply for a new identity card** (provided that they have Czech citizenship).

Foreign newly-weds must report the change in their marital status to the competent consular department of their home state's Embassy in the Czech Republic. A woman-foreigner having changed her surname must apply for new personal documents upon presenting the officially translated marriage certificate to the consular department of her home state's Embassy.

For more information, address a Czech registry Office (see the Address Book).

Surname after the Wedding

The engaged couple must make a concerted declaration that the surname of one of the partners will become the joint surname of the married couple or that they will both retain their original surnames or that they will retain their original surname and one of the partners will also use the original surname as a suffix to the joint surname; if the original surname consisted of two surnames, only one of these surnames may be used (Section 8(1) of Act no. 94/1963 Coll.).

Under Act no. 301/2000 Coll., on Registers, Names and Surnames, both surnames may be used in common and official relations.

The person may therefore use more surnames if he/she has acquired them under former legal regulations and if he/she may use them under the valid legal regulations, or if/she made a declaration that the surname of his/her spouse using more surnames will be their joint surname.

In addition, a person having declared, while contracting marriage, that he/she would use the joint surname and his/her previous surname after the joint surname, may use more than one surname.

If the original surname of the person consisted of two surnames, only one of these surnames may be used after the joint surname of the spouses.

A child born to persons authorised to use more surnames may also use more surnames (under Section 70(1)(d) of the Act on Registers).

A person using more than one surname may make a declaration before the competent Registry Office that he/she will use only one surname. If the marriage exists, the declaration must be in the form of a concerted declaration by the spouses.

Surnames of women are created in compliance with the rules of Czech grammar. If required by an international treaty, the Registry Office will register the woman applicant with the registry under both the surname compliant with Czech grammar and under a surname that does not comply with Czech grammar. The woman will then choose one of these surnames and the chosen surname will be written on the registry document (Section 69 of Act no. 301/2000 Coll., on Registers, Names and Surnames).

Under the amendment to the Act on Registers, Names and Surnames (Act no. 165/2004 Coll.) having become valid on 16 April 2004, women may use female surnames without the mandatory declination according to the Czech grammar (i.e., without the "-ová" suffix) based on an application filed by a foreign woman or a Czech citizen not having Czech nationality.

If a woman has her surname registered with the Registry Book according to the previous legal regulations (i.e., with the "-ová" suffix), she may apply for a change in the registration to the male form of the surname, and use the same thereafter. The Registry Office will attach a note to the registry document stating the date as of which the woman may use her surname in the male form. After the change, all registry documents in respect of the applicant shall be issued to her surname in the male form.

The application for a change in the surname registered with the Registry may be filed with any Registry Office or any Czech diplomatic mission.

Marriage Contracted by a Representative

The competent may, in serious cases, permit that the marriage be contracted by a representative. **The representative** must file an application for a permit to contract the marriage with the competent District Office. In addition to all the required documents, the engaged must attach a power of attorney to the application for permit to contract marriage with a representative.

The power of attorney must contain:

- ◆ an officially verified signature of the donor,
- ◆ the name(s), surname(s), maiden name, date and place of birth, personal numbers and permanent residence of the partners and the representative,
- ◆ declaration on the surname of the partners and their joint children in both male and female form
- ◆ a declaration by the donor that he/she is unaware of any circumstances hindering the marriage and that he/she is aware of the partner's health condition and that he/she has provided for future property relations, housing issues and family support after the marriage is contracted,

The competent may, in serious cases, permit that the marriage be contracted by a representative. **The representative** must file an application for a permit to contract the marriage with the competent District Office.

When contracting the marriage, the representative must present the written power of attorney, and the permit issued by the Regional Office.

In addition, the representative must present further documents required for a wedding without a representative (see above) and, if **the represented partner is a foreigner, a certificate of legal capacity to contract marriage and certificate of legal residence in the Czech Republic issued by the Czech Police, not older than seven working days. If the represented partner is a foreigner, a confirmation that the marriage contracted by a representative will be declared valid in his/her home state.**

Residence Status after the Wedding

Foreign national with permanent residence in the Czech Republic:

The foreigner may apply for a permanent residence permit **without the prior uninterrupted residence being necessary**, if he/she applies for the permit **in order to live together with a Czech citizen** permanently residing in the Czech Republic, **provided that the foreigner is the husband or wife of the Czech citizen** (Section 65(1)(a)(1) of Act no. 326/1999 Coll.).

Foreign national marrying another foreign national:

The foreigner may apply for a permanent residence permit after eight years of uninterrupted stay on a residence visa for over 90 days or on a temporary protection visa, if he/she applies for the permit in order to live together with a foreign national – holder of a residence visa, provided that the foreigner has been the husband or wife of the other foreign national for at least five years (Section 66(a)(1) of Act no. 326/1999 Coll.).

Note:

If the foreigner does not meet the above-mentioned conditions, the application for a residence visa for over 90 days for the purpose of marital co-existence may be filed by the husband/wife. The visa application may be filed in the Czech Republic, if filed by a foreigner staying in the Czech Republic on a residence visa for over 90 days (for other purpose than marital co-existence). Applications for the extension of a residence visa for over 90 days for the purpose of marital co-existence may be also filed in the Czech Republic.

Citizenship of Married Women

Citizenship is a closer and effectual bonds of a natural person to a certain state; citizenship gives rise to various rights and obligations.

In the Czech law, the acquisition and forfeiture of citizenship is provided for in Section 12 of the Constitution of the Czech Republic and in Act no. 40/1993 Coll.

Most people have only one citizenship, but you may have more than one citizenship. Another citizenship may be also acquired if a woman marries a foreign national and thus becomes a citizen of her husband's home state.

Section 13 of the Czech Act on Citizenship stipulates that Czech citizenship is forfeited upon the acquisition of another citizenship, save for cases of acquisition of another citizenship by marriage. This provision complies with the **1957 Treaty on Citizenship of Married Women**, which is binding upon the Czech Republic (published as Act no. 72/1962 Coll.). Section 3 of the Treaty stipulates that a woman foreigner married for another state's citizen may, if applied for, acquire the citizenship of her husband's home state in special priority naturalisation proceedings (however, Act no. 40/1993 Coll. does not provide for priority naturalisation proceedings in case of a marriage!). The acquisition of citizenship may be, however, restricted if in the interest of state security or public order.

Note:

If a Czech citizen – woman acquires foreign citizenship by marriage, she does not lose her Czech citizenship automatically. If she wants to lose her Czech citizenship, she may renounce the citizenship by a declaration made before a Czech diplomatic mission.

See related document: “Czech Citizenship”.

Marriage and Substitute Work Leave

Under the law, the employer must provide the employee who is to get married with a fully-paid two days work leave, of which one day allows the employee to attend the wedding. The employee is provided with a one-day fully-paid work leave to attend his/her child's wedding and a one-day work leave to attend his/her parent's wedding without any compensation.