

Performance Of Civil Marriage

Service information sheet

PERFORMANCE OF CIVIL MARRIAGE

Rzeszów City

Office

1. Documents required to handle the matter

Marriage, as a union between man and woman, as well as family, maternity and parenthood are protected and supported by the Republic of Poland.

Marriage can be entered into by a man and a woman who are 18 years of age or older.

The guardianship court may, for important reasons, permit a woman who has reached the age of 16 years to marry if the circumstances show that this will favourably affect the good interest of the family to be established. By getting married, an underage woman acquires a status of an adult. She does not lose the status if the marriage is cancelled.

The engaged parties: adult Polish citizens submit the following:

- valid identity documents – for presentation,
- a written declaration that the parties are not aware of any circumstances excluding the marriage,
- proof of payment of stamp duty fee.

The engaged parties: adult man and underage woman submit the following:

- valid identity documents – for presentation,
- a written declaration that the parties are not aware of any circumstances excluding the marriage,
- a legally binding decision of a guardianship court permitting marriage - applicable to a woman who has reached the age of 16 years,
- proof of payment of stamp duty fee.

One of the engaged parties is a foreigner

The foreigner wishing to get married submits the following:

- valid identity document (e.g. passport) – for presentation,
- a written declaration that he/she is not aware of any circumstances excluding the marriage,
- a copy of his/her birth certificate, and additionally: a divorced person - a copy of the marriage certificate with annotation about the divorce, or a copy of the marriage certificate with a document confirming its dissolution, a widower - a copy of the marriage certificate with a note about the spouse's death, or a copy of the marriage certificate with a document confirming the spouse's death, e.g. a copy of the death certificate,
- a document stating that, according to his/her home law, he/she may get married abroad. The document should contain the following information: first and last name, date and place of birth, detailed marital status (single, divorced, widow/widower), and a clause stating that, according to his/her home laws, there are no legal restrictions for the person named in the document to get married.

A document stating that a foreigner can get married under the law of the his/her country is issued by a competent authority of that country, e.g. a register office. A declaration made by a foreigner before a notary or other authority, as well as a certificate of marital status, is not a sufficient document for getting married.

If the acquisition of the aforementioned document is associated with a necessity to face obstacles which are hard to overcome, at the foreigner's request a court of justice, in a non-litigious proceeding, may exempt him/her from the duty to submit such a document.

During the aforementioned proceeding, the court determines, whether or not the person can get married, pursuant to the applicable laws.

Documents made in a foreign language shall be submitted with an official translation into Polish made by:

- a sworn translator entered on the list kept by the Minister of Justice,
- a sworn translator licensed to perform such translations in the Member States of the European Union or the European Economic Area (EEA),
- a consul.

If the foreigner does not speak Polish, a sworn interpreter must be present during the presentation of the pre-nuptial declarations and during the wedding ceremony.

The participation of an interpreter in the marriage related procedure is ensured by the persons intending to get married. The participation of an interpreter is also necessary if the witnesses do not speak Polish. An interpreter must also attend, if the witnesses do not speak Polish.

Documents submitted in connection to the marriage related procedure are not returnable.

2. Sending the request via e-mail

The application cannot be submitted via e-mail..

3. Fees

Stamp duty is payable for:

- issuing a marriage certificate – 84 PLN,
- a permission for the marriage to be performed before the expiry of the one-month waiting period – 39 PLN,

Stamp duty fee may be paid:

- by transfer to Rzeszów City Office, ul. Rynek 1, account number **90 1240 6960 3851 0062 0000 0423**,
- on the spot.

Fees for a wedding ceremony performed outside the Registry Office:

- if the fact that the marriage is being concluded is justified by a risk to life or well-being, or by imprisonment, the only stamp duty fee is charged for issuing the marriage certificate and it amounts to 84 PLN.

- if the wedding ceremony is performed at a location selected by the engaged parties, an additional fee of 1,000 PLN is charged, besides the 84 PLN fee for issuing the marriage certificate.

The fee of 1,000 PLN should be paid:

- by transfer to Rzeszów City Office ul. Rynek 1, account number **38 1240 1037 1111 0011 5303 8902**,
- on the spot.

Once the marriage certificate has been prepared, one abridged copy of the marriage certificate is issued, ex officio, free of charge.

4. Where to submit the documents

The Registry Office (Urząd Stanu Cywilnego) in Rzeszów
pl. Ofiar Getta 7
35-002 Rzeszów

1st floor, room 35
tel. 1 77 88 99 00

Location of the wedding ceremony:
Ratusz, ul. Rynek 1, 1st floor

Additional information:
Civil wedding ceremonies are held in the Rzeszów City Hall on Saturdays, as scheduled.

For current information about scheduling of wedding ceremonies, please call: 17 875 4607, 17 875 4621, 17 8754184 during business hours, from Monday to Friday.

5. Method of and timeline for handling the matter

Marriage ceremony is performed by the head of a registry office chosen by the person wishing to get married.

In accordance with the related procedure, before they get married, the engaged parties are required to personally appear before the head of the registry office to sign, in his/her presence, the declaration stating that they are not aware of any circumstances excluding the marriage, and to submit the required documents and set the wedding date. The declaration, which is a document drawn up in the registry office, contains the data of persons intending to get married, and their assertion that there are no impediments for them to get married, as defined in Articles 1-15 of the Family and Guardianship Code Act. The declaration is made under pain of criminal liability for making false statements. The declaration is valid for six months from the date it has been signed by the persons intending to get married.

At the time they submit the declaration, the engaged parties decide what surname(s) the spouses will use after they get married, and they specify the surname for the children born of the marriage in future. The decision on the choice of the surname can be taken up to the time of the wedding ceremony, by submitting a related statement. The choice of surname is made by submitting a related statement for the record.

After the declarations have been signed, a civil wedding ceremony shall take place on a specified day in the Rzeszów City Hall. A marriage is contracted when a man and a woman, both present at the same time, declare before the head of the registry office that they are entering into marriage with each other.

The content of the marriage vows is set out in the provisions of the Family and Guardianship Code Act. Each person entering into marriage makes the related statement by repeating, after the head of the registry office, the content of the statement or by reading it aloud. The statements are made in public in the presence of two adult witnesses.

Marriage ceremony outside the registry office

The Head of the Registry Office in Rzeszów may conduct a wedding ceremony outside the registry office, in a location within the administrative borders of Rzeszów, subject to the competences of the registry office in which he/she holds the function.

Wedding ceremony may take place outside the registry office:

- at a request of a person wishing to get married, if the person's life or well-being is in danger, or if he/she remains in custody,
- at a request of a person intending to get married, if the location specified in such request allows for a solemn wedding ceremony to be conducted, and ensures safety of persons witnessing the presentation of the statements about entering the marriage.

If the location specified in such a request does not allow for a solemn wedding ceremony to be conducted, and does not ensure safety of persons witnessing the presentation of marriage vows, the head of the registry office refuses (in writing) to officiate the marriage in that specific location.

Possibility to submit the declaration to a consul

Polish citizens staying outside the Republic of Poland who intend to get married in a register office in Poland may submit the declaration to a Polish consul, who will immediately forward it to the head of the register office specified by them.

A consul also accepts the declaration in the case of an intended marriage between a Polish citizen and a foreigner, if the foreigner additionally submits to the consul a document stating that under the applicable law he/she can get married.

Proxy marriage

If there are important reasons, a court of justice may allow for the statement about entering the marriage to be presented by proxy.

If the statement about entering the marriage is to be presented by proxy, the person intending to get married additionally submits the related power of attorney, and the court's decision allowing for the statement about entering the marriage to be presented by proxy.

The power of attorney, made in writing, with officially authenticated signature, should specify the name of the person with whom the marriage is to be concluded.

Marriage of a person facing life-threatening danger

If one of the parties faces a life-threatening danger, the statements about entering the marriage can be presented immediately to the head of a registry office, without submitting or presenting the documents necessary for getting married. However, in such a case the parties are required to present a declaration stating they are not aware of any impediments to the marriage.

Timeline for handling the matter:

If you wish to sign the declarations and submit the required documents, you should visit the registry office no earlier than 6 months and no later than 1 month before the planned date of wedding. The date and time of the wedding is arranged with the head of the registry office who will officiate the marriage. If you contact the office in advance, you will be able to arrange a convenient date for your wedding.

The marriage cannot be performed earlier than one month after the day on which the written declaration was submitted to the head of the registry office by the persons intending to get married.

If there are important reasons, the head of the civil registry may agree for the wedding to take place before the end of the one-month waiting period. To this end, you should file a request to the head of the registry office to reduce the one-month waiting period, presenting in detail the reason for this request.

Marriage registration

The marriage certificate is issued no later than the next working day, based on the official record of the statements about entering the marriage.

After the marriage certificate has been drawn up, one abridged copy of the marriage certificate is issued, free of charge, to the persons who have entered the marriage. The copy may be received in the registry office.

In the Registry Office in Rzeszów, the first abridged copy of the marriage certificate can be received in room 38, 2nd floor.

Documents needed:

- valid identity document - for presentation.

6. Appeals procedure

The head of the registry office who becomes aware of any impediments to the intended marriage will refuse to officiate the marriage and, in the case of doubt, will ask the court of justice to decide whether the marriage can be performed.

If the head of the registry office refuses to:

- officiate the marriage,
 - issue a permission for the wedding to take place earlier than one month after the day on which the written declaration was submitted to the head of the registry office by the persons intending to get married,
- the interested parties shall be notified about this in writing.

Within 14 days from the date when the notice was received, the affected persons may apply to the court having jurisdiction over the seat of the registry office, to rule on whether the grounds for refusal set out in the notice justify the refusal to perform the action.

The District Court in Rzeszów, Family and Minors Division, at ul. Kustronia 4, 35-033 is competent to decide whether the reasons for refusal stated in the notice justify the refusal to act.

7. Legal basis

[Constitution of the Republic of Poland of 2 April 1997 \(Journal of Laws of 1997, No. 78, item 483, as amended\)](#),
[Art. 15, clause 1, art. 31-32, art. 76-80, art. 84-89 of the Vital Records Law Act of 28 November 2014](#),
[Art. 1 § 1, art. 3-9, art. 10-15 and art. 25, art. 88- 89¹ Act of 25 February 1964 - Family and Guardianship Code](#),
[Civil Code Act of 23 April 1964](#),
[Private International Law Act of 4 February 2011](#),
[Consular Law Act of 25 June 2015](#),
[Act of 6 August 2010 on identity documents](#),
[Act of 27 January 2022 on passport documents](#),
[Regulation of the Minister of Digitalisation of 18 April 2020 on the format of civil status register documents](#),
[Act of 16 November 2006 on stamp duty](#),
[Regulation of the Minister of Finance of 28 September 2007 on payment of stamp duty fees](#),
[Regulation of the Minister of the Interior of 22 January 2015 on the additional fee for filing declarations of marriage concluded outside a registry office](#).

8. Comments

Legal impediments to marriage in Poland:

• Age

Those under the age of eighteen cannot marry. However, the guardianship court may, for important reasons, allow a woman who has reached the age of 16 years to marry provided that the circumstances show that this will favourably affect the good interest of the family to be established.

• Legal incapacitation

A person who is totally incapacitated cannot marry.

• Mental illness or severe mental disability

A person affected by mental illness or severe mental disability cannot get married. However, if the person's health or mental status does not jeopardise the marriage or the health of future offspring, and if the person is not totally incapacitated, the court may allow him/her to enter into marriage.

• Existing marriage

A person who is already married cannot enter into another marriage.

• Relationship of consanguinity or affinity.

Siblings, persons in relationships of lineal consanguinity, and those related by direct affinity cannot get married. However, for important reasons, a court of justice may permit marriage of persons related by affinity.

• Kinship by adoption.

Persons related by adoption cannot get married.

Statement about the surname used after marriage

Each spouse may declare the surname he / she will use after marriage. The spouses may:

- use one common surname which previously was held by one of them,
- keep their current respective surnames,
- add the other spouse's surname to their current name (these can be combined in any order).

The resulting surname may not have more than two parts. If no statement is submitted regarding a change of names, each spouse keeps his/her current name.

Statement about the surname of children born in the future

Children have the same surname as their parents.

If the spouses use different surnames, the children will have the name specified in the spouses' consistent statements. The spouses may choose for their children to have:

- one of their surnames,
- surname created by combining the mother's and the father's names (in any order).

The statement regarding the children's name and the statements about the spouses' surnames are submitted at the same time.

If the spouses have not submitted consistent statements regarding their children's surname, the latter will be given a double-barrelled name being a combination of their mother's and their father's names

Before the birth certificate is issued for their first child, the spouses can submit to the head of the registry office, consistent statements requesting a change of the child's surname specified by them, or consistent statements choosing the child's surname, if that had not been specified by them previously.

If the persons intending to get married already have a child (children) together, they present this information in the declaration, along with the birth certificate reference number and name of the registry office which issued it, if available.

Children born of the same parents must have the same surname, so the surname of future children born of the marriage must be the same as that of the children born earlier.

Information on personal data processing

Client personal data processing in the Registry Office

Pursuant to Art. 13 and 14 of the general data protection regulation of 27 April 2016 (Official Journal EU L 119 dated 04.05.2016), please be advised that:

1. The administrator of your personal data is the Urban Municipality of Rzeszów, Rynek 1, 35-064 Rzeszów.
2. The Administrator - Urban Municipality of Rzeszów has appointed a Data Protection Inspector who can be contacted in the following ways:
 - in person: in the building at ul. Rynek 7, 35 - 064 Rzeszów,
 - in writing, addressed to the Inspector's office,
 - by e-mail addressed to: iod@erzeszow.pl.
3. Your personal data will be processed for purposes related to civil status registration tasks - according to the provisions set out in the Vital Records Law Act of 28 November 2014 (Journal of Laws 2020, item 463).
4. Your personal data will only be received by entities authorised to obtain personal data, in accordance with legal provisions.
5. Your personal data will be retained for the period prescribed by law, in accordance with the official instructions.
6. You are entitled to request access, rectification or restriction of the processing of your personal data.
7. You have the right to lodge a complaint with the President of the Office for Personal Data Protection.
8. Provision of data to the extent required by legislation is mandatory.

Specifics of the service information sheet

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