CONCORDAT MARRIAGE

Service Sheet

CONCORDAT MARRIAGE

Rzeszów Municipal Office

1. Documents required to handle the case

Marriage, as a union between a man and a woman, family, maternity and parenthood are under the protection and guardianship of the Republic of Poland.

Marriage can be entered into by a man and a woman who have reached the age of 18.
For important reasons, the guardianship court may allow a woman who has reached the age of 16 to marry if the circumstances show that the marriage will be beneficial for the family established. By entering marriage, a minor attains the age of majority. The age of majority is not lost if the marriage is annulled.

The engaged couple: adult Polish citizens submit the following:
• valid proof of identity – available for review,
• request for a certificate stating that there are no circumstances excluding the marriage,
• a written assurance that the couple does not know any circumstances excluding the marriage,
• proof of payment of stamp duty.
The engaged couple: a male and an underage female submit the following:
• valid proof of identity – available for review,
• request for a certificate stating that there are no circumstances excluding the marriage,
• a written assurance that the couple does not know any circumstances excluding the marriage,
• a final decision of the guardianship court permitting marriage – applies to a woman who is a minor over 16 years of age.
• proof of payment of stamp duty.
Marriage to a foreigner
A foreigner intending to marry shall submit the following:
• - valid proof of identity (e.g. passport) - available for review,
• a written assurance that the foreigner does not know any circumstances excluding the marriage,
• a certified copy of the birth certificate, and in addition: a divorced person - a certified copy of the marriage certificate with an annotation of divorce, or a certified copy of the marriage certificate with a document confirming its annulment, a widower - a certified copy of the marriage certificate with an annotation of death, or a certified copy of the marriage certificate with a document confirming death, e.g. a certified copy of the death certificate,
• a document stating that the foreigner can marry abroad in accordance with his or her domestic law. The document should contain the following data: first and last name, date and place of birth, exact marital status (single, divorced, widower, widow) and a clause stating that there are no legal impediments to marriage for the person named in the document under their domestic law.
A document stating that a marriage can be entered into under their domestic law is issued by the competent authority of the foreigner's State, e.g. the civil registry office.
A declaration made by their foreigner before a notary public or other authority, and a certificate of marital status is not a valid document for marriage.

If insurmountable obstacles are encountered during the receipt of the aforementioned document, the court may exempt the foreigner from submitting the document in non-trial proceedings based on his or her request. In proceedings to exempt a foreigner from submitting a document, the court shall determine whether the person may marry based on the applicable law.

Documents in a foreign language shall be submitted with an official translation into Polish made by:
• a sworn translator entered into the list kept by the Minister of Justice,
• a sworn translator authorised to make such translations in Member States of the European Union or the European Economic Area (EEA),
• the consul.
If the foreigner does not speak Polish, the presence of a sworn translator is required when making pre-marital declarations.
The persons intending to marry must provide the translator service in the marriage procedure.
Documents submitted for marriage are not returnable.

2. Online application submission

The application cannot be submitted online.

3. Fees

Stamp duty is payable for the following:
• drawing up of the marriage certificate - PLN 84.
The stamp duty for the preparation of the marriage certificate should be paid to the account of the Municipal Office with jurisdiction over the place of the marriage.
If the marriage will take place in Rzeszów, the stamp duty can be paid:
• by wire transfer to the account of the Rzeszów Municipal Office, ul. Rynek 1, account no. 90 1240 6960 3851 0062 0000 0423
• in person, at the Office's cash desk, ground floor, room no. 4.
The following is exempt from stamp duty:
• a certificate stating that there are no circumstances excluding the marriage,
• an abbreviated certified copy of the marriage certificate issued in 1 copy after the marriage certificate has been drawn up.

4. Place of submission of documents

Civil Registry Office in Rzeszów
pl. Ofiar Getta 7
35-002 Rzeszów
Floor II, room 39

tel. 1 77 88 99 00

5. Manner of and deadline for handling the case

The conclusion of a canonical marriage producing civil law effects, the so-called concordat wedding, obliges persons intending to marry to choose a certificate stating that there are no circumstances excluding the marriage. The certificate is issued by the head of the civil registry office chosen by the persons intending to marry.

The issue of the certificate requires the personal appearance of the fiancées to sign a declaration that they do not know of any circumstances that would exclude the marriage and to submit the relevant documents.

The declaration is a document drawn up in a civil registry office, containing the data of the persons intending to marry and a declaration that there are no impediments preventing the marriage as defined in Articles 1-15 of the Family and Guardianship Code Act. This declaration is made under penalty of criminal liability for making false declarations.

The declaration is valid for six months from the date it was made by those intending to marry.

When making the declarations, the fiancées choose the last name(s) that each spouse will bear after the marriage and the last name of future children born of the marriage.

Based on the documents submitted and the civil status records, the head of the civil registry office issues 2 copies of the certificate stating that there are no circumstances excluding the marriage and attaches 3 copies of the certificate form stating that the declarations of entering into marriage have been made in the presence of a clergyman.

A set of certificates is intended for the church or other religious association where the marriage will take place.

The certificate will expire six months after the date of issue.

A marriage before a clergyman is concluded when the man and woman entering into a marriage governed by the internal law of the church or another religious association in the presence of a clergyman declare their will to concurrently enter into a marriage governed by Polish law, and then the head of the civil registry office draws up a marriage certificate. When the above conditions are met, the marriage is deemed to have been concluded when the declaration of intent is made in the presence of a clergyman.

After the marriage has been concluded, the clergyman shall transmit 1 copy of the certificate stating that there are no circumstances excluding the marriage and 1 copy of the certificate stating that declarations of entering into marriage have been made in the presence of the clergyman to the civil registry office with jurisdiction over the place of marriage within 5 days from the date of marriage.

Upon marriage, the spouses receive 1 copy of a certificate stating that the declarations of entering into a marriage were made in the presence of a clergyman.

Marriage by proxy

For valid reasons, the court may allow the declaration of marriage to be made by proxy.

If the declaration of marriage is to be made by proxy, the person intending to marry shall also submit the court's approval to make the declaration of marriage by proxy and a power of attorney.

The power of attorney should be granted in writing with an officially certified signature and should name the person with whom the marriage is to be concluded.

Marriage in case of life-threatening circumstances

In the event of life-threatening circumstances of one of the parties, declarations of marriage can be made before a clergyman without presenting a certificate drawn up by the head of the civil registry office stating that there are no circumstances excluding the marriage. In such a case, the parties make a declaration before the clergyman that they do not know of any circumstances that would exclude the marriage.

Deadline for handling the case:
• 7 working days from the date of application if the head of the civil registry office keeps a book containing the applicant's civil status records,
• 30 working days from the date of application if the head of the civil registry office does not keep any books containing the applicant's civil status records.
Registration of the marriage certificate

The marriage certificate shall be drawn up by the head of the civil registry office with jurisdiction over the place of marriage based on a certificate stating that there are no circumstances excluding the marriage and a certificate stating that declarations of entering into marriage have been made in the presence of a clergyman, if the head finds that the statutory deadline for submitting the certificates has been met.

Once the marriage certificate has been drawn up, one abbreviated certified copy of the marriage certificate - ex officio free of charge - is issued to the persons who have married. A certified copy can be obtained from a civil registry office of choice.

The first abbreviated certified copy of the marriage certificate can be obtained at the Civil Registry Office in Rzeszów in room 38, floor II.
Required documents:
• valid proof of identity – available for review.

6. Appeal procedure

The head of the civil registry office who has become aware of the existence of circumstances excluding the intended marriage will refuse to issue a certificate stating that there are no circumstances excluding the marriage and, in case of doubt, will ask the court to decide whether the marriage can be concluded.

In the event of refusal by the head of the civil registry office:
• to issue a certificate of no circumstances excluding the marriage,
• to draw up a marriage certificate concluded in accordance with Article 1 § 2 and 3 of the Family and Guardianship Code
- the head will notify the persons affected by the refusal to act in writing.

Within 14 days from the date of notice's delivery, the persons affected may apply to the court with jurisdiction over the seat of the civil 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, ul. Kazimora 4, 35-010 Rzeszów has jurisdiction over the filing of a motion to decide whether the reasons for refusal set out in the notice justify the refusal to perform the action.

7. Legal basis

Article 18 of the Constitution of the Republic of Poland of 2 April 1997
Article 13 paragraph 1, Article 15 paragraph 2, Article 31 - 32, Article 76 - 79, Article 81 - 82,86 - 89, Article 125 paragraphs 3 and 4 of the Act of 28 November 2014 - Civil Status Records Law
Article 1 § 2, Article 1, 4¹-6, Article 8-9 § 2, Article 10-15 and Articles 88-89¹ of the Act of 25 February 1964 - Family and Guardianship Code
Act of 23 April 1964 - Civil Code
Regulation of the Minister of Digital Affairs of 18 April 2020 on draft documents issued in the field of civil status registration
Act of 4 February 2011 - Private International Law
Act of 6 August 2010 on identity cards
Act of 13 July 2006 on passports
Act of 16 November 2006 on stamp duty
Regulation of the Minister of Finance of 26 September 2007 on the payment of stamp duty

8. Notes

Obstacles to marriage in Polish law

Obstacle of age.

A person under the age of eighteen cannot marry. However, for important reasons, the guardianship court may allow a woman who has reached the age of 16 to marry if the circumstances show that the marriage will be beneficial for the family established.

Obstacle of incapacitation.

A person who is totally incapacitated cannot marry.

Obstacle of mental illness or mental impairment.

A person suffering from mental illness or mental impairment cannot marry. However, if the person's health or mind does not jeopardise the marriage or the health of future offspring and if the person is not completely incapacitated, the court may allow him or her to marry.

Obstacle of remaining married.

A person who is already married cannot marry.

Obstacle of kinship and affinity.

Direct relatives, siblings or direct in-laws cannot marry each other. However, for valid reasons, the court may authorise marriage between relatives.

Obstacle to the existence of an adoption relationship.
An adopter and adoptee cannot marry each other.
Declaration on last names after marriage
Each spouse may declare the last name he or she will bear after the marriage. Spouses can bear:
• common last name being the former last name of one of them,
• keep their current last name,
• combine the last name of the other spouse with his/her current last name
(the order of the combined last names can be either).
The last name formed by the combination may not consist of more than two segments.
If no declarations on the last name are made, each spouse retains his or her current last name.

Declaration on the last names of future children
The children bear a last name that is the last name of both spouses.
If the spouses have different last names, the child shall bear the last name stated in their consensual declarations. The spouses may declare:
• the last name of one of them,
• the last name formed by combining the mother's last name and the father's last name (the order of the combined last names can be either).
Declarations on the child's last name shall be made simultaneously with those of the spouses. If the spouses have not made consensual declarations on the child's last name, the child shall bear a last name combining the mother's last name and the father's last name.

When drawing up the birth certificate of their first child, the spouses may make consensual declarations before the head of the civil registry office about the change of the child's last name declared by them or consensual declarations about the child's last name if they didn't declare the child's last name.

If the persons intending to marry have a common child (children), they shall provide information to that effect in the pre-marital declaration and the designation of their birth certificates and the civil registry office where they were drawn up, if known.

Children from the same parents must bear the same last name, so the last name of future children born of the marriage must be the same as that of the children already born.

Information on Personal Data Processing
Processing of personal data of The Civil Registry Office's applicants
In accordance with Article 13 of the General Data Protection Regulation of 27 April 2016 (Official Journal of the EU, L 119 of 4 May 2016), I hereby inform that:
1. The Administrator of personal data is Rzeszów Municipal Office, the Municipality of the City of Rzeszów, Rynek 1,35-064 Rzeszów.
2. The Administrator – Municipality of the City of Rzeszów has appointed a Data Protection Officer whom you can contact:
• in person: in the building at ul. Grunwaldzka 38, 35 - 064 Rzeszów,
• in writing: to the inspector's seat address,
• by e-mail: iod@erzeszow.pl.
3. Your personal data will be processed for the purpose of performing civil status registration tasks, based on the provisions set out in the Act of 28 November 2014 - Civil Status Records Law.
4. The recipients of personal data will only include entities authorised to obtain personal data based on rules of law.
5. Your personal data will be kept for the time set out in the rules of law, in accordance with the office instructions.
6. You have the right to request the Administrator to provide access, rectify or restrict the processing of your personal data.
7. You have the right to lodge a complaint with the President of the Personal Data Protection Office.
8. It is mandatory to provide data in the extent required by legislation.

Service Sheet Data

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