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Theme note

Ukraine: Marriage registration and the issuance of marriage certificates

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Danish National ID Centre

Adelgade 13
DK-1304 Copenhagen K
Denmark

Phone +45 61 98 39 00
Email nidc@nidc.dk
Website www.nidc.dk

Responsible
Francesca Cantarella

Phone +45 61 98 39 19
Email frca@nidc.dk

Introduction

The following note describes the marriage registration procedure and the issuance of marriage certificates in Ukraine. It also contains a description of the technical security features found within the marriage certificates. Finally, it will provide a brief description of registration routines related to Ukrainian civil status documents, and related levels of corruption.

The content within this note is based upon open source Country of Origin literature pertaining to matrimonial legislation and marriage certificates in Ukraine, open source websites providing information about the procedure of Ukrainian marriage for foreign citizens, from a relevant European database. The research for this note was concluded in September 2018.

This note does not address the legislation related to the annulment of marriage and to divorce. It also does not address marriage registration and the issuance of marriage certificates in areas outside of Ukrainian government control, such as Crimea and the separatist republics of Donetsk and Lughansk.

The administrative structure in Ukraine

Ukraine became an independent state after the dissolution of the Soviet Union in 1991, and is administratively divided into 24 regions (*oblasti*, singular *oblast'*), one autonomous republic (*avtonomna respublika*), and two municipalities (*mista*).¹

According to Landinfo, the State Registration Service of Ukraine (*DRATsS* or *ДРАЦС*) is the central state authority responsible for the registration of personal information. It is also responsible for the issuance of central Ukrainian identity- and civil status documents, such as birth, marriage and divorce certificates. It is also the national authority that performs the marriage ceremony for Ukrainian citizens and foreigners wishing to marry in Ukraine. The State Registration Service is a civilian governmental authority under the auspices of the Ukrainian Ministry of Justice, and is sometimes abbreviated as ZAGS or RAGS. Local offices of the

¹ CIA World Factbook, 5. September 2018.

State Registration Service are found throughout Ukraine at regional and district levels.²

Legislative framework

According to article 21 of the Ukrainian Family Code, marriage is defined as the “family union between a woman and a man, duly registered in a public civil status act registration.” As such, marriages constituted solely on religious grounds are not considered valid, and must be registered with the State Registration Service to become valid. Official registration is mandatory and aims, in its own words, at ensuring stable relations as well as protecting rights and interests of married couples and their children.³

Marriage in Ukraine and the process of marriage registration are regulated according to the Constitution and to section II of the Family Code of Ukraine. Specifically, the general provisions of marriage are stipulated in chapter 3 of the Family Code, while grounds for marriage invalidity are described in chapter 5 of section 11 of the Ukrainian Family Code.

According to article 22 of section II of the Ukrainian Family Code, the legal age of marriage is 18 for both men and women. Prior to 2012, the legal age for marriage was 17 for women, and 18 for men. It was then also possible to marry at the age of 14 under exceptional circumstances.⁴

Today a court may grant permission for a couple to marry at the age of 16 years, if it is established that the marriage is in the minor’s interest. According to an employee of state civil registry office interviewed by UNFPA, pregnancy and religious beliefs are the two main reasons why minors under the age of 18 are permitted to marry. Sharing a common address and residence is not essential, according to the Ukrainian Family Code, whose article 3.2 states that “a couple is considered to be a family even if spouses live separately as a result of training, work, medical treatment, care of parents, children and for other valid reasons”.⁵

Application for marriage registration

Registration of marriages is regulated by Chapter 4 of the Ukrainian Family Code, and entails that a couple intending to marry must first file an application for marriage registration before registering their marriage. Although the registration of an application for marriage is deemed to be a form of official engagement, it does not constitute a binding contract of marriage. The couple is free to choose “any public civil status act registration authority” within the country. The future spouses both need to be present to file an application for marriage registration. How-

² Cyrwus, O., Registration of Marriage in Ukraine, 4 February 2018; Landinfo, 19 September 2018, p. 6; Ukrainian Family Law Group 2012, p. 36.

³ Article 21, article 27 of Family Code; article 49 of Civil Code of Ukraine.

⁴ Article 22, Family Code; UNFPA, Child Marriage in Ukraine, 2014, p. 3. The law has been amended following a recommendation from the UN Committee on the Rights of the Child and the CEDAW Committee (Cedaw Committee (2010) “Forty fifth Session 18 January -5 February 2010 /Concluding Observations of the Committee on the Elimination of Discrimination against Women”, Cedaw Committee, Geneva).

⁵ Articles 3 and 23 of the Family Code; UNFPA, Child Marriage in Ukraine, 2014.

ever, the law does include a provision that allows a notary certified application to be submitted by a legal representative who has been granted power of attorney.⁶

Marriage registration

According to article 32 of the Family Code, a marriage should be registered at a district or regional State Registration Service office following a period of one month from the date, where the persons in question filed an application to have their marriage registered. The term can be shortened if the manager of the public civil status act registration considers that there are “serious reasons”. The law does not offer a description or explanation for “serious reasons”. A marriage can be registered on the same day that the marriage application has been filed under the following circumstances, the bride is pregnant, has given birth to a child, and if there is a real threat to the life of the bride or fiancé. Both the bride and her fiancé must be present at the moment of registration. Marriage through a representative is not permitted.⁷

Marriage certificate and supporting documents

State registration is certified by the marriage certificate “whose specimen is approved by the Cabinet of Ministers of Ukraine”. The certificate (*svidotsvo pro shlyub*) is issued by the District or regional State registration of civil status office on the date the marriage is registered. The personnel title of the issuing authority is Department Head of the State Registration of Civil Status office. Certified copies are not available. The certificate is written in Ukrainian.⁸

If the bride and her groom are Ukrainian citizens, they need to submit their identity card (also known as “internal passport”), the identification code provided by the fiscal service of Ukraine⁹ and a certificate of divorce if the person was previously married.¹⁰

Foreign citizens are not required to submit a Ukrainian residence permit to register a marriage, and if one of the parties (or both) is foreign citizens, the following documents must be submitted in connection with registration of the marriage:

- Ukrainian certified translation of foreign passport.
- Birth certificate.
- Document on individual’s current marital status (also known as Single State Affidavit or Certificate of No impediment), proving that you are legally able to marry.
- Divorce decree or divorce certificate, or court judgment on marriage annulment, or spouse's death certificate if any (these documents must be presented only by individuals who have been previously married).

⁶ Article 28 and Article 31, Family Code.

⁷ Articles 32 and 34, Family Code.

⁸ Article 27; articles 32 and article 34, Family Code; U.S: Department of State, N/A.

⁹ An identification code is a 10 digits number issued by the fiscal service of Ukraine, Capital Law Consulting, Obtaining Taxpayer identification number (tax ID) in Ukraine, N/A.

¹⁰ ARTEN, Law Firm, Registration of Marriage in Ukraine, N/A; Cirwus, O., Registration of marriage in Ukraine.

All documents must be translated into Ukrainian, certified by a notary and authenticated in the applicant's home country.¹¹

Expedited service: Program "Marriage in 24 hours"

On 14 August 2016 a pilot program called "Marriage in 24 hours" was launched by the Ukrainian Ministry of Justice. The program shortens the procedure to get married from several months to one day. The cost of marriage registration within this program is higher than regular marriage registration. Expedited marriage registration is open to both citizens of Ukraine and foreigners. "Marriage in 24 hours" started in two cities and is nowadays in function in approximately 20 Ukrainian cities: Mykolaiv, Dnipropetrovsk, Kharkiv, Zhytomyr, Uzhhorod, Chernivtsi, Ternopil, Chernihiv, Sumy, Rivne, Lutsk, Ivano-Frankivsk, Vinnytsia and Kamianets'-Podil's'kyi. Persons willing to get married with the new scheme are required to submit the documents mentioned above.¹²

Although the Danish National ID Centre has found no legislation corroborating the existence of the program, it seems that the new service is now offered by law firms, private agencies and private companies as well. For example, the service is available in the airports of Lviv and Kyiv. Both Ukrainian and foreign citizens can get married there. This also applies for stateless persons. Foreign citizens and stateless persons are requested to contact the department of the Bureau of Civil Status Acts of the Main Department of Justice in the LVIV Region in order to get a cover letter. No more information is available regarding characteristics and scope of the mentioned cover letter. Moreover, they are requested to demonstrate the legality of their stay in Ukraine. The price to get married in LVIV airport is 3118.85 UAH (95,647 EUR).¹³ Even the website of the Stadium "Olimpiyskiy" in Kyiv reports photos and details about three weddings celebrated and registered in its facilities in 2017. It is not clear whether the stadium keeps offering this service.¹⁴

Corruption and trustworthiness of civil status documents

According to Transparency International's *Corruption Perceptions Index 2014*, Ukraine ranked 142 out of 174 countries, with a score of 26 on a scale from 0 (highly corrupt) to 100 (very clean).

¹¹ Ukrainian Family Law Group, Kyiv, Ukraine, *The ABC of Ukrainian's Family Law*, N/A; Ukraine Translation, *Marriage in Ukraine, Requirements for Marriage in Ukraine*, N/A; Cyrwus, O., *Registration of Marriage in Ukraine*, 4 February 2018.

¹² The program "Marriage in 24 Hours" was announced by the Ministry of Justice, Pavlo Petrenko in 2016, as reported in an article published by Ukrainian Crisis Media Center (Ukrainians will be able to get married in 24 hours, <http://uacrisis.org/45227-pavlo-petrenko-7/>). Ukraine Crisis Media Center was launched in March 2014 by efforts of leading Ukrainian experts in the sphere of international relations, communications and public relations to provide the world community with accurate and up-to-date information on the events in Ukraine, as well as challenges and threats to the national security, namely in military, political, economic, energy and humanitarian spheres.

¹³ See, for example; Cirwus O., *Registration, 24 hour Marriage Service in Ukraine*, Ukraine Marriage Guide Blog; Maximum Legal Bureau, *Citizenship of Ukraine through Marriage*, N/A; International Airport LVIV, *Express marriage*, N/A, <http://lwo.aero/en/expressmarriage>; Boryspil Airport, *Marriage in a Day*, N/A, <https://kbp.aero/en/marriage-in-a-day/>.

¹⁴ NSC Olimpiyskiy, NSC "Olimpiyskiy" joins the project "Marriage in 24 Hours", N/A, <http://nsc-olimpiyskiy.com.ua/en/news/nsc-olimpiyskiy-joins-the-project-marriage-in-24-hours/>.

In August 2017, the situation in Ukraine was described as follows:

“Bribery and facilitation payments are widespread among Ukrainian public officials. Public procurement also suffers from pervasive corruption, burdensome regulations, and favoritism, severely impeding fair competition. (...) The law on Prevention of Corruption introduces measures for monitoring the effective implementation of anti-corruption provisions. However, a weak judicial system limits the enforcement of Ukraine’s anti-corruption laws.”¹⁵

According to the Immigration and Refugee Board of Canada, police documents, education credentials and marriage certificates are among the documents, which are often found as being fraudulent. According to an interview with a member of the Ukrainian Parliament from 2012, fraudulent documents seem to be used for the purpose of supporting visa applications. In 2012, it was reported that various Ukrainian agencies offered to sell Schengen visas and were involved in forgery of documents.¹⁶

According to Landinfo, it is difficult to assess whether the Ukrainian authorities issue documents containing false information. In Landinfo’s assessment, bribes are paid in order to obtain documents that one is entitled to, rather than in order to falsify their content. Documents might contain mistakes, although they are issued using the correct format and by the competent authority. The reasons for these mistakes vary, but can include mistakes on the original document, as well as mistakes incurred in the process of copying the document. Conversion of paper documents into digital formats has also contributed to increase the number of mistakes.¹⁷

In addition, Landinfo reports about the existence of several websites selling false or manipulated documents. However, Landinfo has, no information about the extent to which these documents may be in use in Ukraine or in other places. ¹⁸

The marriage certificate, Security features

DISCS contains three models of the Ukrainian marriage certificate, but contains no information concerning the first date of issuance for each document.

The most recent specimen is a rectangular document with square corners, and has a pink background. The document measures 249 mm and 180 mm in length and width. It contains a multi-tone watermark, and a blue stamp is visible at the

¹⁵ GAN Portal, Ukraine - Corruption Report, August 2017. GAN is a private company based in New York City that provides, among other things, data-based overview of corruption risks and market competitiveness.

¹⁶ Immigration and Refugee Board of Canada, Fraudulent documentation, including types of fraudulent documents available and their prevalence; how they are obtained; who is producing and distributing them; how documents are falsified; state efforts to counter their usage, 3 December 2012, (<https://irb-cisr.gc.ca/en/country-information/ndp/Pages/index.aspx?pid=9181>), accessed 7 September 2018.

¹⁷ Landinfo Ukraina: Reise-, ID- og sivilstatusdokumenter, 19 december 2013, p. 25.

¹⁸ Landinfo Ukraina: Reise-, ID- og sivilstatusdokumenter, 19 december 2013, p. 25.

bottom of the document, close to the signature. The verso of the document contains a space for apostille stamp.¹⁹

DISCS contains other 2 versions of this certificate. Danish National ID centre can help, if further details are required.

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¹⁹ Landinfo Ukraina: Reise-, ID- og sivilstatusdokumenter, 19 december 2013, p. 14.

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