

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: CHN32752
Country: China
Date: 18 December 2007

Keywords: CHN32752 – China – Marriage – Marriage Law

This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

Questions

- 1. What is the process involved in registering a marriage in China and obtaining a marriage certificate?**
- 2. Are couples required to give notice to the registry office to have their marriage registered or can they just turn up and register their marriage?**
- 3. Are they required to fill out any forms or submit any documents?**

RESPONSE

1. What is the process involved in registering a marriage in China and obtaining a marriage certificate?

There is a range of information available regarding the process involved in registering a marriage in China and obtaining a marriage certificate. The *Marriage Law of the People's Republic of China* has streamlined the marriage process, making it much easier for couples to get married now than in the past. The *Marriage Law* outlines the requirements of the marriage contract:

Chapter II Marriage Contract

Article 5 Marriage must be based upon the complete willingness of both man and woman. Neither party may use compulsion on the other party and no third party may interfere.

Article 6 No marriage may be contracted before the man has reached 22 years of age and the woman 20 years of age. Late marriage and late childbirth shall be encouraged.

Article 7 No marriage may be contracted under any of the following circumstances:

(1)if the man and the woman are lineal relatives by blood, or collateral relatives by blood up to the third degree of kinship; and

(2)if the man or the woman is suffering from any disease, which is regarded by medical science as rendering a person unfit for marriage.

Article 8 Both the man and the woman desiring to contract a marriage shall register in person with the marriage registration office. If the proposed marriage is found to conform with the provisions of this Law, the couple shall be allowed to register and issued marriage certificates. The husband and wife relationship shall be established as soon as they acquire the marriage certificates. In the absence of the marriage registration, the man and the woman shall go through the procedures subsequently.

Article 9 After a marriage has been registered, the woman may become a member of the man's family or vice versa, depending on the agreed wishes of the two parties (Chinese Government, 2001, 'Marriage Law of the People's Republic of China', Adopted at the Third Session of the Fifth National People's Congress on September 10, 1980, and amended in accordance with "Decision Regarding the Amendment (of Marriage Law of the People's Republic of China)" passed at 21st Session of the Standing Committee of the Ninth National People's Congress on April 28, 2001 <http://www.fmprc.gov.cn/eng/3625/3630/t18322.htm> – Accessed 10 May 2006 – Attachment 1).

The *Overseas Chinese Affairs of Guangdong* website provides information for overseas citizens planning on getting married on China. Included in this information are details for all prospective married couples on the process involved in getting married:

3. Marriage Registration Procedures

1) **The two parties concerned shall apply for the registration in person** at the Marriage Registration Department of the Guangzhou Municipal Bureau of Civil Affairs.

2) Those applicants who, following their de facto conjugal relations, wish to cause their overdue marriage registration to be processed and those divorced ex-spouses wishing to restore their previous marriage relations, shall go through the same marriage registration procedures.

3) **The two parties concerned shall each fill out the Application Statement of Marriage Registration.**

4) **The two parties concerned shall each sign or fingerprint the Application Statement of Marriage Registration in the presence of the marriage registrar.**

5) **The two parties concerned shall each read out the Application Statement in the presence of the marriage registrar.**

6) **The two parties concerned shall provide three recent photos in which both of them appear. These shall be half-length, bareheaded, full-faced color photos.**

7) **Upon examination of the said documents, certificates, and statement, the application by those eligible to be partners in marriage will be registered** ('Procedures for Guangzhou Municipality on Marriage Registration for Overseas Chinese, Citizens of Hong Kong, Macau, and Taiwan' 2005, The People's Government of Guangzhou Municipality website, 25 November <http://www.gz.gov.cn/vfs/subsite/QFZZQNCH-UEYR-RYE4-CQEP-POOPXEO7LORY/content/content.jsp?contentId=257906&catId=3195> – Accessed 22 May 2006 – Attachment 2).

This process can be conducted in a single day, and, as explained below, marriage certificates can be issued on the spot. Although specific to Guangdong, and although provided for overseas citizens, the *Marriage Laws* and additional *Regulations to the Marriage Laws* (outlined below) indicate that all marriages across China are required to follow similar processes.

2. Are couples required to give notice to the registry office to have their marriage registered or can they just turn up and register their marriage?

There is no information to suggest that couples are required to give any advanced notice. As the above procedures lay out, Marriage Certificates can be granted on the spot to applicants whose documentation is complete and in compliance. Registration simply takes place ‘in person’ at registry offices (explained above as civil affairs departments or local governments). Delays may occur where there is a problem with documentation, otherwise couples can turn up and register their marriage ‘on the spot’, as the Guangdong regulations state:

4. Fees and Processing Time

1) Processing Time: **The Marriage Certificates will be granted on the spot to those applicants whose authentication documentation has been found complete and in compliance.**

2) Processing Fee: The standard fee is 9 RMB for each case (‘Procedures for Guangzhou Municipality on Marriage Registration for Overseas Chinese, Citizens of Hong Kong, Macau, and Taiwan’ 2005, The People’s Government of Guangzhou Municipality website, 25 November <http://www.gz.gov.cn/vfs/subsite/QFZZQNCH-UEYR-RYE4-CQEP-POOPXEO7LORY/content/content.jsp?contentId=257906&catId=3195> – Accessed 22 May 2006 – Attachment 2).

This process is made even easier with the increased establishment of marriage registration offices across the country. The official press agency of the government of China, *Xinhua News Agency*, reported:

A network of marriage registration offices is now covering 97 per cent of all counties in the country encouraging couples in remote rural areas to make their marriages legal, said Li at a national conference on Sunday [10 December].

China currently has 12,397 marriage registries across the country and since 2005 the country has been working to standardize marriage registrations across the country (‘China relaxing marriage, divorce rules, boosting register offices – minister’ 2006, *Xinhua News Agency*, 10 December – Attachment 3).

3. Are they required to fill out any forms or submit any documents?

New ‘Regulations on Marriage Registration of the People’s Republic of China’ came into effect on 1 October 2003, but to date no complete English translation has been found in the searches performed. Reports on these 2003 regulations suggest that marriage has been made even easier. An article in *People’s Daily*, a newspaper operated by the Central Committee of the Communist Party of China, reported:

From Oct.1 Chinese citizens carrying **residence booklets and identity cards** can receive their red marriage certificates simply after they register at marriage offices and sign a statement that they are single.

The Regulation on Marriage Registration will come into effect from Oct.1, replacing the Regulation on Administration of Marriage Registration that has been carried out for about nine years. According to the new regulations, marriage registration offices will work in the spirit of serving the people, simplifying procedures for marriage in future.

...

The biggest change of the newly issued regulations is to stipulate clearly that couples on the Chinese mainland who apply for marriage registration only need to provide **“Hukou” documents and identity cards** and sign a statement affirming their single status and no near relation, while procedures for submitting marital status letters from their working units and premarital health examination certificates are annulled. Through simplifying procedures such regulations avert the tediousness of marriage registration as well as the mental and physical consumption of couples to be, and make marriage registration a truly joyful occasion (‘Chinese marriage and divorce registration to be easier and more convenient’ 2003, *People’s Daily*, 22 August – Accessed 17 December 2007 – Attachment 4).

The 2003 regulations have also removed many of the old impediments to marriage. Once mandatory pre-marital health checks are no longer necessary, and civil affairs departments at county level, or governments at township level, now handle the marriage procedures (‘Chinese marriage and divorce registration to be easier and more convenient’ 2003, *People’s Daily*, 22 August – Accessed 17 December 2007 – Attachment 4). An additional report from *People’s Daily* noted,

Under the new regulations, couples need only show their ID cards and residency papers and sign a document stating they are not married or related to register their marriages, thus stopping the involvement of “Danwei” or the state-owned working units, which was previously essential (‘Couples line up for marriage as new rules take effect’ 2003, *People’s Daily*, 3 October http://english.peopledaily.com.cn/200310/03/eng20031003_125348.shtml – Accessed 17 December 2007 – Attachment 5).

Under the 2003 regulations, the only documentation individuals require to get married are their identification cards, *hukou* documents (Residence Registration Booklets), and a signed affidavit confirming their eligibility for marriage (see ‘Certificate to prove single status’ 2004, *China Daily*, 4 March http://www.chinadaily.com.cn/english/doc/2004-03/04/content_311492.htm – Accessed 10 May 2006 – Attachment 6 and ‘Procedures for Guangzhou Municipality on Marriage Registration for Overseas Chinese, Citizens of Hong Kong, Macau, and Taiwan’ 2005, The People’s Government of Guangzhou Municipality website, 25 November <http://www.gz.gov.cn/vfs/subsite/QFZZQNCH-UEYR-RYE4-CQEP-PO0PXEO7LORY/content/content.jsp?contentId=257906&catId=3195> – Accessed 22 May 2006 – Attachment 2. Further information on the documents to be signed appears with the response to question one, above.

List of Sources Consulted

Internet Sources:

Government Information & Reports

UK Home Office website <http://www.ind.homeoffice.gov.uk>

US Department of State website <http://www.state.gov>
Ministry of Foreign Affairs of the People's Republic of China <http://www.fmprc.gov.cn>
Guangzhou Municipality website http://www.gz.gov.cn/vfs/web/gzeng_new/gzeng_new.html

International News & Politics

People's Daily <http://english.peopledaily.com.cn>
China Daily <http://www.chinadaily.com.cn>
China.org <http://www.china.org.cn>

Databases:

BACIS (DIMA Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)
RRT Library Catalogue

List of Attachments

1. Chinese Government 2001, 'Marriage Law of the People's Republic of China', Adopted at the Third Session of the Fifth National People's Congress on September 10, 1980, and amended in accordance with "Decision Regarding the Amendment (of Marriage Law of the People's Republic of China)" passed at 21st Session of the Standing Committee of the Ninth National People's Congress on April 28, 2001 <http://www.fmprc.gov.cn/eng/3625/3630/t18322.htm> – Accessed 10 May 2006.
2. 'Procedures for Guangzhou Municipality on Marriage Registration for Overseas Chinese, Citizens of Hong Kong, Macau, and Taiwan' 2005, The People's Government of Guangzhou Municipality website, 25 November <http://www.gz.gov.cn/vfs/subsite/QFZZQNCH-UEYR-RYE4-CQEP-POOPXEO7LORY/content/content.jsp?contentId=257906&catId=3195> – Accessed 22 May 2006.
3. 'China relaxing marriage, divorce rules, boosting register offices – minister' 2006, *Xinhua News Agency*, 10 December. (CISNET 'China' CX166860)
4. 'Chinese marriage and divorce registration to be easier and more convenient' 2003, *People's Daily*, 22 August. (CISNET 'China' CX83882)
5. 'Couples line up for marriage as new rules take effect' 2003, *People's Daily*, 3 October http://english.peopledaily.com.cn/200310/03/eng20031003_125348.shtml – Accessed 17 December 2007.
6. 'Certificate to prove single status' 2004, *China Daily*, 4 March http://www.chinadaily.com.cn/english/doc/2004-03/04/content_311492.htm – Accessed 10 May 2006.