



Name of Country and Jurisdiction:

Norway

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to Norway, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to Norway for an authority to grant a divorce/ dissolution?



1. What forms of legally recognized relationships are available?



LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered	Norway	Law No. 47/1991 on marriage ("Marriage Act"), as amended by Law No. 53/2008 on same-sex marriage	Yes

Law No. 40/1993 (the Law on Registered Partnership), which recognized unions between same-sex couples, was repealed as of 1 January 2009 (the date on which the amended Marriage Act entered into force). Since then, it has not been possible to establish new registered partnerships. Couples who have registered their relationships may remain in their registered partnerships or "upgrade" them to marriages by a simple declaration.

Q

2. What are the requirements to be able to enter into the above relationship?

A

(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Both parties must have lawful residence in Norway. Marriage Act, § 5a. Foreign nationals may be lawful residents even if they do not have residence permits, such as during the three-month period that a foreign national who does not require a visa is allowed to stay in Norway.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<ul style="list-style-type: none"> i) Persons at least 18 years of age can marry of their volition. Sixteen- and 17-year-olds can marry with the consent of their county governor and parental authorities. Marriage Act, § 1; ii) Marriage cannot be contracted between relatives in direct line of ascent or descent or between brothers and sisters. Marriage Act, § 3; iii) No person suffering from a contagious disease that may be transmitted sexually may contract a marriage unless the other party has been informed of the disease and both parties have received oral counseling from a medical practitioner regarding the risks connected with the disease. Marriage Act, § 5.

Q

3. If both marriage and civil unions exist in the country:

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).

(a)–(c)	Not applicable; registered partnerships are no longer available in Norway.
---------	--

A

4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Individuals who are currently married cannot marry again. An individual who is currently in a registered partnership cannot marry someone other than his or her registered partner. Marriage Act, § 4.

Q

5. When a couple comes to Norway, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>A marriage contracted outside Norway is recognized if the marriage was validly contracted in the country where it was formed.</p> <p>A marriage that was contracted outside Norway is not recognized if at least one of the parties was a Norwegian national or permanent resident at the time of marriage, and:</p> <ul style="list-style-type: none"> i) The marriage was contracted without the presence of both parties at the marriage ceremony; ii) One of the parties was under 18 years of age; or iii) One of the parties was already married. <p>Marriage Act, § 18a.</p>
Civil union	A regulated form of cohabitation outside Norway that has primarily the same legal consequences as marriage in the country where it was contracted is recognized as a marriage in Norway when both parties have consented to this in writing.



6. How can each form of relationship be dissolved? What is the residency requirement or other link to Norway for an authority to grant a divorce/ dissolution?



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>i) A spouse who finds that he or she cannot continue cohabitation may demand a separation. Marriage Act, § 20;</p> <p>ii) Either of the spouses may demand a divorce when they have been separated for at least one year. Marriage Act, § 21;</p> <p>iii) Either of the spouses may demand a divorce if they have not cohabited for at least two years. Marriage Act, § 22;</p> <p>iv) A spouse may also demand a divorce on grounds of abuse and forced marriage. Marriage Act. § 23.</p> <p>Under the Marriage Act, divorce is normally granted by means of an administrative procedure, i.e., by the county governor. Only in special cases, such as when divorce is demanded on grounds of abuse or bigamy, are divorce cases brought before a court. Proceedings may be brought before a court if:</p> <p>i) The defendant is resident in Norway;</p> <p>ii) The plaintiff is resident in Norway and has either resided here during the last two years or resided here previously;</p> <p>iii) The plaintiff is a Norwegian national and it is proved that he or she, owing to his or her nationality, would not be able to institute proceedings in the country where the defendant is resident;</p> <p>iv) Both spouses are Norwegian nationals and the defendant is not opposed to the case being brought before a Norwegian court;</p> <p>v) Divorce is sought on grounds of separation notified in Norway during the previous five years; or</p> <p>vi) The marriage was contracted in Norway and it is proved that the plaintiff would not be able to institute proceedings in the country of which he or she is a national or is resident.</p>
Registered partnership	<p>A registered partnership can be dissolved in the same way as a marriage. A registered partnership will be dissolved if the parties convert the partnership to a marriage. Marriage Act.</p>

Sources:

- Law No. 47 of 4 July 1991 on Marriage, available in English as amended at <https://www.regjeringen.no/en/dokumenter/the-marriage-act/id448401>.
- Law No. 53 of 27 June 2008 (amending the Marriage Act to permit same-sex marriage), available in English at <https://lovdata.no/dokument/LTI/lov/2008-06-27-53>.
- Law No. 40 of 30 April 1993 on Registered Partnerships for Homosexual Couples (repealed 1 January 2009), available in English at <https://www.regjeringen.no/no/dokumenter/registered-partnership---word/id419368>.
- Law No. 8 of 28 February 1986 on Adoption, available in English as amended at <https://www.regjeringen.no/en/dokumenter/ACT-OF-28-FEBRUARY-1986-NO-8-RELATING-TO/id443477>.
- Law No. 7 of 8 April 1981 on Children and Parents, available in English as amended at <https://www.regjeringen.no/en/dokumenter/the-children-act/id448389>.

