



Name of Country and Jurisdiction:

## Andorra

- 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 Andorra, 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 Andorra for an authority to grant a divorce/dissolution?



### 1. What forms of legally recognized relationships are available?



LEGAL RECOGNITIONS FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered	Andorra	Qualified Marriage Law of 1995	No
Stable union of couples ( <i>unio estable de parella</i> )	Andorra	Qualified Stable Union of Couples Law of 2005	Yes

In 2014, the Andorran General Counsel passed the Qualified Civil Union Law, which allows same-sex couples to enter into civil unions.



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



(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil union	At least one member of the same-sex couple must be an Andorran legal resident.
Stable union	At least one member of the couple must be an Andorran legal resident.

In 2014, the Andorran General Counsel passed the Qualified Civil Union Law, which allows same-sex couples to enter into civil unions.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil union	Both members of the same-sex couple must be at least 16 and unmarried, and they cannot be direct relatives by blood or adoption. Also, an individual convicted as either a perpetrator or accomplice in the death of a prior spouse is ineligible to enter a civil union.
Stable union	Both members of the couple must be at least 16 and must demonstrate that they have lived together for at least six months. The partners cannot be direct relatives by blood or adoption, and neither partner may be part of an existing marriage or stable union.

**Q**

**3. If both marriage and civil unions exist:**

- (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**

(a)–(c)	Not applicable; same-sex marriages are not recognized in Andorra.
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A same-sex couple in a stable union has legal rights and responsibilities parallel to those of an opposite-sex couple: an obligation to support one another; the right to compensation and maintenance in the event the union ends; and the same rights and access as spouses for the purposes of social security and other social protection measures, including employment law and unemployment benefits, health insurance or care or benefits, and other social insurance and pension benefits. However, while one member of a same-sex stable union can adopt the other's child, same-sex couples in stable unions cannot jointly adopt children, and stable unions do not allow for medically assisted insemination.

In contrast, couples in civil unions are said to have the same rights as married couples, including the right to adopt jointly.

**Q**

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

**A**

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil union	An individual who is already in a marriage or civil union is ineligible to enter into a second civil union with a new partner.
Stable union	Individuals who are already married or have entered a registered stable union are ineligible to register for another stable union.

**Q**

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

**A**

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil union	A same-sex couple married abroad can have their civil union added to the Andorran Civil Registry, provided that at least one member of the couple is Andorran or an Andorran resident.
Stable union	The Qualified Stable Union of Couples Law of 2005 contains no provision for recognition of similar unions solemnized outside Andorra. Andorran courts, however, have demonstrated a willingness to recognize certain privileges for same-sex couples whose relationships were solemnized outside Andorra but not registered as stable unions in Andorra.

**Q**

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

**A**

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil union	Andorran courts will adjudicate dissolution proceedings related to: (1) an Andorran civil union; (2) any civil union, if one party is an Andorran national or legal resident; (3) any civil union entered into abroad and listed in the Andorran Civil Registry, regardless of the current residence of the parties.
Stable union	Stable unions can be terminated by the marriage or civil union of either party; the death of either party; a unilateral, written declaration by one party delivered to the other party; or mutual declaration.

## ■ Sources:

- Qualified Civil Union Law of 2014 (Andorra), available at <https://www.bopa.ad/bopa/026071/Pagines/lq26071006.aspx>.
- Qualified Stable Union of Couples Law of 2005 (Andorra), available at <https://www.bopa.ad/bopa/017025/Pagines/3BE1A.aspx>.
- Qualified Marriage Law of 1995 (Andorra), available at <http://www.consellgeneral.ad/fixers/documents/lleis-1989-2002/llei-qualificada-del-matrimoni.pdf/view>.
- *Legislació d'unions estables de parella*, Registre Civil, <http://www.registrecivil.ad/legislacio-d-unions-estables-de-parella>.
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- <http://www.consellgeneral.ad/ca/activitat-parlamentaria/iniciatives-legislatives/proposicions-de-llei/proposicio-de-llei-qualificada-de-les-unions-civils-i-de-modificacio-de-la-llei-qualificada-del-matrimoni-de-30-de-juny-de-1995-i-de-la-llei-14-2-004-de-3-de-novembre-qualificada-de-modificacio-de-la-llei-qualificada-de-matrimoni>.
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