



Name of Country and Jurisdiction:

Denmark

- 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 Denmark, 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 Denmark for an authority to grant a divorce/dissolution?
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1. What forms of legally recognized relationships are available?

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LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered	Denmark (including Greenland and the Faroe Islands)*	<i>Lbk nr. 1818 af 23.12.2015 om Bekendtgørelse af lov om ægteskabs indgåelse og opløsning</i> [Proclamation of the Law on Marriages and Dissolution], §§ 1–11, https://www.retsinformation.dk/Forms/R0710.aspx?id=173274	Yes**

* The Kingdom of Denmark includes the Faroe Islands and Greenland, but the same laws do not necessarily apply to all three. While Greenland and the Faroe Islands both recognize same-sex marriage, this guide pertains only to the laws of Denmark. See Constance Johnson, *Greenland: Same-Sex Marriage Bill Passes*, Law Library of Congress, Global Legal Monitor (June 11, 2015), <http://www.loc.gov/law/foreign-news/article/greenland-same-sex-marriage-bill-passes>; Joe Morgan, *Faroe Islands says yes to same-sex marriage*, Gay Star News (Apr. 29, 2016), <http://www.gaystarnews.com/article/faroe-islands-passes-sex-marriage/#gs.JXdNzE>; Joseph P. McCormick, *Faroe Islands legalises same-sex marriage*, Pink News (Apr. 29, 2016), <http://www.pinknews.co.uk/2016/04/29/faroe-islands-legalises-same-sex-marriage>; Julien Sauvalle, *Same-Sex Marriages Begin in Greenland*, OUT Magazine (Apr. 1, 2016), <http://www.out.com/news-opinion/2016/4/01/same-sex-marriages-begin-greenland>.

** Civil unions are another legally recognized arrangement, similar to marriage. In 1989, these were introduced in Denmark as “registered partnerships,” were governed by the Registered Partnership Act, and were available only to same-sex couples. See *Lov nr. 372 af 07.06.1989 om registreret partnerskab* [Registered Partnership Act], <https://www.retsinformation.dk/Forms/R0710.aspx?id=59419>. In 2012, the Registered Partnership Act was repealed and replaced by a gender-neutral marriage law. See *Lov nr. 532 af 12.06.2012 om ændring af lov om ægteskabs indgåelse og opløsning, lov om ægteskabets retsvirkninger og retsplejeloven og om ophævelse af lov om registreret partnerskab* [Law amending the Law on Marriages and Dissolution, the Act on the Legal Effects of Marriage, and the Justice Act and repealing the Registered Partnership Act], <https://www.retsinformation.dk/Forms/R0710.aspx?id=142282>. Today, registered partnerships are no longer an option for same-sex couples; however, partnerships registered before June 12, 2012, continue to be governed by the old Registered Partnership Act. See *id.* at § 4. Because registered partnerships still exist, Questions 2 through 6 of this guide address this form of union along with marriage. (Registered partnerships are excluded from this first chart because they are not, and never were, available to opposite-sex couples.)

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

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(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage, registered	Generally, both parties must have legal residence in Denmark, which may be based on: a) citizenship in Denmark, another Nordic country, or the European Union; or b) a valid residence permit. Without either, marriage is permitted only in exceptional cases (e.g., duration of a person's stay in Denmark). See Proclamation of the Law on Marriages and Dissolution, § 11a–b.

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Registered partnership, prior to June 12, 2012	This relationship is no longer available, but before June 12, 2012, a same-sex couple could enter into a registered partnership only if at least one of the partners had permanent residence in Denmark and was of Danish nationality. See Registered Partnership Act, § 2.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage, registered	Both parties must be at least 18. They must not be close relatives and must not be part of another marriage or partnership. Parties under 18 can marry only with the consent of their parents, guardians, or the court. See Proclamation of the Law on Marriages and Dissolution, §§ 1–10. Although registered partnerships are no longer available for same-sex couples, prior to June 12, 2012, the requirements were the same. See Registered Partnership Act, §§ 2–3.
Registered partnership, prior to June 12, 2012	

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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.).

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(a)–(c)	Not applicable. Civil unions, known as “registered partnerships” in Denmark, are no longer an option for same-sex couples. For those who registered their partnerships before June 12, 2012, however, the biggest differences in terms of rights and benefits as compared to married same-sex couples pertain to paternity, medically assisted insemination, and joint adoption. See Kees Waaldijk ed., <i>More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners</i> , 68 (2005), https://openaccess.leidenuniv.nl/bitstream/handle/1887/12585/More-or-less-together00-Complete%20report.pdf?sequence=2 .
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4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage, registered	For a registered marriage, both parties must show proof that they have dissolved any prior marriages or registered partnerships (e.g., by presenting original divorce decrees or death certificates). See Proclamation of the Law on Marriages and Dissolution, §§ 9–10. See <i>also</i> U.S. Embassy in Denmark, Getting Married, https://dk.usembassy.gov/u-s-citizen-services/local-resources-of-u-s-citizens/getting-married . Although registered partnerships are no longer available, the same was true for those registered partnerships entered into before June 12, 2012. See Registered Partnership Act, § 3.
Registered partnership, prior to June 12, 2012	

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

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage, registered	A foreign same-sex marriage or registered partnership will generally be recognized in Denmark if it was entered into in accordance with the rules in the country where it took place and if the circumstances surrounding the marriage or partnership do not violate fundamental Danish legal principles. See <i>Validity of the marriage, new to denmark, dk</i> , https://www.nyidanmark.dk/en-us/coming_to_dk/familyreunification/spouses/validity-of-marriage.htm ; <i>Civil unions and registered partnerships, European Union</i> (Sept. 6, 2016), http://europa.eu/youreurope/citizens/family/couple/registered-partners/index_en.htm .
Registered partnership, prior to June 12, 2012	

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



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage, registered	Generally divorce or dissolution of a registered partnership entered into before June 12, 2012, is allowed if there have been six months of legal separation or two years of de facto separation or if there has been an instance of adultery, bigamy, violence, sexual assault, or child abduction. Denmark has jurisdiction to authorize divorce proceedings in essentially six situations: (1) the defendant is domiciled in Denmark; (2) the applicant is a resident who has lived in Denmark for the last two years; (3) the applicant is a Danish citizen who is unable to obtain a divorce in the country where he or she resides; (4) both partners are Danish citizens, and the defendant does not object to Denmark's jurisdiction; (5) the divorce is being sought on the basis of a separation granted by Denmark within the past five years; or (6) the same-sex couple got married in Denmark, but neither spouse currently lives in a country with a law allowing same-sex marriage. See Proclamation of the Law on Marriages and Dissolution, §§ 29–36; <i>Vej nr. 9315 af 27.06.2013 om separation og skilsmisse</i> [Guidance on Separation and Divorce], § 4.2, https://www.retsinformation.dk/Forms/R0710.aspx?id=152721 ; Registered Partnership Act, § 5.
Registered partnership, prior to June 12, 2012	

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- *Civil unions and registered partnerships*, European Union (Sept. 6, 2016), http://europa.eu/youreurope/citizens/family/couple/registered-partners/index_en.htm.
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