



Name of Country and Jurisdiction:

Iceland

- 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 Iceland, 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 Iceland 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	Iceland	Law No. 31 of 1993, Marriage Act (<i>Hjúskaparlög</i>). Law No. 65 of 2010, Act amending the Marriage Act and other laws, and the revocation of registered partnerships (“One Marriage Law”) (<i>Lög um breytingar á hjúskaparlögum og fleiri lögum og um brottfall laga um staðfesta samvist (ein hjúskaparlög)</i>).	Yes

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LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Registered cohabitation	Iceland	There is no single law on cohabitation.*	Yes

Law No. 87 of 1996 on Registered Partnership (*Lög um staðfesta samvist*) established registered partnerships (confirmed cohabitations) in Iceland. Available only to same-sex couples, this legal relationship provided nearly all the rights of marriage. When same-sex marriage was legalized in Iceland in 2010, the option to apply for a registered partnership was eliminated. Couples who entered into registered partnerships are permitted to remain in them but may choose to be married or convert the registered partnerships to marriages.

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

- (i) Geographic requirements:

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	There are no residency requirements.
Registered cohabitation	Cohabitants can register their cohabitation with Registers Iceland (the office that maintains the country's national registry).

* Cohabitation refers to individuals who are cohabiting but not in a marriage. The rights of cohabitants are determined by various circumstances and policy areas, including whether or not the cohabitation was registered. While the legal positions of individuals whose cohabitation was registered are in some respects clearer than those of individuals whose cohabitation was not registered, cohabitants still do not have the same rights as married couples.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>Before a marriage can be entered into, the parties must submit to the Ministry of Justice an application (including certification that there are no legal impediments to their marriage).</p> <p>Different timing requirements may apply, depending on where the parties intend to get married. (E.g., in Reykjavik, electronic copies of the documents must be submitted three weeks before the planned wedding date, with the originals mailed or hand-delivered no later than five days before the wedding date.) If the parties do not comply with the timing requirements, the application will not be granted.</p> <p>The following persons may not marry:</p> <ul style="list-style-type: none"> a) Anyone under 18; b) A legally incompetent person who does not have his/her guardian's permission to marry; c) Siblings (including adoptive siblings) and persons who are related by direct descent; and d) Anyone who is married or in a registered partnership with someone other than the intended spouse. <p>To prove that there are no impediments to the marriage, each party must submit certain documents, including his/her birth certificate; a certificate of marital status (or, for parties from countries like the U.S., where such certificates do not exist, a notarized declaration issued by the party which states that he/she is not married or was divorced/widowed and has not remarried); divorce decrees as necessary; and, if either party is a widow/widower, an official document showing finalization of the deceased spouse's estate (e.g., the assets and liabilities).</p> <p>The parties must be staying legally in Iceland when the wedding takes place, pursuant to either a residence permit, a visa, or confirmation of the couple's arrival date.</p> <p>Different requirements apply to citizens from Denmark, Sweden, Norway, and Finland. A citizen of one of these countries must present a certificate from that country confirming that there are no impediments to the marriage. This is a different legal document, typically required under the laws of these countries, which certifies that the applicable governmental authority has investigated potential impediments and found none.</p>



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)	Registered partnerships were previously available in Iceland. Registered partners who do not elect to convert their partnership to marriage remain registered partners and will still be afforded the same rights generally as married persons.
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Q 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

A	FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
	Marriage	If you are currently married, you cannot marry again. Registered partners may convert their partnerships to marriages or marry third parties under the now gender-neutral marriage laws.
	Registered partnership	Parties can no longer enter into registered partnerships, as the applicable Registered Partnership Act was repealed in conjunction with the introduction of gender-neutral marriage laws (as detailed above).

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

A	FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
	Marriage	A marriage entered into outside Iceland is generally considered to be valid in Iceland if it is valid in the country where the marriage was entered into. There does not appear to be a formalized avenue for obtaining recognition.
	Registered partnership	It appears that foreign-formed registered partnerships, such as civil unions, are recognized by the Icelandic state. However, it is not clear whether such partnerships would have the same effect as marriages. Under current law, the Minister of Justice may decide that nationals of other countries who are in legal registered partnerships shall enjoy the same rights as Icelandic nationals.



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



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>Marriages can be annulled or terminated by divorce in Iceland.</p> <p>Legal actions related to annulment, separation, divorce, and the validity or invalidity of a marriage can be pursued under the following circumstances:</p> <ul style="list-style-type: none"> a) The respondent resides in Iceland; b) The petitioner resides in Iceland and has done so for the past two years; c) The petitioner is an Icelandic citizen, and it is established that, by reason of being an Icelandic citizen, he/she is prevented from bringing such action in his/her country of residence; d) Both spouses are Icelandic citizens, and the respondent does not object to the jurisdiction of the Icelandic court; e) Divorce is claimed on the basis of a legal separation that was awarded in Iceland; and/or f) In the case of annulment, the solemnization of the marriage took place in Iceland. <p>The Marriage Act notes that Iceland's obligations under international agreements will take precedence over the provisions of the jurisdictional article.</p> <p>Any matrimonial action, including the petition for divorce, must be brought in the respondent's home venue or, if not applicable, the home venue of the petitioner, although the parties may agree upon a different venue.</p> <p>If both parties agree to seek legal separation, or if separation is sought by only one spouse (who believes that the marriage cannot be saved), the court will grant the separation. Legal separation can be terminated if the spouses continue to cohabit for more than a short period of time or if they resume cohabitation later.</p> <p>If both parties agree to seek a divorce, they can petition for divorce after six months of legal separation. Either spouse is entitled to a divorce after one year of legal separation, even if the other spouse does not agree.</p> <p>There are separate, shorter procedures in the event of divorce on the grounds of adultery or physical assault.</p>
Registered partnership	The same rules governing dissolution of marriage, above, apply to dissolution of a registered partnership.



■ Sources:

- Law No. 31 of 1993, Marriage Act (*Hjúskaparlög*), available at <http://www.althingi.is/altext/stjt/1993.031.html>.
- Law No. 87 of 1996 on Registered Partnership (*Lög um staðfesta samvist*), available at <http://www.althingi.is/altext/stjt/1996.087.html>.
- Law No. 65 of 2010, Act amending the Marriage Act and other laws, and the revocation of registered partnerships ("One Marriage Law") (*Lög um breytingar á hjúskaparlögum og fleiri lögum og um brottfall laga um staðfesta samvist (ein hjúskaparlög)*), available at <http://www.althingi.is/altext/stjt/2010.065.html>.
- Civil Marriage in the District of Reykjavik, available at <https://www.syslumenn.is/thjonusta/fjolskyldumal/civil-marriage>.