



Name of Country and Jurisdiction:

Sweden

- 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 Sweden, 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 Sweden 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	Sweden	Marriage Code (<i>Äktenskapsbalk</i> (1987:230)).	Yes
Cohabitation	Sweden	Cohabitation Act (<i>Sambolag</i> (2003:376)).	Yes

Beginning in 1994, the Act on Registered Partnership (*Lag (1994:1117) om registrerat partnerskap*) recognized registered partnerships for same-sex couples. Since 2009, however, couples have not been permitted to enter into this form of union, since the Act repealing the Act on Registered Partnership (*Lag (2009:260) om upphävande av lagen (1994:1117) om registrerat partnerskap*) recognized marriage for same-sex couples. Those who entered registered partnerships before 2009 have the option of retaining those partnerships or converting them to marriages.

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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	There are no residency requirements for marriage in Sweden.
Cohabitation	This union is open only to persons residing in Sweden.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>Before a marriage can be entered into, the persons must submit to the Swedish Tax Agency (<i>Skatteverket</i>) in the area where the wedding will take place an application for the investigation of impediments. This is a requirement for all marriages conducted in Sweden and accordingly applies to persons who are not Swedish citizens or residents. The Tax Agency will confirm that there are no impediments to the marriage. Confirmation must be made within four months of the planned wedding ceremony (and the officiant must confirm that fact and verify that no obstacles have emerged since).</p> <p>Impediments:</p> <ul style="list-style-type: none"> • A person under 18 may not marry; • Marriage may not be between persons related to one another in ascending or descending lines or between full or half-siblings (including adoptive siblings); and • A person who is already married or who is in a registered partnership with a third party may not marry. <p>The persons must submit written assurances that they are not related and must declare under oath whether they have been previously married or had registered partnerships. If a person was previously married or was in a registered partnership with a third party, the person must prove the dissolution of that marriage or partnership.</p> <p>If a person is not a citizen or resident of Sweden, he/she must personally visit the Swedish Tax Agency and present his/her passport or ID card showing citizenship. A noncitizen/nonresident seeking to marry in Sweden should also present the Tax Agency a certificate of marital status from his/her country of citizenship. (Note that numerous foreign embassies specifically reference the certification requirements of Sweden and other countries and provide such certification.) A person may also be required to present a copy of his/her country or state's marriage laws, certified by an authorized official.</p> <p>The Swedish Tax Agency recognizes that because there is no national registry in the U.S., no national certificate can be obtained (although some states or counties may issue such certificates or a "Record of No Record"). Consequently, in certain circumstances this requirement may be waived.</p>

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage, religious ceremony	The Church of Sweden approved allowing priests to wed same-sex couples in October 2009, but although the church has been performing same-sex marriages since November 1, 2009, priests are allowed to refuse to wed same-sex couples. Local churches may have membership requirements, but the publication of banns of marriage (on three successive Sundays) is voluntary.
Conversion of registered partnership into marriage	To convert a registered partnership into a marriage, the parties must jointly request such conversion from the Swedish Tax Agency. There is no time limitation for conversion, and no examination of impediments to the marriage (see above) will be required before the registered partnership is converted under this special procedure.
Cohabitation	Cohabitees are two persons permanently residing together as a couple in a joint household, with shared chores and expenses and, typically, sexual relations (although not required). The law applies only to cohabitees who live together as spouses, rather than persons who are simply roommates.

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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; registered partnerships are no longer available in Sweden.
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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	If a person is already married, he/she cannot marry again. Registered partners may convert their partnership into marriage or may enter into a new marriage under the now gender-neutral marriage laws.
Cohabitation	Cohabitation is applicable only to persons who are not married.

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5. When a couple comes to Sweden, 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	<p>A marriage entered into outside Sweden is considered to be valid in Sweden if it is valid in the country where the marriage was entered into or the state where the spouses are nationals or have habitual residence.</p> <p>A marriage entered into under foreign law is not recognized in Sweden if:</p> <ul style="list-style-type: none"> a) At the time of the marriage, there existed any impediments to marriage as defined by Swedish law (above) and at least one of the parties then was a Swedish citizen or resident of Sweden; b) It is likely that the marriage was entered into under duress; or c) The parties were not present at any time during the marriage and at least one of them was a Swedish citizen or a resident of Sweden at the time. <p>To be recognized, the marriage needs to be registered with the Swedish Tax Agency.</p>



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



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>In order for parties to get a divorce in Sweden (regardless of where the marriage was entered into), the marriage must be registered with the Swedish Tax Agency.</p> <p>Matters of divorce may be raised in Swedish court if:</p> <ul style="list-style-type: none"> a) Both spouses are Swedish citizens; b) The petitioner is a Swedish citizen and has been domiciled or resident in Sweden since he/she was 18; c) The petitioner is not a Swedish citizen but has been resident in Sweden for at least a year; d) The respondent is domiciled in Sweden; or e) The marriage was entered into in Sweden. <p>Sweden does not require grounds or fault for divorce, but Swedish law may require a “reconsideration” period of six months in certain circumstances:</p> <ul style="list-style-type: none"> 1) If only one of the spouses seeks divorce; 2) If the spouses have children under 16 years of age; or 3) If both spouses request it. <p>No reconsideration period is required if the spouses have lived apart for two years.</p>
Registered partnership	<p>A registered partnership can be dissolved by a court, subject to the same procedures related to marriage. The Swedish court has jurisdiction if registration of the partnership took place under the Act on Registered Partnership.</p>
Cohabitation	<p>Cohabitation ceases if either cohabitee marries (including if they marry one another), if the cohabitees separate, or if either cohabitee dies.</p>

■ Sources:

Primary

- Marriage Code (*Äktenskapsbalk* (1987:230)), available at http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/ktenskapsbalk-1987230__sfs-1987-230/?bet=1987%3A230#K4.
- Act on Certain International Legal Relationships Concerning Marriage and Guardianship (*Lag* (1904:26 s.1) *om vissa internationella rättsförhållanden rörande äktenskap och förmynderskap*), available at https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-190426-s1-om-vissa-internationella__sfs-1904-26%20s.1.
- Act on Registered Partnership (*Lag* (1994:1117) *om registrerat partnerskap*), available at https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-19941117-om-registrerat-partnerskap__sfs-1994-1117.
- Act repealing the Act on Registered Partnership (*Lag* (2009:260) *om upphävande av lagen* (1994:1117) *om registrerat partnerskap*), available at http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-2009260-om-upphavande-av-lagen-19941117__sfs-2009-260.
- Cohabitation Act (*Sambolag* (2003:376)), available at http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Sambolag-2003376__sfs-2003-376/?bet=2003:376.

Secondary

- Gender-neutral marriage and marriage ceremonies, May 2009, Government Offices of Sweden, <http://www.government.se/contentassets/a89e0bd7bfaf496c9599c5033f4a9550/gender-neutral-marriage-and-marriages-ceremonies>.
- Marriage and Divorce Information, Embassy of the United States, Stockholm, Sweden, <https://se.usembassy.gov/u-s-citizen-services/marriage-and-divorce-information>.