



Civil Unions

FAQS



Who is eligible to enter into a civil union?

Any person who is:

- Over 18 years of age or with parental consent if aged between 16-17;**
- Single/divorced/ widowed or had a previous marriage or civil union annulled and**
- Meets the eligibility criteria of the Marriage Act (e.g. regarding consent to the union).**

Persons who are legally separated but not divorced or had their previous marriage annulled are only eligible to enter a civil union when they obtain a divorce or annulment of the previous marriage. Civil Unions are available for same-sex partners as well as different sex partners.

Effects of a Civil Union

A civil union, once registered has the corresponding effects and consequences at law of a civil marriage. The Civil Code provisions on personal separation and on divorce apply to civil unions.

Parenting Rights

Same-sex couples who enter into a civil union are eligible to adopt children just like a different sex couple who enters into a civil marriage. A child born to a couple in a civil union is automatically registered as the child of that couple on the birth certificate. A non-biological parent of a child can also request second parent adoption if the child only has one registered parent.

Entering a civil union with an ulterior motive

Amongst the articles of the Marriage Act that apply to civil unions, Article 38 provides that:

“Any person who contracts a marriage with the sole purpose of obtaining:

- **Maltese citizenship; or**
- **freedom of movement in Malta; or**
- **a work or residence permit in Malta; or**
- **the right to enter Malta; or**
- **the right to obtain medical care in Malta,**

shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding two years”

Any right or benefit obtained on the basis of such a union may upon conviction, be rescinded or annulled. The person entering a civil union with another person, knowing that the sole purpose of such other person in entering a civil union is one or more of the above, is also guilty of an offence and liable to the same punishment.

How do I get started?

For Maltese residents wishing to enter a civil union in Malta, the first step is to contact the Marriage Registry on telephone number **(+356) 25904212-7** or the Gozo Public Registry on telephone number **(+356) 22156381** for ceremonies taking place in Gozo.

What documents do I need?

Applications are to be made between **3 months** and **6 weeks** prior to the date of the civil union. The documents you will need depend on whether you were born in Malta or are an EU or non-EU citizen. Generally the following are required:

- Presentation of original and photocopies of **ID Card/Passport** of partners and the required two witnesses
- Presentation of original and photocopy of any Resident's Registration Certificate
- Original, full birth/adoption certificate
- For non-Maltese citizens original free status certificate or in default thereof an affidavit both valid for **3 months**, by a person who knows the non-Maltese citizen well and is over 18 years of age, who before a legal professional confirms that:
 - the non-Maltese partner has never been married or contracted a civil union or union of an equivalent status or
 - if widowed, not married or contracted a civil union since the death of the former spouse/ partner or
 - If they underwent divorce/annulment proceedings have not entered into a civil union or union of equivalent status.
- Original, previous, marriage/civil union certificate unless the previous marriage or civil union were already registered at the Malta Public Registry and a copy of the previous marriage/civil union divorce
- Original Death certificate of late spouse/partner

What documents does a Maltese citizen require?

Maltese citizens need to present their ID cards and photocopies of the ID cards of the witnesses. Partners who were previously married or in a civil union overseas should provide a copy of the previous marriage or civil union certificate and a copy of the divorce decree if it was not registered at the Public Registry in Malta.

What is the procedure for entering into a civil union?

If you reside abroad please contact the Marriage Registry on telephone number: **(+356) 25904212-7** or e-mail: **pubreg.marriage@gov.mt** for further information.

You may send your application and documents by post by the six week closing date before the date of the civil union.

How long does the process take?

The minimum requirement is to wait for **6 weeks** from the date of submission of the application so that the civil union banns are published at the Marriage Registry and are also published in the locality of residence of both parties for **8 working days** (excluding Saturdays and Sundays.) The Registrar then has to wait for an additional 6 days to allow objections to the banns. Where there are no objections the Registrar issues a certificate of civil union banns.

Translation of documents

When documents are not in either English or Maltese, they have to be translated by a legal translator and duly apostilled (authenticated) by the Ministry of Foreign Affairs of the country where the translation is made.

Are there residency requirements for foreigners entering a civil union in Malta?

There is no minimum residency requirement but you are required to attend a meeting with the registrar at least three days prior to the date of the civil union for confirmation of identity of the partners and witnesses, vetting of the civil union contract and settlement of fees.

What venues are acceptable and who may officiate the ceremony?

The Registrar authorises a Marriage Registry official to officiate the ceremony. You may request a preferred officiant. Alternatively a mayor of a local council may officiate but only for the locality he/she represents. Mayors are not obliged to accept to officiate a civil union or to be available on the date requested. When they refuse or are not available the ceremony is officiated by a Registry official.

Acceptable venues are: The marriage Registry in Valletta, wedding halls, hotels, restaurants, public gardens, palaces, local councils. Venues are considered on a case by case basis. Poolside areas or public beaches are not acceptable.

Registration of Marriage/Civil Unions entered into overseas

Maltese citizens may register their marriage/civil union/union of equivalent status in Malta upon presentation of a legalized Act of civil status authenticated by the competent authority of the country of issuance or a similarly authenticated true copy. Also required are a declaration attesting the surname adopted after marriage or civil union and a letter issued by the Department of Citizenship and Expatriate Affairs addressed to the Director of the Public Registry confirming that the person is a citizen of Malta.

Fees

Currently the fees range from **€25.65** where both partners are resident in Malta and the ceremony is held in Malta to **€102.60** where both partners are resident abroad and the ceremony is held at a place other than the Marriage Registry. As fees are subject to change, it is recommended that you enquire about current fees with the Marriage Registry in Malta.

Further Information

You may download the Civil Unions Act (Chapter 530 of the Laws of Malta) and The Marriage Act (Chapter 255 of the Laws of Malta) at: www.justiceservices.gov.mt

Useful Contacts

Identity Malta Agency

Mediterranean Conference Centre

Old Hospital Street

Valletta, VLT1645

Malta

W: www.identitymalta.com

E : enquiries@identitymalta.com

Malta Public Registry, Civil Status Section

E : pubreg.civilstatus@gov.mt

T : (+356) 25904 200

National ID-Cards

T : (+356) 2122 6627 / 8

National Passports

T : (+356) 2590 4100

Citizenship & Expatriates e-Residency Cards

T: (+356) 2590 4000

Public Registry

T: (+356) 2590 4241

Central VISA Unit

T: (+356) 2204 2310



SUPPORT SERVICE

For further information, support or advice
please feel free to contact

MGRM's Rainbow Support Service

on T: 79430006 or E: support@maltagayrights.org



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