

MARRIAGE and PACS IN FRANCE

DISCLAIMER: *The information below relating to French legal requirements is provided for general information only and may not be totally accurate in a particular case. Questions involving interpretations of specific provisions or application to a specific case should be addressed to French government officials. The Embassy is not in a position to intercede with French authorities on behalf of Americans seeking exceptions from French marriage requirements or PACS requirements.*

The following information is presented as a **guide** for civilian American citizens contemplating marriage in France. Since each marriage is specific, the documentary requirements may vary. Although marriage statutes in the United States differ from state to state, a marriage performed in France under French law is recognized in all states. American diplomatic and consular officers **do not** have the legal authority to perform marriages. Marriages **cannot** be performed within the Embassy or within an American Consular Office in France.

Civil and religious ceremonies:

Civil Ceremony: To be legal, all marriages in France **must** be performed by a French civil authority, i.e., an *officier de l'état civil*, **before** any religious ceremony takes place. In practice, this means the mayor (*maire*) or his legally authorized representative, such as a deputy mayor (*adjoint*) or a town councilor (*conseiller municipal*) of the town must perform the marriage. It is **mandatory** that at least one of the parties to be married has resided in France for at least **forty (40) days** immediately preceding the marriage. **All Americans marrying in France must comply with this requirement.**

Religious ceremony: A religious ceremony may be performed after (never before) the civil ceremony. The minister, priest or rabbi performing the religious ceremony will require the certificate of civil marriage (*certificat de célébration civile*) as proof that the civil ceremony has taken place. In France a religious ceremony does not constitute a legal marriage.

Residence requirement and place of marriage:

Marriage:

Americans intending to come to France to marry, and to take up residence in France for a period exceeding three months, must apply for a long-stay visa for marriage (*visa de long séjour pour mariage*) at the French consulate near their residence in the United States prior to departure. At least one of the contracting parties must have resided in France for forty (40) days continuously prior to the marriage: The *mairie* (city hall) or town where the civil ceremony takes place is dictated by the place of residence. If both of the parties to marry meet the residence requirement, but resided in different districts, the civil ceremony may take place in either district of residence. **In general, the 40-day residence requirement cannot be waived.** Only in very exceptional cases can this requirement be waived by a French district attorney (the *Procureur de la République*) for the district in which the marriage will take place. Unfortunately, this precludes a wedding in Paris in those cases where both parties are only visiting for a short stay. Please contact the French Consulate in the U.S. for further information.

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Publications of banns:

French law also requires the posting of marriage banns at the appropriate *mairie* no less than ten (10) days preceding the date of marriage. Some city or town halls (*mairie*) may require that the complete marriage file be presented as much as 10 or more days prior to the publication of banns. Please contact your *mairie* to obtain information on this timeframe. The first publication of the banns can be made only at the end of thirty (30) days of residence in France by one party to the marriage.

Documentary requirements for marriage in France:

It is very important that you first obtain information on all the documents required for marriage from the city hall (*mairie*), where you will be married since each city hall has specific requirements.

You must also ask whether or not they will accept the affidavits available at the Embassy. (See section on notarial and authentication services provided at the Consular Section of the Embassy.) Most *mairies* in France require **some or all** of the following documents:

1. **A valid U.S. passport, a French visa, and/or a French residence permit (*carte de sejour*);**
2. **A birth certificate (*extrait d'acte de naissance*) less than 3-months-old;**

(Some city halls require an *apostille* on the birth certificate, please see pages 92-102 of this guide or the following website (<http://france.usembassy.gov/consul/acs/guide/aposti.pdf>)

Most city halls require that you present a certified copy of your birth certificate less than 3-months-old along with a certified translation. You must obtain the translation from a sworn translator (*traducteur assermenté*). Sworn translators are listed at every *mairie*. Please see page 165 of this guide for a list. **The Embassy does not provide translation services.**

In order to obtain a certified copy of your U.S. birth certificate, please refer to the following Website: (<http://www.vitalchek.com>)

Some city halls may accept a notarized affidavit (*Attestation d'identité et de nationalité*) executed before an American Consular officer in France. Because the information on American birth certificates differs from that provided on French birth certificates, individuals born in the U.S. must generally submit additional information about their marital status. The fee for notarial services at the Consular Section of the Embassy is \$30.00, or the euro equivalent per initial signature/seal; each additional signature/seal provided at the same time in connection with the same transaction will cost \$20 or the euro equivalent. Please see information on notarial services on page before coming to our offices or see our website (<http://france.usembassy.gov/consul/acs/notarial/default.htm>).

3. **An affidavit of marital status (*certificat de célibat ou de non-remariage*) less than 3-months-old;**

French city halls also usually require a certificate of celibacy. This can be done in the form of a notarized affidavit (*Attestation tenant lieu de Certificat de Célibat ou de non-remariage*) executed before an American Consular officer in France. The fee is \$30.00, or the euro equivalent per initial signature/seal; each additional signature/seal provided at the same time in

connection with the same transaction will cost \$20 or the euro equivalent. Again, keep in mind that some city halls do not accept affidavits and have special requirements. See separate information sheet on notarial services on page 22 or (<http://france.usembassy.gov/consul/acs/notarial/default.htm>).

4. **An affidavit of law (*certificat de coutume*):**

Some *mairies* may request an Affidavit of Law and Customs (*Certificat de Coutume*) in addition to the Affidavit of Marital Status. The Affidavit of Law and Customs is a statement about U.S. marriage laws, certifying that the American citizen is free to contract marriage in France and that the marriage will be recognized in the United States.

The Embassy can provide you with a document called *attestation tenant lieu de certificat de coutumes* which can be substituted for the actual *certificat de coutumes* for marriage purposes. Please note that there are two types of documents depending on whether it is a first marriage. Again, keep in mind that some city halls do not accept affidavits and may need a 'real' affidavit of law issued by an attorney licensed to practice in both France and the United States. The Affidavit of Law is prepared on the basis of the attorney's examination of the individual's documentation (divorce decree, death certificate of spouse, etc.) and verification and citation of the applicable marriage laws of the United States. The fee associated with it is the same as the notarial fee. (See information on the American Citizen Services for office hours.)

5. **A medical certificate (*certificat d'examen médical prénuptial*) less than 2 months-old;**

Each party to marriage must obtain a pre-nuptial medical certificate (*certificat d'examen médical prénuptial*) attesting that the individual was examined by a doctor *en vue de mariage*. The marriage banns cannot be published until medical certificates have been submitted to the *mairie*. The certificates must be dated no earlier than two months before the publication of banns. Any qualified doctor can perform the medical examination (the Embassy publishes a list of English-speaking doctors.)

Individuals coming directly from the United States can be medically examined in the United States by a physician approved by the local French Embassy or Consulate (usually, a list of such physicians is furnished by the French Consulate.) However, authorities in France require that the original certificate be in the French language, or that an official translation notarized by a French consul in the United States be submitted with the certificate in English. The two-month limitation of validity also applies in such a case.

6. **proof of domicile (*justificatifs de domicile*):**

You will need to present 2 proofs of French residence to the *mairie* in the city of marriage (i.e.: electricity or telephone bills, rent etc.)

7. ***certificat du notaire*:**

In addition to the above, if the parties to marriage opt for a prenuptial contract governing their respective properties (*régime du mariage*), the French notary preparing the contract will give the couple a certificate (*certificat du notaire*) which must be presented to the *mairie* as well.

Marriage certificate:

Couples married in France automatically receive a *livret de famille*. This is a booklet which serves as an official record of a marriage and subsequent events in the family such as births, deaths, divorce or name changes. These events are all recorded in the *livret de famille* and are known as (*mentions marginales*). In France, the *livret de famille* is an official document.

It is also possible to obtain a marriage certificate (*extrait d'acte de mariage*) by writing to the *mairie* where the marriage took place. You must indicate:

- a) The date and place of the marriage; and
- b) The full names (including wife's maiden name) of the two parties. If the certificate is to be mailed in France, the request should be accompanied by a self-addressed, stamped envelope. If the certificate is to be mailed to a U.S. address, provide a self-addressed envelope with a International Postal coupon to cover international postage costs.

PACS (Pacte civil de solidarité)

The PACS agreement is only recognized by the French government. This agreement is NOT recognized in the United States and will not entitle the non-U.S. citizen to preferential visa status or U.S. citizenship.

The “Pacte Civil de Solidarité” law (“PACS,” or Civil Solidarity Pact), was passed by the French National Assembly in 1999. It offers all unmarried couples, same-sex and opposite-sex, a legal status carrying some but not all of the benefits of marriage. The act defines the PACS as “a contract concluded between two physical persons who have reached the age of majority, of different or the same gender, for the purposes of organizing their life in common.”

A foreign partner in a PACS with a French citizen can obtain a temporary residence permit (“*permit de séjour*”) after a one-year waiting period. It is subject to annual renewal through the local mayor's office. After five years, a *permit de séjour* holder is eligible to apply for permanent residency (which in France means a ten-year permit). Article 12 of the PACS law states that in considering the grant of permanent residency to a foreign partner, the existence of a Pact is “one of the elements for assessing personal connections in France.”

The Ministry of the Interior has said that a PACS has to be at least three years old to be considered a defining factor for a permanent residency application. A PACS less than three years old can still be a contributing factor, but the weight attached to it will be at the discretion of authorities in the local area (*Département*).

For more information on the PACS, please contact the “greffe” of the Tribunal d'instance near your place of residence in France <http://www.justice.gouv.fr/recherche-juridictions/consult.php>,

or the French Embassy/Consulate in the country where you currently reside:

<http://www.expatries.org/annuaires/repdipet.asp>.

You may also refer to the following website pages: <http://www.ambafrance-us.org/fr/partirusa/pacs.asp>;

<http://vosdroits.service-public.fr/particuliers/N144.xhtml>;

<http://larecherche.service-public.fr/df/oxide?criteriaContent=pacs&page=resultssprubs&action=launchsearch&DynRubrique=&DynCorpus=&DynDomain=SP>

*United States Embassy
American Citizen Services
4, avenue Gabriel
75382 Paris Cedex 08
France
Telephone: 01 43 12 22 22
Website: <http://france.usembassy.gov>
E-mail: citizeninfo@state.gov*

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