China: Marriage and divorce certificates, including physical characteristics, regulations and standards governing their appearance and content; requirements and procedures to obtain them (2014-August 2017)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Regulations Governing the Appearance and Content of Marriage Certificates

A 2013 article on Chinese marriage certificates, published on the website of Women of China [1], indicates that a "national standard has ... been created so that all the [marriage] certificates more or less look the same" (Women of China 10 Sept. 2013). Information on regulations governing the appearance and content of divorce certificates could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Article 20 of the 2003 Chinese Regulation on Marriage Registration, promulgated by the Ministry of Civil Affairs on 1 October 2003, provides the following: "The State Council Civil Affairs Department shall draw up and monitor the printing of the marriage registration certificate in a unified form" (China 2003, Art. 20). A copy of the 2003 Regulation on Marriage Registration is attached to this Response (Attachment 1).

2. Appearance

According to a 2003 article by Huaxia, a Beijing-based online media, citing the China News Service (CNS) [2],

[translation]

[Chinese] marriage certificates in 1950 were just a thin piece of paper no larger than your two palms together, with only the names, ages, places of origin, signatures of the married couple and the signature of the officiating witness and without any decorative elements.

From 1952 until the end of the 1970s, marriage certificates came with motifs of a strongly national style printed on them. Doves of peace also appeared on the certificates between 1952 and 1959. Ears of rice and cotton were major themes on certificates of the time, reflecting the fact that agriculture accounted for a significant proportion of the national economy in that period.

In the early 1960s, traditional auspicious depictions, including two mandarin ducks sporting in water, twin lotus flowers on one stalk and plum blossoms, started appearing on marriage certificates, symbolizing the social stability and desirable farming weather that people looked forward to. In the 50s and 60s, terse and pithy slogans were inscribed on certificates. For instance, a 1954 marriage certificate would be printed with four large eye-catching characters in pink: "zi zhu ziyuan," meaning a marriage that is "your decision, your wish."
During the Cultural Revolution [1966-1976], everything took on a political colouring and marriage certificates were naturally no exception. Every marriage certificate of that time had to carry a specific quotation from Chairman Mao: "We hail from all corners of the country and have joined together for a common revolutionary objective. ..."

With the gradual improvements in the Chinese legal system since the introduction of reform and opening up to the outside world ["gai ge kai fang," Chinese economic reform from 1978 and onwards], marriage certificate is no longer simply a wedding souvenir that a couple stuff into the bottom of a drawer but has become a legal document in the true sense of the word. People have been using their marriage certificates with ever increasing frequency. As a result, marriage certificates have been "going back to basics," gradually shedding complex designs and changing their look from the old [flat-page] "certificate of merit" to that of a passport to make it easier for people to carry ... (Huaxia 22 Nov. 2003)

Copies of Chinese marriage certificates are attached to this Response (Attachment 2). Information on the appearance of divorce certificates could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.1 Covers and Pages

According to the 2013 article published on the website of Women of China, marriage certificates issued in 1990 had "a plastic hardcover" (Women of China 10 Sept. 2013). The information in the following paragraph comes from a 2014 article published on the website of the Chinese Ministry of Civil Affairs:

New marriage certificates have eliminated "some sentimental elements from the book block [folio] design that had originally been included". The marriage and divorce certificates have the national flower, the peony, as a "major design element, and their designs and colours are basically the same". The new certificates are superior "in terms of appearance, design and security". The folio of the certificates are produced by "a specialized bank note paper company" and composed of paper weighting 100 grams per square metre. Watermark consisting of the "double happiness" character \[囍\] is oriented and positioned on the pages of the folio; it has a strong tactile feedback upon touching. "The paper is strong and pliable" and its properties including folding endurance, moisture and water resistance, make the paper suitable for long-term preservation. The numbers appearing on the folio pages are printed with "red fluorescent security ink". The "custom-made spot colour inks" are used for the background patterns and the peonies. (China 12 February 2014)

A copy of the 2014 article on the format of marriage certificates, published on the website of the Chinese Ministry of Civil Affairs, including information on the layout, dimensions, materials, and security features of marriage and divorce certificates, is attached to this Response (Attachment 3).

2.2 Naming Scheme of the Issuing Body

Article 7 of the 2015 Procedural Standards for Marriage Registration of the Ministry of Civil Affairs, which entered into effect on 1 February 2016, provides the following:

[translation]

The marriage registration offices established by the civil affairs department of the people’s government of a province, city or county (or equivalent-level city or district) or by the people’s government of a township (town) shall be named as follows:

- Marriage Registration Office of the Ministry (Bureau) of Civil Affairs of the Province (Autonomous Region, Centrally Governed Municipality) of xxx
- Marriage Registration Office of the Bureau of Civil Affairs of the City of xxx
- Marriage Registration Office of the Bureau of Civil Affairs of the County of xxx
- Marriage Registration Office of the Bureau of Civil Affairs of the District of xxx of the City of xxx
- Marriage Registration Office of the People’s Government of the Township (Town) of xxx of the County (City, District) of xxx

Where the civil affairs department of the people’s government of a county, city without established districts, or district directly under a city establishes several marriage registration offices, the geographical name of the place in which the marriage registration office is located shall be placed before the words "Marriage Registration Office." (China 2015, Art. 7)

2.3 Serial Number, Stamp and Embossing Seal
According to a 2013 article published on the website of Women of China, the current marriage certificates are considered as "a legal paper with anti-counterfeiting watermarks and a serial number" (Women of China 10 Sept. 2013). Article 78 of the Procedural Standards for Marriage Registration provides the following in regard to the serial number appearing on marriage and divorce certificates:

[translation]

Where the civil affairs department of a people's government at the county or higher level handles marriage registrations, the format for the insertion of the "marriage certificate number" is "Jaaaaaa-bbbb-cccccc (where "aaaaaa" is the 6-place code for the administrative division, "bbbb" is the year, and "cccccc" is the sequential serial number for that marriage registration in that year). The "divorce certificate number" uses "L" as the initial character, the "replacement marriage certificate number" uses "BJ" as the initial characters, and the "replacement divorce certificate number" uses "BL." Where the civil affairs department of a county-level people's government establishes several marriage registration satellite offices, said department shall define the rules for using characters and numbers and prescribe the number range to be used by each satellite office.

Where the people's government at the township (town) level handles marriage registration, the administrative division code shall be changed from 6 to 9 places (by the addition of a three-place township/town code to the county-level administrative code). The other procedures for adding numbers/letters are identical to the rules set out above.

For marriage registration offices established outside administrative divisional units as a convenience for members of the public wanting to complete marriage registration, their administrative divisional code will follow a uniform format whereby the civil affairs department of the provincial-level government will let the first four places of the administrative division code for the prefectural-level municipality in which the outside office is located be the first four places of the outside office's code and will let the 5th and 6th places be the sequential serial number (starting at 61 and following in sequence with 62, 63 through to 99). (China 2015, Art. 78)

Article 10 of the Procedural Standards for Marriage Registration provides the following in regard to the "stamp and embossing seal":

[translation]

The civil affairs department of a county or higher level of people's government that has the function of handling the registration of marriages and the people's government of a township (town) that also has the function of handling the registration of marriages shall see to the production of a stamp and embossing seal specific to the administrative work of registering marriages. The stamp and embossing seal shall be round and 35 mm in diameter.

The marriage registration stamp and embossing seal shall bear a "★" at the centre. Around the "★" will be the name of the civil affairs ministry (bureau) or township (town) people's government to which the marriage registration office belongs; for example, "Civil Affairs Ministry of the Province of xxx" [××省民政厅], "Civil Affairs Bureau of the City of xxx" [××市民政局], "Civil Affairs Bureau of the District of xxx of the City of xxx" [××市××区民政局], "Civil Affairs Bureau of the County of xxx" [××县民政局], or People's Government of the Township (Town) of xxx in the County of xxx" [××县××乡 (镇) 人民政府].

Under the "★" the words "Marriage Registration Seal" [结婚登记专用章] shall appear.

Where a Bureau of Civil Affairs establishes multiple marriage registration offices, the serial number of the marriage registration office shall be placed below the words "Marriage Registration Seal" (China 2015, Art. 10).

2.4 Security Features

According to the 2014 article published on the website of the Chinese Ministry of Civil Affairs, watermarks that become visible under the exposure of ultraviolet lights are embedded into the covers of marriage and divorce certificates (China 12 Feb. 2014). The watermarks include the following characters: [translation] "MPRCHINA", "Marriage Certificate of the People's Republic of China [中华人民共和国结婚证]" and rounded "double happiness character [囍]" (China 12 Feb. 2014). The same source further indicates that a [translation] "[t]hree-dimensional morphing and machine-engraved secure image" is located on the inside of the front cover page, and "JIEHUNZHENG' miniaturized secure characters" on page three (China 12 Feb. 2014). Further details on the security features of Chinese marriage certificates are available in the 2014 article published on the website of the Ministry of Civil Affairs, which is attached to this Response (Attachment 3).

3. Issuance of Marriage and Divorce Certificates

Article 8 of the 1980 Marriage Law of the People's Republic of China, amended in 2001, provides that
Both the man and the woman desiring to contract a marriage shall register in person with the marriage registration office. If the proposed marriage is found to conform to the provisions of this Law, the couple shall be allowed to register and marriage certificates shall be given. The husband and wife relationship shall be established as soon as they acquire the marriage certificates. ... (China 1980, Art. 8)

According to Article 31 of the Marriage Law of the People’s Republic of China, divorce shall be allowed if both husband and wife are willing to divorce. Both parties shall apply to the marriage registration office for divorce. The marriage registration authority issues a certificate of divorce after confirming that both parties are indeed willing to divorce and have made proper arrangements for their children and have properly disposed of their property. (China 1980, Art. 31)

A copy of the 1980 Marriage Law of the People’s Republic of China is attached to this Response (Attachment 4).

Article 3 of the Procedural Standards for Marriage Registration provides that [translation] "[a] marriage registration office is an agency that has the administrative function of carrying out the registration of marriages in accordance with the law" (China 2015, Art. 3). According to Article 4 of the Procedural Standards for Marriage Registration,

[translation]

[a] marriage registration office fulfills the following duties:

1. Handling the registration of marriages
2. Issuing of replacement marriage registration certificates
3. Annulment of marriages entered into under coercion
4. Setting up and managing marriage registration archives
5. Educating the public about marriage laws and regulations and advocating for civilized marriage customs. (China 2015, Art. 4)

Article 4 of the 2003 Regulation on Marriage Registration provides the following:

The marriage between Chinese citizens within the national boundaries of China shall be registered in the marriage registration administrative office in the locality where one party of the marriage has residency registration.

The marriage between Chinese citizen and foreigner and the marriage between domestic citizens and resident from Hong Kong, resident from Macau, resident from Taiwan and overseas Chinese within the national boundaries of China shall be registered with the marriage registration administrative office in the locality where the Chinese citizen of the marriage has residency registration. (China 2003, Art. 4)

3.1 Prerequisites for Marriage Certificates

Article 6 of the 2003 Regulation on Marriage Registration provides the following:

The marriage registration administrative office shall reject the application for marriage registration if any of the following situations apply:

1. Where one or both parties have not reached the legal age for marriage;
2. The marriage is not based on the willingness of the parties;
3. One or both parties are already married;
4. Where the man and woman are lineal or collateral relatives by blood (up to the third degree of relationship);
5. Where one party is suffering from disease(s) that by law would not allow them to marry or require a delay to marriage. (China 2003, Art. 6)

The website of the Shanghai Civil Affairs Bureau, in charge of, among others, the implementation of the "relevant national laws, regulations, rules, guidelines and policies on civil work" (China n.d.a), indicates the following conditions for a marriage registration:

Both parties of the marriage registration shall reach the legal age for marriage, namely, 22 for male and 20 for female. Both parties shall be of their own free will and have no spouse. There is no lineal descent or collateral consanguinity within three generations between both parties. Both parties are not considered unsuitable for marriage due to particular diseases. One party shall be a permanent resident in the district. Both parties shall
go to the marriage registration authority in the place where one party’s permanent residence is located
together to apply for marriage registration and shall not entrust an agent [third party]. (China 31 Dec. 2009)

3.2 Required Documents for Marriage Certificates

Article 5 of the 2003 Regulation on Marriage Registration provides the following:

Article 5

The Chinese citizen to a marriage registration shall produce the following documents and proofs:

1. Residency paper and identification card of the Chinese citizen;
2. The statement with signatures of the Chinese citizen involved in [sic] the marriage registration
who has no spouse and another applicant who is not a lineal relative by blood, or collateral
relative by blood up to third degree of kinship;

... (China 2003, Art. 5)

Similarly, according to information made available via its automated voice system by the Baiyun District
Marriage Registration Office, in Guangzhou City, Southern China, the following documents are required for
marriage registration:

1. Household registration (hukou) booklets of both parties, including the original documents and
photocopies of each. In case a booklet involves a collective (ji ti) hukou, the page with address
information, as well as a stamp that belongs to the hukou holder's employer [work unit or dan
weij] or educational institution must be stamped on the first page of each photocopy;
2. Resident identity cards (RIC) of both parties, including the originals and photocopies of each;
3. Proof that the parties getting married are not related by blood. A form is prepared by the
marriage registration office for this purpose, which is available and can be filled out by the
parties involved at the office;
4. Three (3) copies of a 2-inch, bareheaded upper body photo of the two together, taken recently
and in colour;
5. Court order(s) and divorce certificate(s) in case any party had a divorce. The names, dates of
birth, and RIC serial numbers shall be consistent and matching throughout all of these
documents. (China n.d.b)

3.3 Procedures to Obtain a Marriage Certificate

Article 7 of the Regulation on Marriage Registration provides the following:

The marriage registration administrative office shall inspect the documents or proofs [submitted] by the
party to the marriage registration and [verify] the relevant information. In the case [where] the parties meet
the requirements for marriage with an investigation, the marriage registration administrative office shall
accept the registration and issue the marriage certificates; in the case [where] the parties are unable to meet
the requirements for marriage with a[...] [verification], no registration is allowed and the relevant reasons shall
be explained to the parties involved. (China 2003, Art. 7)

Information provided by the Baiyun District Marriage Registration Office indicates the following procedures to
obtain a marriage certificate:

1. Both parties shall present themselves in person with the required documents and proofs at the
marriage registration office where the registered hukou of at least one party is located.
2. Each party shall fill out a Declaration for Marriage Registration Application form, which is
available at the marriage registration office.
3. Both parties shall sign or record their fingerprints on the completed Declaration form before
reading it out loud in front of the officer handling the registration.
4. Upon verifying all required documents and making sure all conditions are met, the officer shall
then issue the marriage certificates. (China n.d.b)

A copy of the Declaration for Marriage Registration Application, in Chinese and in English, available on the
website of the Shanghai Civil Affairs Bureau, is attached to this Response (Attachment 5, 1-2).
3.4 Prerequisites for Divorce Certificates

Article 12 of the Regulation on Marriage Registration provides the following:

The marriage registration administrative office shall not accept the application for divorce if any of the following situations apply:

1. No divorce agreement has been reached;
2. One or both parties have only limited or lost civil capacity; or
3. The marriage registration is not made within the People's Republic of China. (China 2003, Art. 12)

According to information made available by the Baiyun District Marriage Registration Office, the prerequisites for a divorce registration are the following:

1. Both the man and the woman applying for a divorce are doing so on a voluntary basis.
2. Both parties have reached an agreement on the settlement of property, debt, and the care of children, etc.
3. Both parties shall have full civil capacity.
4. The original marriage registration was handled in China or in an overseas Chinese embassy. (China n.d.b)

3.5 Required Documents for Divorce Certificates

Article 11 of the Regulation on Marriage Registration provides the following:

The Chinese citizens to a divorce registration shall produce the following documents and proofs:

Residency papers and identification cards;
Marriage certificates; and
Divorce agreement with the signatures of both parties
...
(China 2003, Art. 11)

The Baiyun District Marriage Registration Office further explains that the required documents for divorce registration are the following:

1. The household registration (hukou) booklets, including the original documents and photocopies of both parties. In case that a booklet involves a collective (ji ti) hukou, the page with address information, as well as a stamp that belongs to the hukou holder's employer [working unit or dan wei] or educational institution must be stamped on the first page of each photocopies;
2. The RIC, including the originals and photocopies of both parties;
3. Marriage certificates, including the original and photocopies of both parties;
4. Three (3) copies of the Declaration of Divorce Registration Application, available at the marriage registration office;
5. Two (2) copies of recently taken, 1-inch colour photos per person
6. All names, dates of birth, and RIC serial numbers shall match throughout all documents. All stamps must be legible on the photocopied hukou documents as well. (China n.d.b)

A copy of the Declaration for Divorce Registration Application, in Chinese and in English, available on the website of the Shanghai Civil Affairs Bureau, is attached to this Response (Attachment 5, 3-4).

3.6 Procedures to Obtain a Divorce Certificate

Article 13 of the 2003 Regulations on Marriage Registration provides the following:

The marriage registration administrative office shall inspect the documents or proofs issued by the parties to the divorce registration and inquire the relevant information. In case the parties are willing to divorce and the decisions with consensus on childcare, property and debt handling and others concern are made, the marriage registration administrative office shall accept the registration and issue the divorce certificates. (China 2003, Art. 13)
The Baiyun District Marriage Registration Office indicates the following procedures to obtain a divorce certificate:

1. Both parties shall prepare all the required documents prior to making an appointment with the local marriage registration office where one person's registered hukou is located;
2. Within the time frame allocated by the appointment, both parties shall present themselves with all the required documents at the marriage registration office;
3. Each party shall fill out a Declaration for Divorce Registration Application, which is available and provided by the marriage registration office;
4. Both parties shall sign or record their fingerprints on the completed Declaration before reading it out loud in front of the officer handling the registration;
5. Upon verifying all required documents and making sure all conditions are met, the officer shall issue the divorce certificates to the two. (China n.d.b)

Article 59, subsection 3 of the Procedural Standards for Marriage Registration provides the following:

[translation]

A bar-type rectangular stamp shall be affixed to the marriage certificate(s) of the two parties stating "As the parties have divorced, this certificate is invalid. Marriage Registration Office of xxx." A photocopy of the cancelled marriage certificates(s) shall be placed on file while the original is (are) returned to the two parties. (China 2015, Art. 59(3))

4. Fees and Processing Time

Without providing further details, the website of the municipality of Yiwu [in Eastern China] indicates that, "based on Zhejiang price fee (2001)", the fees for a marriage registration is 9 yuan [approximately C$1.69] per couple (China. n.d.c). According to a 2017 article by China Daily, an English-language Chinese newspaper, published on the website of the Chinese State Council [3], 41 administrative charges, including the "marriage registration fee", will be "cancelled across the country on April 1 [2017]" (China Daily 30 Mar. 2017). Similarly, the website of the municipality of Guangzhou indicates that the marriage registration process does not involve any fees (China n.d.d).

According to the website of the municipality of Yiwu, the "[d]ealing time" for marriage registration is "[i]mmediate" (China n.d.c). Similarly, the website of the municipality of Guangzhou indicates that the processing time for the issuance of marriage registration is "0 business day" (China n.d.d).

Information on fees and processing time for the issue of divorce certificates could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] Women of China "[s]ponsored by All-China Women's Federation, ... offers comprehensive information on the way China's women live today, showcasing their views on the rapidly changing world around them, the challenges they face and the achievements that have been made in the field of women's development" (Women of China n.d).

[2] CNS is a state-level news agency established in 1952 with an aim at "spreading news worldwide" (CNS n.d).

[3] The Chinese State Council is "the highest executive organ of State power, as well as the highest organ of State administration" (Xinhua News Agency n.d).

References

Tips on how to use this search engine.

Additional Sources Consulted

**Oral Sources:** China – marriage registration office in Conghua and Nansha districts of Guangzhou, and in Xuhui district of Shanghai.

**Internet sites, including:** China – Ministry of Public Security, Municipal Civil Affairs Bureaus in Fuzhou, Guangzhou, Jinan, Nanchang, Shenzhen, and in Xi'an, Provincial Department of Civil Affairs in Jiangxi and Zhejiang; eBeijing.gov.cn; eci.net; European Union – Public Register of Authentic Travel and Identity Documents Online; Keesing's Document Checker; law-lib.com; pkulaw.cn; sohu.com; United Nations – Refworld; United States – Law Library of Congress; viewcn.com

**Attachments**


2. Document created by the Research Directorate, containing images of Chinese marriage certificates that are out-of-circulation and current, with a reference list.


5. Document created by the Research Directorate, containing declarations for Marriage and Divorce Registration Application in Chinese and English, with a reference list.

Tips on how to use this search engine.