



## RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIRs](#) | [Help](#)

27 May 2005

### CHN100072.E

China: Whether China recognizes civil or religious marriages performed outside China, between either two Chinese nationals or a Chinese national and a foreign national; procedures for registering a foreign marriage in China when the couple returns to China; whether permission is required from Chinese authorities for two Chinese nationals to marry outside of the country under Chinese regulations (1995-2005)

Research Directorate, Immigration and Refugee Board, Ottawa

Article 147 of the General Principles of the Civil Law of the People's Republic of China stipulates that the marriage of a Chinese national to a foreign national "shall be bound by the law of the place where they get married" (China 1 Jan. 1987). An associate professor of law at Queen's University, who has studied women's law in China as well as international aspects of family law, explained in 24 May 2005 correspondence to the Research Directorate that China would consider a marriage celebrated outside of China valid if it "complies with the law of the place of celebration." However, there are two exceptions to this general rule (Associate Professor 24 May 2005). The first, the "evasion" exception, is relevant in cases where two Chinese nationals marry outside of China in order to avoid Chinese marriage laws (*ibid.*). The second, the "public policy" exception, applies to marriages that violate Chinese laws or policies (*ibid.*). Polygamous or underage marriages, for instance, may not be recognized by China if Chinese policy prohibits such unions (*ibid.*). The Marriage Law of the People's Republic of China stipulates that a man under the age of 22 and a woman younger than 20 years of age cannot enter into a marriage contract (China 28 Apr. 2001, art. 6). Bigamy is also prohibited (*ibid.*, art. 3). Likewise, Chinese law prohibits a foreign national from marrying a Chinese national who is a diplomat, active in the military service, a public security employee or a person "in charge of important confidential work" (China 26 August 1983, art. 4).

In a telephone interview with the Research Directorate, an official in the Chinese embassy in Ottawa stated that, in order to have their foreign marriage validated by Chinese authorities, a couple returning from overseas must present a marriage certificate issued by the country where the marriage was performed, and certified by the Chinese embassy there (24 May 2005). The embassy official did not elaborate on whether other documents would be needed for the validation of the foreign marriage in China.

Information on whether permission is required from Chinese authorities for two Chinese nationals to marry outside the country under Chinese regulations could not be found among the sources consulted within time constraints.

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 additional sources consulted in researching this Information Request.

### References

Associate Professor, Faculty of Law, Queen's University, Kingston. 24 May 2005. Correspondence.

China. 1 January 1987. General Principles of the Civil Law of the People's Republic of China. <<http://www.civillaw.com/english/Laws%20&%20Regulations/2.asp>> [Accessed 19 May 2005]

\_\_\_\_\_. 26 August 1983. Provisions for the Registration of Marriage Between Chinese Citizens and Foreigners. <<http://www.nyconsulate.prchina.org/eng/lqz/laws/t42223.htm>> [Accessed 19 May 2005]

\_\_\_\_\_. 28 April 2001. Marriage Law of the People's Republic of China. <<http://www.nyconsulate.prchina.org/eng/lqz/laws/t42222.htm>> [Accessed 6 Sep. 2004]

Embassy of the People's Republic of China in Ottawa. 24 May 2005. Telephone interview with an official.

### Additional Sources Consulted

Wang, Chenguang and Zhang Xianchu. 1997. *Introduction to Chinese Law* .

Two oral sources did not provide information within time constraints.

**Internet sources, including:** China Internet Information Center; Chinalaw Web; Embassy of the United States in China; Home Office, Immigration and Nationality Directorate, United Kingdom.

**The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.**