



# Contraditório Think Tank

## Article

### Marriages of non-residents in Portugal - a new potential for tourism | Ursula M. Hahn

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#### Preface

Things do not always get worse in Portugal. Changes for the better also occur, usually by adaptation of a national law in response to new directives issued by the European Union. This may be happening through completely new legislation but also by amendments to existing laws. Sometimes, change comes in almost invisible steps when just a sentence in a regulation is dropped by the wayside.

This brief is about the changes for non-resident foreigners – EU citizens - who can now make use of Portuguese civil services without the need of a local residency document. As this prerequisite has recently been dropped from legislation, foreigners can celebrate a civil marriage in this sunny country, or obtain their first driving licence in Portugal. The resulting documents have to be

accepted and registered in their European home jurisdiction.

*Why should foreigners opt for a civil act in Portugal?*

Much of the total cost of a wedding depends on the couple's taste, from the choice of service to the height of the wedding cake. But the cost of a civil marriage or for the driving licence lessons is often lower in Portugal than in other countries within the EU. (In other legislation, such as governs the import of a car or motorbike to Portugal by a foreign non-resident - who might wish to park his old wheels in the garage of his Portuguese holiday home - the adaptation of the national law lags behind and turns the simple act of a car registration into a cumbersome process).

We have the impression that many Portuguese high-quality hotels and tour



operators are not aware of this potential for a new market segment. They could develop packages to attract more guests for their hotels in Portugal.

A couple who want to marry in Portugal can opt for a simple ceremony during their holiday or they can have both a civil and a religious ceremony, with all the family and friends hosted at a nice Quinta for a week - everything is possible.

When the ship "AIDA" arrives once a week in the Funchal docks in wintertime, it may unload a couple or two who will marry on the island that day. "[AIDA Cruises - Costa Crociere SpA](#)" offers such a package to their customers. The AIDA Cruise company is in full control of all services rendered on the island and thus receives the majority of the profit, but this is a good indication that there is a solid demand from tourists for this service.

Until October 2012, the German consulate in Funchal provided assistance with documentation and translations for 16 wedding couples, some of them from "AIDA".

This brief is aimed at disclosing basic information to hotels, tour operators and the press in order to inspire these businesses to increase the volume of their business by

offering wedding packages to their European clientele. Obviously, foreigners can marry in their home jurisdiction or in other EU countries - for example, in Poland, but would you rather want to 'tie the knot' in a cold climate in well-known surroundings, or under the sun of a paradise island?

### **Legal basis**

All EU citizens are guaranteed the free movement of persons, goods, services and capital<sup>1</sup> within the EU.

Union citizenship<sup>2</sup> is linked to the right of foreign citizens to move freely in all states of the internal market and take residence<sup>3</sup> there. EU-foreigners are treated at work and outside the same way as the citizens of the member state they reside in<sup>4</sup>.

In pursuance of this policy, Portugal recently adapted some national laws. Basically, it eliminates the requirement of a document of residency for various civil actions. Thus, the non-resident foreigners - tourists - no longer need a proof of residence to partake in some official acts in Madeira.

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<sup>1</sup> Art. 26 TFEU - Treaty on the Functioning of the European Union

<sup>2</sup> Art. 20 TFEU

<sup>3</sup> Art. 21 TFEU

<sup>4</sup> Art. 45 TFEU



This applies also to the act of civil marriage and divorce.

The Portuguese requirements for civil marriage can be seen at [www.irm.mj.pt](http://www.irm.mj.pt).

## Experience

### Civil ceremonies

Being in Madeira, we can report on weddings which took place here. In many cases, the local consulate was asked to assist with the paperwork, and *that is a wise choice*, given that they know in which form documents from abroad must be presented, and which possible pitfalls can await the petitioner in the Civil Register.

Experience shows that some Civil Registers in some districts are more forthcoming with assistance than others. In two cases, the Public Notary came to a hotel (S. Cruz) or a private house (Santana) to perform the wedding ceremony there. In Funchal, the approach is that the couple has the ceremony in the Civil office.

### A few basic details

The process is not complicated, and only a few documents are needed but it is imperative

that they be handed in to the Civil Register in the proper form well in advance and to be accepted there, thus ensuring that the wedding can take place at the chosen date.

The foreigners deal with the public announcement for the wedding in their country of origin; they then send the respective document to their consulate in Portugal, which issues the equivalent in Portuguese. The bride and groom must send:

- Passports/Identity cards;
- Document of the capacity of marriage from the country of origin;
- The Birth Certificate,

*all with certified translation and apostille.*

After control in the Civil Registry, they can set a date for the wedding. ***It is compulsory to have an interpreter for translation into the mother tongue at the wedding ceremony.***

### Religious weddings

They are possible as well, this depends on the couple's religious affiliation and the church priest they approach. With Catholic weddings (which include the civil act), it is up to the priest and his Bishop to decide whether a foreign couple – in most of the cases, not



well known to the priest – will get a catholic ceremony.

The same goes for Lutheran weddings; after the civil ceremony, a Lutheran pastor may not want to perform a “real” wedding but will bless the newly-weds' rings during a church service.

The Anglican “Holy Trinity” Church in Funchal offers a wedding package (after the civil ceremony) on their [site](#).

Marriages, in accordance with Indian customs, can also be organised in Madeira. This will certainly be possible on the mainland as well.

### **The organization of the wedding festivities**

The offer at this time is sparse in Madeira. A few five star hotels organize wedding packages as a sideline; the Anglican Church in Funchal also offers the event organization. Madeira boasts a singular “Wedding Planner” online, but the site, being only in Portuguese, is aimed at the local clientele. Obviously, there is a market waiting to be explored! Interested readers may contact the author for the respective contacts.

### **Divorce**

In case of friendly divorce, one partner must have residence in Portugal (see site [here](#)).

For example, a couple with two nationalities - say that the husband is Portuguese and his wife German - who lives in Germany can come to Portugal to have a much less stressful experience. The husband can easily take residence in the home of relatives, and the couple will save a lot of money and have much less complicated proceedings without spending money and time at court and with lawyers.

A [company in Holland](#) already arranges friendly divorces for Dutch citizens in other countries. More potential for an international service...

### **Conclusion**

It is our belief that Madeira, in terms of marriage, has the potential to be the Hawaii of Europe. On this island, you can have a wedding in the sun while northern Europe has temperatures below zero. It's an attractive idea to marry in Madeira.

Mainland Portugal offers beautiful beaches and traditional “Quintas” which equally lend themselves to a beautiful background for such ceremonies.



Now it's up to the hotels and tour operators to promote this potential, to increase the numbers of guests and nights as well as the business for photographers, hairdressers, florists and other services.

### **And another idea**

Another idea for companies which want to improve their profile and brand awareness. Since 1997, **Lisbon** hosts the [“Santo Antonio” wedding](#) on the city's favorite Saint's birthday. This event, a tradition from 1957 to 1974, has been re-awakened to offer a sign of solidarity to a dozen young low income couples and reflect the city's steady growth. The City Hall conducts the civil ceremonies for free and some businesses, such as restaurants, florists, hairdressers etc. sponsor the cost for flowers, wedding dresses and tailcoats. The Cathedral in turn conducts the religious service for free, and afterwards a decent lunch awaits all.

Would that not be a nice idea for Madeira and for other Portuguese cities as well?

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Ursula M. Hahn, Associada do Contraditório think tank