



**AD HOC QUERY ON 2019.104 FR AHQ on the presumption of validity for acts of civil status**

**Requested by Christelle CAPORALI-PETIT on 5 December 2019**

**Compilation produced on 9 March 2020**

**Responses from Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovakia, Sweden, United Kingdom plus Norway (19 in Total)**

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**1. Background information**

The General Directorate for Foreign Nationals in France, especially the Office for the fight against illegal work and identity fraud (BLTIFI) of the sub-directorate for the fight against irregular migration (SDLI) within the ministry of the Interior has been conducting some work regarding the question of the presumption of validity issued from article 47 of the Civil Code.

Article 47 of the Civil Code provides:

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"Full faith must be given to acts of civil status of French persons and of aliens made in a foreign country and drawn up in the forms in use in that country, unless other records or documents retained, external evidence, or elements drawn from the act itself establish, after all useful verifications if necessary, that the act is irregular, forged, or that the facts declared therein do not square with the truth".

Facing difficulties in relation to the appreciation of the evidential value of foreign civil status documents, France would like to know which evidential value is given by (national) law in the different EU Member States.

## **2. Questions**

- 1. 1. Is a general evidential value granted by national law to foreign civil status documents?**
- 2. 2. Is there any distinction between civil status documents established by EU MS and those established by third countries?**
- 3. 3. Are different rules applicable according to the procedure (residence permit application, asylum application, citizenship application, recording in the national civil status registry)?**
- 4. 4. In case of presumption of validity of foreign civil status document, in which circumstances can it be questioned?**
- 5. 5. According to which procedures can this presumption be questioned?**
- 6. 6. In case of doubt regarding the authenticity of a foreign civil status document, do you take necessarily into account other travel or identity documents?**
- 7. 7. In case of no presumption of validity, which are the modalities to verify the authenticity of the document?**

We would very much appreciate your responses by **6 January 2020**.

## **3. Responses**

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		Wider Dissemination <sup>2</sup>	
	EMN NCP Austria	No	
	EMN NCP Bulgaria	Yes	<p>1. Yes, considering the following:                      According to the Supplementary Provisions of the Regulation implementing the Law on the Foreigners in the Republic of Bulgaria, "Any documents drafted in foreign language, which have been submitted by foreigners to prove facts and circumstances related to their legal status, should be translated and legalised under the conditions defined by a Council of Ministers Act."                      In order to be valid in the Republic of Bulgaria and to be presented to the Bulgarian institutions, documents issued by another country and having the purpose to be used in Bulgaria by the competent authorities, shall be certified by an Apostille or be legalised. Additionally, they shall be further drafted in a specific way depending on whether the relevant country is Party to the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, whether there is an Agreement on mutual legal assistance between the relevant country and the Republic of Bulgaria, or whether this country does not fall into any of these two groups of countries.                      Documents issued by the authorities of a foreign country which is Party to the Hague convention,</p>

<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>shall be certified by an Apostille provided by its relevant authorities according to their duties to perform this certification. Foreign documents certified in this way, shall not be subject to additional legalisations and certifications.</p> <p>Concerning the countries with which the Republic of Bulgaria has signed bilateral agreements on mutual legal assistance, providing for texts on the exemption of documents from legalisation and other certifications, documents issued by the foreign country shall bear the relevant particulars in accordance with the bilateral arrangements. Documents issued in this way shall be recognised by the Bulgarian authorities and shall only have a certified translation into Bulgarian.</p> <p>Documents issued by a foreign country not being Party to the Hague Convention and having no current agreement on mutual legal assistance with the Republic of Bulgaria, shall be legalised in accordance with the Regulation on Legalisation, Certification and Translation of Documents and Other Papers. Abroad, these documents shall be legalised by the Bulgarian diplomatic and consular representations only if they have been certified by the Ministry of Foreign Affairs of the country in which these representations are located. Foreign documents that have been legalised by the diplomatic and consular representations of the Republic of Bulgaria do not need to be additionally certified and are considered as valid within the Bulgarian territory.</p> <p>The Ministry of Foreign Affairs of the Republic of Bulgaria legalises documents issued by another country only if they have been certified by the foreign country's diplomatic or consular representation located in the Republic of Bulgaria or by the diplomatic or consular representation committed to protect its interests in Bulgaria.</p> <p>Documents issued by a country with which the Republic of Bulgaria has not established diplomatic relations, shall be legalised by the diplomatic and consular representations of the Republic of Bulgaria in a third country where Bulgaria and the country which has issued the document have a representation. In such cases, the document shall be legalised only if it bears a certification by the foreign representation of the country which has issued the document and by the Ministry of Foreign Affairs of the third country where the foreign and the Bulgarian representations are located.</p> <p>In some cases, the Ministry of Foreign Affairs legalises directly such documents but only if they have been certified by the Ministry of Foreign Affairs of the country where the documents have been issued.</p> <p>If the country has assigned the protection of its interests to another country, the document shall be legalised by the diplomatic or consular representation of that country.</p> <p>Foreign documents having the purpose to be used in the Republic of Bulgaria, shall be translated</p>
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			<p>into Bulgarian in one of the following ways:</p> <ol style="list-style-type: none"><li>1. By a person designated by Order of the Head of the diplomatic or consular representation of the Republic of Bulgaria abroad.</li><li>2. By persons working individually as translators or working for translation companies. Any foreign document translated into Bulgarian and having the purpose to be used on the territory of the Republic of Bulgaria, shall bear the translator's signature certified by a Bulgarian notary.</li></ol> <p>Multilingual extracts of civil status acts shall be issued on the ground of the Convention on the Issue of Multilingual Extracts from Civil Status Records to which Bulgaria acceded on 18 December 2013. This Convention gives the opportunity to register civil status events (e.g. birth, marriage, death) on the ground of unified documents – forms A, B and C, which are annexed to the Convention. Multilingual extracts from the civil status acts issued by a Member State under the Convention, are recognised and have direct effect on the territory of the other Member States (without having to be legalised or to fulfil other similar formalities).</p> <p>2. There is no distinction regarding the common evidential value of the civil status documents established by EU Member States and by third countries. There are only differences from a formal point of view. The document should meet certain requirements depending on what is the issuing country.</p> <p>Article 20 of the Instruction № 81213-1276/11.10.2018 on the Rules and the Organisation on the Issuance of Documents and Certifications under the Law on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and their Family Members, provides for the following:</p> <p>Documents issued by another country and submitted under the Law on Entering, Residing and Leaving the Republic of Bulgaria by European Union Citizens and their Family Members, shall be established in a way which depends on whether the country is Party to the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (signed in the Hague on 5 December 1961), whether there is an agreement on mutual legal assistance between that country and the Republic of Bulgaria or whether that country does not belong to neither of the first two groups of countries.</p> <p>Official documents issued by the EU Member State authorities in accordance with its national law, which certify facts falling within the scope, and issued according to, the requirements of Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the</p>
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			<p>free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (OJ, L 200 of 26 July 2016), shall not be legalised.</p> <p>3. The only difference exists with the asylum application when the foreigners do not have documents to certify their identity, date and place of birth, family status, as well as documents of their accompanying minors.</p> <p>The following provisions are set out in the Law on asylum and refugees:</p> <p>Art. 30. During the proceedings, foreigners shall be obliged:</p> <p>2. to transmit all the documents hold by them and by their accompanying minors, which may serve for establishing their identity and citizenship, as well as the way of their movement and entry into the Republic of Bulgaria;</p> <p>3. where they are not holders of documents under point 2, to certify their identity, date and place of birth, family status, as well as those of their accompanying minors, by means of a declaration to an official for the incorrectness of which they shall be subject to criminal prosecution according to art. 313 of the Penal Code.</p> <p>Art. 54. (1) The State Agency for the Refugees, jointly with the Ministry of Foreign Affairs, the International Federation of Red Cross and Red Crescent Societies, the International Committee of the Red Cross, and non-governmental organisations, shall provide assistance to foreigners seeking or having received international protection, before the authorities of another country or before an international authority with the aim for them to be provided with documents necessary for the exercise of their rights.</p> <p>(2) When, for objective reasons, a foreigner seeking or having received international protection cannot be provided with a document under Paragraph 1 above, the State Agency for the Refugees, based on the information it has established and on a declaration signed by the foreigner, shall organise the issuance of a certificate on the basis of which the competent authorities shall issue a Bulgarian document enabling the foreigner to exercise these rights.</p> <p>(3) The documents issued under Paragraph 2 shall substitute for the official documents issued to foreigners by or through their country's authorities.</p> <p>(4) Foreign documents concerning education, qualification, scientific degree or rank, hold by the foreigners seeking or having received protection, shall be recognised according to the national legislation and the provisions of international agreements to which the Republic of Bulgaria is Party.</p>
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			<p>4. If the administrative authority to which the document is submitted has any doubts that this document has been forged or is not related to the relevant foreigner, it has the discretion to carry out all possible checks as well as to make a request to the country that has issued the document, through the Ministry of Foreign Affairs.</p> <p>5. See the answer of question 4, bearing in mind that the Migration Directorate is responsible only for issuing a residence permit.</p> <p>6. Any foreigner shall certify his/her civil status only by means of a civil status document issued for those purposes. Travel documents or ID cards certify only the identity of the relevant foreigner, but not the conditions regarding their civil status.</p> <p>7. N/A</p>
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<p>1. Yes, the use of foreign public documents (e.g. birth certificate, marriage certificate, high school diploma, university diploma et al) in international legal transactions requires that they be legalized (full legalization or apostille), unless bilateral or multilateral treaties stipulate otherwise.</p> <p>They also need to be translated to Croatian language.</p> <p>2. Yes, pursuant to the EU Regulation 2016/1191 certain public documents and their certified copies are exempt from legalisation and the apostille formality within the EU from 16 February 2019.</p> <p>3. In general the same rule applies to the different procedures. The only difference exists with the asylum application when the foreigners do not have documents to certify their identity, date and place of birth, family status. In that case, person can make a statement about his/her personal data (place and date of birth, his/her parents' names, marital</p>

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			<p>status, citizenship). Also, if an asylee or foreigner under subsidiary protection has the right to family reunification, and s/he is unable to obtain official documents to prove a specific family relationship, circumstances shall be taken into consideration on the basis of which it may be assessed whether or not such a relationship exists. A decision to refuse an application for family reunification cannot be based exclusively on the fact that no official document exists to prove a specific family relationship.</p> <p>4. If the administrative authority to which the document is submitted has any doubts that this document has been forged or is not related to the relevant foreigner, it has the discretion to carry out all possible checks as well as to make a request to the country that has issued the document, through the Ministry of Foreign Affairs.</p> <p>5. Art 60 para 3 of the General Administrative Procedure Act stipulates that if there is a doubt about the authenticity of a document, the official person shall ex officio or at the request of a party check the authenticity of that document with the court or public law authority which issued that document.</p> <p>6. Any foreigner shall certify his/her civil status only by means of a civil status document issued for those purposes. Travel documents or ID cards certify only the identity of the relevant foreigner, but not the conditions regarding their civil status. Any such documents can only be circumstantial evidence.</p> <p>7. If there is evidence of tampering/fraud with the document submitted, the document may be forwarded to the forensic body.</p>
	<p>EMN NCP Cyprus</p>	<p>Yes</p>	<p>1. No, every case is examined on its own merit.</p> <p>2. The civil status documents issued by a MS fall under the regulation (EU) 2016/1191 on promoting the free movement of citizens by simplifying the requirements for presenting certain</p>

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			<p>public documents in the European Union</p> <p>3. No.</p> <p>4. Every case is examined on its own merit. It can be questioned when/if something seems off (ie signatures, paper, wrong verification)</p> <p>5. The Migration Law requires the establishment of the relationship in order for the family member(s) to have access to residence rights. Every case is examined on its own merit</p> <p>6. Yes. These documents are reviewed anyway, in the application examination process</p> <p>7. Problems with validity arise mainly from issuing countries that have not ratified the Convention on the abolishing the requirement of legalization for Foreign Public Documents of 1972 (Apostille stamp) and, hence, a diplomatic ratification must be followed. In such cases, the Department goes back to the ratification authorities, step-by-step, for further examination.</p>
	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. As regards authenticated foreign public instruments, see our response to your question no. 2. As regards foreign public instruments that do not include the prescribed authentication, they are considered ordinary private documents. Pursuant to our Civil Code (Section 565) the burden of proving the authenticity and accuracy of a private instrument lies with the person who invokes it.</p> <p>2. No, the general regime is the same. Foreign public documents if they are authenticated as required (Apostille etc.) or exempted from legalisation or similar formality under Regulation No. 1024/2012 have the evidential authority of a public instrument in the Czech Republic. Pursuant to the Act governing private international law (91/2012 Coll.), Section 12: (1) An instrument issued by a court, a notary public or an authority abroad which is valid as a public instrument in the place where it was issued or a public instrument issued by a diplomatic representative or a consular official active in the Czech Republic will also have the evidential</p>

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			<p>authority of a public instrument in the Czech Republic, if it includes the prescribed authentication.</p> <p>(2) If an instrument issued abroad cannot be provided with the prescribed authentication in accordance with international conventions and the appropriate foreign mission of the Czech Republic is in no doubt as to its authenticity, the foreign mission will provide the instrument with a clause stating that the foreign mission is in no doubt as to the authenticity of the instrument in question.</p> <p>This matter is also regulated by different bilateral treaties on judicial cooperation. But the basic approach is the same.</p> <p>The evidential authority of a public instrument (both national public instruments and authenticated foreign public documents) is regulated by different instruments:</p> <p>1) Civil Code, section 568</p> <p>(1) Where a fact is confirmed in a public instrument, this constitutes, with respect to any person, a full proof that the instrument originates from the body or person that established it, a full proof of the time of drafting the instrument, as well as of a fact which the originator of the public instrument confirmed as having occurred or having been performed in his presence, until the contrary is proved.</p> <p>(2) Where a public instrument contains the expression of will of a person making a juridical act and is signed by the acting person, it constitutes full proof of such expression of will with respect to any person. This also applies if the signature of the acting person has been substituted in a manner provided by a statute.</p> <p>2) Code of Civil Procedure, section 134</p> <p>Documents issued by courts of the Czech Republic or other public authorities within their powers and documents declared by special regulations as being public shall confirm they shall represent an order or declaration of the body that issued the document, and unless the contrary is proven, it shall also apply that testimonials and confirmations included in such documents are accurate.</p> <p>3) Administrative Procedure Code, section 53(3)</p> <p>(3) Documents issued by the courts of the Czech Republic or other public authorities or authorities of local government units within their powers, and documents declared by special Acts as being public, shall confirm that they represent a declaration of the authority that issued the document, and unless the contrary is proven, it shall also apply that testimonials and confirmations included in</p>
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			<p>such documents are accurate.</p> <p>3. As regards the presumption of validity, the approach is the same.</p> <p>4. The court / authority shall regard the fact for which a presumption is set in the law and that admits evidence to the contrary as proven unless contrary has appeared in the proceedings. Hence, the proof the contrary (<i>preuve du contraire</i>) is necessary. In civil proceedings evidence shall be evaluated by the court upon its discretion, each piece of evidence on an individual basis and all the evidence in contexture; in doing so, the court shall carefully consider all the information that has become known in the proceedings, including the statements provided by the participants (Code of Civil Procedure, Section 132).</p> <p>5. See response to the question 3.</p> <p>6. The general rule on the evaluation of evidence in Code of Civil Procedure, section 132 quoted above (see response to the question 3) would suggest, that such documents might be taken into account.</p> <p>7. N/A</p>
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. Evidential value is not explicitly granted by national law to foreign civil status documents. A document that was issued in a foreign state in a foreign language shall be translated into the Estonian, Russian or English language and the translation shall be made by a sworn translator. As a general rule, foreign civil status documents submitted in Estonia must be either legalised or certified with an <i>apostille</i> subject to exceptions depending on the country and the international agreements/ conventions.</p> <p>2. Yes, pursuant to the EU Regulation 2016/1191 certain public documents and their certified copies are exempt from legalisation and the apostille formality within the EU from 16 February</p>

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			<p>2019.</p> <p>3. In general the same rule applies to the different procedures. The only exemption is asylum procedure where the Police and Border Guard Board (PBGB) takes into account that obtaining legalized or apostilled civil status documents from the country of origin may be impossible.</p> <p>4. In each specific case the PBGB evaluates the validity of the foreign civil status documents. In case of reasonable doubt that the submitted documents are not authentic (e.g if there is evidence of fraud, data on document is incorrect etc), the PBGB performs additional steps.</p> <p>5. The presumption may be questioned in administrative procedures, e.g migration procedures. The PBGB takes into account all relevant circumstances of the individual case. If there is reasonable doubt about the authenticity of the document, the PBGB can either ask for an expertise for the document, make inquires to relevant databases, take into account other documents submitted by the applicant or in some cases make an inquiry to the authorities of the country who submitted the document.</p> <p>6. Yes, evidence is assessed as a whole and other travel or identity documents may be taken into account.</p> <p>7. N/A</p>
	<p>EMN NCP France</p>	<p>Yes</p>	<p>1. Yes under conditions</p> <p>2. NO</p> <p>3. NO</p> <p>4. The regime applicable in France is as follows :</p>

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			<p>Article 47 of the Civil Code provides a rebuttable presumption of validity for the foreign civil status act (“Full faith must be given to acts of civil status of French persons and of aliens made in a foreign country and drawn up in the forms in use in that country, unless other records or documents retained, external evidence, or elements drawn from the act itself establish, after all useful verifications if necessary, that the act is irregular, forged, or that the facts declared therein do not square with the truth”).</p> <p>Based on this article the faith given to a foreign civil status document drawn up in the forms in use in that country can be questioned if the administrative authority proves that the act is irregular, forged or that the facts it contains are inaccurate.</p> <p>5. The administrative authority has a great deal of latitude in order to prove that the document is not valid.</p> <p>For that purpose it is possible to rely on personal data registered in the VISABIO national visa application (the French segment of the European system VIS), contact the competent authorities of the country which established the document, or rely on the analysis realized by the local expert services of the Border Police.</p> <p>6. However in its definite appreciation of the document, the administrative authority has to fully integrate all documents provided by the foreign national, especially passports, identity cards or consular cards.</p> <p>Indeed the Council of State, which is the supreme court for the French administrative order, considers that the evidential value of the foreign civil status acts should be assessed, in case of a doubt, in the light of all the other elements provided, including identity and travel documents which are not considered as civil status documents nor as documents with a specific evidential value.</p> <p>7. Not applicable in France</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. The decision regarding whether foreign civil status documents can be deemed to be authentic in the German field of law is taken by the body they are submitted to at the latter’s discretion (§ 438</p>

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			<p>[1] German Code of Civil Procedure (ZPO).</p> <p>2. Regulation (EU) 2016/1191 exempts particular public documents issued by the authorities of another EU member state from legalisation or apostille (on this, see Article 2 of the Regulation). In addition, special regulations apply between the states signatory to the Vienna Convention on the Issue of Multilingual Extracts from Civil Status Records of 8 September 1976 and the Munich Convention on the Issue of a Certificate of Legal Capacity to Marry of 5 September 1980 and on the basis of bilateral international law treaties. Moreover, in the case of particular foreign countries, it must be noted that verification of the formal authenticity of documents and (in particular) of their substantive accuracy cannot occur due to the lack of a reliable registration and documentation system. German consular and diplomatic representations abroad provide information on this with corresponding information sheets.</p> <p>3. No.</p> <p>4. In each case, the responsible authority evaluates the authenticity of a foreign civil status document at its own discretion. If the information of the applicant who submitted the document to the authority appears plausible and there is no specific doubt regarding the substantive accuracy of the document, verification of the (formal) authenticity of the document is sufficient.</p> <p>5. If doubt exists regarding the substantive accuracy of the document submitted on account of the information of the applicant or other indications of known facts, comprehensive verification of the (formal) authenticity and of the substantive accuracy of the document can occur (see replies to 6 and 7). This also applies if indications exist that the document includes features of forgery or was obtained through deception, bribery or in another unlawful manner.</p> <p>6. Yes. Every suitable and available document or certification is referred to if applicable in order to be able to evaluate the plausibility and authenticity of the excerpt from the foreign civil status register. These include, among other things, birth certificates from hospitals, certificates of no impediment, entries in voters' lists, proof of school attendance, baptisms or certificates of religious affiliation. In the case of verification in the issuing state (see reply to 7), inspection of the civil status, baptism or school registers and questioning of relatives and reference persons (e.g.</p>
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			<p>neighbours, village heads) can also occur.</p> <p>7. If foreign public documents are used in Germany, they can be legalised by the German diplomatic mission in the issuing country ("country of origin") of the document. This does not apply if legalisation is precluded by an international law agreement or if applicable has been replaced by a "Hague apostille".</p> <p>Legalisation confirms the authenticity of the signature and the authority of the issuer of a document and as a result the formal authenticity of the document. It is performed by a German consular official if the document is to be used in Germany. Legalisation is mutually unnecessary or replaced by the "Hague apostille" for documents from many countries on account of international law treaties.</p> <p>Like legalisation, the "Hague apostille" under the Hague Convention of 5 October 1961, is a confirmation of the authenticity of the signature and of the authority of the issuer of a document. However, unlike legalisation, it is issued according to a pattern laid down in this convention by an authority designated for this purpose by the country issuing the document. There is then no provision for involvement of the consular officials of the country where the document is to be used. In several countries, verification of the documents by means of administrative assistance by the German diplomatic mission takes the place of legalisation. If necessary, the mission may commission a trustworthy person or company (in practice frequently a lawyer) with this. This procedure is also adopted if comprehensive verification becomes necessary on account of the existence of doubts regarding the document.</p>
	<p>EMN NCP Hungary</p>	<p>Yes</p>	<p>1. An authentic instrument made out abroad, and any private document certified by a foreign court, administrative body, notary public or any other person vested with authority to issue authentic documents shall – unless any law pertaining to the case in question, an international agreement or the principle of reciprocity suggests otherwise – be considered affirmative proof according to Hungarian laws if endorsed by the Hungarian diplomatic or consular mission in the country where it was issued. Any instrument made out in a language other than Hungarian shall be accepted only with the official Hungarian translation attached unless otherwise prescribed by an act.</p>

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			<p>A marriage certificate submitted by a third-country national family member of a Hungarian citizen can be accepted only after domestic registration.</p> <p>2. No.</p> <p>3. No, if the validity and genuineness of the documents are proven; the same rules apply in various procedures. Throughout the asylum procedure, if a person's documents such as marriage and death certificate, single status certificate, etc are unavailable (s)he may make a statement about his/her personal data (place and date of birth, his/her parents' names, marital status, citizenship) that can be recorded in the register.</p> <p>4. The validity of documents can be questioned form and content-wise; if the document is damaged or expired, if it lacks authenticating seals (Apostilles or diplomatic certification), if it is from a significant region or regarding the specific conditions of the individual case. In case of doubt, the documents will be examined by an expert; furthermore, the client shall be interviewed on the originality and the circumstances of the acquisition of the document.</p> <p>5. The presumption of validity can be questioned in any procedure (residence permit application, asylum application, citizenship application).</p> <p>6. For the identification of the person travel documents and identity documents can be taken into account even if a doubt regarding the authenticity of a foreign civil status document occurred.</p> <p>7. If there is any doubt regarding the validity of the document it must be sent to a document adviser for an examination in order to define its genuineness. Enquiries of information on countries or hearings of witnesses may also be ordered.</p>
	<p>EMN NCP Italy</p>	<p>Yes</p>	<p>1. Yes, there is a distinction between civil status documents established by EU MS and those released by third countries authorities.</p>

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			<p>With reference to the documents released by Member States, the Italian legal system recognizes the EU Regulation 2016/1191 according to which public documents (including civil status acts) released by a Member State are exempted from legalization or other formalities such as the Apostille.</p> <p>However, the above- mentioned regulation does not apply to public documents released outside the EU. Therefore, civil status documents released in third countries need to be properly legalized by the Italian diplomatic or consular representations competent for the country of origin. In addition, these documents need to be duly translated into Italian, without the need for further legalization (as stated by art. 33 of the Presidential Decree no. 445/2000), except for the available exemptions established by laws or international agreements (such as the Apostille Convention or more favorable international agreements). According to the current legislation, only originally signed documents can be legalized or certified by an Apostille, therefore this does not include copies or digitally signed documents. The only exception to this applies in the case of international adoptions and concerns those documents who are scanned documents and then sent through certified e-mail by the Commission for International Adoption directly to the Prefecture-Government Territorial Office.</p> <p>2. N.A.</p> <p>3. The authenticity of the presented civil status documents is always verified by the Italian Consular or Diplomatic representative in the Third Country. The same happens when the TCN self-certifies the civil status of itself or its family members (e.g. in the application for family reunification) In case of parenthood, if there isn't a unified database concerning civil status of citizens or no registration of civil status are in place in the Third Country, the interested individuals may be asked to perform a DNA test by the Italian Consular or Diplomatic representative in the Third Country</p> <p>4. N.A.</p> <p>5. N.A.</p> <p>6. N.A</p>
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			7. N.A
	EMN NCP Latvia	Yes	<p>1. Yes, if a foreign civil status document has been appropriately legalised when necessary.</p> <p>2. Yes. There is no need for legalisation (the process of ensuring the authenticity of a public document issued in a foreign state) for the civil status documents which are issued in the EU MS.</p> <p>3. No, except asylum procedure in which documents are optional and demand for legalisation for the civil status documents is not possible to put into practice because of person`s fear of prosecution from country of origin.</p> <p>4. There are no such regulation. In some cases it is possible to find out by communicating with the foreign institution which has issued the civil status document if such document is issued. (Latvia has bilateral agreements which provide for different forms of judicial cooperation in the field of civil rights, family, labour law and criminal law with The Russian Federation, Belarus, Kyrgyzstan, Ukraine, Moldova, the Republic of Uzbekistan, Poland, Lithuania and Estonia) Document Legalisation Law provides that, if the institution, which accepts a public document which has been issued in a state of the European Union, of the European Economic Area or the Swiss Confederation, is having doubts regarding its authenticity, the institution shall communicate in writing with the foreign institution, which issued the public document or is responsible for authenticity of the public document, if international agreements ratified by the Saeima or legal acts of the European Union do not specify otherwise.</p> <p>5. See answer 4.4.</p> <p>6. Person can prove his/her civil status only with the civil status documents. Other travel or identity documents can be circumstantial evidence which would not give any benefit by itself.</p> <p>7. The civil status documents from third countries have to be legalised.</p>

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	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. In accordance with the Civil Code of the Republic of Lithuania, the Lithuanian State is required to register the following civil status documents: birth, death, conclusion and termination of marriage, adoption, recognition of paternity/maternity, parenthood and disputing parenthood, change of name, change of person's gender, partnership. Civil status acts, excluding partnerships, shall be registered in accordance with the procedure laid down in the Law governing the registration of civil status acts, by drawing up an entry in the civil status act and by electronic submission of the entry in the Population Register of the Republic of Lithuania. Civil status records are evidence of civil status. Records of civil status can be challenged only by court order. Data from civil status records shall be consistent with the supporting documents.</p> <p>Pursuant to Article 7 of the Law of the Republic of Lithuania on the registration of civil status documents, Lithuanian nationals are required to notify civil status certificates registered or approved in foreign countries to the Civil Registry Office. These civil status certificates registered or approved in a foreign State shall be entered in the accounts in accordance with the procedure laid down in the Rules on the Registration of Civil Status Certificates. An act of civil status registered or authenticated in foreign States shall be refused entry in the accounts by applying, mutatis mutandis, the provisions of Article 3(4) of this Law; (an act of civil status shall be refused on a reasoned basis if its registration would not comply with the requirements laid down in this Law or in the Rules for the registration of civil status documents or would be contrary to public policy as laid down in the Constitution of the Republic of Lithuania and other laws. A refusal to register a civil status act may be appealed in accordance with the procedure laid down in the Code of Civil Procedure of the Republic of Lithuania).</p> <p>A birth, marriage or divorce registered in a foreign State shall be entered in the accounts by making a birth, marriage or divorce record, as the case may be. At the time of entry in the accounts of a birth, marriage or divorce in a foreign State, a document issued by an authority of a foreign State confirming the registration of the birth must be presented, inter alia, to the civil registry office (birth certificate, extract of the birth record, form A under the Vienna Convention on the cross-language issue of extracts from civil status records or any other document) the registration of a marriage (marriage certificate, extract from the marriage record, form B under the Convention or other</p>

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			<p>instrument) or the conclusion of a foreign divorce procedure.</p> <p>Civil registry offices shall account only for marriages registered in foreign countries without prejudice to Articles 3.12 to 3.17 of the Civil Code of the Republic of Lithuania (prohibition of involuntary marriage, marital age, legal capacity, prohibition of infringement of monogamy, prohibition of marriage of close relatives). The civil registry office shall record in the accounts the death of a Lithuanian national or foreign national who has died in a foreign State and who is resident in the Republic of Lithuania, on the basis of a document attesting, at the request of the person concerned, to the registration of the death in a foreign State (death certificate, extract from the death report, form C under the Convention or any other document).</p> <p>If copies of documents issued by the authorities of the Republic of Lithuania or of foreign States are submitted, without the originals of the documents being produced, they must be certified by the authority of the Republic of Lithuania or of a foreign State, notary, consular official or other competent foreign official which issued the document.</p> <p>Documents issued by foreign authorities must be translated into Lithuanian and certified or legalised (Apostille), unless otherwise provided in the international treaties of the Republic of Lithuania, in European Union legislation or in the Rules on the registration of civil status documents. Documents issued in foreign countries attesting the fact of death may be not legalised or confirmed (Apostille).</p> <p>2. No, see answer to question 1.</p> <p>3. The general rule is that documents issued by foreign authorities must be legalised or certified by a certificate (Apostille), unless otherwise provided by the international treaties of the Republic of Lithuania or European Union legislation. However, if the foreigner applies for a residence permit for the purpose of family residence or for asylum, the Migration Department under the Ministry of the Interior shall, where there is reasonable doubt as to the existence of a family relationship, may require the foreign national and the person with whom the foreign national has a family relationship to carry out a desoxyribonucleic acid (DNA) test in order to establish the family relationship.</p> <p>4. Where there are reasonable doubts as to the authenticity of the documents submitted or the correctness of their content, or where the documents submitted contain indications of fraud. In the case of documents submitted to the civil registry or consular post on the basis of which the</p>
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			<p>civil status documents are registered or entered in the accounts; and the Population Register data do not match, and the Population Register data is used. In the documents submitted to the civil registry or consular post on the basis of which the civil status acts are registered or entered in the accounts, the name or personal identification number provided does not correspond to the Population Register data, which raises doubts as to the identity of the person, the registration or entry in the accounts of the civil status act is refused.</p> <p>5. Migration procedures shall take into account all circumstances relevant to the individual case, data are checked in various registers and information systems, as well as the data contained in other documents submitted. If there is evidence of tampering/fraud with the document submitted, the document may be forwarded to the forensic body.</p> <p>6. See answer to question 5.</p> <p>7. See answer to question 5.</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. YES. In Luxembourg there is a general evidential value granted by national law to certain foreign civil status documents in accordance with article 47 of the Civil Code and other international conventions signed of which Luxembourg is a signatory. For example the birth certificate, established not longer than 6 month ago (model A, pursuant to Convention n° 16 of the International Commission on Civil Status (ICCS), for people with the following birth countries: Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Cabo Verde, Croatia, Germany, Greece, Estonia, France, Hungary, Italy, Lithuania, Macedonia, Moldova, Montenegro, The Netherlands, Portugal, Poland, Rumania, Switzerland, Slovenia, Serbia, Spain, Turkey, United Kingdom and Ireland (authenticate). For all other countries, or in case the certificate (model A) cannot be provided: national birth certificate with authenticated signature of the civil registrar or APOSTILLE (certification pursuant to the Convention of The Hague of 5 October 1961). Civil status documents edited by EU MS no longer need to bear the legalization of the signature of their author. However, doctrine and courts might refuse to grant such evidential value to a document that would certify a civil status that</p>

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			<p>would be in contradiction to Luxemburgish international public order (e.g. a foreign marriage certificate attesting a marriage between an adult and a child)</p> <p>2. No. See answer to question 1.</p> <p>3. Yes. As in France, article 47 of the Civil Code states “Any act of the civil status of Luxembourgers and foreigners, made in a foreign country and written in the forms used in that country, shall prevail unless other acts or documents, external data or elements taken from the act itself establish, if necessary, after all the required verifications, that this act is irregular, falsified or that the facts declared there do not correspond to reality. In case of doubt about the authenticity or accuracy of the foreign civil status record, the registrar informs the public prosecutor. The public prosecutor is obliged, within the month of the referral, either to authorize the transcription, to oppose, or to decide that the transcript will be suspended pending the results of the investigation undertaken. He makes his reasoned decision known to the registrar and to the party concerned. The duration of the suspension decided by the state prosecutor may not exceed four months, renewable once per reasoned decision. At the expiry of the suspension, the state prosecutor makes known by a reasoned decision to the registrar and to the party concerned if he allows the transcript to proceed or if he objects to it. The decision of the state prosecutor may be appealed in accordance with Articles 1007-59 to 1007-61 of the New Code of Civil Procedure. Birth, marriage and death certificates drawn up by the competent foreign authorities and concerning Luxembourgers can be transcribed on the registers of the civil status of their domicile. Mention is made of marriage or death on the sidelines of the birth certificates of the persons they concern. For administrative matters, an extract of a civil status document or an international civil status document will be sufficient. For the purpose of transcription however, the applicant should be able to submit an exact official copy (copie intégrale) of the document. Civil status documents that are the result of a judicial decision such as adoptions, divorces or even nowadays parenthood (eg in relation to a surrogate motherhood) should first be declared enforceable by a Luxemburgish court before being transcribed.</p>
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			<p>4. Article 47 paragraph 1 of the Civil Code allows to question the authenticity of the document if other acts or documents external documents or elements taken from the act itself establish, if necessary after the required verification, that this act is irregular, falsified or that the facts declared there do not correspond to reality.</p> <p>5. The administrative authority in Luxembourg has, as in France, a great deal of latitude in order to prove that the document is not valid based on article 47 of the Civil Code. The public servant can request information from other institutions (i.e. Directorate of Immigration, Grand ducal police) when doing these verifications. However, in case of doubt of the authenticity or accuracy of the document, the registrar will have to inform the public prosecutor, who will send the document to the Grand ducal police to verify its authenticity or accuracy. The service in charge of this is the "Service de Control à l'aéroport – Service Expertise des documents de voyages de la Unité de la Police à l'aéroport" (SCA-SED).</p> <p>6. Yes.</p> <p>7. N/A.</p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. Evidential value of foreign civil status documents in general is <b>not explicitly</b> granted (in the same way as in article 47 of the Civil Code). In practice, evidential value is attached to such documents, as long as they are legalized for use in the Netherlands and there are no grounds for doubt. Furthermore, the law requires certain foreign civil status documents for specific purposes (for example: family reunification permits require legalized birth certificates and/or legalized marriage certificates). However, guidelines for legalization are laid down in the circular 'Legislation and Verification Foreign Documentary Evidence' (Circulaire legislatie en verificatie buitenlandse bewijsstukken – staat van personen en toepassing DNA-onderzoek)[1] [1] <a href="https://wetten.overheid.nl/BWBR0019727/2010-07-01">https://wetten.overheid.nl/BWBR0019727/2010-07-01</a></p>

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			<p>2. Yes, there are distinctions between the appreciation of the evidential value of foreign civil status documents originated from EU member states and third countries who are not part of the Apostille Convention.</p> <p>For the Netherlands, all EU member states are exempted from the legalization and/or verification of civil status documents based on the Apostille Convention and the EU Directive Public Documents (nr. 2016/1191 of the European Parliament). With this procedure, an applicant can verify his/her civil status documents with the official authorities in the country of origin with an Apostille mark. This way, the civil status documents can readily be used in the Netherlands[1].</p> <p>In other words, the evidential value of documents issued by an EU MS is not different from documents issued by non-member states, but in practice an EU-issued document may be more easily accepted than documents issued by some less well-developed states. [1] Source: <a href="https://www.nederlandwereldwijd.nl/wonen-werken/legalisatie-van-nederlan...">https://www.nederlandwereldwijd.nl/wonen-werken/legalisatie-van-nederlan...</a></p> <p>3. Yes, different rules are applicable according to the type of procedure.</p> <ul style="list-style-type: none"><li>- During an asylum application, legalization or apostille is not required but all travel- and identity documents are discussed during the so-called Identification and Registration Process (I&amp;R Process). The Royal Military Police (Koninklijke Marechaussee) checks whether these documents are genuine and whether the documents belong to the correct person. Breeder documents and other original asylum-related documents are transferred to the Immigration and Naturalization Service for the asylum application process. These documents are then checked again by Bureau of Documents[1].</li><li>In first asylum applications documents are accepted if they are not deemed to be falsified (benefit of the doubt is given if the results of the check are inconclusive). In repeated asylum applications, documents are accepted only if they are deemed to be genuine. (They are not accepted if the results of the check are inconclusive, these documents have no evidential value.)</li><li>- For a residence permit application abroad, potential migrants have to present their legalized documents at the Dutch Embassy abroad if the country is not part of the so-called Apostille Convention – please see above. If the document seems to be true and genuine, the document will</li></ul>
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			<p>be legalized, meaning that a sticker is placed on the document. This sticker does not confirm that the content of the document is genuine, it only confirms that the document is original. After legalization, the document can be used when filing an application. Employees of the Dutch Immigration – and Naturalization Service check the content of the document; if doubts exist about whether or not the document is genuine, further research can be conducted by a specialized department of the Immigration and Naturalization Service[2]. If there is no doubt or if further research confirms the authenticity of the document, it will be accepted and will be considered accurate.</p> <p>- For a citizenship application, the most important foreign civil status document is a legalized birth certificate. The Immigration and Naturalization Service decides whether this (and other) documents should be checked with the Bureau of Documents (BDOC). In case of doubt, a check will take place. The Bureau of Documents decides whether these documents are genuine. If they are found genuine, the document will be accepted.</p> <p>- For recording in the national civil status registry, all legal acts abroad should be registered in the Municipal Personal Records Database (BRP) of the residential municipality. It may concern, for example, a birth, marriage, death, divorce, recognition or adoption[3]. These documents should must be legalized (or apostilled) and translated if needed. Again, documents can be checked with the Bureau of Documents in case the municipality has doubts about whether the documents are genuine. If there is no doubt or if further research confirms the authenticity of the document, it will be accepted and will be considered accurate.</p> <p>[1] Source: <a href="https://zoek.officielebekendmakingen.nl/kst-19637-2387.html">https://zoek.officielebekendmakingen.nl/kst-19637-2387.html</a> [2] See also: AHQ on Breeder Documents (by the Netherlands) [3] Bron: <a href="https://www.denhaag.nl/nl/verhuizen-en-migratie/verhuizen-vanuit-het-bui...">https://www.denhaag.nl/nl/verhuizen-en-migratie/verhuizen-vanuit-het-bui...</a></p> <p>4. The validity of a foreign civil status document can be questioned in case an employee of a Dutch Embassy or an employee of the Immigration- and Naturalization Service is in doubt about whether the document is original, or whether the document is genuine. In such cases a document may be checked by the Bureau of Documents. In addition, a case worker may request verification of the information on the document. In this case we will check local records in the country of origin. If the</p>
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			<p>document is not deemed to be falsified and the verification confirms its content, the document will be accepted.</p> <p>5. See question 4</p> <p>6. Law and policy require the applicant to submit certain specific documents. But in some cases the IND finds that it is impossible for the applicant to obtain the required documents. If this is the case other documents may be accepted (see: <a href="https://ind.nl/en/Pages/Lack-of-documentary-evidence.aspx">https://ind.nl/en/Pages/Lack-of-documentary-evidence.aspx</a>). But this is generally unlikely if the applicant has previously submitted falsified documents.</p> <p>7. N/A</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. Pursuant to the Code of Civil Procedure, foreign official documents have the same probative value as Polish official documents. Therefore, the above also includes foreign marital status documents. Foreign civil status files, as official documents, in principle have the same power in Poland as Polish acts and are the sole evidence of incidents found in them. Nevertheless, on the basis of the Civil Registry Act for the obligation to "have Polish marital status files" (obligatory transcription in certain cases) - and thus to transfer the content of a foreign marital status document to the Polish marital status register. However, this does not constitute a "questioning" of the value of foreign marital status documents, as they are submitted for transcription for drawing up a Polish marital status certificate based on it.</p> <p>2. In the Civil Registry Act there is no distinction between civil status documents issued by EU Member States and documents issued by third countries. Nevertheless, the act regulates issues related to the principles of the Polish system of registration and preparation of civil status</p>

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			<p>documents. At the same time, if an event in the field of registration of marital status took place abroad, it may be reflected in the Polish registration system in one of the special modes provided for in the Act, i.e.</p> <p>registration; transcription (transfer) of a foreign state document reproducing the content of a foreign marital status document</p> <p>The issue of in which mode the Polish civil status will be drawn up will be determined primarily by the type of document the applicant has. The other issue is the need to provide a translation and the issue of apostille / legalization of such a document. The above depends on the country of origin of the document.</p> <p>The Act indicates that documents in a foreign language shall be - regardless of the country of origin of the document - submitted with an official translation into Polish by a sworn translator registered on the list kept by the Minister of Justice, a sworn translator authorized to make such translations in the Member States of the European Union or the European Economic Area (EEA) or a consul.</p> <p>A number of simplifications shall also apply that were introduced at EU level (Regulation (EU) 2016/1191 of the European Parliament and of the Council of July 6, 2016 on promoting the free movement of citizens by simplifying the requirements for the submission of certain public documents in the European Union and amending Regulation (EU) No. 1024/2012 (Journal of Laws EU.L No. 200, page 1).</p> <p>There are other regulations e.g. Convention No. 16, drawn up in Vienna on September 8, 1976, regarding the issuing of multilingual transcripts of abridged civil status records. The signatories of the above convention are both some EU countries and non-EU countries. Multilingual abridged copies of civil status documents have the same legal force as copies issued on Polish forms and are recognized without the need for their legalization or equivalent formalities and without the need for additional translation, but only on the territory of each of the States bound by the abovementioned Convention.</p> <p>There is also the Convention of 5 October 1961 abolishing the requirement to legalize foreign official documents done at The Hague.</p> <p>3. In general, there is no different rules according to the procedure. The rules depend on the type of document the applicant has. In both the EU and third countries there are situations in which no marital status documents are</p>
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			<p>issued within the meaning of the Act.</p> <p>4. It is possible to "question" the document for the implementation of a given activity in the field of registration of marital status (when it is not possible to implement it). Therefore, the circumstances depends on the category of the case and its realities. Therefore, these will be formal or substantive considerations (e.g. compliance with the basic principles of the legal order of the Republic of Poland).</p> <p>This circumstance depends on whether the document is the basis for preparing a Polish marital status certificate, making changes in the act or determining specific data.</p> <p>The head of the registry office refuses to transcribe if:</p> <ol style="list-style-type: none"><li>1) the document in the issuing country is not considered to be a marital status document or does not have the power of an official document, or has not been issued by a competent authority, or raises doubts as to its authenticity, or confirms an event other than birth, marriage or death;</li><li>2) the foreign document was created as a result of transcription in a country other than the state of the event;</li><li>3) transcription would be in contrary to the basic principles of the legal order of the Republic of Poland.</li></ol> <p>5. The Act does not provide for a separate procedure to question the presumption of validity. Nevertheless, the submitted foreign marital status document may make it impossible to carry out the civil registration activities to which it was submitted. Depending on the category of cases and their facts, foreign marital status documents are submitted, the situation will look different, but it may result in a refusal to act. For example, the refusal to transcribe takes the form of an administrative decision, which is subject to appeal in the administrative course of the instance by a party dissatisfied with the decision.</p> <p>6. Civil status documents are the sole evidence of the events found in them; their non-compliance with the truth can be proved only in court proceedings. They therefore have special probative value. As a rule, the regulations require the submission of a foreign marital status document, which results from the provision / nature of the act or in specific cases directly provides the basis for action based on (use) an identity document (travel document) / or it results from the nature of the act.</p>
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			<p>7. If the head of the registry office has doubts as to the authenticity of a foreign civil status document, depending on the country of origin, the document may require prior legalization or affixing the document with the Apostille clause.</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. No. All official/public documents issued abroad must be officially authenticated (by “apostille”, if the document was issued by a country, which is a party to the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (hereinafter referred to as “the Hague Convention”) or by “superlegalization” (higher authentication) in the case of public documents issued in other countries) and translated into Slovak language by an official translator registered in the List of Experts, Translators and Interpreters kept by the Ministry of Justice.</p> <p>2. Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 applies since 16.2.2019. This means that since the stated date certain public documents issued by or authenticated in the EU Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, The Netherlands The United Kingdom) are exempt from all forms of authentication (apostille, superlegalization). Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 applies since 16.2.2019. This means that since the stated date certain public documents issued by or authenticated in the EU Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, The Netherlands The United Kingdom) are exempt from all forms of authentication (apostille, superlegalization).</p>

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			<p>3. No, these rules are applied during all the procedures involving Slovak authorities. An exception can be the asylum procedure, where often the asylum seekers have no documents at all.</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> <p>7. The documents issued by courts and other offices abroad, which are valid as public/official documents in that country of issuance, have the evidential authority in the Slovak Republic in case they are provided with the authentication mentioned above.          If the country that issued such document is a party of the Hague Convention, the competent authority will authenticate the document with an apostille stamp. This way authenticated document does not need further validations. It is submitted to the translator to be translated into the Slovak language and then it is ready to be submitted to Slovak authorities.          This Hague Convention applies to official/public documents issued in the territory of one Member state to be submitted on the territory of another member state. The Hague Convention from 5. October 1961 member states are:          Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Azerbaijan, Bahamas, Bahrain, Barbados, Belgium, Belize, Belarus, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei, Bulgaria, Burundi, Cook Islands, Cyprus, Czech Republic, Republic, Montenegro, Chile, PRC - Macau and Hong Kong, Denmark, Dominica, Dominican Republic, Ecuador, Estonia, Eswatini (former Swaziland), Fiji, Philippines (since 14 May 2019), Finland, France, Greece, Granada, Georgia, Guatemala, Guyana (since 18 April 2019), Netherlands and Netherlands Antilles, Honduras, Croatia, India, Ireland, Iceland, Israel, Japan, South Africa, South Korea, Cape Verde, Kazakhstan, Kyrgyzstan, Colombia, Costa Rica, Lesotho, Liberia, Liechtenstein, Lithuania, Latvia, Luxembourg, Hungary, Malawi, Malta, Marshal Islands, Morocco, Mauritius, Mexico, Moldova, Monaco, Mongolia, Namibia, Germany, Nicaragua, Niue, Norway, New Zealand (not applicable to Tokelau), Oman, Panama, Parag Peru, Poland, Portugal, Romania, Russia, El Salvador, Samoa, San Marino, Northern Macedonia, Seychelles, Slovakia, Slovenia, United Kingdom, United States, Serbia, Suriname, Saint Lucia, Sv Kitts and Nevis, Sao Tome and</p>
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			<p>Principe, Saint Vincent and the Grenadines, Spain, Sweden, Switzerland, Tajikistan, Italy, Tonga, Trinidad and Tobago, Tunisia, Turkey, Ukraine, Uruguay, Uzbekistan, Vanuatu, Venezuela.</p> <p>In addition, The Hague Convention does not apply on the public documents issued by the diplomatic or consular staff, meaning in these cases it is not possible to authenticate these documents with an apostille. According to the Act n. 151/2010 Coll. on Foreign Service the relevant section of the Ministry of Foreign and European Affairs – Consular section carries out the authentication of the document issued by the embassy accredited for the Slovak Republic, if the Ministry of Foreign Affairs of the foreign state announces that the embassy is authorized to issue such a document and the consular office has a specimen signature, specimen document and the specimen of the official stamp of the relevant embassy.</p> <p>If the country that issued the document is not a member of the Hague Convention, the documents to be used in the Slovak Republic are subject to legalization (at the Ministry of Foreign Affairs of the issuing State) and subsequent superlegalization at the Embassy of the Slovak Republic in the country covered by the Embassy, or based on accreditation. The time horizon of ensuring the apostilation or superlegalization of documents by the Ministry of Foreign Affairs is at least 3 months.</p> <p>In addition, regarding the super-legalization Ministry of Foreign Affairs and European Affairs of the Slovak Republic further states that the embassy and consular office, in line with the Act no. 151/2010 Coll. on Foreign Service, carries out a higher authentication of a document issued by a State which is not a Contracting Party to the Convention, provided that such document is certified by a state authority of the State in which it was issued and embassy or the consular office has a specimen signature, specimen document and the specimen of the official stamp of the relevant embassy.</p>
	<p>EMN NCP Sweden</p>	<p>Yes</p>	<p>1. There is no provision in the Swedish legislation that defines the evidential value of any civil status documents, i.e. neither national nor foreign civil document. Instead, evaluation of evidence is based on all circumstances, such as i.a. information about the situation in the country that issued the document and information provided by the holder. This means that the evidential value depends</p>

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			<p>on i.a. if the issuing country has a reliable population register, level of corruption etc.</p> <p>2. Not by definition. However, EU MS in general have reliable registers and procedures for issuing civil document, which means that documents issued by EU MS in general have a high evidential value.</p> <p>3. The evidential requirement is different in the different procedures, the requirement is lower in cases regarding asylum application than residence permit. The requirement is in general even higher in cases regarding citizenship application. A recording in the national civil status registry (Swe. "Folkbokföring") requires in general that the document have a high evidential value.</p> <p>4. NA</p> <p>5. NA</p> <p>6. All relevant circumstances will be taken into account.</p> <p>7. There is no such presumption, however, the Swedish Migration Agency has a unit with ID-expert. They mainly verify the authenticity of id-documents such as passports. In some cases the Swedish Migrations Agency request the Swedish Embassies to verify civil documents such as i.a. a marriage certificate.</p>
	<p>EMN NCP United Kingdom</p>	<p>Yes</p>	<p>1. We consider foreign civil status documents as part of a person's evidence to come to the UK. But we don't set this out in law.</p> <p>2. No. A civil status document from any country is considered as part of the overall evidence submitted by the applicant.</p> <p>3. No - see above answer for question two.</p>

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			<p>4. If we suspect it has been altered, forged, or does not relate to the person making the application.</p> <p>5. Business as usual case working processes.</p> <p>6. Yes, civil status documents issued overseas can be used to support applications in determining the identity and nationality of applicants. These are considered alongside all evidence provided. Other documents can also be considered, such as passports.</p> <p>7. We will use internal document verification capabilities and check external data sources, including the Document Information System Civil Status (DISCS) or (if no evidence available there) engage with the appropriate authorities.</p>
	<p>EMN NCP Norway</p>	<p>Yes</p>	<p>1. In Norway, there is no general evidential value granted by national law to foreign civil status documents. According to The Marriage Act Section 18 a marriage that is contracted outside Norway shall be recognized in the realm if the marriage has been validly contracted in the country of marriage. This requirement must also be fulfilled in order to be granted a residence permit with a spouse in Norway according to The Immigration Act Section 40.</p> <p>In order to have the marriage recognized by the National Registry in Norway, one must present the original marriage certificate to the tax office. However, there are wide variations in what constitutes valid documentation when getting married abroad: Marriage entered into in the Nordic countries: One must present the original marriage certificate. Marriage entered into in: Africa: Burkina Faso, Burundi, Ivory Coast, Eritrea, Ethiopia, Gambia, Guinea, Liberia, Mali, Nigeria, Sierra Leone, Somalia, Sudan, Southern-Sudan, Ghana, Kenya, Zimbabwe, Uganda, the Democratic Republic of Congo, Republic of Congo, Equatorial Guinea and Gabon.</p>

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			<p>Asia: Afghanistan, Bangladesh, India, Iraq, Myanmar (Burma), Pakistan, Philippines, Saudi Arabia, Sri Lanka, Syria, Vietnam and Yemen.                  Europe: Kosovo                  Certificates from these countries have little or no credibility because they are often forged. Exceptions may be made if the Directorate of Immigration (UDI) accepts that the marriage has been entered into in connection with a family reunion. The same will apply if a Norwegian foreign service mission has certified the marriage.                  Marriage entered into in other countries:                  The certificates must be the original examples and endorsed with an apostille or legalised by the country's foreign ministry. Certificates that have been approved by a Norwegian foreign service mission will also be accepted.</p> <p>2. Yes, in Norway, all the civil status documents established by EU MS are among those documents that are recognized by the Norwegian National Registry if the certificates are the original examples and endorsed with an apostille or legalised by the country's foreign ministry. In other words, those documents can be recognized without the UDI's acceptance.</p> <p>3. In Norway, civil status documents are required in residence permit applications – especially in family immigration cases. When the documents have little or no credibility, they must be substantiated based on an overall assessment (through interviews or DNA-tests when there are common children) in regards to whether the marriage has in fact been entered into. This also applies when the parties cannot contact their home authorities after being granted asylum.</p> <p>4. Certificates from countries with documents having little or no credibility can be questioned (see list above). When evaluating civil status documents the UDI leans upon information from The Norwegian Country of Origin Information Centre (Landinfo), The Norwegian ID-centre (NID), Low evidential values – Landinfo, as well as The Norwegian Directorate of Immigration's own experience with trends and modus.</p> <p>5. In Norway, questions about presumption of validity can be questioned in residence permit applications, asylum applications and citizenship applications.</p>
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			<p>6. When other travel or identity documents contain information about civil status they are taken into account. However, in some cases of doubt regarding the authenticity of a foreign civil status document, there is also reason to doubt other travel and identity documents as well.</p> <p>7. *In Norway, documents can be verified through The Foreign Service Mission. *The National ID-centre can carry out authenticity assessments of foreign documents. *Norwegian authorities can also interview the document holder to gather information about how the document was issued.</p>
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