

## **Italy Marriage Paperwork Requirements:**

Foreigners planning to marry in Italy must present certain documents and comply with specific requirements in order to obtain a marriage license. The documents required and the procedure to follow are described below.

**US** passport for a civilian, birth certificate and permission to marry issued by the Commander from the military. If applicable, evidence of the termination of any previous marriage such as final divorce decree, annulment decree or death certificate.

Sworn Statement by parents or legal guardian consenting to the marriage if the person is under 18.

**TO BE DONE IN ITALY:** Declaration, sworn to by the US citizen at a US Consulate (this must be done in Italy) stating that there is no legal impediment to his/her obstacle. Your legal status must be such that you can legally marry another person under Italian and US Law. After obtaining the declaration from the Consulate, it must be taken to the Prefecture to be authenticated (legalized), as described in the following paragraph.

**TO BE DONE IN ITALY:** Authentication (legalization) of the aforesaid declaration must be done by the Legalization office of the Prefecture. Usual office hours are from 10am to 1pm Monday through Saturday. The required legalization can be obtained at any Prefecture. There is one in every provincial capital.

### **THESE TWO ABOVE STEPS ONLY TAKE A FEW MINUTES AND CAN BE ARRANGED FOR THE SAME MORNING OR AFTERNOON IN ONE OF THE 5 CONSULATES THROUGHOUT ITALY:**

Atto Notorio. This is a declaration, in addition to the sworn statement described under point 4 stating that according to the laws to which the citizen is subject in the United States there is no obstacle to his/her marriage. This declaration is to be sworn to by two witnesses (a witness may be of any nationality, but must be over 18, with proper identification), before an Italian Consul outside of Italy, or in Italy before a Court official. US citizens coming to Italy to get married are urged to obtain this declaration for a Consul of Italy, before leaving the United States. In Italy an appointment should be arranged in advance. A fee of 50.000 It. Lira is charged (figure subject to change). A woman whose previous was terminated within the last 300 days must obtain a waiver from the Procura della Repubblica (District Attorney), which is issued on presentation of a medical certificate that she is not pregnant. Declaration of Intention. The banns are posted only after the Declaration of Intention to Marry has been performed. Finally, the date of the wedding can be established.

## **BANNS AND MARRIAGE CEREMONY**

Banns are automatically waived if neither party of the marriage is an Italian citizen or a resident in Italy. If a religious ceremony is to be performed by a Catholic priest, a separate civil ceremony will not be needed, as the priest will register the marriage with the civil authorities. The Roman catholic Church incidentally requires documentation in addition to the documents listed for complete information you should check with your priest because of the special Italian requirements applicable to marriage performed by non-Roman catholic clergymen, the latter usually insist on a prior civil ceremony before performing a religious ceremony should consult the priest, minister or Rabbi as far in advance of the ceremony as possible.

## **ADDITIONAL INFORMATION**

Anyone wishing more detailed information should consult the appropriate Italian authorities, such as an Italian Consular Officer nearest you, Civil Registrars at City halls, or a lawyer licensed to practice in Italy. It is also emphasized that the documentation listed at the beginning of the information sheet should be procured in the order in which it appears. US Consular Offices in Italy are located in Rome, Florence, Naples and Milan. All documents originating outside Italy (Birth Certificate, Divorce Decree, etc...) **MUST BE TRANSLATED INTO ITALIAN**. Both the original documents and the translations **MUST BE LEGALIZED** for use in Italy with so-called "APOSTLE" stamp, in accordance with the Hague Convention on the legalization of foreign public documents. In the USA, the "Apostille stamp is placed by the Secretary of State in the State where the document was issued.

Under Italian law, all public documents - regardless of their origin, are considered to be **VALID FOR ONLY 6 MONTHS** from the date of issue. Americans are therefore advised to make sure that all documents to be submitted to Italian authorities have not been issued more than six months ahead of the marriage.

## **UNDERSTANDING THE PAPERWORK REQUIREMENTS**

At first sight the paperwork requirements appear a confusing maze of bureaucratic nonsense but in fact there are only 3 items that are necessary to marry in Italy. Here are some clarifications for the most frequently asked questions....

### **ATTO NOTORIO** – what is it.

It consists of a meeting in front of the Italian Consulate with witnesses in which a declaration relative to the civil status (single, divorced etc...) of the couple is made. An official document is then drawn up to present to us for filing purposes here in Italy.

### **APOSTILLE of a DOCUMENT**

This peculiar word means that the original documents (birth and if applicable, divorce) presented to the Italian Consulate has been:

- a) Translated into Italian
- b) Sent to the Secretary of State's Notary Public of the state from which the document originally is from for authentication (or Apostille seal)

The **APOSTILLE** is simply the seal of the Notary Public of the State in accordance to the Hague Convention which means that the documents can be used officially even in a foreign country. Example:  
Jane Smith was born in Miami, Florida. She therefore sends her Birth Certificate and

**TRANSLATION** to the Secretary of State's Notary Public office in Tallahassee requesting an Apostille. It is returned to her with the Apostille and Seal.

#### **NULLA OSTA**

Is the final declaration to be made **IN ITALY** before the **US CONSULATE** or **EMBASSY** stating you are free to marry. Then this declaration must be authenticated in any Prefect's office. The 2 procedures do not take more than 1 morning. Basically these are the main procedures, but we always advise you to contact the Italian Consulate directly since each Consulate can vary slightly the timing and scheduling of all the above.