

ANNEX 43D:

APPLICATION FOR CERTIFICATE OF NO IMPEDIMENT TO MARRIAGE - PORTUGAL, POLAND AND TURKEY



**COMMONWEALTH OF AUSTRALIA
APPLICATION FOR CERTIFICATE OF NO IMPEDIMENT TO MARRIAGE**

Applicant to complete I,, of
(address)..... apply for a
Certificate of No Impediment in respect of my proposed marriage in (name of overseas country)
to (name of partner)

In support I provide the following particulars:-

	<u>Applicant</u>	<u>Partner</u>
1. Surname	1.....	1.....
2. Christian or given names	2.....	2.....
3. Country of Citizenship	3.....	3.....
4. Australian Residency status (i.e. Permanent Resident or Non-Resident)	4.....	4.....
5. Usual occupation	5.....	5.....
6. Usual place of address (<i>in full</i>)	6.....	6.....
7. Have you been married before? (<i>Yes/No</i>)	7.....	7.....
7(a). If yes to 7, please provide details of how that marriage was terminated.	7(a)	7(a)
8. Place of birth Indicate town/city and State/Territory (<i>and country if born outside Australia</i>)	8.....	8.....
9. Date of birth	9.....	9.....
9(a). If under 18 provide details of judicial authorisation	9(a)	9(a)
10. Are you and the other party related? (<i>Yes/No</i>)	10.....	10.....
10(a). If yes to 10 please provide details of relationship	10(a)	10(a)

11. Name of father/parent (in full) 11..... 11.....
 (Name at birth if different)

12. Name of mother/parent (in full) 12..... 12.....
 (Name at birth if different)

I do solemnly and sincerely declare that the above information is correct and that I believe there is no legal impediment to the marriage by reason of-

- (a) My being lawfully married to some other person;
- (b) Our being within a prohibited relationship;
- (c) A lack of real consent to the marriage on my part because:
 - (i) it was obtained by duress or fraud
 - (ii) of mistaken identity of the other party or as to the nature of the ceremony performed;
 - (iii) of mental incapacity understanding the nature and effect of the marriage ceremony; or
- (d) My not being of marriageable age.

and I make this solemn declaration under the *Statutory Declarations Act 1959 (Cth)* conscientiously believing the statements contained in it to be true in every particular, and knowing that the Act provides a penalty for wilful making of a false statement in a declaration.

Signature of person making the declaration.....

Declared at..... on the.....day
 of.....20.....

Before me*.....

 (Signature, name and title of person witnessing the declaration.)

*A statutory declaration under the *Statutory Declarations Act 1959(Cth)* as amended may be made only before a Chief, Police, Resident or Special Magistrate; Stipendiary Magistrate or any Magistrate in respect of whose office an annual salary is payable; a Justice of the Peace; a person authorised under any law in force in Australia or its Territories to take affidavits; a person appointed under *the Statutory Declarations Act 1959(Cth)* as amended or under a State Act to be a Commissioner for Declarations; a person appointed as a Commissioner for Declarations under the *Statutory Declarations Act 1911*, or under that Act as amended, and holding office immediately before the commence of the *Statutory Declarations Act 1959 (Cth)*; a Notary Public; a person before whom a statutory declaration may be made under the law of the State in which a declaration is made; or a person appointed to hold, or act in, the office in a country or place outside Australia of Australian Consul-General, Consul, Vice-Consul, Trade Commissioner, Consular Agent, Ambassador, High Commissioner, Minister, Head of Mission, Commissioner, Charge d' Affaires, or Counsellor, Secretary or Attache at an Embassy, High Commissioner's office, Legation or other post.

APPLICANT CONTACT DETAILS: (in the event we need to contact you regarding your application please provide relevant details)

Contact phone number:

Alternative Contact Phone number: (after hours/mobile)

Email address:

The issue of a CNI will allow same-sex couples to take part in a marriage ceremony overseas and to be recognised as being married according to the laws of that overseas country. However, a same-sex marriage will not be recognised as a marriage in Australia, but will be prima facie evidence of a de facto relationship for the purposes of a civil union under some state and territory laws.