

## Marrying or Divorcing in Laos

---



As many foreigners have discovered to their dismay, marrying or divorcing a Lao citizen is not a straightforward process. Unlike most other jurisdictions, a foreigner must obtain the permission of the Lao government in order to marry a Lao. The overall process involves the presentation of a number of documents, interviews and assessment of the application by various government offices.

Below is a very brief discussion of the steps required to marry your beloved. Obviously every marriage (and divorce!) is different and you should obtain specific legal advice relating to your circumstances.

### **What the foreigner needs to provide for marriage to a Lao citizen**

All of these documents must be translated into Lao and be certified by the Ministry of Justice.

1. Proof of engagement.
2. Letter of no objection from the foreigner's parents.
3. Marriage application form.
4. House registration and birth certificate.
5. Curriculum Vitae.
6. Medical certificate.
7. Single status certificate or proof of divorced status.
8. Police clearance.
9. Financial statement.
10. Copy of passport.
11. A letter confirming the foreigner's intention to ensure the Lao citizen's return to Laos in the event of divorce.
12. Letter from the Embassy or Consulate of the foreigner confirming the single status and police clearance OR letter from Lao Ministry of Foreign Affairs confirming no objection from the Lao government.
13. 6 photos size 3x4

### **What the Lao citizen needs to provide**

1. Proof of engagement.
2. Letter of no objection of parents.
3. Marriage application form.
4. House registration and birth certificate .
5. Curriculum Vitae.

6. Medical certificate .
7. Single status certificate or proof of divorced status.
8. Police clearance.
9. Financial statement.
10. Lao ID or copy of passport.
11. Record interview from Population & District Police and Province Police.
12. 6 photos size 3x4

### **Legal status of baci ceremonies for engagements and marriages**

The marriage application form includes the requirement for a Proof of Engagement Letter, which must be signed by both families as witnesses together with the Village Chief. There must be a Lao engagement ceremony or similar in front of the Village Chief, even if there is an engagement party overseas.

### **Who is the marriage application made to**

The application documents will go to:

1. District Administration Office (District of the Lao citizen resident).
2. Population & District Police (Interview).
3. Population & Province Police (Interview).
4. Foreigner Management Department.
5. Immigration – Emigration Department (Interview).
6. General Security Police Department.
7. Justice Management Department.
8. Provincial Administration Office

### **How can a foreigner and Lao citizen divorce**

The Family Law, No.05/NA, dated 26 July 2008 governs both marriage and divorce. There are two kinds of divorce – by mutual agreement and by court decision.

The simple agreement to divorce will apply in the situation where:

1. A couple mutually agrees to divorce.
2. The couple have no disagreement over the children of the marriage.
3. The couple have no disagreement over marriage property.
4. The couple have no disagreement over liabilities.



The Court will oversee and order divorce where:

1. The request for divorce is submitted by the husband or wife but the other spouse does not agree to the divorce.
2. If there is a disagreement in respect of the welfare of children, marriage property or liabilities of the divorcing couple.

When a court receives the request for a divorce the court has a duty to try to reconcile the couple. In the event that reconciliation does not occur immediately, additional time for consideration not exceeding three months shall be given.

If the married couple do not reconcile, the court shall grant the divorce if it appears that they cannot cohabit or care for and preserve the family unit. In its decision on divorce, the court must formulate measures to protect the interests of minor children and if the husband or the wife is unable to work support him or herself.

After the pronouncement of divorce by the court, the court must send two copies of its decision to the family registrar officer for registration of the divorce, and give one copy to each spouse.

#### **Custody of the children.**

If a husband and wife do not agree on the custody of children after divorce, the court shall decide whether the father or mother should have custody taking into consideration the children's interests.

A divorced couple must care for and educate their children. The court shall decide on the child support to be provided until the children reach maturity based on agreement between the husband and wife or based on the court's decision in the event that agreement cannot be reached between the husband and wife.



This article has been provided by [McDonald Steed McGrath, www.mcdonaldsteed.la](http://www.mcdonaldsteed.la), an Australian law firm established in 1988, with an office in Vientiane offering international standard legal advice and documentation for foreign investors operating in, or looking to invest in, Laos. This article first appeared on the J&C Expat Services website on 15 October 2012 at [www.jclao.com](http://www.jclao.com).