

Migration and legal family formats in Iceland

by Erna Kristín Blöndal ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 4 – Migration)

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Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Iceland

The answers concerning Iceland can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Iceland
by Hrefna Friðriksdóttir (Section 1)

Income, troubles and legal family formats in Iceland
by Hrefna Friðriksdóttir (Section 2)

Parenting and legal family formats in Iceland
by Hrefna Friðriksdóttir (Section 3)

Migration and legal family formats in Iceland
by Erna Kristín Blöndal (Section 4)

Splitting up and legal family formats in Iceland
by Hrefna Friðriksdóttir (Section 5)

Death and legal family formats in Iceland
by Hrefna Friðriksdóttir (Section 6)

So this paper about Iceland is based on **Section 4 (Migration)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 4.1 Partner of national citizen
- 4.2 Partner of national citizen (foreign status)
- 4.3 Partner of (non-EU) foreigner
- 4.4 Partner of EU citizen (foreign status)
- 4.5 Foreign status as impediment to marry
- 4.6 Foreign status and inheritance
- 4.7 Citizenship
- 4.8 Recognition of joint adoption
- 4.9 Recognition of second-parent adoption
- 4.10 General background regarding migration

In the following pages of this paper, first the answer to question 4.10 is presented, followed by the answers to questions 4.1 to 4.9.

4.10 - General background regarding migration (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding migration, then please do so here.

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Jurisdiction: **Iceland**

Source: **E.K. Blöndal**, "Migration and legal family formats in Iceland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-IS-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.01 - Partner of national citizen**

When one partner is a residing national citizen, while the other is a foreigner from another continent, will the foreign partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside. As to the meaning of 'residing', see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2002	2015 Yes 2010	2015 N/A 0000	2015 Yes, but 2010	2015 Yes, but 2002	2015 Yes, but 2006
Yes 1989	N/A 0000		Yes 2002	Yes, but 1989	No 0000
Yes, but 1965			Yes 1996	? 1965	
			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Law on Control of Foreigners no. 45/1965. Regulation on the Control of Foreigners no. 148/1965. Law on foreigners no. 96/2002. Regulation on foreigners no. 53/2003.</p>		<p>References to legal sources: Law on Control of Foreigners no. 45/1965. Regulation on the Control of Foreigners no. 148/1965. Law on foreigners no. 96/2002. Regulation on foreigners no. 53/2003. Act on registered partnerships no. 87/1996.</p>		<p>References to legal sources: Law on Control of Foreigners no. 45/1965. Regulation on the Control of Foreigners no. 148/1965. Law on foreigners no. 96/2002. Regulation on foreigners no. 53/2003. Law amending the laws on national registry no. 65/2006.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Development of Icelandic immigration legislation regarding residence permits for family members has been as following:</p> <p>1965: Based on Law on Control on Foreigners no. 45/1965 it was stated in article 25 of the regulation on the Control of Foreigners nr. 148/1965 that foreign women who were married to Icelandic citizens and foreigners, born as Icelandic citizens, did do not require a special permit, if they had resided in the country for two years and still lived here. This applied when the foreign national had a residence here.</p> <p>1989: In 1989 this article in the regulation was changed so it not especially mentioned women but foreigners in general.</p> <p>2002: In 2002 a new legislation on foreigners, no. 96/2002, the current legislation, came into force. According to Article 13 of the legislation members of the immediate family of an Icelandic citizen or of another Nordic citizen who is permanently resident in Iceland, or of a foreign national who lives in Iceland on the basis of a temporary residence permit on the basis of certain types of residence permit, may, in response to an application, receive a temporary residence permit, providing that certain requirements are met for example means of support, health insurance and accommodation. Immediate family members are the spouse, cohabiting partner, registered partner and the children of the person concerned who are under the age of 18, are supported by him and under his custody and his relations, or those of his spouse, in direct line of descent, who are older than 66 and are supported by them.</p> <p>Marriage became available for same-sex partners according to law no. 65/2010, in force since 27 June 2010, amending the Marriage Act no. 31/1993.</p>		<p>Explanations and nuances: Development of Icelandic immigration legislation regarding residence permits for family members has been as described under Marriage.</p> <p>Registered partnership was implemented into Icelandic legislation in 1996. The legislation on registered partnerships in Iceland only discusses same-sex partnerships. Registered partnership has never been available for different-sex partners.</p> <p>In 2010 the term "registered partnership" was removed from Icelandic legislation and it now has the same legal status as marriage.</p> <p>Parties can no longer enter into registered partnerships, as the applicable Registered Partnership Act was repealed in conjunction with the introduction of gender-neutral marriage laws.</p>		<p>Explanations and nuances: Development of Icelandic immigration legislation regarding residence permits for family members has been as described under Marriage.</p> <p>In 2006, partners of the same sex were by amendments allowed to register their cohabitation and thus the immigration law could be applied to such cohabitation.</p> <p>Cohabiting partners: both parties shall have attained the age of 18 and shall demonstrate that they have lived together in a partnership which is confirmed by other means, for at least two years and intend to continue their cohabitation. It is only possible to be granted residence permit for one partner, and conditions for issuing licenses is also that neither partner may be married or in a registered partnership with someone else.</p>	

Jurisdiction: **Iceland**

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Section: **4 - Migration**

Question: **4.02 - Partner of national citizen (foreign status)**

When one partner is a residing national citizen, while the other partner is a foreigner from another continent, and this couple married/registered in the country of the foreigner, will the foreign partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2002	2015 Yes 2010	2015 ? 1998	2015 Yes 2010	X	X
Yes 1989	? 2001	N/A 0000	Yes 1996	X	X
Yes, but 1965	N/A 0000		? 1989	X	X
			N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Law on Control of Foreigners no. 45/1965.</p> <p>Regulation on the Control of Foreigners no. 148/1965.</p> <p>Law on foreigners no. 96/2002.</p> <p>Regulation on foreigners no. 53/2003.</p> <p>Marriage Act no. 31/1993.</p> <p>Law no. 65/2010 amending the Marriage Act.</p>		<p>References to legal sources: Law on Control of Foreigners no. 45/1965.</p> <p>Regulation on the Control of Foreigners no. 148/1965.</p> <p>Law on foreigners no. 96/2002.</p> <p>Regulation on foreigners no. 53/2003.</p> <p>Marriage Act no. 31/1993.</p> <p>Law no. 65/2010 amending the Marriage Act.</p>			
<p>Explanations and nuances: See further explanations in question 4.1 on the development of Icelandic immigration legislation. Until 1989 the provision on family reunification only mentioned women married to Icelandic nationals.</p> <p>The spouse must submit a marriage certificate. Marriage certificate is required to demonstrate the validity of the marriage.</p> <p>Marriage became available for same-sex partners according to law no. 65/2010, in force since 27 June 2010, amending the Marriage Act no. 31/1993. It is unclear what legal status foreigners in foreign same-sex marriages received before same-sex marriage was legalised in Iceland.</p>		<p>Explanations and nuances: See explanations in question 4.1 on the development of Icelandic immigration legislation.</p> <p>Registered partnership was implemented into Icelandic legislation in 1996.</p> <p>The registered partner has to submit a certificate of registered partnership. This is necessary to prove and demonstrate the validity of the relationship.</p> <p>In 2010 the term "registered partnership" was removed from legislation and now it has the same legal status as marriage.</p>			

Jurisdiction: **Iceland**

Source: **E.K. Blöndal**, "Migration and legal family formats in Iceland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-IS-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.03 - Partner of (non-EU) foreigner**

When both partners are foreigners from another continent, and one of them is residing in the country, will the other partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2002	2015 Yes, but 2010	2015 N/A 0000	2015 No, but 2002	2015 Yes, but 2002	2015 Yes, but 2002
No 0000	N/A 0000		No 1996		
			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Law on Control of Foreigners no. 45/1965.</p> <p>Regulation on the Control of Foreigners no. 148/1965.</p> <p>Law on foreigners no. 96/2002.</p> <p>Regulation on foreigners no. 53/2003.</p>		<p>References to legal sources: Law on Control of Foreigners no. 45/1965.</p> <p>Regulation on the Control of Foreigners no. 148/1965.</p> <p>Law on foreigners no. 96/2002.</p> <p>Regulation on foreigners no. 53/2003.</p>		<p>References to legal sources: Law on Control of Foreigners no. 45/1965.</p> <p>Regulation on the Control of Foreigners no. 148/1965.</p> <p>Law on foreigners no. 96/2002.</p> <p>Regulation on foreigners no. 53/2003.</p>	
<p>Explanations and nuances: The right to a family reunification now depends on the permit the foreigner residing in Iceland has. Some permits allow for family members to reside with their spouse/partners and the same rules apply then as in questions 4.01 and 4.02 whether they are married or cohabiting.</p> <p>Before 2002 only foreigners married to Icelandic citizens could gain residence permit.</p>		<p>Explanations and nuances: The right to a family reunification now depends on the permit the foreigner residing in Iceland has. Some permits allow for family members to reside with their spouse/partners and the same rules apply then as in questions 4.01 and 4.02 whether they are married or cohabiting.</p> <p>Before 2002 only foreigners married to Icelandic citizens could gain residence permit.</p> <p>In 2010 the term "registered partnership" was removed from legislation and it now has the same legal status as marriage.</p> <p>Registered partnership was implemented into Icelandic legislation in 1996.</p>		<p>Explanations and nuances: The right to a family reunification now depends on the permit the foreigner residing in Iceland has. Some permits allow for family members to reside with their spouse/partners and the same rules apply then as in 4.01 and 4.02 whether they are married or cohabiting.</p>	

Jurisdiction: **Iceland**

Source: **E.K. Blöndal**, "Migration and legal family formats in Iceland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-IS-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.04 - Partner of EU citizen (foreign status)**

When one partner is a foreign EU citizen who is residing in the country, while the other is a foreigner from another continent, and this couple married/registered/cohabited in the country of the EU citizen, will the non-EU partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2002	2015 Yes 2010	2015 ? 1998	2015 Yes 2002	2015 Yes, but 2002	2015 Yes, but 2006
Yes 1993	? 2001	N/A 0000	Yes, but 1996	Yes, but 1993	No 1993
No 0000	N/A 0000		? 1993	No 0000	No 0000
			No 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Law on Control of Foreigners no. 45/1965.</p> <p>Regulation on the Control of Foreigners no. 148/1965.</p> <p>Law on foreigners no. 96/2002.</p> <p>Regulation on foreigners no. 53/2003.</p> <p>Regulation of stay of foreigners, under the Agreement on the European Economic Area, in Iceland no. 674/1995.</p>		<p>References to legal sources: Law on Control of Foreigners no. 45/1965.</p> <p>Regulation on the Control of Foreigners no. 148/1965.</p> <p>Law on foreigners no. 96/2002.</p> <p>Regulation on foreigners no. 53/2003.</p> <p>Regulation of stay of foreigners, under the Agreement on the European Economic Area, in Iceland no. 674/1995.</p>		<p>References to legal sources: Law on Control of Foreigners no. 45/1965.</p> <p>Regulation on the Control of Foreigners no. 148/1965.</p> <p>Law on foreigners no. 96/2002.</p> <p>Regulation on foreigners no. 53/2003.</p> <p>Regulation of stay of foreigners, under the Agreement on the European Economic Area, in Iceland no. 674/1995.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Before 1993 EU citizens had no special rights in Iceland and the same rules were applied as in question 4.03.</p> <p>Between 1993 and 2002: Spouses may stay with EEA residents staying in Iceland.</p> <p>Now: Relatives of EEA foreigners residing legally in the country under article 36(1) of the law on foreigners have the same rights as their sponsor to stay in Iceland, cf. article 37(1) of the law.</p> <p>The form at the National Registry pursuant to Articles 36 and 37, requires a spouse to demonstrate a marriage, registered partnership or cohabitation with data from the home country.</p>		<p>Explanations and nuances: In 2010 the term "registered partnership" was removed from legislation and it now has the same legal status as marriage.</p> <p>Registered partnership was implemented into Icelandic legislation in 1996.</p> <p>Before 1993 EU citizens had no special rights in Iceland and the same applied as in question 4.03.</p> <p>Between 1993 and 2002: Spouses may stay with EEA residents staying in Iceland. Subject to certain conditions and if financial support has been secured it is also possible to provide other family members and spouses with residence permit, if they are dependent on the foreigner or have shared a home with the foreigner in their homeland and provide evidence to confirm this.</p> <p>Now: Relatives of EEA foreigners residing legally in the country under article 36(1) of the law on foreigners have the same rights as their sponsor to stay in Iceland, cf. article 37(1) of the law.</p> <p>The form at the National Registry pursuant to Articles 36 and 37, requires a spouse to demonstrate a marriage, registered partnership or cohabitation with data from the home country.</p>		<p>Explanations and nuances: In 2006, partners of the same sex were by amendments allowed to register their cohabitation and thus the immigration law could be applied to such cohabitation.</p> <p>Before 1993 EU citizens had no special rights in Iceland and therefore the same legal regime applied as described in question 4.3.</p> <p>Between 1993 and 2002: Spouses may stay with EEA residents staying in Iceland. Subject to certain conditions and if financial support has been secured it is also possible to provide other family members and spouses with residence permit, if they are dependent on the foreigner or have shared a home with the foreigner in their homeland and provide evidence to confirm this.</p> <p>Now: Relatives of EEA foreigners residing legally in the country under article 36(1) of the law on foreigners have the same rights as their sponsor to stay in Iceland, cf. article 37(1) of the law.</p> <p>The form at the National Registry pursuant to Articles 36 and 37, requires a spouse to demonstrate a marriage, registered partnership or cohabitation with data from the home country.</p>	

Jurisdiction: **Iceland**

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Section: **4 - Migration**

Question: **4.05 - Foreign status as impediment to marry**

When the couple got married or registered abroad, will this relationship then be recognised as an impediment to marry someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2010	2015 ? 1998	2015 Yes 2010	X	X
	? 2001	N/A 0000	Yes 1996	X	X
	N/A 0000		? 1989	X	X
			N/A 0000	X	X
References to legal sources: Law on marriage no. 31/1993.		References to legal sources: Law on marriage no. 31/1993. Act on registered partnerships no. 87/1996.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: When marrying someone else each future spouse must submit a certificate from the National Registry about his or her marital status or equivalent certificate from foreign authorities. If one of the couple has previously been married they need to provide data showing that the previous marriage is over (divorce, death or annulment). This is done by submitting a license or divorce judgment, which provides for divorce spouses, either originals or certified copies. If the former spouse has died then one has to submit the death certificate or other unequivocal evidence.</p>		<p>Explanations and nuances: If potential spouse has before been in a registered partnership or marriage a proof that the previous registered partnership or marriage is dissolved must be submitted.</p> <p>The legislation on registered partnerships in Iceland only discusses same sex partnerships.</p>			

Jurisdiction: **Iceland**

Source: **E.K. Blöndal**, "Migration and legal family formats in Iceland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-IS-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.06 - Foreign status and inheritance**

When the couple got married or registered abroad, will this relationship then be recognised as regards inheritance in the absence of a testament?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1962	2015 Yes 2010	2015 ? 1998	2015 Yes 2010	X	X
	? 2001	N/A 0000	Yes 1996	X	X
	N/A 0000		? 1989	X	X
			N/A 0000	X	X
References to legal sources: Law on inheritance no. 8/1962.		References to legal sources: Act on registered partnerships no 87/1996.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: People who marry abroad need to submit the marriage certificate to the National Registry for registration. There are information requirements for such documents. If the information is valid and the marriage has been registered the spouses will be entitled to each others belongings in case of death.</p>		<p>Explanations and nuances: In 2010 the term "registered partnership" was removed from all legislation and has the same legal status as marriage. The same applies for the registration of such registered partnerships established abroad.</p>			

Jurisdiction: **Iceland**

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Section: **4 - Migration**

Question: **4.07 - Citizenship**

Does a relationship of this type make it easier for a foreign partner to obtain citizenship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 1952	2015 Yes, but 2010	2015 N/A 0000	2015 Yes, but 2010	2015 Yes, but 1998	2015 Yes, but 2006
	N/A 0000		Yes, but 1996	Yes, but 1952	No 0000
			N/A 0000		
References to legal sources: The act on citizenship no. 100/1952.		References to legal sources: The act on citizenship no. 100/1952.		References to legal sources: The act on citizenship no. 100/1952. Law amending various legislation no. 45/2006.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: An applicant who is married or in a registered partnership with an Icelandic citizen, must have been domiciled in the three years since the marriage / establishment of the union, providing the Icelandic spouse held Icelandic citizenship for not less than five years. Other individuals have to have been domiciled in Iceland for 7 years.</p>		<p>Explanations and nuances: An applicant who is married or in a registered partnership with an Icelandic citizen, must have been domiciled in the three years since the marriage / establishment of the union, providing the Icelandic spouse held Icelandic citizenship for not less than five years. Other individuals have to have been domiciled in Iceland for 7 years.</p>		<p>Explanations and nuances: An applicant living in cohabitation with an Icelandic national, while both are unmarried, must have been domiciled in Iceland for five years from the registration of the cohabitation, providing the Icelandic citizen has held citizenship for not less than five years.</p> <p>Law amending various legislation no. 45/2006 permitted same-sex couples to register cohabitation in Iceland.</p>	

Jurisdiction: **Iceland**

Source: **E.K. Blöndal**, "Migration and legal family formats in Iceland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-IS-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.08 - Recognition of joint adoption**

When the partners have jointly adopted a child while residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1999	2015 Yes 2010	2015 N/A 0000	2015 Yes 2010	2015 Yes 2006	2015 Yes, but 2006
Yes 1978	N/A 0000		Yes 2006	Yes 1999	No 0000
? 0000			Doubt 1996	Yes, but 1981	
			N/A 0000	No, but 0000	
References to legal sources: Law on adoption no. 130/1999. Law on adoption no. 15/1978.		References to legal sources: Law on adoption no. 130/1999. Law on adoption no. 15/1978.		References to legal sources: Law on adoption no. 130/1999. Law on adoption no. 15/1978.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Adoption conducted abroad is not valid in Iceland if it is contrary to the principles of Icelandic law (public policy).</p>		<p>Explanations and nuances: Adoption conducted abroad is not valid in Iceland if it is contrary to the principles of Icelandic law (public policy).</p> <p>According to the Adoption Act and Art. 6 of the Registered Partnership Act no. 87/1996 (repealed in 2010), as amended by law no. 65/2006, in force from 27 June 2006, registered partners residing in Iceland could apply for joint adoption having lived together for three years (same stipulation as for different sex married partners). A case concerning the validation of a foreign decision on joint same-sex adoption never came up in Iceland between the years of 1996 and 2006.</p>		<p>Explanations and nuances: Adoption conducted abroad is not valid in Iceland if it is contrary to the principles of Icelandic law (public policy).</p> <p>Law amending various legislation no. 45/2006 permitted same-sex couples to register cohabitation in Iceland.</p> <p>Different-sex cohabitants residing in Iceland were granted permission to apply for adoption in 1999, according to the Act on Adoption no. 130/1999. There is no legal precedent but it is doubtful that the public policy reservation would have prevented validation of a foreign decision on adoption, at least from 1981-1999. In 1981 Iceland adopted the first Children Act no. 9/1981, effectively abolishing discrimination against children born out of wedlock. Before that time it is more likely that the public policy reservation could have prevented validation.</p>	

Jurisdiction: **Iceland**

Source: **E.K. Blöndal**, "Migration and legal family formats in Iceland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-IS-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.09 - Recognition of second-parent adoption**

When one partner has become the second parent of a child of the other partner, by way of adoption while the partners were residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1999	2015 Yes 2010	2015 N/A 0000	2015 Yes 2006	2015 Yes 2006	2015 Yes, but 2006
Yes 1978	N/A 0000		Yes, but 2000	Yes 1999	No 0000
Doubt 0000			Doubt 1996	Yes, but 1981	
			N/A 0000	No, but 0000	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Law on adoption no. 130/1999.</p> <p>Law on adoption no. 15/1978.</p>		<p>References to legal sources: Law on adoption no. 130/1999.</p> <p>Law on adoption no. 15/1978.</p> <p>Act on registered partnerships no 87/1996.</p>		<p>References to legal sources: Law on adoption no. 130/1999.</p> <p>Law on adoption no. 15/1978.</p>	
<p>Explanations and nuances: Adoption conducted abroad is not valid in Iceland if it is contrary to the principles of Icelandic law (public policy).</p>		<p>Explanations and nuances: Adoption conducted abroad is not valid in Iceland if it is contrary to the principles of Icelandic law (public policy).</p> <p>Law 52/2000 allowed second-parent adoption for same-sex couples in registered partnerships.</p> <p>According to the Adoption Act and Art. 6 of the Registered Partnership Act no. 87/1996 (repealed in 2010), as amended by law no. 65/2006, in force from 27 June 2006, registered partners residing in Iceland could apply for joint adoption having lived together for three years (same stipulation as for different-sex married partners). A case concerning the validation of a foreign decision on joint same-sex adoption never came up in Iceland between the years of 1996 and 2006.</p>		<p>Explanations and nuances: Adoption conducted abroad is not valid in Iceland if it is contrary to the principles of Icelandic law (public policy).</p> <p>Law amending various legislation no. 45/2006 permitted same-sex couples to register cohabitation in Iceland.</p> <p>Different-sex cohabitants residing in Iceland were granted permission to apply for adoption in 1999, according to the Act on Adoption no. 130/1999. There is no legal precedent, but it is doubtful that the public policy reservation would have prevented validation of a foreign decision on adoption, at least from 1981-1999. In 1981 Iceland adopted the first Children Act no. 9/1981, effectively abolishing discrimination against children born out of wedlock. Before that time it is more likely that the public policy reservation could have prevented validation.</p>	