Introduction

Whether taking place in Cambodia or abroad, marriages between Cambodian citizens are governed by the Civil Code. Marriages between a foreigner national and a Cambodian citizen, however, must abide by both, the 1989 Law on Family and Marriage and the sub-decree on the Process and Procedures for Marriage between a Cambodian Citizen and a Foreign National (Sub-Decree No. 183/2008).

While the process of marriage between Cambodian Nationals simply requires the submission of a marriage application to the local authority (Khum/Sangkat) where the prospective bride resides, the process for a foreigner to marry with a Cambodian national is more complicated, since it involves obtaining marriage permission at Ministry level, as well as an acknowledgment from the Embassy concerned.

I. Substantive Conditions for Marriage

According to the Civil Code, marriages can only take place between persons who have reached the age of majority, or age of marriage, which is 16 years old. However, marriages where one of the couple has reached an age of marriage, and the other one not, are allowed to take place if they obtain parental or guardian consent.

A person cannot re-marry if his or her previous marriage has not been dissolved. Furthermore, the Civil Code prohibits marriages between relatives by consanguinity, or by affinity.

II. Formalities and Procedures

A marriage between a Cambodian and a foreign national must follow the legal requirements of the Law on Family, Marriage, and Sub-Decree No. 183/2008 of the Kingdom of Cambodia.

Except for Articles 76, 77, 79, 80, and 81, all other provisions of the Law on Family and Marriage are abrogated by the Law on the Implementation of the Civil Code.

Under the Law on Family and Marriage, a Cambodian can marry a foreign national, regardless of their country of residence (Article 79). For a marriage overseas, between a Cambodian and a foreign national, to be recognized under Cambodian law, the couple must register their marriage with the Cambodian embassy, or Consulate, in the country where the marriage was held. If the married couple later settles in Cambodia, they must register their certificate with the commune authorities (Article 79).

However, as marriages between Cambodian and foreign nationals are susceptible to manipulation by criminal elements, the Cambodian government has adopted strict measures, under sub-decree 183/2008, to prevent illegal activities happening across international borders.

The sub-decree prohibits all marriages arranged through intermediary agents, brokers, or business companies, and equally prohibits fake or fraudulent marriages for the purpose of human trafficking, or labor and sexual exploitation.

Furthermore, the same sub-decree qualifies certain conditions in the Law on Family and Marriage, and in the Civil Code. In particular, Article 5, states that a foreigner who wishes to marry a Cambodian must be physically present in Cambodia, in order to complete the procedural requirements of the marriage.

Instead of registering the marriage directly with the commune’s civil status officer, marriage registration requires a longer process, involving the Ministry of Foreign Affairs and the Ministry of Interior.

To counter fake or fraudulent marriages, the government has adopted other measures, though they are not statutory or regulatory. One such measure requires that a foreign national, who wishes to marry a Cambodian woman, must be less than 50 years old, and be earning at least US$2,500 per month (Diplomatic Notice dated 7 March 2011).
LEGAL UPDATE

Sub Decree No 274/16 on the Organization and Functioning of Ministry of Foreign Affairs and International Cooperation, dated December 28th, 2016

The purpose of this sub-decree is to organize and function the Ministry of Foreign Affairs and International Cooperation. This sub-decree has objectives as below:

- Determine the mission and structure of the Ministry of Foreign Affairs and International Cooperation.
- Determine the roles and duties of units of the Ministry of Foreign Affairs and International Cooperation.
- Ensure the quality and efficiency of performance in the field of Foreign Affairs and International Cooperation in Cambodia.

Ministry of Foreign Affairs and International Cooperation fulfills the function as government secretariat on leading and managing the Foreign Affairs and International Cooperation in Cambodia.

Decision No. 126, dated 06 December 2016 on the Creation of Targeting Committee for construction of International Airport Siem Reap- Angkor

The committee has duty:

a. To coordinate a cooperation between Ministry-Institution, Government Agents and Company in order to make the project process successful,
b. To give recommendations to the Company in document preparing and form filling to meet the requirement of the project,
c. To examine and advise on Master Plan of the Project and suggestion for the Company,
d. To follow up and examine the Construction Project of Siem Reap- Angkor International Airport and relevant infrastructures and give opinion to Royal Government of progress of the project; and
e. To carry out other duties assigned by the Royal Government.