

question must be examined whether such an "outside" judgment would be acknowledged in the husband's country (state) or domicile;⁶ if so, the foreign judgment of a third country (state) will be acknowledged also in Austria; if not, recognition will be denied. In these cases a decree of the Ministry of Justice will have to be applied for.

Thus, though not unconditionally, foreign divorce and similar judgments (separation, nullity, declaratory judgment) will be recognized in Austria if the conditions set forth above are met.

BELGIUM

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The Belgian courts generally apply the law of nationality of the persons obtaining a divorce. However, where Belgian nationals establish a genuine domicile in a foreign country and thereupon obtain a foreign divorce the general rule becomes one of recognition of the foreign divorce even on grounds not usually admissible in Belgium provided that the divorce does not otherwise violate Belgian public policy (*i.e.*, a divorce granted upon mere repudiation by one spouse of the other would be found against public policy).

Thus, the question of domicile becomes critical as to its bona fide nature. The conventional Mexican divorce wherein one party appears by counsel and the other in person, and where the domicile is created solely for the purpose of obtaining a divorce would not be considered by the Belgian courts to be other than an attempt to evade Belgian law, and therefore the courts would consider the divorce to be invalid. The theory under which it would be invalid would be one of fraud.

A recent case involved Belgian nationals who established domicile in the Netherlands solely to obtain a divorce which, although on grounds permissible in Belgium, was apparently easier to obtain in the Netherlands. The Belgian courts refused to recognize such divorce.

⁶ This principle will, for instance, apply in the case of Mexican divorces of people in the United States, or of a Nevada divorce of New Yorkers.

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