

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	346
Land:	Algeriet
Kilde:	Nationalt ID-Center
Titel:	Notat. Algeria – Paternity, inheritance, adoption and surrogacy
Udgivet:	2. november 2023
Optaget på baggrundsmaterialet:	21. marts 2024



Algeria: Paternity, inheritance, adoption and surrogacy

The following note contains information about paternity, inheritance, adoption and surrogacy in Algeria. The note also contains information about the family book in relation to the listed subjects.

The note is primarily based on information from a meeting with an Algerian lawyer conducted at a mission to Algiers in Algeria in June 2023.

In 2005 the law of original citizenship was amended which gave woman the right to pass on their Algerian citizenship to their children.¹ For further information about Algerian citizenship, consult the note '*Algeria: Citizenship*' published at the Danish National ID Centre's website.

Paternity

If a child is born in wedlock both the mother and the father is registered as the child's parents at the birth certificate.²

When a child is born out of wedlock, the custody is given to the mother, which gives her the right to register the child in public registers and to have ID documents for the child issued.³

In the cases where a couple is living together without being married, but the father recognises the child as his, the child will carry the surname of the father.⁴

If the father does not acknowledge the child as his, the fathers name will not be mentioned on the birth certificate, and the child will hold the surname of the mother.⁵

2 November 2023

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¹ Ministry of Justice, Algiers, June 2023.

² Algerian Lawyer, June 2023.

³ Landinfo, March 2015, page 2.

⁴ Algerian Lawyer, June 2023.

⁵ Algerian Lawyer, June 2023.

The law does not force the father to acknowledge the paternity in any way, nor to have any responsibility for the child. The father is not required to pay child support or to be responsible for the child in any way.⁶

If the mother is unknown and leaves the child to be raised by the system as an orphan, the child will be given two names. The first name will always be a masculine name, regardless of gender, and will serve as the child's surname/family name. The second name will be female or male depending on the gender of the child. A female orphan could for example carry the name Mohamed Sofie. Mohamed serving as the surname/family name and Sofia as the given name.⁷

Inheritance

Families in which the couple is not married will not have a family book. Any children between the couple will not be registered in a family book.⁸

If a child is born out of wedlock, the child cannot claim any inheritance from the father.⁹ This also applies if a couple is living together, and the father acknowledges the child, but without the couple being married. There is no inheritance to either women or children, if the couple is not married, regardless of the father acknowledging the child as his or not.¹⁰

This is also the case if the couple have performed a religious marriage, but without the marriage being registered within the Algerian authorities. Religious marriages are common and increasing due to Islamic appearance in society. Children born from these marriages are not registered in the family book.¹¹

However, a religious marriage can be validated by a court ruling, hereafter registered, after which the children can be registered in the family book and the wife and/or children gain the right to inheritance.¹²

Adoption

Adoption is forbidden according to Islamic traditions and complete adoption is forbidden in Algeria. A family can have a child in foster care and also in prolonged foster care (foster care is referred to as *kafala*). The family can permit the child with the family name but they will not be the legal parents of the child.¹³

According to the Algerian lawyer, the Algerian authorities are working towards children in foster care being able to be registered in the family book of the family taking care of them.¹⁴

⁶ Algerian Lawyer, June 2023.

⁷ Algerian Lawyer, June 2023.

⁸ Algerian Lawyer, June 2023.

⁹ Algerian Lawyer, June 2023.

¹⁰ Algerian Lawyer, June 2023.

¹¹ Algerian Lawyer, June 2023.

¹² Algerian Lawyer, June 2023.

¹³ Algerian Lawyer, June 2023.

¹⁴ Algerian Lawyer, June 2023.

Surrogacy

Algerian law does not accept or recognise surrogacy. Artificial insemination is only accepted between couples. Therefore, the name of the mother on the birth certificate will always be of the birthing mother with no exceptions.¹⁵

¹⁵ Algerian Lawyer, June 2023.

Oral sources

Algerian Lawyer (June 2023): Interviewed in Algiers, Algeria.

Ministry of Justice (June 2023): Interviewed in Algiers, Algeria.

Written sources

Landinfo (19 March 2015). Algerie: Kvinner som får barn utenfor ekteskap:

<https://landinfo.no/wp-content/uploads/2018/03/Algerie-respons-Kvinner-som-f%C3%A5r-barn-utenfor-ekteskap-19032015.pdf>, retrieved 10 August 2023.