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# IRB – Immigration and Refugee Board of Canada (Author)

Nigeria: Affidavits, including the different types, their content, appearance and security features; samples; requirements and procedures for issuance, including who is authorized to notarize an affidavit; prevalence of fraudulent affidavits (2021–September 2025) [NGA202435.FE]

Research Directorate, Immigration and Refugee Board of Canada

This Response replaces Response to Information Request NGA200444 of November 2021.

## 1. Legislation

Regulations governing affidavits in Nigeria appear in the federal *Oaths Act* of 1963 (Nigeria 1963), which was amended in 2016 by the *Oaths (Amendment) Act, 2016* (Nigeria 2016), and in the *Evidence Act, 2011* (Nigeria 2011), amended in 2023 by the *Evidence (Amendment) Act, 2023* (Nigeria 2023a). Affidavits are also mentioned in the *Notaries Public Act, 2023* (Nigeria 2023b).

The purpose of the 2023 amendment of the *Evidence Act* was "to bring its provisions in accordance with global technological advancements in evidence taking" (Nigeria 2023a). Sources state that the changes introduced by this amendment include electronic affidavits, digital signatures, and the option to take an oath by audiovisual means (MCP

## 1.1 Territorial Application of the *Oaths Act*

In 2021 correspondence with the Research Directorate, a law firm based in Toronto with a presence in Nigeria whose practice areas include immigration, business, litigation and workplace investigations, stated that the *Oaths Act* of 1963 ("as amended") is a "Statute of General Application"; it is therefore "binding" for all states in Nigeria except for Lagos, which has enacted the *Oaths Law of Lagos State* (as amended) (Toronto-based law firm 2021-10-22). In a 2021 telephone interview with the Research Directorate, a partner at a Lagos-based law firm, whose practice areas include litigation and dispute resolution, taxation, and corporate finance, stated that the [federal] *Oaths Act* "applies across the country" (Partner A 2021-10-18).

However, in correspondence with the Research Directorate, also in 2021, a partner at a different Lagos-based law firm, whose practice areas include employment and immigration law, noted that "each state has its own oath law"; these differ in style but "the contents are largely the same" (Partner B 2021-10-20). Similarly, in 2021 correspondence with the Research Directorate, the founder and Principal Counsel of an Ontario-based law firm, who also founded a business management software, and a member of the Ontario bar both indicated in a joint response that states have separate oath laws but that these "mostly replicate the federal legislation" (Founder and member 2021-10-26). One of the law firm partners stated that courts will allow individuals to refer to the oath law when swearing an oath, since it contains "essentially the same content" as the *Oaths Act* (Partner A 2021-10-18).

## 2. Affidavits

### 2.1 General Rules

In a guide to writing affidavits for Nigerian law students, Kingsley Udofa, a senior lecturer at the School of Law at Sheffield Hallam University in the UK (Sheffield Hallam University n.d.), defines an affidavit as a

written or printed declaration or statement of facts. Affidavits are made voluntarily and confirmed by the "oath" or "affirmation" of the party making it and taken before a person having authority to administer such oath or affirmation. (Udofa [2012])

Regarding affidavits, the *Evidence Act, 2011* provides the following:

107. A court may, in any civil proceeding make an order at any stage of such proceeding directing that specified facts may be proved at the trial by affidavit with or without the attendance of the deponent for cross-examination:

Provided that where a party desires the attendance of such deponent for cross-examination the court shall require his attendance for that purpose where this would not result in unjustifiable delay or expense.

108. Before an affidavit is used in the court for any purpose, the original shall be filed in the court, and the original or an office copy shall alone be recognised for any purpose in the court. (Nigeria 2011, bold in original)

In the *Evidence (Amendment) Act, 2023*, a second subsection was added to section 108 of the Act:

(2) Notwithstanding subsection (1), where the affidavit is deposed to electronically before any person duly authorised to take affidavits, a copy shall be filed at the court registry and may be recognised for any purpose in the court. (Nigeria 2023a)

The *Evidence Act, 2011* also provides the following:

109. Any affidavit sworn before any judge, officer or other person duly authorised to take affidavits in Nigeria may be used in the court in all cases where affidavits are admissible. (Nigeria 2011, bold in original)

In the 2023 amendments,

6. Section 109 of the Principal Act is amended by inserting after the word, "Nigeria", the words, "whether in person or through audio-visual means." (Nigeria 2023a, bold in original)

The *Evidence Act, 2011* further provides the following:

112. An affidavit shall not be admitted which is proved to have been sworn before a person on whose behalf the same is offered, or before his legal practitioner, or before a partner or clerk of his legal practitioner.

...

114. A defective or erroneous affidavit may be amended and re-sworn by leave of the court, on such terms as to time, costs or otherwise as seem reasonable.

...

116. When there are before a court affidavits that are irreconcilably in conflict on crucial facts, the court shall for the purpose of resolving the conflict arising from the affidavit evidence, ask the parties to proffer oral evidence as to such facts, and shall hear any such oral evidence of the deponents of the affidavits and such other witnesses as may be called by the parties. (Nigeria 2011, bold in original)

## 2.2 Affidavits Sworn Abroad

The federal *Oaths Act* from 1963 provides the following on affidavits sworn outside Nigeria:

### 11. Taking oaths out of Nigeria

1. Any oath or affidavit required for any court or for the purposes of registration of an instrument may be taken or made in any place out of Nigeria before any person having authority to administer an oath in that place.
2. The provisions of subsection (1) of this section shall apply to any declaration, or affirmation in lieu of oath or affidavit so taken or made.
3. In the case of a person having such authority by the law of a country other than Nigeria, judicial and official notice shall be taken of his seal or signature affixed, impressed or subscribed to or on any such oath, affidavit, declaration or affirmation.

### 12. Power of Nigerian officials abroad

1. Every Nigerian official of the rank of secretary or above in a Nigerian Embassy or legation may in any country where he

exercises his functions, administer any oath and take any affidavit and also do any notarial act which a notary public can do within Nigeria.

2. Any oath, affidavit and notarial act administered, sworn or done by or, before any such person shall be as effectual as if duly administered, sworn or done by or before any lawful authority in any part of Nigeria.

3. Any document purporting to have affixed, impressed or subscribed thereon or thereto the seal or signature of any person authorised by this section to administer an oath in testimony of any oath, affidavit or act being administered, taken or done by or before him shall be admitted in evidence without proof of the seal or signature of that person, or of the official character of that person. (Nigeria 1963, bold in original)

## 2.3 Different Types of Affidavits

According to sources, there are affidavits for court proceedings and for non-court proceedings (Partner A 2021-10-18; Toronto-based law firm 2021-10-22; Udofa [2012]).

One of the law firm partners stated that there is "just one standard affidavit" but that affidavits "are subject matter specific" (Partner B 2021-10-20). The Toronto-based law firm noted that affidavits are captioned "based on what the affidavit sets out to achieve" and provided the following list of common affidavit types:

- Change of name ("used to declare a change of name by the deponent")
- Statement/declaration of age ("usually used in lieu of a birth certificate")
- Affidavit of behaviour ("usually intended to attest to good behaviour")
- Affidavits "stat[ing] facts in support of a case in court," including sworn witness statements, verifying affidavits or supporting affidavits
- Affidavits that "testify to the loss of documents or other valuables"
- Affidavits of fact (Toronto-based law firm 2021-10-22).

## 2.4 Electronic Affidavits (e-Affidavits)

Sources indicate that the Federal High Court of Nigeria introduced the option to submit affidavits electronically (Wole Olanipekun & Co. 2024-07-22; Dentons ACAS-Law 2024-07-04; SPA Ajibade & Co. 2024-07-01). The *Federal High Court (Practice Directions on E-Affidavit), 2024* were issued on 7 June 2024 and introduced e-affidavits as of 1 July 2024 (Nigeria 2024).

Sources report that the use of e-affidavits and the option to take an oath by audiovisual means [since the 2023 amendments to the *Evidence Act, 2011* (see section 1 of this Response)] simplify the process for people who would otherwise have to travel to obtain affidavits (Tijani 2023-09, 4; MCP [2023]).

Sources note that the purpose of this change is not to replace paper affidavits with e-affidavits and that they will exist side-by-side (Wole Olanipekun & Co. 2024-07-22; Dentons ACAS-Law 2024-07-04). However, media sources, citing a circular from the Deputy Chief Registrar acting on the directive of the Chief Judge of Lagos State, report that beginning on 1 June 2025, all non-litigation affidavits are exclusively available electronically in Lagos State; however, the directive does not apply to court affidavits (Premium Times 2025-06-05; *The Guardian* 2025-06-04; *The Punch* 2025-06-04).

The Electronic Court Management System (ECMS) on the website of the Federal High Court of Nigeria now includes an E-Affidavit Portal, which allows affidavits to be made online and provides access to related court services (Nigeria n.d.a). The Federal High Court of Nigeria's portal also offers an option to verify existing affidavits using the affidavit's reference number (Nigeria n.d.a). According to the law firm Wole Olanipekun & Co., which has offices in Lagos and Abuja (Wole Olanipekun & Co. n.d.), some state high courts in Nigeria have adopted the e-affidavit (2024-07-22). For example, the websites of the following high courts provide the option to make e-affidavits:

- Abia (Abia State n.d.)
- Enugu (Enugu State n.d.)
- Lagos (Lagos State n.d.)
- Oyo (Oyo State n.d.)
- Federal Capital Territory in Abuja (Federal Capital Territory n.d.).

Wole Olanipekun & Co. reports that the High Court of Rivers State is another court accepting e-affidavits (2024-07-22).

## 3. Authorities Who Can Swear and Issue Affidavits

### 3.1 General Rules

Nigeria's federal *Oaths Act* provides the following:

#### 10. Authority to administer oaths

1. It shall be lawful for the Chief Justice of Nigeria, a Justice of the Supreme Court, the President and Justices of the Court of Appeal and any judge of the Federal High Court, a notary public, and any commissioner for oaths, to administer any lawful oath or to take any lawful affirmation or affidavit which may be required to be taken or made for the purpose of complying with the requirements of any law for the time being in force throughout Nigeria or elsewhere, except where such procedure is expressly or by necessary implication manifestly excluded by the terms of such law as aforesaid and the presumption shall be against any such exclusion. (Nigeria 1963, bold in original)

The *Oaths (Amendment) Act, 2016* includes the following provision:

2. Section 10 (1) of the Principal Act is amended by substituting for the words, "and any Judge of the Federal High Court", in line 2, the words, "the Chief Judge and Judges of the Federal High Court, the President and Judges of the National Industrial Court, the Chief Judge and Judges of the High Court of the Federal Capital Territory, Abuja, the Chief Judge and Judges of a State High Court, the Grand Kadi and Kadis of the Sharia Court of Appeal of the Federal Capital Territory, Abuja, the President and Judges of the Customary Court of Appeal of the Federal Capital Territory, Abuja, the Grand Kadis and Kadis of the Sharia Court of Appeal of a State, the President and Judges of the Customary Court of Appeal of a State. (Nigeria 2016)

The 1963 federal *Oaths Act* also provides the following:

#### 13. Voluntary declarations

It shall be lawful for any commissioner for oaths, notary public or any other person authorised by this Act to administer an oath, to take and receive the declaration of any person voluntarily making the same before him in the form set out in the First Schedule to this Act.

(Nigeria 1963, bold in original)

The *Evidence Act, 2011* provides the following:

111. The fact that an affidavit purports to have been sworn in the manner prescribed in the preceding sections shall be prima facie evidence of—

1. the seal or signature, as the case may be, of any such court, judge, magistrate or other officer or person mentioned in, or appended or subscribed to, any such affidavit; and
2. the authority of such court, judge, magistrate or other officer or person to administer oaths.

...

113. The court may permit an affidavit to be used, notwithstanding that it is defective in form according to this Act, if the court is satisfied that it has been sworn before a person duly authorised.

...

118. The person before whom an affidavit is taken shall not allow it, when sworn, to be altered in any manner without being re-sworn; and may refuse to allow an altered affidavit to be re-sworn and require instead a fresh affidavit. (Nigeria 2011, bold in original)

According to the Toronto-based law firm, the two "most common" authorities issuing affidavits are commissioners for oaths and notaries public (2021-10-22). One of the law firm partners stated that for court proceedings, the individual must swear before the commissioner for oaths or, if they are outside Nigeria, before a notary public; for non-court proceedings, the affidavit can be issued by "authorized" individuals based at the courts or a notary public (Partner A 2021-10-18).

### 3.1.1 *Notaries Public Act, 2023*

On 12 June 2023, the *Notaries Public Act, 2023* repealed the *Notaries Public Act, LFN 2004* (Aluko & Oyebode 2023-11; Amofin Solicitors [2023]), which "governed the appointment, roles, and responsibilities of notaries public in Nigeria" (Aluko & Oyebode 2023-11). The 2023 Act mentions taking affidavits in section 2 among the roles and responsibilities of notaries public, and in section 7 it identifies affidavits among the documents that may be notarized by a notary public (Nigeria 2023b).

The new Act also provides the following:

5. (1) Notaries Public shall discharge their duties, where the situation arises, via electronic means.

(2) Notaries Public shall register with the Chief Registrar their intention and capability to notarise documents digitally before performing any electronic notarial act.

(3) Notaries Public shall be required to register their official digital signature with the Chief Registrar.

(4) Notaries Public who register their capability to perform electronic notarial acts shall be required to provide the form of electronic technology to be used in attaching or associating an electronic notarial signature.

(5) The Chief Registrar shall issue digital seals to Notaries Public who comply with the provisions of subsections (2), (3) and (4).

...

6. (1) A Notary Public may perform an electronic notarial act for an electronic document by audio-visual communication for a person who is situated -

1. in the same State as the Notary Public;
2. outside the State where a Notary Public is domiciled or commissioned but within Nigeria; or
3. outside Nigeria.

... (Nigeria 2023b, bold in original)

According to section 4 of the *Notaries Public Act, 2023*,

4. (1) The Chief Registrar of the Supreme Court shall keep a register, both in physical and electronic form in which he shall enter the name, address, phone number and email address of every person who shall be appointed to the office of the Notary Public and the date of his appointment and admission.

... (Nigeria 2023b, bold in original)

This register is available online (Nigeria n.d.b).

### 3.2 Authorities Who Can Swear and Issue Affidavits in Lagos State

According to subsection 10(1) of the *Oaths Law of Lagos State*, the authorities able to administer an oath or affidavits are as follows:

- the Chief Judge of Lagos State
- a judge of the High Court
- a magistrate
- a notary public
- any commissioner for oaths in Lagos State (Lagos State 1967).

### 3.3 Authorities Who Can Swear and Issue Affidavits Abroad

The federal *Oaths Act* of 1963 [as quoted in section 2.2 of this Response] states the following regarding the authorities who can take and swear affidavits abroad:

#### 12. Power of Nigerian officials abroad

1. Every Nigerian official of the rank of secretary or above in a Nigerian Embassy or legation may in any country where he exercises his functions, administer any oath and take any affidavit and also do any notarial act which a notary public can do within Nigeria.

... (Nigeria 1963, bold in original)

According to the *Evidence Act, 2011*,

#### 110. Any affidavit sworn in any country other than Nigeria before—

1. a judge or magistrate, being authenticated by the official seal of the court to which he is attached, or by a notary public; or
2. the duly authorised officer in the Nigerian Embassy, High Commission or Consulate in that country, may be used in the court in all cases where affidavits are admissible. (Nigeria 2011,

bold in original)

In the 2023 amendments to the Act,

7. Section 110 of the Principal Act is amended by inserting after the word "Nigeria", the words, "whether in person or through audio-visual means." (Nigeria 2023a, bold in original)

The law firm Aluko & Oyebode states, in its article on the *Notaries Public Act, 2023*, that the amended *Evidence Act* from 2023 "allows persons to swear to affidavits from foreign jurisdictions before a Commissioner for Oaths in Nigeria through audio-visual means" (2023-11).

The Toronto-based law firm noted that the *Oaths Law of Lagos State* does not cover requirements for taking an oath outside of Nigeria (2021-10-22).

## 4. Content, Appearance and Security Features of Affidavits

### 4.1 General Rules

The *Evidence Act, 2011* provides the following:

115. (1) Every affidavit used in the court shall contain only a statement of facts and circumstances to which the witness deposes, either of his own personal knowledge or from information which he believes to be true.

(2) An affidavit shall not contain extraneous matter, by way of objection, prayer or legal argument or conclusion.

(3) When a person deposes to his belief in any matter of fact, and his belief is derived from any source other than his own personal knowledge, he shall set forth explicitly the facts and circumstances forming the ground of his belief.

(4) When such belief is derived from information received from another person, the name of his informant shall be stated, and reasonable particulars shall be given respecting the informant, and the time, place and circumstance of the information.

...

117. (1) Every affidavit taken in a cause or matter shall—

1. be headed in the court and in the cause or matter;
2. state the full name, trade or profession, residence, and nationality of the deponent; and
3. be in the first person, and divided into convenient paragraphs numbered consecutively.

(2) Any erasure, interlineation or alteration made before the affidavit is sworn, shall be attested by the person before whom it is taken, who shall affix his signature or initial in the margin immediately opposite to the interlineations, alteration or erasure.

(3) Where an affidavit proposed to be sworn is illegible or difficult to read, or is in the judgment of the person before whom it is taken so written as to facilitate fraudulent alteration, he may refuse to swear the deponent, and require the affidavit to be re-written in an unobjectionable manner.

(4) An affidavit when sworn shall be signed by the deponent or if he cannot write or is blind, marked by him personally with his mark in the presence of the person before whom it is taken.

...

119. (1) Where the deponent is illiterate or blind the affidavit shall state that fact, and shall be accompanied with a jurat.

(2) The jurat shall—

1. be written without interlineation, alteration or erasure immediately at the foot of the affidavit, and towards the left side of the paper, and shall be signed by the person before whom it is taken;
2. state the date of the swearing and the place where it is sworn;
3. state that the affidavit was sworn before the person taking the same; and
4. where the deponent is illiterate or blind, state such fact and shall state that the affidavit was read over to such illiterate or blind deponent or translated into his own language (in the case of a deponent not having sufficient knowledge of English), and that he appeared to understand it. ... (Nigeria 2011, bold in original)

The *Evidence (Amendment) Act, 2023* provides for the following amendment in section 119:

Section 119 (2) of the Principal Act is amended by inserting after paragraph (b), a new paragraph "(ba)" -

"(ba) if the affidavit is taken via audio-visual means, then the electronic record shall state which audio-visual method was used and the date on which it was used." (Nigeria 2023a, bold in original)

Nigeria's federal *Oaths Act* of 1963 provides the following:

#### 6. Place and date of oath

Every commissioner for oaths or notary public before whom any oath or affidavit is taken or made under this Act shall state truly in the jurat or attestation at which place and on what date the oath or affidavit is taken or made. (Nigeria 1963, bold in original)

The form prescribed for voluntary declarations, set out in the First Schedule of the federal *Oaths Act, 1963* and referenced in section 13 of the Act [quoted in section 3.1 of this Response], reads as follows:

I .....do hereby solemnly swear by Almighty God that this is my name and handwriting and that the facts deposed by me in this affidavit are the truth, the whole truth and nothing but the truth. (Nigeria 1963)

The *Evidence Act, 2011* provides the following:

**120.** (1) The person before whom an affidavit may be taken may take without oath the declaration or any person who—

1. affirms that the taking of any oath whatsoever is, according to his religious belief, unlawful; or
2. by reason of immature age or want of religious belief, ought not, in the opinion of the person taking the declaration to be admitted to make a sworn affidavit.

(2) The person taking the declaration shall record in the attestation the reason of such declaration being taken without oath. (Nigeria

2011, bold in original)

The federal *Oaths Act of 1963* provides the following:

## 8. Affirmations

Any person who objects to the taking of an oath and desires to make an affirmation in lieu thereof, may do so without being questioned as to the grounds of such objection or desire, or otherwise, and in any such case the form of the required oath shall be varied by the substitution for the words or [*sic*] swearing, the words, "I solemnly, sincerely, and truthfully affirm that .... "; and such other consequential variations of form as may be necessary shall thereupon be made:

Provided that in any case where the Oath of Allegiance is to be taken, for the words "truthfully affirm" in this section there shall be substituted the words "truly declare and affirm," and the words "So help me God," shall be omitted. (Nigeria 1963, bold and ellipsis in original)

According to an article by Adebiji Tax & Legal [1], in the case of *GTB Plc v. Abiodun* (2017) LPELR-42551 (CA), the Court of Appeal "held that a statement on oath or affidavit must comply strictly with Section 13 of the Oaths Act, Laws of the Federation of Nigeria, 2004 for it to be valid" (Adebiji Tax & Legal 2018-11-14). The same source further noted that if this decision is referenced by other courts, it "will have a far[-]reaching effect on the validity of numerous cases concluded before various courts in Nigeria because the requirement of Section 13 [see sections 3.1 and 4.1 of this Response] of the Oaths Act has not been strictly followed in many of cases" (Adebiji Tax & Legal 2018-11-14). Referencing the same legal case, the founder and member noted that the *Oaths Act* "requires strict compliance with the prescribed format of oath, otherwise the affidavit is not legally effective" (Founder and member 2021-10-26).

The First Schedule of the *Oaths Act* also provides forms of oath and jurat for the following circumstances:

- If the deponent is blind or illiterate
- If the deponent is "physically in-capacitated from writing his name"
- If the deponent is "incapable of affixing any distinguishable mark" to the affidavit

- If the deponent requires an interpreter (Nigeria 1963, First Schedule).

In his guide to drafting affidavits for court proceedings, Udofa lists the main parts of this type of affidavit, from top to bottom:

- In the header, centred, the name of the court in which the application has been filed;
- Just below, in the top right corner of the page, the suit number and/or motion number;
- The names and descriptions of the parties to the action;
- A description of the affidavit itself, centred;
- An introductory statement indicating the deponent's name, gender, citizenship, occupation and address (which is not a paragraph and so is not numbered);
- First paragraph: "often" a description of the deponent and their position on the matter (numbered);
- Second paragraph: on consent and authority (optional) (numbered);
- Next paragraphs: the facts (numbered);
- Last paragraph: the oath clause, which never changes: "THAT I make this oath in good faith believing its contents to be true and in accordance with the Oath Act, 2004" [2];
- The signature of the deponent (mandatory), in the bottom right corner of the page;
- The registry where the affidavit was sworn, "usually" written at the bottom left corner of the page, lower than the deponent's signature;
- The date of the affidavit, on the left below the last paragraph;
- If the affidavit is sworn by an illiterate or blind person, the jurat after the date;
- Space for the commissioner for oaths to sign and stamp, centred and in uppercase letters (Udofa [2012]).

According to the Toronto-based law firm there are "common features" on affidavits which include

the signature of the deponent, [the] signature of the Commissioner of Oaths or the Notary Public that swore and issued the affidavit, the seal or stamp of the court or Notary Public. ... Affidavits sworn before a notary public are expected to have a stamp and seal of the Nigerian Bar Association (NBA) on them. If a document that is intended for use in a judicial process in court in Nigeria does not have a stamp and seal, the Supreme Court of Nigeria in *Senator Bello Sarkin Yaki v. Senator Atiku Bubakar Bagudu* (SC/722/2015) has taken the position that the implication is that the document has not been properly signed or filed. (2021-10-22)

The Toronto-based law firm stated that affidavits in Nigeria do not have verification features (2021-10-22). The Notary Public stated that government-issued affidavits have "little or no identifiable mark for authenticity" (2021-11-01). However, according to one of the law firm partners, affidavits have the seal of the issuing court or notary public for verification purposes (Partner B 2021-10-20). Similarly, the founder and member noted that "the affidavit is authenticated with the signature and/or official stamp or seal of the Commissioner for Oaths or notary public" (2021-10-26). One of the law firm partners stated the following regarding verification features:

- If the affidavit was issued by a notary public or court, there will be a stamp.
- Affidavits issued at the courts will include the name of the Commissioner for Oaths and a signature. Federal courts have "national jurisdiction" so their affidavits will be signed by the adjudicator.
- Affidavits issued outside the courts will have the name and stamp of the issuing lawyer (Partner A 2021-10-18).
- The following sample court affidavits are attached to this Response:
  - affidavit template for a legal proceeding in a Nigerian State High Court (general format), sent to the Research Directorate by a Toronto-based law firm (Attachment 1);
  - affidavit for a legal proceeding at the Lagos Court of Appeal, sent to the Research Directorate by a partner at a Lagos-based law firm (Partner A) (Attachment 2);
  - signature for a court affidavit at the Federal High Court in Lagos, sent to the Research Directorate by a partner at a Lagos-based law firm (Partner A) (Attachment 3); and

- affidavit in support of a motion on notice at the High Court of Ekiti State, sent to the Research Directorate by a Toronto-based law firm (Attachment 4).
- The following sample affidavits for non-court proceedings are attached to this Response:
  - affidavit of identity at the High Court of Lagos State, sent to the Research Directorate by a partner at a Lagos-based law firm (Partner A) (Attachment 5);
  - template of an affidavit for change of name in a Nigerian State High Court (Attachment 6);
  - affidavit of change of name in a High Court of Plateau State, sent to the Research Directorate by a Toronto-based law firm (Attachment 7);
  - template of an affidavit for declaration of age in a Nigerian State High Court, sent to the Research Directorate by a Toronto-based law firm (Attachment 8);
  - affidavit of sworn declaration of age in a High Court of Plateau State, sent to the Research Directorate by a Toronto-based law firm (Attachment 9);
  - affidavit template for good conduct in a Nigerian State High Court, sent to the Research Directorate by a Toronto-based law firm (Attachment 10);
  - affidavit of good conduct in a High Court of Plateau State, sent to the Research Directorate by a Toronto-based law firm (Attachment 11);
  - non-court proceedings affidavit from Lagos State, sent to the Research Directorate by a partner at a Lagos-based law firm (Partner A) (Attachment 12).

## 4.2 Content, Appearance and Security Features of Affidavits Sworn in Lagos

The Toronto-based law firm stated in 2021 that "[t]he Lagos State judiciary has a seal which is now affixed to affidavits sworn before the Lagos State judiciary" (2021-10-22). Media sources report that in 2017 the Lagos State Judiciary introduced an official seal to be affixed to affidavits issued by the Lagos High Court (TheCable 2022-12-03; TheNigeriaLawyer 2017-08-02). Further information on the seal could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 4.3 Content, Appearance and Security Features of Affidavits Sworn Abroad

Regarding the content of affidavits sworn abroad, subsection 11(3) of the federal *Oaths Act, 1963* [quoted in section 2.2 of this Response] provides as follows:

(3) In the case of a person having such authority by the law of a country other than Nigeria, judicial and official notice shall be taken of his seal or signature affixed, impressed or subscribed to or on any such oath, affidavit, declaration or affirmation. (Nigeria 1963)

Subsection 12(3) of the same Act [quoted in section 2.2 of this Response] provides as follows:

(3) Any document purporting to have affixed, impressed or subscribed thereon or thereto the seal or signature of any person authorised by this section to administer an oath in testimony of any oath, affidavit or act being administered, taken or done by or before him shall be admitted in evidence without proof of the seal or signature of that person, or of the official character of that person. (Nigeria 1963)

#### 4.4 Content, Appearance and Security Features of e-Affidavits

Information on the content, appearance and security features of e-affidavits was scarce among the sources consulted by the Research Directorate within the time constraints of this Response. For an introduction to e-affidavits, see section 2.4 of this Response.

The law firm Aluko & Oyeboode indicates that the *Notaries Public Act, 2023* provides for "digital and remote notarisation of documents" (Aluko & Oyeboode 2023-11). The Act prescribes that "[t]he Chief Registrar shall issue digital seals to Notaries Public" who wish to perform their duties by electronic means and who comply with the relevant provisions of the Act (section 5, subsections 2 to 4) [cited in section 3.1.1 of this Response] (Nigeria 2023b, subsection 5(5)).

Subsection 6(4) of the 2023 Act provides as follows:

(4) When performing an electronic notarisation, a Notary Public shall prepare and execute an electronic notarial certificate, which shall be attached to the process that has been notarised. (Nigeria 2023b)

The same Act states the following:

22. (1) Every Notary Public before whom any oath or affidavit is taken or made under this Act shall truly state in the jurat of attestation at which place and on what date the oath or affidavit is taken or made.

(2) Where notarisation is carried out through electronic means as duly provided for in this Act, the Notary Public shall state the technology used to notarise the document. (Nigeria 2023b, bold in original)

The Federal High Court's e-Affidavit Portal states that "[a]ll affidavits issued through this portal are protected with unique barcodes and reference numbers for verification" (Nigeria n.d.a).

## 5. Requirements and Procedures for Obtaining an Affidavit

### 5.1 Requirements and Procedures for Obtaining a Paper Affidavit in Nigeria

The Toronto-based law firm summarizes the procedures to obtain an affidavit, provided in Sections 108, 115, and 117–119 of the *Evidence Act, 2011*, as follows:

1. The deponent, or the person interested in obtaining an affidavit, is expected to appear before the person having authority to administer an affidavit. ... [T]he most common [of these authorities] are the various commissioners for oaths and notar[ies] public.
2. The party must pay the prescribed fee and receive a receipt for the transaction.
3. The identi[ty] of the deponent must be verified by the notary public, commissioner of oaths or [an]other individual having authority to administer an affidavit. This is done by examining the national ID card, passport, or other information like the deponent's personal details, such as religion, state of origin, parent's maiden name, address, reason for affidavit, etc.
4. Further questions may be asked of the deponent and further evidence could also be required.
5. Afterwards, the deponent will then swear to the facts and sign the affidavit.

6. The administering authority is expected to sign and seal the affidavit. (Toronto-based law firm 2021-10-22)

According to one of the law firm partners, the procedure to obtain an affidavit is to "prepare the affidavit, attach a passport photograph and swear an oath before the commissioner of oaths or a notary public" (Partner B 2021-10-20).

Regarding the attached photograph, one of the law firm partners stated in follow-up correspondence with the Research Directorate from 2021 that the practice of including a passport photograph with the affidavit is "strictly" followed in the high courts of Nigeria and Lagos State and "usually" followed by commissioners for oaths; "some" notaries also adhere to this practice (Partner A 2021-10-20). In a 2021 telephone interview with the Research Directorate, a notary public at a law firm based in Abuja stated that the inclusion of a passport photo with an affidavit is "convention" rather than a legal requirement; in some states, photos will be attached, but not in all (Notary Public 2021-11-01). The same source adds, however, that the Supreme Court does not accept affidavits if there is no photo attached (Notary Public 2021-11-01).

A June 2021 article in the *Punch*, a daily Nigerian newspaper, states that an individual seeking an affidavit must first pay the "statutory fees"; the proof of payment is then verified by the finance department, after which the commissioner for oaths will authorize and sign the affidavit (2021-06-03). According to the founder and the member, if an affidavit is authenticated by the Commissioner for Oaths for members of the public, deponents "usually" receive receipts for the fees paid (2021-10-26). In follow-up correspondence from 2021, one of the law firm partners stated that there is no "fixed" fee for affidavits from a court and the cost will vary between courts and across the country (Partner A 2021-10-20). Sources indicated that fees for affidavits from notaries public differ (Partner A 2021-10-20; Toronto-based law firm 2021-10-22) "according to the fee range of the Notary Public in question" (Toronto-based law firm 2021-10-22). The Toronto-based law firm added that "most" court affidavits cost between 1,000 and 2,000 Nigerian naira (NGN) [C\$0.96–1.92], depending on the type of affidavit (2021-10-22). The Notary Public noted that in "most" states an affidavit is 500 NGN; in Abuja the average cost for a high court-issued affidavit is 1,000 to 2,000 NGN, while at the Supreme Court the cost is 15 NGN [C\$0.01] (2021-11-01). The same source further stated that notary publics do not have rates set by the government and indicated that their law firm charges "about" 20,000 NGA for an affidavit (Notary Public 2021-11-01). The Notary Public explained that courts "can be cheaper," since they are only available weekdays from 9 a.m. to 5 p.m. while notaries public are available on weekends and holidays and willing to meet a client "in public" (2021-11-01). An article in Premium Times, a Nigeria-based online newspaper, reports that each court decides its own

fees for affidavit types, and provides the following examples for 2019 fees:

- Supreme Court charges 10 NGN for declaration-of-age affidavit
- Supreme Court charges 300 NGN [C\$0.29] for affidavits needed for court proceedings
- Lagos State judiciary charges a "fixed fee" of 500 NGN for court-issued affidavits
- Court of Appeal charges 300 NGN for affidavits with an additional 157 NGN in "bank charges"
- Federal Capital Territory charges 500 NGN for an affidavit and 200 NGN for the additional requirement of court's seal to be affixed to the document (2021-06-01).

### 5.1.1 State-Specific Requirements and Procedures for Obtaining a Paper Affidavit in Nigeria

Information on state-specific procedures to obtain a court-issued affidavit was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicated that the procedures to obtain an affidavit are "largely the same" in all states (Toronto-based law firm 2021-10-22; Partner A 2021-10-18), including Lagos (Toronto-based law firm 2021-10-22). Similarly, the founder and the member reported that, because state oaths laws "closely replicate" the federal *Oaths Act*, there is "substantial uniformity" in the country's oath laws, though titles and format requirements may differ (2021-10-26). One of the law firm partners noted that "[s]ome states may not require the deponent to be physically present" (Partner B 2021-10-20).

### 5.1.2 Requirements and Procedures for Obtaining a Paper Affidavit from Abroad

Information on the requirements and procedures for obtaining affidavits through Nigerian diplomatic missions abroad was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The website of the Nigerian embassy in Brussels, notes that the following documents are required to request an affidavit:

- Consular section application form

- Two passport-type photographs
- Two copies of the Nigerian passport data page
- Two copies of a residence card or two copies of proof of residence (Nigeria n.d.c).

## 5.2 Requirements and Procedure for Obtaining an e-Affidavit from the Federal High Court

A notice posted on the homepage of the Federal High Court's e-Affidavit Portal indicates that the documents required to obtain an affidavit are as follows:

A corporate-standard passport photograph (clear, recent, and compliant with court specifications).

A clear and legible signature on a plain white background.

A valid government-issued means of identification (e.g., NIN [national ID number], [i]nternational [p]assport, [d]river's [l]icense, or [v]oter's [c]ard). (Nigeria n.d.a)

The same page indicates that the required fee must be paid to validate the application and that the applicant has 72 hours to respond to any requests for details or additional documents (Nigeria n.d.a).

An article about the e-Affidavit Portal on the Federal High Court's website states that the following steps must be completed to obtain an affidavit:

1. **User Registration:** Lawyers and applicants create verified accounts.
2. **Affidavit Drafting:** Fill templates or upload pre-drafted documents.
3. **Payment & Submission:** Pay fees online and submit for review.
4. **Court Approval:** [Federal High Court] officers verify and digitally notarize affidavits.
5. **Download:** Users receive certified copies via the portal. (Nigeria n.d.d, bold in original)

### 5.2.1 State-Specific Requirements and Procedures for Obtaining an e-Affidavit in Nigeria

The steps posted on Enugu State's E-Affidavit Portal include choosing the applicable affidavit template, inputting the required information, submitting the affidavit and making the payment online, as well as choosing the time for the online deposition from the commissioner for oaths' schedule, and then receiving the signed and stamped affidavit by email (Enugu State n.d.). The same source adds that a copy of the affidavit will be emailed to the court for printing on official letterhead, if required (Enugu State n.d.).

The judicial authorities of other states, such as Abia State (Abia State n.d.) and Oyo State (Oyo State n.d.), also offer the possibility of making e-affidavits, but access to their portals is limited to those who create an account (Abia State n.d.; Oyo State n.d.). In correspondence with the Research Directorate from October 2025, one of the partners stated that the high courts of Lagos and [translation] "a few other" states now offer the option of virtually swearing to affidavits (Partner A 2025-10-08).

### 5.2.2 Requirements and Procedures for Obtaining an e-Affidavit in Lagos State

The Lagos High Court website provides following general instructions for obtaining an e-affidavit:

1. create an account, either as a legal practitioner or as a private citizen;
2. sign in with an email address and password,
3. click on "depose to an affidavit,"
4. select the desired affidavit type, court and division,
5. fill in the affidavit,
6. make the payment,
7. upload a signature,
8. call the commissioner for oaths online through the platform, and
9. take the oath (Lagos State n.d.).

Then, the affidavit will be saved in the account and ready for printing (Lagos State n.d.).

Citing a directive from the Chief Judge of Lagos State, media sources state that, effective 1 June 2025 in Lagos State, all "general" affidavits must be obtained electronically through the Lagos State Court Management Information System (LagosCoMiS); however, the directive does not apply to court affidavits (Premium Times 2025-06-05; *The Guardian* 2025-06-04; *The Punch* 2025-06-04). According to the same sources, general affidavits include, for example, affidavits for change of name and for declaration of age or loss of SIM card (Premium Times 2025-06-05; *The Guardian* 2025-06-04; *The Punch* 2025-06-04).

## 6. Fraud Related to Affidavits and Prevalence of Fraudulent Affidavits

No information more recent than 2021 could be found on fraudulent affidavits and the prevalence of fraud related to affidavits in Nigeria in the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicated in 2021 that false affidavits exist in Nigeria (Partner A 2021-10-18; Partner B 2021-10-20; Toronto-based law firm 2021-10-22). However, the founder and the member noted that Nigeria's criminal justice system "severely punishes" forgery and fraud and that this "deter[s]" the use of fake affidavits (2021-10-26). The Toronto-based law firm similarly stated that "anyone found to have made a false affidavit" will be charged with the crime of perjury (2021-10-22).

According to one of the law firm partners, while it "may be easy" for an individual to access a fraudulent affidavit, "largely people try as much as possible to comply" with legal requirements (Partner A 2021-10-18). The founder and member stated that, as affidavits can be obtained with "relative ease," it is "highly unlikely" that an individual would use a fraudulent affidavit (2021-10-26). Sources indicated that fraudulent affidavits are more expensive than authentic ones (Notary Public 2021-11-01; Toronto-based law firm 2021-10-22), making them "less attractive" to deponents (Toronto-based law firm 2021-10-22). The Toronto-based law firm indicated, however, that, "in certain situations," individuals use middle agents to acquire affidavits because they believe this will facilitate the process (2021-10-22).

The Toronto-based law firm further notes that "most" affidavits in Nigeria are issued by "credible sources" and that the use of fraudulent affidavits "often occurs when the Nigerian judiciary are on strike" (2021-10-22). In June 2021, Premium Times reported the issuance of fake affidavits during the court strike that was taking place, stating that, outside various courts for the Federal Capital Territory, their reporter was able to have affidavits issued without a police report or proof of the claims, with the affidavits

being stamped and backdated to when the courts were open; prices for fraudulent affidavits ranged from 1,000 to 4,000 NGN (2021-06-01).

The *Punch* reported that "some" of those issuing fraudulent affidavits possess court stamps (2021-06-03).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## Notes

[1] Adebisi Tax & Legal was a tax litigation law practice in Nigeria until it was acquired by another law firm in March 2020 (*Vanguard* 2020-03-05). [\[back\]](#)

[2] Udofa's guide was published prior to *Oaths Act's* most recent amendments [adopted in 2016 (Nigeria 2016)]. [\[back\]](#)

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**Internet sites, including:** Australia – Department of Foreign Affairs and Trade; Austrian Red Cross – ecoinet; Civil Resource Development and Documentation Centre; Delta State – Delta State Government; Denmark – Danish National ID Centre; *International Encyclopaedia of Laws*; Kluwer Law Online; LawNigeria; Learn Nigerian Laws; Legit.ng; Netherlands – Ministry of Foreign Affairs; New York University School of Law – Hauser Global Law School Program; Nigerian Institute of Advanced Legal Studies; Nigeria – embassy in Moscow, consulate in South Africa, Legal Aid Council, National Judicial Council, Supreme Court of Nigeria; Nigerian Bar Association; Nigerian Finder; Nigerian Institute of Advanced Legal Studies; Nigerian Law Library; Nigerian Search Guide; Policy and Legal Advocacy Centre; Rivers State – Rivers State Judiciary; UN – Human Rights Council, Refworld;

US – CIA, Department of State; *This Day*.

## Attachments

1. Nigeria. N.d. Affidavit template for legal proceedings in a Nigerian State High Court (general format). Sent to the Research Directorate by a Toronto-based law firm, 2025-10-16. Translated into French by the Translation Bureau, Public Services and Procurement Canada.
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## Associated documents

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Nigeria

### Query response on Nigeria: Affidavits (2021 - September 2025)

[Nigéria : les affidavits \(déclarations sous serment\), y compris les différents types, leur contenu, leur aspect et leurs caractéristiques de sécurité; spécimens; les exigences et la marche à suivre pour souscrire à des affidavits, y compris les personnes autorisées à les attester; la fréquence des affidavits frauduleux \(2021-septembre 2025\) \[NGA202435.F\]](#) (Response, French)

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