

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	217
Land:	Algeriet
Kilde:	Udenrigsministeriet
Titel:	Høringsnotat af 8. februar 2016 vedrørende mulighederne for at opnå opholdstilladelse i Algeriet. Indeholder oplysninger om mulighederne for at opnå opholdstilladelse i Algeriet, herunder særligt om muligheden for meddelelse af opholdstilladelse til ikke-algeriske statsborgere på baggrund af ægteskab med en algerisk statsborger eller en borger med opholdstilladelse i Algeriet. Videre oplysninger om ægteskabers retsgyldighed
Udgivet:	8. februar 2016
Optaget på baggrundsmaterialet:	6. august 2018

UDENRIGSMINISTERIET

J.nr. 2015-35234
Den 8. februar 2016

NOTAT

ALGERIET. Asylsager –
oplysninger vedr.
mulighederne for at opnå
opholdstilladelse i landet.
Udlændingestyrelsens mail af
13. juli 2015

Udlændingestyrelsen har til brug for den generelle asylsagsbehandling anmodet udenrigsministeriet om at søge oplysninger vedr. mulighederne for at opnå opholdstilladelse i Algeriet. Udlændingestyrelsen ønsker især at få belyst forholdene for opholdstilladelser for ikke-algierske statsborgere på baggrund af ægteskab med en algerisk statsborger eller en borger i Algeriet med opholdstilladelse i Algeriet. I denne forbindelse ønsker man ligeledes at få oplyst, hvornår et ægteskab kan anses for retsgyldigt i Algeriet.

Udenrigsministeriet har i denne forbindelse været i kontakt med den lokale juridiske kilde, som Danmarks ambassadør i Algeriet, baseret i København, har kontakt og henvist til.

Kilden svarer som følger på de stillede spørgsmål, idet følgende indledningsvis fremhæves:

Algeria has adhered to the Geneva Convention dated July 28th, 1951 relating to the Status of Refugees and has put in place the modalities of implementation of such Convention through the Decree No 63-274 dated July 25th, 1963;

Algeria has adhered to the New York Convention dated September 28th, 1954 relating to the Status of Stateless Persons through the Decree No 64-173 dated June 8th, 1964.

- **Can a Syrian Citizen/a Stateless Palestinian from Syria obtain a Residence Permit in Algeria following a Marriage with a woman of Algerian nationality? If yes, what are the conditions for granting a Residence Permit?**

Yes, a Syrian Citizen/a Stateless Palestinian from Syria can obtain a Residence Permit in Algeria following a Marriage with a woman of Algerian nationality.

In order to obtain such Residency Permit, an Administrative File has to be deposited with the territorially competent Police "*Sûreté de Daïra*".

The conditions for granting a Residence Permit are as follows:

- The Applicant has to prove that he is married. In this respect, a Marriage Certificate or a Court Decision relating to the Marriage has to be provided.
- The Applicant has to prove that he has sufficient means of subsistence.
- The Applicant has to provide a Lease Agreement or an Accommodation Certificate.
- The Applicant has to provide Medical Certificates.

In addition to the above, the below is usually required:

- Six (6) to ten (10) identity pictures ;
- Forms provided by the "*Sûreté de Daïra*" duly filled in in Arabic language and signed by the Applicant.
- Receipt of payment of a Stamp Duty.

The above documents and conditions are those usually required.

Attention:

Practice may vary from one "*Sûreté de Daïra*" to another and additional documents may be required depending on the practice of the relevant "*Sûreté de Daïra*". This has to be checked with the relevant territorially competent "*Sûreté de Daïra*".

The definition of "Stateless" under Algerian law - Article 3 of the Law 08 - 11 relating to the conditions of entry, stay and circulation of foreigners in Algeria, considers any individual who has a nationality other than Algerian, or who does not have any nationality, as foreigners.

- **Can a Female Syrian Citizen/a Stateless Palestinian from Syria obtain a Residence Permit in Algeria following a Marriage with a man of Algerian nationality? If yes, what are the conditions of granting a Residence Permit?**

Yes. Algerian Law does not make a distinction between men and women in this respect, see the answer above.

- **Can a Syrian Citizen/a Stateless Palestinian from Syria obtain a Residence Permit in Algeria following a Marriage with a woman who does not have the Algerian nationality, but who benefits from a permanent Residence Permit in Algeria? If yes, what are the conditions of granting a Residence Permit?**

Article 19 of the Law 08-11 relating to the conditions of entry, stay and circulation of foreigners in Algeria provides that the resident foreigner can benefit from the Family Reunification (*Regroupement Familial*) according to the modalities provided by regulation.

However, such modalities have not been put in place yet. The current practice has to be checked with the relevant territorially competent "*Sûreté de Daïra*".

- **Can a female Syrian Citizen/a Stateless Palestinian from Syria obtain a Residence Permit in Algeria following a Marriage with a man who does not**

have the Algerian nationality, but who benefits from a permanent Residence Permit in Algeria? If yes, what are the conditions of granting a Residence Permit?

Algerian Law does not make a distinction between men and women in this respect, see the answer above.

- **What are the conditions required for the Marriages concluded outside the Algerian territory? Does the Marriage have to have a legal value, and, if applicable, what are the conditions? Is a religious Marriage celebrated by an Imam recognized?**

The Algerian Code of Civil Status provides in its Articles 95 and 96 that any act of civil status of Algerians and foreigners, established in foreign countries, is proved (*fait foi*), if it has been drafted in the forms used, in such country, provided that the Algerian did not contravene to the substantive conditions required by the national law to be able to conclude a Marriage. For instance, Gay Marriages are not recognized in Algeria.

The so called "*Fatiha*" is not considered as a marriage *per se*. It has to be evidenced by the issuance of an Extract from the Register of Civil Status. In the absence of such an Extract, the "*Fatiha*" may be rendered valid by Court Decision.

- **What is the process to be followed in order to obtain a Residence Permit further to a Marriage?**

The process to be followed to obtain a Residence Permit further to a Marriage is the ordinary process as when obtaining a Residence Permit in addition to the requirement of providing a proof of the Marriage (either a Marriage Certificate or a Court Decision relating to the Marriage).

The Application for a Residence Permit together with the documents listed below are to be deposited by the Applicant with the territorially competent Police "*Sûreté de Daïra*".

The documents usually provided are the following:

- An Application for Residence Permit. In this respect, a Form to be provided by the "*Sûreté de Daïra*" is to be filled in in Arabic language in three copies.
- Marriage Certificate or Court Decision relating to the Marriage.
- Birth Certificate.
- Six (6) to ten (10) Identity pictures.
- Receipt of payment of a Stamp Duty issued by the Tax Authorities.
- Three Medical Certificates as follows: Médecine Générale - Pneumo/Phtisiologie - Sérologie to be obtained in Algeria.
- A copy of the Passport including a copy of a valid Visa.
- A copy of the Lease Agreement for habitation purposes or an Accommodation Certificate.

- Justification of sufficient means of subsistence or legalized Certificate of Commitment to cover costs for jobless foreigners and children.

After verification of the conformity of the File by the "*Sûreté de Daïra*", the latter issues a receipt to the Applicant valid three (3) months/renewable. Such Receipt will serve as a temporary Residence Permit.

Such Receipt refers to the identity of the Applicant and contains his/her picture and is duly stamped and signed by the "*Sûreté de Daïra*".

The foreigner can use such Receipt to travel in Algeria until a final decision is made on whether a Residence Permit is granted to him or not.

An investigation is systematically conducted in the framework of granting a Residence Permit in Algeria.

- **What is the duration of validity of a Residence Permit obtained further to a Marriage? Is it possible to renew the Residence Permit and what are the conditions of renewal?**

The duration of a Residence Permit varies depending on the content of the Applicant's File.

It is possible to renew a Residence Permit.

The application for the renewal of the Residence Permit must be filed during the last quarter preceding the expiry of the Residence Permit.

The process and the documents to be provided are the same as those to be provided in the framework of the first Residence Permit.

Practice may be different from one "*Sûreté de Daïra*" to another. This has to be checked with the relevant territorially competent "*Sûreté de Daïra*".

Udenrigsministeriet, den 8. februar 2016