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Algeria: Marriage registration and the issuance of marriage documents

Introduction

The following note describes the marriage registration procedure and the issuance of the marriage certificate and the family book in Algeria.

In doing so, the note includes a brief description of the different ways to enter into a legally valid marriage in Algeria, including situations where one party is non-Algerian.

The note likewise includes a brief description of the legal framework for civil registration, a description of how civil status documents are reissued, a description of the level of corruption in the public administration and an assessment of the trustworthiness of Algerian civil status documents.

The note is based on open source material.

Legal framework for civil registration

Registration of civil events (birth, death, marriage and divorce) and issuance of related civil status documents is regulated by the civil registry code (in French: *Code de l'état civil 1970*).¹ Algeria has 1,541 municipalities (in Arabic: *baladiyya*) where registrations in the population registry is conducted and each municipality has its own registries. According to the civil registry code, each municipality has three registers that are kept in double copy: one for birth, one for marriage and one for death registration.² Since 2014, civil status registries are linked by a computerised system governed by the Ministry of Interior.³ Births, marriages and deaths are registered by the competent registrar in the relevant register. Each of these registries allows the registration of notes in the margin of its pages (in French: *mentions marginales*). For example, marriages and deaths are noted in the margin next to the birth registration of the person in question.⁴

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¹ Landinfo, 11 May 2015, pp. 5-6.

² Civil Registry Code, 19 February 1970, Article 6.

³ Landinfo, 11 May 2015, p. 6.

⁴ Civil Registry Code, 19 February 1970, Article 6 and 72.

As of 2007, both Arabic and French are used for personal official documents. Documents issued by the registry office of the municipality in particular (birth, death and marriage certificates) as well as judicial documents (e.g. police records) can be issued in French on demand.⁵

Marriage in Algeria

Marriage and divorce are regulated by the Algerian family code from 1984 (*Code de la famille algérien*) amended in 2005.⁶

In an Algerian context, marriage is a process containing several stages: engagement; civil marriage registration and issuance of related documents; religious wedding ceremony; and wedding party.⁷ The present note will focus on the civil marriage registration and issuance of related marital documents.

The minimum age for legal marriage in Algeria is 19 for both genders. However, a judge can grant an age exemption for a reason of interest or in case of necessity.⁸

Since the amendments of the Algerian family code in 2005, proxy marriages have been prohibited but the bride's marriage guardian (*wali*) which is usually her closest male relative, must be present when she concludes her marital contract. The wali is an honorary role but since 2005, it is only ceremonial, as a wali cannot force a woman to marry someone against her will or oppose a marriage.⁹

Polygamy is legal under article 8 of the family code, although since the 2005 amendments, it is now subject to several conditions:

- the court must certify that there is justified motivation behind the decision to take more than one wife
- the man is able to take care of an additional spouse
- all spouses involved consent to the marriage.¹⁰

Civil marriage registration

In order for a marriage to be legally valid in Algeria, it must be contracted before the civil authorities. This can be done at city hall before a duly authorised civil servant, at an Algerian embassy or before a notary.¹¹ If the couple chooses to get married before a notary, the notary is obliged to register the marriage in the civil registry for marriages within three days.¹² According to the law, the marriage is mentioned in the civil registry for births next to the birth registration of each

⁵ Robert B. Kaplan and Richard B. Baldauf Jr (edit.), 2007, p. 101.

⁶ Landinfo, 12 March 2018, p. 10; U.S. Embassy in Algeria, year of issue n/a.

⁷ Landinfo, 12 March 2018, p. 15.

⁸ Algerian Family Code, Article 7.

⁹ UK Home Office, 17 January 2013, p. 119.

¹⁰ UK Home Office, 17 January 2013, p. 119.

¹¹ Algerian Family Code, Article 18; U.S. Embassy in Algeria, N/A; Landinfo, 12 March 2018, p. 17.

¹² Landinfo, 12 March 2018, p. 17.

spouse and registered in the marriage registry.¹³ The registrar competent to register the marriage in the marriage registry has to be employed by the municipality where one or both spouses-to-be reside prior to the marriage.¹⁴

The following eligibility terms apply:

- The spouses' marital status does not preclude the marriage
- There are no legal barriers to the marriage (e.g. certain types of family relationship between spouses)
- The marriage is voluntary
- The bride price has been determined
- The bride is represented by a guardian (*wali*)
- Two Muslim witnesses are present.

For eligible couples, the following documents must be submitted:

- Print-out from the birth register for both spouses, not older than three months
- Residence certificate for one of the spouses
- Health certificates for both spouses, not older than three months
- ID documents for both witnesses
- Dispensation for the age requirement from a judge, in the case of a minor.¹⁵

The marriage is considered legally valid from the date the civil marriage is contracted.¹⁶

Approval of religious marriages

Religious marriages (also known as *fatiha*-marriage) are not valid until they are formalised by a court and registered in the civil registry for marriages.¹⁷ More precisely, the religious marriage is considered valid if the following conditions are met: there is no impediment to the marriage (e.g. minimum age), the two spouses have consented to the marriage, two witnesses and the woman's wali were present during the marriage, the bride price was settled before the marriage, and there is a marriage pact.¹⁸

If these conditions are met, the marriage is deemed valid if subsequently registered in the civil marriage registry. The spouses have five days from the day of the marriage to have the marriage publicly recognised in the civil registry. After five days, the marriage can be registered only through court. Then the marriage can be registered in the civil registry in the usual way and is legally valid.¹⁹

¹³ Civil Registry Code, Article 72.

¹⁴ Civil Registry Code, Article, 71.

¹⁵ Landinfo, 12 March 2018, pp. 17-18.

¹⁶ Landinfo, 12 March 2018, p. 18.

¹⁷ Landinfo, 12 March 2018, p. 10.

¹⁸ Algerian Family Code, Article 9 bis; Landinfo, 12 March 2018, p. 17; CICADE, Centre pour l'Initiative Citoyenne & l'Accès au(x) Droit(s) des Exclus, 2016, p. 2.

¹⁹ Civil Registry Code, Article 72.

Issuance of marriage certificate

The marriage certificate (*acte de mariage*) is the legal proof of the validity of a marriage. The marriage certificate is signed.²⁰ According to article 22 of the Algerian family code, the legality of a marriage can be verified by the issuance of an extract of the marriage record from the registry office.²¹ Hence, not the marriage certificate but an extract of the marriage registration record in the marriage registry.

The marriage certificate can be issued in any municipality or province, independently from where the marriage is registered. The document is issued immediately upon registration and is valid for one year.²² The marriage certificate, according to article 73 of the civil registry code, shall explicitly mention that the marriage took place according to the conditions established by law. In addition, it shall contain names, surnames, dates and places of birth of the spouses; names and surnames of the parents of the spouses; names, surnames and age of the two witnesses; the authorisation to marry provided by law, if needed; and the dispensation from the age requirement issued by the competent authority, if needed.²³ According to the law, witnesses must be at least 21 years old.²⁴

Issuance of the family book

The family book (*livret de famille*) is a paper booklet, which shows the connections between the family members and contains information on last name, first name, date and place of birth, and address of the husband, wife and children. The family book also contains information on the date and place of the marriage, divorces, if any, the number of the national ID card as well as the name of the office and officer who issued the book.²⁵

The book is written in Arabic and issued to the head of the family by the institution that solemnised the marriage (i.e. city hall or Algerian diplomatic mission).²⁶ The notary, who is authorised to contract marriages and issue the marriage certificates, is not mentioned as possible issuer of the family book.²⁷ The head of the family is responsible for keeping the family book up to date.²⁸

When applying for a family book, it is required to show valid ID, the relevant marriage contract and a completed application form.²⁹

²⁰ Landinfo, 12 March 2018, pp. 18 and 20.

²¹ Algerian Family Code, Article 22.

²² Ministère de l'Intérieur, des Collectivités locales et de l'aménagement du territoire, Acte de mariage, year of issue n/a.

²³ Civil Registry Code, Article 73.

²⁴ Civil Registry Code, Article 33.

²⁵ Landinfo, 11 May 2015, pp. 11-12; Immigration and Refugee Board of Canada, 2006.

²⁶ Landinfo, 11 May 2015, p. 11; Immigration and Refugee Board of Canada, 2006.

²⁷ Landinfo, 11 May 2015, p. 11.

²⁸ Landinfo, 11 May 2015, p. 12.

²⁹ Landinfo, 11 May 2015, p. 11.

In case of divorce, it is possible for the divorcees to get a new family book each. The new family book will then be clearly marked »second livret délivré après divorce« which translated into English becomes »second family book issued after divorce«.³⁰

If the family book is lost, it must be reported to the police. In this case, the new family book will be clearly marked »second livret délivré après disparition du premier« or »second family book issued after loss of the first one«.³¹

Reissuing of civil status documents

All civil registrations have since 2014 been compiled in a central population registry governed by the Ministry of Interior. This means that a copy of any civil status document can be issued at any municipality or at Algerian diplomatic missions. It is no longer necessary to go back to the municipality where the original registration took place when a new copy of a given certificate is needed.³²

According to the law, anyone can apply for the issuance of a copy of an entry in the registers. The copies delivered shall bear the new date of issuance, the signature and the seal of the authority who issue them.³³

According to Landinfo, it is not necessary to show up in person to get a copy of one's birth certificates. A written request to the population registry together with a copy of one's national ID card and a franked letter is sufficient.³⁴

Modifications in civil status documents

According to the law, any change of name and surname in civil status documents, addition of a name or rectification of mistakes, require a decision (in French: *ordonnance*) signed by the president of the tribunal of the judicial district where the document was drawn up.³⁵

Marriage between an Algerian citizen and a foreigner

Marriage between an Algerian citizen and a foreigner in Algeria is governed by a circular notice on the entry and stay of foreigners in Algeria. If one of the parties is not an Algerian citizen, the couple must obtain permission to get married from the prefect in the district where the marriage is to be concluded. The prefect issues a permit based on investigations and, if relevant, interviews with the security forces. Without the permission of the prefect, the marriage cannot be entered into the marriage registry. The Algerian party submits a birth certificate, civil status certificate, residence certificate and copy of an identity document. The for-

³⁰ Landinfo, 11 May 2015, p. 12.

³¹ Landinfo, 11 May 2015, p. 12.

³² Landinfo, 11 May 2015, p. 6.

³³ Civil Registry Code, Article 11.

³⁴ Landinfo, 11 May 2015, p. 9.

³⁵ Civil Registry Code, Article 49.

eigner submits a civil status certificate, birth certificate, copy of passport or residence permit, confirmation of conversion to Islam, if relevant, and permit to get married for citizens of countries where this is a requirement.³⁶

For those citizens who have been married before, the Algerian government requires foreign citizens to provide authenticated copies of foreign divorce decrees. For those who have never been married before, the Algerian government requests a certificate of eligibility to marry.³⁷

According to the Algerian family code, marriage between a Muslim and a non-Muslim is prohibited.³⁸ It is mentioned at the website of the Algerian consulate in London, that the application for a marriage registration submitted by an Algerian woman married to a non-Muslim man must be accompanied by a '*certificate of Muslim Religion*' (*Certificat de Conversion à l'Islam*) issued by e.g. a mosque.³⁹

According to the Algerian embassy in the United States, any Algerian national living in the United States who wishes to have his/her marriage registered at the Algerian embassy will get a family book issued after the registration. To that end, applicants must provide the following supporting documents:

- Copy of the consular card
- Original marriage certificate
- Original birth certificate of applicants (less than three months old)
- Copy of the birth certificate of spouse if non-Algerian national.⁴⁰

Corruption and trustworthiness of civil status documents

In Transparency International's Corruption Perceptions Index 2021, Algeria was ranked 117 out of 180 countries (180 being the most corrupt). Algeria scored 33 out of 100, with 100 representing the lowest level of corruption.⁴¹ According to the U.S. Department of State country report on Algeria 2021, the Algerian law provides for criminal penalties of two to 10 years imprisonment for official corruption, but the government did not implement the law effectively. Corruption remained a problem, and officials sometimes engaged in corrupt practices with impunity.⁴²

According to Landinfo, the payment of bribes in relation to document issuance is mainly used to speed up the issuance and circumvent the cumbersome bureaucracy. This practice does not necessarily entail that the documents contain false

³⁶ Landinfo, 12 March 2018, p. 19; U.S. Embassy in Algeria, year of issue n/a.

³⁷ U.S. Embassy in Algeria, year of issue n/a.

³⁸ Algerian Family Code, Article 30.

³⁹ Algerian Consulate in the UK, 17 March 2014.

⁴⁰ Algerian Embassy in the U.S., 2018.

⁴¹ Transparency International, 2022.

⁴² U.S. Department of State, 2017, p. 24.

information or are issued to the wrong person.⁴³ This is corroborated by GAN Integrity, which is a commercial anti-corruption portal, which states that bribes and “grease money” are mainly employed to overcome bureaucratic hurdles.

However, according to GAN Integrity, bribery and facilitation payments are common practice and local administrations are plagued by inefficiency, corruption, and patronage.⁴⁴

⁴³ Landinfo, 11 May 2015, p. 18.

⁴⁴ GAN Integrity, March 2020.

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<https://dz.usembassy.gov/u-s-citizen-services/local-resources-of-u-s-citizens/marriage-in-algeria/>, retrieved 16 January 2020.