

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	748
Land:	Nigeria
Kilde:	Nationalt ID-center
Titel:	Nigeria: Marriage registration and the issuance of marriage certificates
Udgivet:	21. marts 2024
Optaget på baggrundsmaterialet:	7. maj 2024



21 March 2024
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Nigeria: Marriage registration and the issuance of marriage certificates

Introduction

The following note describes the marriage registration procedure and the issuance of marriage certificates in Nigeria. In doing so, the note will include a description of the administrative structure, the legislative framework related to the issuance of civil status documents, as well as a description of archives and registration routines.

According to the Immigration and Refugee Board of Canada, Nigerian laws recognise three types of marriage: Islamic, customary and statutory.¹ The focus of this note is the statutory marriage, which is governed by the Marriage Act and the Matrimonial Causes Act.²

The administrative structure and legislative framework in Nigeria

Nigeria is a federal presidential republic divided into 36 administrative states with the capital Abuja as a federal territory.³ As of 2012, the states are divided into 774 local government areas, which in turn each are divided into approximately 5-10 wards. In the federal territory of Abuja, local government areas are referred to as area councils.⁴

Federal registration of customary and Islamic marriages

It is not mandatory for a couple to register their marriage under the Nigerian Marriage Act, if they have a valid customary marriage. However, if the couple is in need of a federal marriage certificate or need the marriage to be valid according to the Marriage Act, it is necessary for them to register the marriage at the marriage registry.⁵

¹ Immigration and Refugee Board of Canada, 4 November 2020.

² Immigration and Refugee Board of Canada, 19 November 2019.

³ CIA World Factbook, 17 January 2021

⁴ Landinfo, 19 October 2012, p. 8.

⁵ Landinfo, 19 October 2012, p.13.

Marriage registration according to the Ministry of Interior

The Nigerian Ministry of Interior has published procedures for entering into marriage on its website.⁶ The website distinguishes between Ordinary Marriage and Special Marriage. Where the Ordinary Marriage is between two Nigerians, one or both of the parties in a Special Marriage can be non-Nigerian. Both types are registered in Nigeria at the same registration office, and must follow similar procedures. Registration of both Special Marriages and Ordinary Marriages begins with an online application, which, among others, may include the following documentation:⁷

- Birth certificate or declaration of age
- Passport photograph
- Certificate of marital status, either:
 - o Certificate of unmarried status
 - o Certificate of death (if widow/widower)
 - o Evidence of divorce

The marrying couple will then select a date to take the oath and present themselves to the registry on the chosen date. On the date, they are required to bring two witnesses and two rings. The couple must abide by the dress code and may bring a bible or a qur'an.⁸

The full procedures and lists of required documentation for both types of marriage is available at the website of the Ministry of Interior.⁹

Marriage registration and issuance of certificate according to the Marriage Act

The procedure for registration of a marriage as established in the Marriage Act begins with one of the parties filling in "Form A". The form should afterwards be presented to a registrar, who will use the information to write up a notice of marriage.¹⁰ If the person filling in Form A is illiterate, he/she will make a mark instead of a signature. In that case, a witness will sign a Form B, stating that the person signing Form A is in fact one of the parties of the marriage.¹¹

The registrar will archive the information obtained in Form A in the "Marriage Register Book" and will further post the information, including photos of both parties outside the registration office for at least 21 days and no more than three months.¹² Between 21 days and three months after the date of the notice, the couple may marry.¹³ If the marriage is not celebrated before the period of three months expires, a new notice will have to be given.¹⁴

⁶ Ministry of Interior, 20 January 2021.

⁷ Ministry of Interior, 20 January 2021.

⁸ Ministry of Interior, 20 January 2021.

⁹ Ministry of Interior, 20 January 2021.

¹⁰ Nigeria Marriage Act, chapter 218, §10 and §11.

¹¹ Nigeria Marriage Act, chapter 218, §8.

¹² Nigeria Marriage Act, chapter 218, §11.

¹³ Nigeria Marriage Act, chapter 218, §10 and §11.

¹⁴ Nigeria Marriage Act, chapter 218, §12.

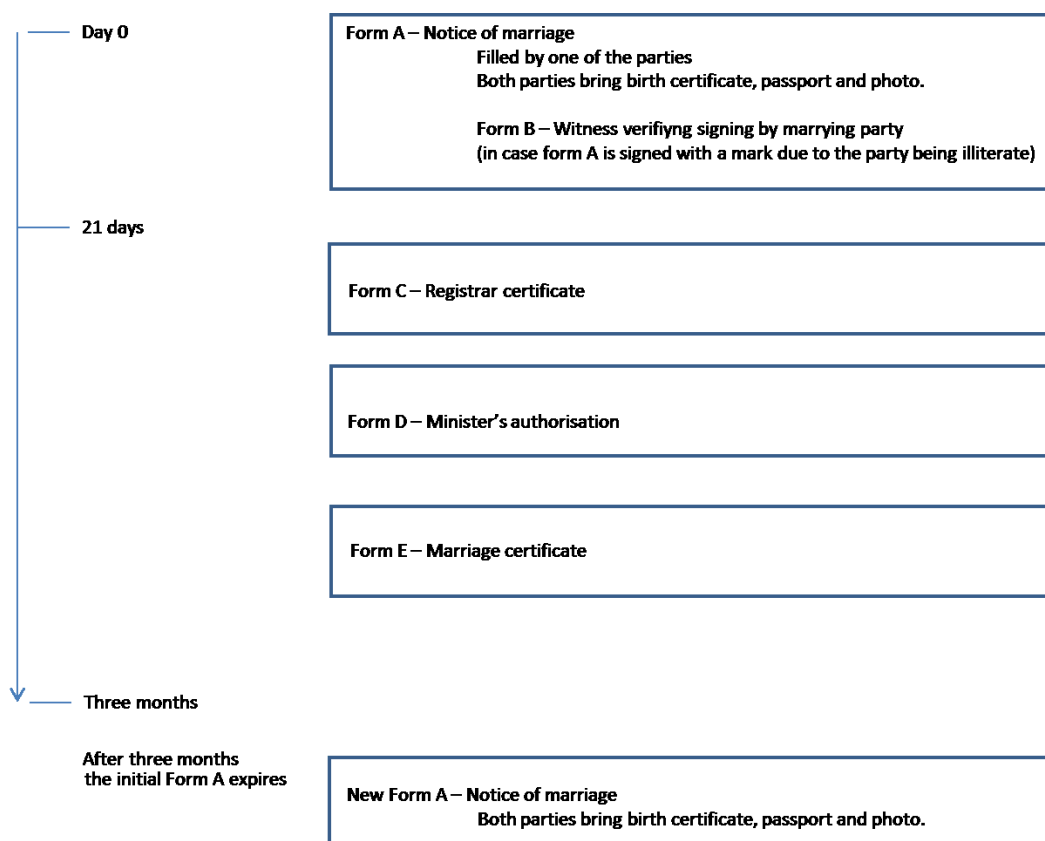
Upon the 21 days and before the three months, the registrar will issue the “Registrar Certificate” (Form C) provided that all legal terms and preconditions are met. The registrar certificate will display the place and date of the upcoming marriage. Therefore, the date stated on the Registrar Certificate will be within three months from the date of Form A - the notice of marriage. In order for the registrar certificate to be issued, the registrar must establish by affidavit that the following conditions are met:

- 1) *“that one of the parties has been resident within the district in which the marriage is intended to be celebrated at least fifteen days preceding the granting of the certificate:*
- 2) *that each of the parties to the intended marriage (not being a widower or widow) is twenty-one years old, or that if he or she is under that age, the consent hereinafter made requisite has been obtained in writing and is annexed to such affidavit;*
- 3) *that there is not any impediment of kindred or affinity, or any other lawful hindrance to the marriage;*
- 4) *that neither of the parties to the intended marriage is married by customary law to any person other than the person with whom such marriage is proposed to be contracted.”¹⁵*

With the Registrar Certificate, the minister e.g. a priest will authorise the marriage using the Form D. Then the marriage certificate (Form E) can be issued. The marriage certificate and a duplicate for archiving should be signed by the marrying couple, two witnesses and either the registrar, or the minister in cases where the marriage ceremony took place in a church.¹⁶

¹⁵ Nigeria Marriage Act, chapter 218, §11.

¹⁶ Nigeria Marriage Act, chapter 218, §13-§29.



According to the Abuja Municipal Area Council (AMAC), the costs for the entire process is 5,000 Nigerian naira.¹⁷

Corruption and trustworthiness of civil status documents

According to the Australian Department of Foreign Affairs and Trade (DFAT), Nigeria has experienced high levels of document fraud in the past. Several types of documents are subject to falsification, including marriage certificates.¹⁸

According to DFAT, Nigeria has adopted an anti-corruption legal framework. However, the enforcement of this legislation is reported to be weak, and as a result, 'corruption is widespread and pervasive across all areas of society'.¹⁹

As of January 2021, Nigeria ranks number 146 of 198 on the Corruption Perceptions Index. The CPI lists countries by the least corruption perceived in the society, meaning that Nigeria would be number 52 on a list of the countries with the most perceived corruption.²⁰

¹⁷ AMAC, Abuja, December 2018.

¹⁸ DFAT, 3 December 2020, pp. 60-61.

¹⁹ DFAT, 3 December 2020, p. 12.

²⁰ Transparency International, 2019.

Archives and registration routines

Ideally, the local registrar registers and archives the marriage information in the Marriage Register Book,²¹ but as there is no central database, the information is only stored and available locally.²²

In practise, that means that a person can be registered as married in one administrative state and at the same time appear a bachelor in another. This is significant as an affidavit of bachelorhood is required to get married.²³

According to a report from *Landinfo*, it is not uncommon for men in Nigeria to have several customary marriages and only registering one Christian marriage.²⁴

²¹ Nigeria Marriage Act, chapter 218, §30.

²² Local lawyer, Abuja, November 2018.

²³ Local lawyer, Abuja, November 2018.

²⁴ Landinfo, 19 October 2012, p. 12.

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