

Responses to Information Requests - Immigration and Refugee Board of Canada

Nigeria: Marriage certificates, including their appearance and security features; requirements and procedure to obtain them from within the country or from abroad; prevalence of fraudulent documents (2018–October 2020)

1. Marriage Registration

According to sources, Nigerian laws recognize Islamic, customary and statutory [registry (US n.d.)] marriages (Nigeria n.d.a; Doma-Kutigi, 2019, 25). A journal article on certifying Islamic marriages in Nigeria by Halima Doma-Kutigi, who teaches law at Nasarawa State University and Baze University in Nigeria, indicates that each marriage type is "distinct and separate" from the others (Doma-Kutigi 2019, 22, 23), while the US reciprocity schedule explains that specific requirements apply to each one (US n.d.).

Sources report that customary and Islamic marriages are not required to be registered (US n.d.; Doma-Kutigi 2019, 22) or have no government record (Nigeria n.d.a). The US Department of State's reciprocity schedule states that

[i]ndividuals will sometimes, when necessary, swear an affidavit in a court that they are married in order to provide written proof of such a marriage. Some Local Governments will issue a certificate based on that affidavit by virtue of the Registration of Customary Marriage [by-l]aws. Absence of an affidavit or certificate of this kind cannot be taken as lack of marital status. (US n.d.)

Doma-Kutigi indicates that by-laws allowing local authorities to register customary marriage exist in "most" states (Doma-Kutigi 2019, 29). The US reciprocity schedule reports that these laws do not exist in all states and vary from state to state (US n.d.). The same source also states that couples can obtain a certificate from the local government marriage registry for an Islamic marriage, "but this is not required" (US n.d.). Doma-Kutigi indicates that "[m]any" Muslims believe that registration is "not a pre-condition for marriage," but Muslim couples are "becoming more aware" that the marriage certificate is required for "official purposes" and in "most urban cities in the North, the cleric or mosque will register the marriage and give the couple a certificate" (Doma-Kutigi 2019, 29). Based on interviews with individuals involved with marriage registration, including imams, marriage registrars, court staff and lawyers, as well as 50 married Muslims across social classes, the same source reports that, to provide proof of a Muslim marriage, courts can issue a "'marriage declaration' and 'affidavit of marriage'"; these are "generally accepted" within Nigeria, but the process is "prone to abuse" since there is no "standard procedure to verify" the marriage (Doma-Kutigi 2019, 30, 33). The source indicates that such documents are not "automatically accepted" as evidence of marriage abroad (Doma-Kutigi 2019, 33). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A report on Nigerian identity documents by the EU's European Asylum Support Office (EASO) quotes the Embassy of Belgium in Nigeria as indicating that statutory

marriages

"can be registered at every local government that is authorised to register marriages. Since recently, there [are] federal registries in three big cities (Abuja, Lagos and Port Harcourt), and their certificate (which has security features unlike those of the LGA [Local Government Area]) is increasingly becoming the preferred option for marrying couples to register their marriage." (EU 24 Jan. 2019, 8, first set of square brackets in original)

The US reciprocity schedule states that the Federal Marriage Registry has offices "in only a few states," including in Abuja, Ikoyi [a neighborhood in Lagos city] in Lagos state, Owerri in Imo state, Port Harcourt in Rivers state and Benin City in Edo state (US n.d.). The same source further reports that local marriage registry offices have opened in "nearly all" of the 774 LGAs in Nigeria; some LGAs are authorized by the Federal Marriage Registry to perform marriage ceremonies, but the "vast majority" do not have federal authority to conduct weddings (US n.d.).

The *Punch*, a Nigeria-based newspaper (*The Punch* n.d.), reports that "legal battles" between LGAs in Lagos, Edo, Imo and Rivers states and the Ministry of Interior over the right to register marriages and to issue marriage certificates have "created confusion" on the validity of marriage certificates issued by the Ministry of Interior and the LGAs (*The Punch* 8 Aug. 2019). In an interview with the Research Directorate, a lecturer at the Faculty of Law at Lagos State University, who has conducted research on proving Nigerian marriages in foreign courts, indicated that there were "conflicting high court decisions" delivered in the past three years on marriage certificates, including on whether local governments can conduct statutory marriages (Lecturer 8 Oct. 2020). Media sources report that a 2017 decision by a Lagos high court barred local governments from issuing marriage certificates (*This Day* 29 May 2017; *The Punch* 29 May 2017). According to sources, there are various interpretations of a 2018 decision of the Federal High Court on the validity of marriages registered by the Federal Marriage Registry in Ikoyi (Makinde 24 May 2018; Orimobi 9 Nov. 2018; Premium Times 19 May 2018). Media sources cite the President of the Association of Local Governments Marriage Registrars of Nigeria as stating that the Federal Government is ignoring the decision of the Federal High Court, which decided that local governments have the power to register marriages; the same sources also report that he expressed disappointment that foreign embassies in Nigeria have stopped accepting marriage certificates issued by local governments at the instruction of the Ministry of Interior (*The Punch* 6 Dec. 2019; *Daily Trust* 5 Dec. 2019). Sources state that as of 2019, there is an ongoing lawsuit brought by four local governments [in Lagos, Edo, Imo and Rivers states (*The Punch* 8 Aug. 2019)] against the Ministry of Interior to contest the legal jurisdiction over marriage registration (The Association of Local Governments Marriage Registrars of Nigeria [Sept. 2019]; *The Punch* 8 Aug. 2019). The US reciprocity schedule indicates that couples who marry at local government registries "may not know that their marriage is not legally recognized by federal authorities" (US n.d.).

The US reciprocity schedule states that "[l]icensed places of worship" can be authorized by the Federal Marriage Registry to perform statutory marriage ceremonies, but that "many unauthorized churches" perform weddings with "no legal standing" (US n.d.). The same source further reports that marriage certificates issued by such churches or other houses of worship, which are not authorized by the Federal Marriage Registry, are "not evidence of a legally binding marriage" (US n.d.). Media sources quote Georgina Ehuriah, Nigeria's Permanent Secretary of the Ministry of Interior, as stating that as of July 2019, "only about 4,689 licensed

places of worship in Nigeria have updated their records with the Ministry of Interior; 314 have renewed their licenses to conduct statutory marriages'" (Premium Times 24 July 2019; Discover Africa News 24 July 2019; The Cable 25 July 2019).

The Lecturer indicated that the Federal Government has created a system to re-issue marriage certificates to validate marriages conducted by local governments, instead of nullifying these marriages (Lecturer 8 Oct. 2020). Media sources cite Minister Ehuriah as indicating that a new marriage certificate has been introduced and that couples who do not have a certificate issued by the Ministry should visit the Ministry's website to "re-certify" their marriage certificates (Premium Times 24 July 2019; Discover Africa News 24 July 2019; The Cable 25 July 2019).

Sources quote Ehuriah as stating that the Ministry of Interior has "'developed a database for all places of worship licensed for celebration of marriages'," and that only marriages conducted in places licensed by the Ministry of Interior are "'credible and registered in the [n]ational database of legally certified marriages'" (Premium Times 24 July 2019; Discover Africa News 24 July 2019; The Cable 25 July 2019). The US reciprocity schedule indicates that the Federal Marriage Registry has "no central database or system; all records are kept in paper files" (US n.d.). The Lecturer stated that duplicates of the marriage certificates are kept at the Federal Marriage Registry and at the Ministry of Interior, which can look up the marriage date and check the certificate number (Lecturer 8 Oct. 2020).

2. Requirements and Procedure to Obtain a Marriage Certificate

The website of Nigeria's Ministry of Interior provides the following requirements for an ordinary marriage [a marriage between two Nigerian citizens (Nigeria n.d.b)]:

Step 1 – Online Application

Husband:

- Birth [c]ertificate or [d]eclaration of [a]ge
- Passport photograph
- Sworn affidavit of [b]achelorhood from a law court/[b]achelorhood [c]ertificate ([i]f bachelor)
- Affidavit of [m]arriage ([i]f already married)
- Evidence of [d]ivorce - Decree 90 and Decree Absolute ([i]f [d]ivorced)
- Death certificate of [p]revious [w]ife ([i]f a [w]idower)
- Evidence of [a]nnulment from [c]ourt ([i]f previous marriage annulled)
- Sworn [a]ffidavit of [s]ingle with [c]hild/[c]hildren (if single with child/children)
- *All these documents should be uploaded

Wife:

- Birth [c]ertificate or [d]eclaration of [a]ge
- Passport photograph
- Sworn affidavit of [s]pinnerhood from a law court/[s]pinnerhood [c]ertificate ([i]f [s]pinner)
- Affidavit of [m]arriage ([i]f already married)
- Evidence of [d]ivorce - Decree 90 and Decree Absolute ([i]f [d]ivorced)

- Death certificate of [p]revious [h]usband ([i]f a [w]idow)
- Evidence of [a]nnulment from [c]ourt ([i]f previous marriage annulled)
- Sworn [a]ffidavit of [s]ingle with [c]hild/[c]hildren (if single with child/children)
- *All these documents should be uploaded

Step 2 – Oath Taking

- Return to the registry on your selected date of [o]ath.
- You are required to provide one witness each on the wedding day from both parties. (Please note it's not gende[r] specific)
- You are expected to present 2 rings (male and female) or a [B]ible/Quran as the case may be. (Nigeria n.d.c, bold text in original)

The website also indicates that the marriage will not be conducted if documentation is incomplete (Nigeria n.d.a). The same website notes that the fee for an ordinary marriage is 15,000 Nigerian Naira (NGN) [C\$52.40] (Nigeria n.d.d).

The US reciprocity schedule indicates that the marriage ceremony is performed by a "minister of religion or the marriage registrar in the presence of witnesses. A marriage certificate is issued at the completion of the ceremony" (US n.d.). The Australian High Commission in Nigeria describes the procedure to register a marriage in Nigeria as follows:

- Marriage is registered at a local public registry, which requires a Letter of Marriage Intention and payment of a fee of [NGN] 2,000 [C\$6.97].
- A person under 18 years of age, who wishes to register a marriage, is required to present a letter of consent from his or her parents.
- The registry will display the Letter of Marriage Intention for 21 days on a public notice board.
- Provided that no objection to the intended marriage is made during the 21 day period, a couple may then register their marriage.
- Birth certificates or official documents showing the ages of the couple are required together with the results of HIV and genotype tests.
- A divorcee must produce a divorce certificate, while a widow or a widower is required to present the death certificate of the late spouse.
- A marriage registrar may witness the exchange of oaths by the couple. (Australia n.d.)

Similarly, according to an article written by a lawyer at Resolution Law Firm, a Lagos-based law firm whose practice areas include family and immigration law (Resolution Law Firm n.d.), statutory marriage begins with either partner giving a notice of marriage or "Form A" signed by both parties to the marriage registrar; upon the payment of "prescribed fees," the registrar enters the marriage in the "Marriage Notice Book," then publishes a copy of the notice by posting it to the "outer door of his office and the notice board of the registry" (Resolution Law Firm 16 Sept. 2020). The registrar's certificate or "Form C" can be issued after 21 days (Resolution Law Firm 16 Sept. 2020). The same source further indicates that any person who objects can write the word "Forbidden" next to the marriage entry in the Marriage Notice Book, along with his or her name, address, and grounds for objection; if the objection is "validly entered," the marriage registrar will not issue a marriage certificate until a judge of a high court in the state of the marriage has made a determination (Resolution Law Firm 16 Sept. 2020). Sources indicate that the marriage certificate is issued after marriage registration (UN [2017]) or at the

completion of the marriage ceremony (US n.d.).

2.1 Re-Issuance of Marriage Certificates

The website of Nigeria's Ministry of Interior indicates that if the original marriage certificate is lost, a new marriage certificate will not be issued but a certified true copy can be obtained from the marriage registry where the marriage took place (Nigeria n.d.a). According to the same source, a certified true copy can be obtained by uploading the following to the Ministry of Interior's website: a federal high court affidavit, police extract on the incidence of loss or theft and receipt of affidavit from the court, as well as the signatures of the husband, wife and two witnesses (Nigeria n.d.c). The same website indicates that the fee for a certified true copy is 15,000 NGN (Nigeria n.d.d).

The website of Nigeria's Ministry of Interior indicates that couples who married at a local government marriage registry can apply for a recertification of their marriage certificate at the "eCitiBiz portal" [the website of the Ministry of Interior's Citizenship and Business Department] (Nigeria n.d.a). The same website states that the following documents must be uploaded to have a marriage certificate re-issued:

Husband:

- Passport [p]hotograph
 - Evidence of [m]arriage at LGA [m]arriage [r]egistry
 - Birth [c]ertificate/[d]eclaration of [a]ge
- *All these documents should be uploaded

Wife:

- Passport [p]hotograph
 - Evidence of [m]arriage at LGA [m]arriage [r]egistry
 - Birth [c]ertificate/[d]eclaration of [a]ge
 - Witness [s]ignature (2 witnesses)
- *All these documents should be uploaded. (Nigeria n.d.c, bold text in the original)

2.2 Obtaining a Marriage Certificate from Abroad or by Proxy

The Lecturer indicated that if a couple residing abroad has a statutory marriage certificate that is lost or stolen, they can apply for a certified true copy of the marriage certificate through the Ministry of Interior's website [by following the procedure in Section 2.1 of this Response] and the copy will be couriered to them (Lecturer 8 Oct. 2020). The same source further stated that while the police extract and affidavit are normally obtained in Nigeria, individuals abroad can obtain the police extract at a foreign police station and the affidavit can be sworn at a foreign court; the Ministry of Interior will make a determination on whether the certificate was lost or stolen based on these documents and then issue the certified true copy (Lecturer 8 Oct. 2020). The same source noted that if the couple cannot apply personally, they can get an agent accredited with the Ministry of Interior to apply on their behalf; after the couple applies on the Ministry's website and submits all the required documents, the certificate will be sent to their agent via courier (Lecturer 8 Oct. 2020).

In contrast, in correspondence with the Research Directorate, a senior lecturer at the Faculty of Law at the University of Ilorin in Nigeria, who has conducted research on marriage contracts, stated that a married couple living overseas who lost their marriage certificate "would have to return to the exact marriage registry where they earlier contracted the marriage, report the loss of the certificate and they would be given a fresh certificate, which would be backdated. They must do this personally and physically" (Senior Lecturer 17 Oct. 2020). The same source further indicated that they would not be able to request the backdated marriage certificate from the embassy due to the "lack of synchronised database" in Nigeria, which makes it difficult for overseas marriage registries at Nigerian embassies to confirm the marriage (Senior Lecturer 17 Oct. 2020).

In correspondence with the Research Directorate, a managing partner at a Lagos-based law firm whose practice areas include family and immigration law indicated that a lawyer can apply for the re-issuance of a missing marriage certificate or for a certified true copy on behalf of a couple residing overseas, without the couple's presence in Nigeria (Managing Partner 14 Oct. 2020). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Appearance and Security Features

The US reciprocity schedule indicates that "[m]ultiple versions" of the marriage certificate are issued in "varying formats. They are typically printed on white or green paper with green background lettering. Seals are inked, most often in blue, black, or purple. Biodata may be typed or handwritten" (US n.d.). The Lecturer indicated that a marriage certificate issued by the Federal Marriage Registry "looks the same everywhere" and further stated that "even the ones issued by the local governments are modeled after the certificates issued by the Federal Registry, except [they have] the name of the state, but the form, content and structure are all the same" (Lecturer 8 Oct. 2020).

A sample of a marriage certificate provided by the Senior Lecturer (Attachment 1) and an annotated marriage certificate accompanied by a summary of the written text provided by the Senior Lecturer (Attachment 2) is attached to this Response.

4. Prevalence of Fraudulent Documents

Australia's Department of Foreign Affairs and Trade (DFAT) reports that "[m]any businesses provide false documents in Nigeria" and that "it is neither difficult nor expensive to obtain a fraudulent driver's licence or other documents that can be used to obtain a genuine passport," including a marriage certificate (Australia 9 Mar. 2018, para. 5.38). The Lecturer similarly stated that it is "very possible and easy" to obtain fraudulent marriage certificates (Lecturer 8 Oct. 2020). Media sources describe the following incidents involving fraudulent marriage certificates:

- The News Agency of Nigeria (NAN) indicates the police filed charges in January 2020 against a local government official of Oyo state and a lawyer who forged a letter of attestation of marriage certificate to steal from the estate of a dead person (NAN 19 May 2020);
- Sources report that a man was jailed for two years by a court [in Ikeja in Lagos state (*The Nation* 17 Apr. 2018)] for attempting to obtain a UK travel visa with a "fake marriage certificate" (*The Nation* 17 Apr. 2018; *The Eagle* 18 Apr.

2018); and

- *Vanguard* states that a man in Osogbo in Osun state received a twelve-month jail sentence for attempted fraud and possession of a forged marriage certificate and affidavit for inheritance claim (*Vanguard* 24 July 2020).

For additional information on the prevalence of fraudulent identity documents, see Response to Information Request NGA106159 of August 2018.

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.

References

The Association of Local Governments Marriage Registrars of Nigeria. [September 2019]. "[Press Release Communique of the Local Government Marriage Registrars National Conference Held at the National Press Centre, Abuja from 10th – 12th September 2019.](#)" [Accessed 29 Sept. 2020]

Australia. 9 March 2018. Department of Foreign Affairs and Trade (DFAT). [DFAT Country Information Report: Nigeria](#). [Accessed 21 Sept. 2020]

Australia. N.d. Australian High Commission in Nigeria. "[How to Register a Marriage in Nigeria.](#)" [Accessed 28 Oct. 2020]

The Cable. 25 July 2019. Haleem Olatunji. "[FG Introduces New Marriage Certificates to Regularise Inconsistencies.](#)" [Accessed 29 Sept. 2020]

Daily Trust. 5 December 2019. Joshua Odeyemi. "[Local Govts Have Exclusive Right to Register Marriages, Registrars Insist.](#)" [Accessed 27 Oct. 2020]

Discover Africa News. 24 July 2019. Kings Uba. "[Weddings Conducted by Unlicensed Authorities Are Illegal – Nigerian Govt.](#)" [Accessed 29 Sept. 2020]

Doma-Kutigi, Halima. 2019. "[Certification of Islamic Marriages in Nigeria: Realities, Challenges, and Solutions.](#)" *Electronic Journal of Islamic and Middle Eastern Law*. Vol. 7. [Accessed 28 Sept. 2020]

The Eagle. 18 April 2018. "[53-Year-Old Jailed Two Years for Submitting Fake Marriage Certificate to UK Embassy.](#)" [Accessed 30 Sept. 2020]

European Union (EU). 24 January 2019. European Asylum Support Office (EASO). [Nigeria: Identification Documents System in Nigeria](#). [Accessed 21 Sept. 2020]

Lecturer, Lagos State University. 8 October 2020. Telephone interview with the Research Directorate.

Makinde, Oludolapo. 24 May 2018. "[Does Ikoyi Registry Have Power to Conduct Marriages?](#)" *The Punch*. [Accessed 8 Oct. 2020]

Managing Partner, Lagos-based law firm. 14 October 2020. Correspondence with the Research Directorate.

The Nation. 17 April 2018. "[Man Jailed for Presenting Fake Marriage Certificate for UK Visa](#)." [Accessed 30 Sept. 2020]

News Agency of Nigeria (NAN). 19 May 2020. Chinyere Omeire. "Lawyer, LG Official to Face N167.9m Fraud, Forgery Charge." (Factiva) [Accessed 30 Sept. 2020]

Nigeria. N.d.a. [Ministry of Interior, Citizenship and Business Department](#). "FAQ." [Accessed 30 Sept. 2020]

Nigeria. N.d.b. Ministry of Interior, Citizenship and Business Department. "[Marriage Overview](#)." [Accessed 30 Sept. 2020]

Nigeria. N.d.c. Ministry of Interior, Citizenship and Business Department. "[Marriage Requirements](#)." [Accessed 30 Sept. 2020]

Nigeria. N.d.d. Ministry of Interior, Citizenship and Business Department. "[Marriage Fees Detail](#)." [Accessed 30 Sept. 2020]

Orimobi, Michael. 9 November 2018. "[Nigeria: Ikoyi Marriage Registry](#)." [Accessed 8 Oct. 2020]

Premium Times. 24 July 2019. Oge Udegbonam. "[Nigeria Introduces New Federal Marriage Certificate](#)." [Accessed 29 Sept. 2020]

Premium Times. 19 May 2018. Jayne Augoye. "[Federal Govt Counters Lagos, Says It's Legal to Marry in Ikoyi Registry](#)." [Accessed 8 Oct. 2020]

The Punch. 6 December 2019. Adelani Adepegba. "[FG Disobeying Court Orders, Alleges LG Marriage Registrars](#)." [Accessed 30 Sept. 2020]

The Punch. 8 August 2019. Oladimeji Ramon. "[LGAs Renew Battle with FG over Marriage Registration](#)." [Accessed 30 Sept. 2020]

The Punch. 29 May 2017. Adelani Adepegba. "[Court Declares LG Marriage Certificates Illegal](#)." [Accessed 15 Oct. 2020]

The Punch. N.d. "[About Us](#)." [Accessed 23 Sept. 2020]

Resolution Law Firm. 16 September 2020. Benedette Basse. "[Nigeria: Overview of Statutory Marriage in Nigeria](#)." Mondaq. [Accessed 30 Sept. 2020]

Resolution Law Firm. N.d. "[Practice Areas](#)." [Accessed 22 Sept. 2020]

Senior Lecturer, University of Ilorin. 17 October 2020. Correspondence with the Research Directorate.

This Day. 29 May 2017. Bolaji Adebisi. "[Lagos Court Bars LGs from Issuing Marriage Certificate](#)." [Accessed 15 Oct. 2020]

United Nations (UN). [2017]. UN Children's Fund (UNICEF). "[Nigeria. Marriage Registration](#)." CRVS Profiles. [Accessed 29 Sept. 2020]

United States (US). N.d. Department of State. "[Nigeria Reciprocity Schedule](#)." [Accessed 21 Sept. 2020]

Vanguard. 24 July 2020. Shina Abubakar. "[Father of Two Bags 12 Months Jail Term for Forging Marriage Certificate, Internet Fraud](#)." [Accessed 6 Oct. 2020]

Additional Sources Consulted

Oral sources: Inter-Governmental Marital Registration Committee; Nigeria – Embassy in Washington, DC, High Commission in London, Ministry of Interior; Nigeria-based law firms whose practice areas include family law.

Internet sites, including: ecoi.net; EU – Public Register of Authentic Travel and Identity Documents Online; GSM Association; Legit.ng; Organisation for Economic Co-operation and Development – Social Institutions and Gender Index; Nigeria – National Identity Management Commission; The Nigerian Lawyers; UK – Home Office; UN – Refworld; World Bank.

Attachments

1. Nigeria. N.d. *Certificate of Marriage*. Sent to the Research Directorate by the Senior Lecturer, 17 October 2020.
2. Senior Lecturer, University of Ilorin. 25 October 2020. Annotated marriage certificate with a summary of written text. Sent to the Research Directorate by the Senior Lecturer, 25 October 2020.