

Update on Marriage Registration for Refugees from Syria

Understanding the procedures and identifying the challenges faced
by refugees when registering marriages in Lebanon



Photograph by: Christian Jepsen

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Table of Contents

2. Background	3
3. NRC ICLA – Marriage Registration Activities	4
4. Steps for Registering a Marriage for Refugees from Syria	5
4.1. <i>Marriage Contract</i>	6
4.1.1. Where	6
4.1.2. Documents Required	6
4.1.3. Fees	7
4.2. <i>Marriage Certificate</i>	7
4.2.1. Where	7
4.2.2. Documents Required	7
4.2.3. Fees	8
4.3. <i>Registration of the Marriage Certificate</i>	8
4.3.1. Where	8
4.3.2. Documents Required	8
4.3.3. Fees	8
5. Challenges Faced by Refugees from Syria during Marriage Registration	9
5.1. <i>Challenges at the Sharia Court – Step One of the Registration Process</i>	9
5.1.1. Providing recent individual extracts	9
5.1.2. Presence of bride’s father	9
5.1.3. Permission from General Security	9
5.1.4. Coping mechanism – unauthorised Sheikhs	10
5.2. <i>Challenges at the Mukhtar – Step Two of the Registration Process</i>	10
5.3. <i>Challenges at the Personal Status Department – Step Three of the Registration Process</i>	10
5.3.1. Evidence of valid entry and stay in Lebanon	10
5.3.2. Difficulties for Palestinian Refugees from Syria	11
5.4. <i>Marriages Concluded in Syria which were not Registered Prior to Coming to Lebanon</i>	11
5.4.1. Decision from the Sharia Court	11
5.4.2. Women who came alone to Lebanon	11
5.5. <i>Consequences of Challenges of Marriage Registration</i>	11
5.5.1. Access to Birth Registration Procedure	11
5.5.2. Access to Services	12
5.5.3. Obtaining other important Civil Status Documents	12
6. Recommended Next Steps	13

1. Background

Through its Information, Counselling and Legal Assistance (ICLA) programme, Norwegian Refugee Council (NRC) provides information, counselling and legal assistance to persons displaced from Syria, in particular Syrian refugees and Palestinian refugees from Syria (PRS). ICLA provides its information and counselling services to enable refugees to access essential services and to tackle legal issues in Lebanon, including legal status, birth and marriage registration, and housing, land and property matters.

ICLA works in the Bekaa, North and South Lebanon, and has recently expanded its work to Beirut and Mount Lebanon. The ICLA team reaches out to refugees at NRC Community Centres and at a number of other locations, including UNHCR registration sites, informal settlements, medical centres, schools and community centres run by other organisations. In addition, NRC runs mobile legal clinics and mobile information sessions throughout Lebanon. Refugees from Syria who now live in Lebanon are often not aware of the legal procedures and the consequences of not following the necessary procedures to register marriages. In addition, the number of Syrian refugees marrying in Lebanon is increasing, due to the extended period of their displacement.

NRC has identified the importance of proof of marriage and registering a marriage for having access to services as a family unit, such as shelter, access to other procedures, such as birth registration, as well as for obtaining other important civil status documents. NRC has noticed that there is a lack of information regarding this topic and, therefore, NRC is extending its activities in this field.

This update provides an overview of the legal requirements for getting married and for marriage registration, particularly as it affects refugees in Lebanon. The legal requirements for marriage in Lebanon differ according to the couple's religious sect. This update focuses on the Sunni law procedures because the vast majority of refugees from Syria are Sunni Muslims. The scope of this update is limited to documents required for getting married, proof of marriage and registering a marriage. Other legal provisions (family law provisions) are not addressed and are beyond the scope of this update.

From NRC's fieldwork in Lebanon, this update also identifies challenges faced by couples registering their marriages and makes recommendations about the next steps to follow up on how to address some of these challenges.

2. NRC ICLA – Marriage Registration Activities

Between May 2013 and February 2014, NRC has been able to provide information, counselling and legal assistance on marriage registration to **658** refugees from Syria. NRC has focused on the activities listed below.

- Providing individual and group information sessions on marriage registration for refugees.
- Providing legal counselling to refugees on registering marriages.
- Providing legal representation to refugees on the matter of marriage registration, when the case also involves birth registration.
- Regularly updating information on marriage registration in each NRC field location (Bekaa, North, South and Beirut/Mount Lebanon).
- Coordinating with other actors on any changes in marriage registration procedures.

NRC will expand its activities regarding marriage registration in the second half of 2014 to include those listed below.

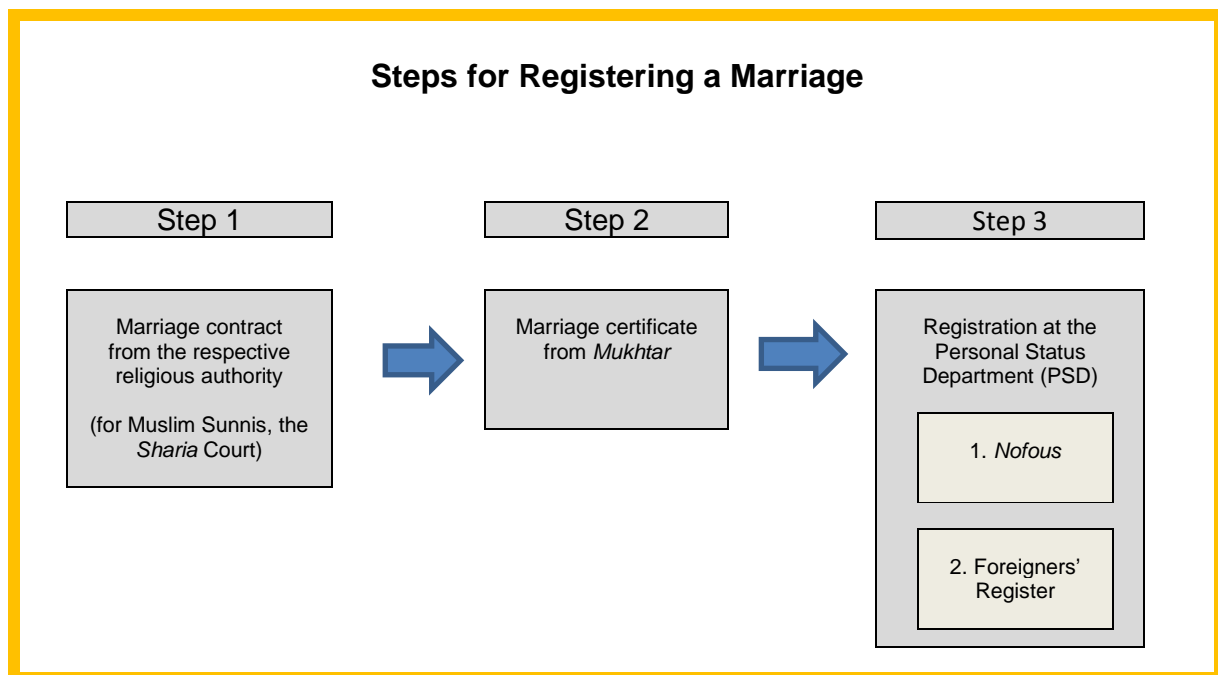
- Conducting training and awareness sessions for community focal points, social workers and other field workers on marriage procedures.
- Conducting workshops and training sessions with *Mukhtars* on marriage registration procedures.
- Collecting more detailed data on an ongoing basis on the challenges faced by refugees trying to get married and to register marriages.
- Coordinating and maintaining regular contact with local authorities and departments responsible for marriage registration.

3. Steps for Registering a Marriage for Refugees from Syria

Lebanese national law has made registration of all personal status documents compulsory for all individuals across the territory of Lebanon, which includes marriage certificates of refugees from Syria who marry in Lebanon.¹

Three steps are necessary in order to register a marriage certificate:

1. celebrating the marriage and registering the marriage contract in accordance with the applicable religious law;
2. obtaining a marriage certificate; and
3. registering this marriage certificate.



The registration at the Foreigners' Register of the Personal Status Department (PSD) registers the marriage in Lebanon. In order to register the marriage as well in Syria, the married couple can then have the original marriage certificate certified at the Ministry of Foreign Affairs and take it to the Embassy of Syria in Lebanon.²

¹ Personal status documents can be registered at the Personal Status Department (PSD).

² Currently NRC does not advise refugees to approach the Syrian Embassy.

3.1. Marriage Contract

Marriages in Lebanon can only be performed by a religious authority, such as a church or Islamic court. If refugees from Syria marry in Lebanon, the marriage is regulated by the law of the religion in which the ceremony was conducted.³ The documents needed to establish a marriage in Lebanon therefore depend on the particular religion of the individuals. As the vast majority of refugees from Syria are Sunni Muslims, Sunni family law is of particular importance in the process of getting married and the later step of registering the marriage. Therefore, the following overview over the procedure of getting married focuses on Sunni marriages conducted before a Sunni *Sharia* Court.⁴

3.1.1. Where

Under Sunni law, any authorised *Sheikh*⁵ can perform a marriage. The marriage ceremony can be conducted at a *Sharia* Court or anywhere else as agreed with the *Sheikh* (such as in a house or hotel).

After the ceremony, the marriage contract should be certified and stamped at the *Sharia* Court (this cannot take place elsewhere). This is an important procedure, since without certification a marriage certificate cannot be issued by the *Mukhtar* (step 2, see below for more information).

3.1.2. Documents Required

In order to marry before a *Sharia* Court, the couple⁶ has to provide, among other documents,⁷ those listed below.

- **Individual extracts** - recent, individual extracts for both the wife and the husband. The individual extracts are issued by the *Nofous* in Syria.⁸ The individual extract, which is usually valid for three months, contains personal information such as the name of the bride/bridegroom, the names of the parents and the date of birth. All the information is on one page. The individual extract should not be older than three months. The individual extract of the woman is needed as proof that she is not married. The individual extract of the man is needed as proof that he is a Muslim. A

³ The relevant religious laws apply.

⁴ Please note that this is an overview which is intended as a general guide only. It is not a substitute for seeking legal advice from a qualified lawyer.

⁵ An authorised *Sheikh* is a person appointed by the relevant *Mufti*. Marriages performed by an authorised *Sheikh* are recognised by the *Sharia* Court.

⁶ The man has to be a Muslim. The women can be Muslim, Christian or Jewish (faith of a "holy book").

⁷ Through its ongoing fieldwork NRC continues to ascertain which documents for refugees are always needed.

⁸ It is not possible to get an alternative or equivalent type of document in Lebanon. Some *Sharia* courts require the individual extract to be stamped by the *Nofous* in Syria as "valid for marriage".

statement from the *Mukhtar* stating that the woman is not married, is sometimes accepted in place of an individual extract, in cases where an individual extract cannot be acquired.⁹

- **Medical tests and report** - showing that the couple do not have any genetic diseases that would have negative effects on their children. The test and report cost approximately LBP 150,000.
- **Proof of faith** - proof that the woman has the faith of a “holy book”. This means that the woman must be either Jewish, Muslim or Christian.¹⁰ The man must be a Muslim.

In addition to these documents, two witnesses are also typically required for a marriage ceremony before the *Sharia* Court.

3.1.3. Fees

The marriage contract fee at the *Sharia* Court is approximately LBP 150,000. If the *Sheikh* performs the wedding outside of the *Sharia* Court (in private spaces) additional fees may apply.

3.2. Marriage Certificate

After obtaining a marriage contract according to the laws and procedures of the respective religion, the married couple needs to obtain a marriage certificate according to Lebanese national law.

3.2.1. Where

The marriage certificate can be obtained from the *Mukhtar* nearest to the *Sharia* Court where the wedding took place.¹¹ The marriage certificate has to be signed by the *Mukhtar* and two witnesses. The marriage certificate has to be requested within one month of the marriage.

3.2.2. Documents Required

For the document to be certified, the husband or wife needs the marriage contract issued by the *Sheikh* and his or her own proof of identity. Valid proof of identity include an ID or a passport, or a recent individual extract issued by the *Nofous* in Syria. The individual extract should not be older than three months.

⁹ Some *Sharia* courts also ask for such a statement in addition to the individual extract.

¹⁰ The proof can be done with a copy of an individual extract.

¹¹ The form of the marriage certificate is often also available at the *Sharia* Court. Couples can fill it out with the *Sheikh* but have to bring it later on to the *Mukhtar* for certification.

3.2.3. Fees

The *Mukhtar* may charge an amount between LBP 20,000 to 30,000.

3.3. Registration of the Marriage Certificate

The marriage certificate for refugees from Syria has to be registered at the Foreigners' Register of the PSD. This third step is only recommended to refugees who are legally residing in Lebanon. Refugees with no valid residency visa should not be advised to approach the PSD, as they risk having their case referred to General Security for follow-up.

3.3.1. Where

In order to register their marriage, the married couple is first required to send or bring their marriage certificate to the *Nofous*, which is a local branch of the PSD. The registration should be requested within one month of the marriage. After a meeting at the *Nofous*, the couple is referred to the Foreigners' Register at the PSD in order to register the marriage certificate.

3.3.2. Documents Required

The following documents are required:

- **Marriage contract** - the original stamped marriage contract from the *Sharia* Court; and
- **Marriage certificate** - the marriage certificate issued by the *Mukhtar*; and
- **Valid stay** - evidence of valid stay in Lebanon (for each spouse): i.e., the original entry coupon with the valid residency visa; and
- **Proof of identity** - either the valid passports of both husband and wife, or certified individual extracts from the Ministries of Foreign Affairs of Syria and Lebanon.

3.3.3. Fees

A tax stamp of LBP 4,000 is required on the marriage certificate if the registration takes place within one month of the date of marriage. If this period is exceeded, a tax stamp of LBP 5,000 is required. Also, each copy of the documents presented at the *Nofous* or at the Foreigners' Register (copies of the proof of identity, valid visa, individual extract) must be stamped with a stamp of LBP 1,000.

4. Challenges Faced by Refugees from Syria during Marriage Registration

Through individual and group information sessions, legal counselling and legal representation, NRC has identified that refugees from Syria face significant challenges while registering a marriage in Lebanon. Described below are further details about the challenges and obstacles to marriage registration faced by refugees in Lebanon.

4.1. Challenges at the Sharia Court – Step One of the Registration Process

4.1.1. Providing recent individual extracts

Sunni Muslim refugees from Syria who want to get married are required by the law to provide a recent individual extract as proof of the woman's unmarried status. In practice, individuals willing to get married are typically required to provide an individual extract which is not older than three months. This requirement obviously presents an obstacle for refugees, as the individual extract can only be issued by the *Nofous* in Syria. Moreover, some authorised *Sheikhs* ask for a certified individual extract, which is even more difficult to acquire, as the document needs to be certified by the Ministries of Foreign Affairs in both Syria and Lebanon. NRC has observed that in practice, some authorised *Sheikhs* accept a statement from the *Mukhtar* confirming that the woman is not married, in place of the individual extract, which is difficult to obtain. This statement has to be presented with an ID or a passport. However, some *Mukhtars* are reluctant to issue such a statement as they are unable to prove such circumstances.

4.1.2. Presence of bride's father

Some authorised *Sheikhs* require the presence of the father of the bride in cases where the bride is less than 18 years of age or in cases where it is the bride's first marriage. In practice, this requirement causes problems for those women whose fathers are still in Syria and cannot attend the marriage.

4.1.3. Permission from General Security

NRC has identified recent cases where married couples of differing nationalities – namely Lebanese and Syrian – were asked by authorised *Sheikhs* to get authorisation from the

General Security Office (GSO) before they could get married. This requirement is a further obstacle for couples of two different nationalities.

4.1.4. Coping mechanism – unauthorised *Sheikhs*

As a consequence of the above challenges one coping mechanism identified by NRC field terms is that some refugees who were unable to get married before an authorised *Sheikh*, are approaching unauthorised *Sheikhs* in order to get married.¹² However, marriages concluded by such unauthorised *Sheikhs* are not recognised as valid marriages by the *Sharia* Courts, with the consequence that such marriages cannot be registered at the PSD. Also, unauthorised *Sheikhs* often demand fees that exceed the normal fees required by authorised *Sheikhs*.

Through its field work, NRC has established that couples who have got married in Lebanon, before an unofficial *Sheikh*, and then encountered problems in registering their marriage, have still been able to get a decision from a *Sharia* Court, confirming that the couple was already married. With the decision of the *Sharia* Court, the married couples were then able to get a marriage certificate from the *Mukhtar* and could register their marriage at the PSD in Lebanon.

4.2. Challenges at the *Mukhtar* – Step Two of the Registration Process

NRC has noticed that some *Mukhtars* ask for more documents than required by the law. These additional documents include documents such as proof of legal stay or certified individual extracts, which can be impossible for refugees from Syria to obtain.

4.3. Challenges at the Personal Status Department – Step Three of the Registration Process

4.3.1. Evidence of valid entry and stay in Lebanon

Evidence of legal entry and stay is required for registering a marriage at the Foreigners' Register (step three). NRC has identified, that this requirement is a significant obstacle to registering a marriage, as the number of refugees without proof of valid stay is increasing, because they have either (a) entered through unofficial border crossings; or (b) they have been unable to renew their legal stay, usually because of the prohibitive financial costs.

¹² Authorised *Sheikhs* are appointed by the *Mufti*. Unauthorised *Sheikhs* are not appointed by the *Mufti*. Only marriages performed by authorised *Sheikhs* are recognized by the *Sharia* Court and can therefore be registered and have a legal value.

4.3.2. Difficulties for Palestinian Refugees from Syria

The requirement of proving legal stay is also particularly difficult for PRS, who face specific difficulties entering Lebanon through official border crossings. Since May 2014, PRS are no longer able to renew their legal stay in Lebanon and cannot enter Lebanon without prior approval.

4.4. Marriages Concluded in Syria which were not Registered Prior to Coming to Lebanon

Syrian refugees, who married in Syria, but did not register the marriage prior to coming to Lebanon, face difficulties in registering their marriages. Under Lebanese national law, registration of all personal status documents, including marriage certificates, is only compulsory in cases where people marry in Lebanon.¹³ Marriages concluded in Syria are not governed by Lebanese laws. Therefore, there is no obligation to register such marriages in Lebanon, and there is no procedure provided by law for the registration of such marriages.

4.4.1. Decision from the Sharia Court

From its caseload, NRC has seen that refugees from Syria, who married in Syria, and did not register their marriage prior to coming to Lebanon, have been able to obtain a decision from the *Sharia* Court stating that these couples were already married. Based on this decision issued by the *Sharia* Court in Lebanon, couples were able to get a marriage certificate from the *Mukhtar* and could register their marriage at the PSD in Lebanon.

4.4.2. Women who came alone to Lebanon

It should be noted that this procedure does not apply in cases where the woman got married in Syria but came to Lebanon alone, without having registered the marriage in Syria. In the absence of her husband or any immediate family member, the woman will not be able to obtain a decision from the *Sharia* Court which would enable her to register the marriage.

4.5. Consequences of Challenges of Marriage Registration

4.5.1. Access to Birth Registration Procedure

A refugee couple from Syria which is unable to register their marriage will have problems when they have a child and want to register the birth. Birth registration is important for obtaining identity documents for the child. Such documents are important once families can

¹³ Article 1 of Decree Nr. 2851 issued on 02.01.1924.

voluntarily and safely return to Syria and to be able to prove the identity of the child and its family link with its parents. Also, identity documents are important to prevent statelessness. For the birth registration, parents need:

- **Certified copy of the marriage certificate** - along with an ID or passport, or
- **Family extract** - certified by the Ministries of Foreign Affairs in Syria and Lebanon within the last three months,¹⁴ or
- **Family booklet** - for Syrian nationals (for PRS the family booklet is not accepted).¹⁵

Obtaining one (or all) of these three documents requires prior registration of the marriage contract. As PRS face particular difficulties renewing their legal stay, they are especially likely to have problems registering their marriages as well as the birth of their children.

Furthermore, pregnant women who got married in Syria, but did not register their marriage before coming to Lebanon by themselves, face problems when registering the birth of their children. Without the marriage registration, her child can only be registered as an “illegitimate child”, which may have further social impact on the future of the child.¹⁶ This is an issue that NRC will continue to monitor and better understand.

4.5.2. Access to Services

Couples without a registered married contract may face problems in obtaining shelter via an NGO, as they might not be considered a family unit. Similar problems may arise if a family without a registered marriage contract wishes to be considered for certain programmes, such as the resettlement or humanitarian admissions programmes.

4.5.3. Obtaining other important Civil Status Documents

In cases where refugees from Syria have been able to register their marriage in Lebanon, problems will persist when they try to register the birth of their child at a later stage. In practice, refugees from Syria have difficulties obtaining the family booklet or the family extract, which can be obtained only in Syria. If they do not have a family booklet or a family extract, they can register the birth only with the certified marriage contract along with their passports. However, many refugees from Syria only have IDs.

¹⁴ The family extract is issued by the *Nofous* in Syria. The family extract contains personal information. All the information is on one page. The typical validity of individual extracts is three months. Some Lebanese PSD's accept family extracts certified within the last six months.

¹⁵ A family booklet is a document issued by the Ministry of the Interior – General Department for Civil Status in Syria. Each family member's bio-data is registered. It provides proof of marriage and of the children's affiliation to their parents. It is required by the Syrian authorities for administrative procedures.

¹⁶ The child will get the name of the mother and not of the father.

5. Recommended Next Steps

Based on its field work to date and continued focus on marriage registration within the wider ICLA programme, NRC recommends the points set out below as next steps (for NRC and other legal actors, as relevant), so that refugees from Syria can exercise their right to marriage registration in Lebanon.

- **Individual and group information sessions for refugees from Syria on marriage registration should continue and be increased** - providing information on marriage registration to refugees from Syria on a regular basis has had a positive impact on refugees' ability to exercise their right to marriage registration. These information sessions could be accompanied with the distribution of relevant brochures and leaflets on marriage registration.
- **Access to legal assistance and legal referrals on marriage registration should be more available to refugees from Syria** - the support of a lawyer can be important in the marriage registration process, particularly if required documents are missing and obtaining these requires following a legal procedure or, assistance is needed in approaching the authorities. NRC will continue to provide legal counselling and assistance for marriage registration cases and identify how it can expand the caseload through more mobile legal clinics throughout Lebanon.
- **Accurate and updated information on the marriage registration process needs to be made available and accessible for refugees from Syria** - as NRC has found, the procedures for marriage registration vary in practice throughout Lebanon. Therefore, it is important to continue monitoring any changes and keep updating the information on marriage registration. This also includes collecting information on recent developments, such as the recently established requirement of obtaining authorisation from the GSO for marriages between Syrian and Lebanese nationals, or the problem of proving marriages faced by refugees who married before an unauthorised *Sheikh*, or who married in Syria and did not register the marriage before coming to Lebanon. NRC recommends that all actors providing information should work together to consolidate the information provided to refugees on marriage registration and should share any updates on the procedures with each other. Coordinating information and counselling guidelines with other actors will help to ensure that consistent information is provided to beneficiaries.

- **Consistent monitoring and data collection on marriage registration is needed by protection actors** - in order to understand the obstacles to marriage registration and the number of refugees able to register marriages, it will continue to be relevant to collect data such as: what are the legal and practical requirements and challenges for refugees for getting married, for obtaining a marriage certificate and registering a marriage certificate. Protection actors working on marriage registration should coordinate what information is collected in order to ensure data can be compared and collated.
- **Coordination with Lebanese authorities should be improved** - NRC and other legal and protection actors should have regular contact with the local authorities, including *Mukhtars*, the PSD, the Ministry of Social Affairs and others, in order to strengthen the various roles and to work together to make the marriage registration process as accessible and efficient as possible. This also includes enhancing work with the protection sector and the PSD in order to recommend:
 - development of a circular similar to the circular issued for birth registration which provides that an individual extract (that is difficult to obtain) can also be replaced by an ID for the marriage registration, and
 - development of a circular which allows birth registration with a marriage contract, whether registered or not, with an ID or passport, to enable refugee parents, who were unable to register their marriage, to register at least the birth of their child.
- **Coordination among relevant stakeholders to overcome obstacles to registering marriage** - legal and protection actors should work together with other stakeholders to monitor obstacles and identify strategies to overcome these so that more refugees from Syria (including PRS) can register their marriages successfully.

NRC – www.nrc.no

The Norwegian Refugee Council (NRC) is an independent, international, humanitarian, non-governmental organisation which provides assistance, and protection and contributes to durable solutions for refugees and internally displaced people worldwide. NRC has been working in Lebanon since 2006 providing humanitarian assistance to communities affected by displacement.

NRC ICLA Programme – information or referrals

For further information about NRC Lebanon's ICLA programme or to find out about making legal referrals or receiving NRC training or awareness sessions on legal issues, please contact Ms. Dalia Aranki, ICLA Programme Manager at dalia.aranki@nrc.no or 01 366 113.