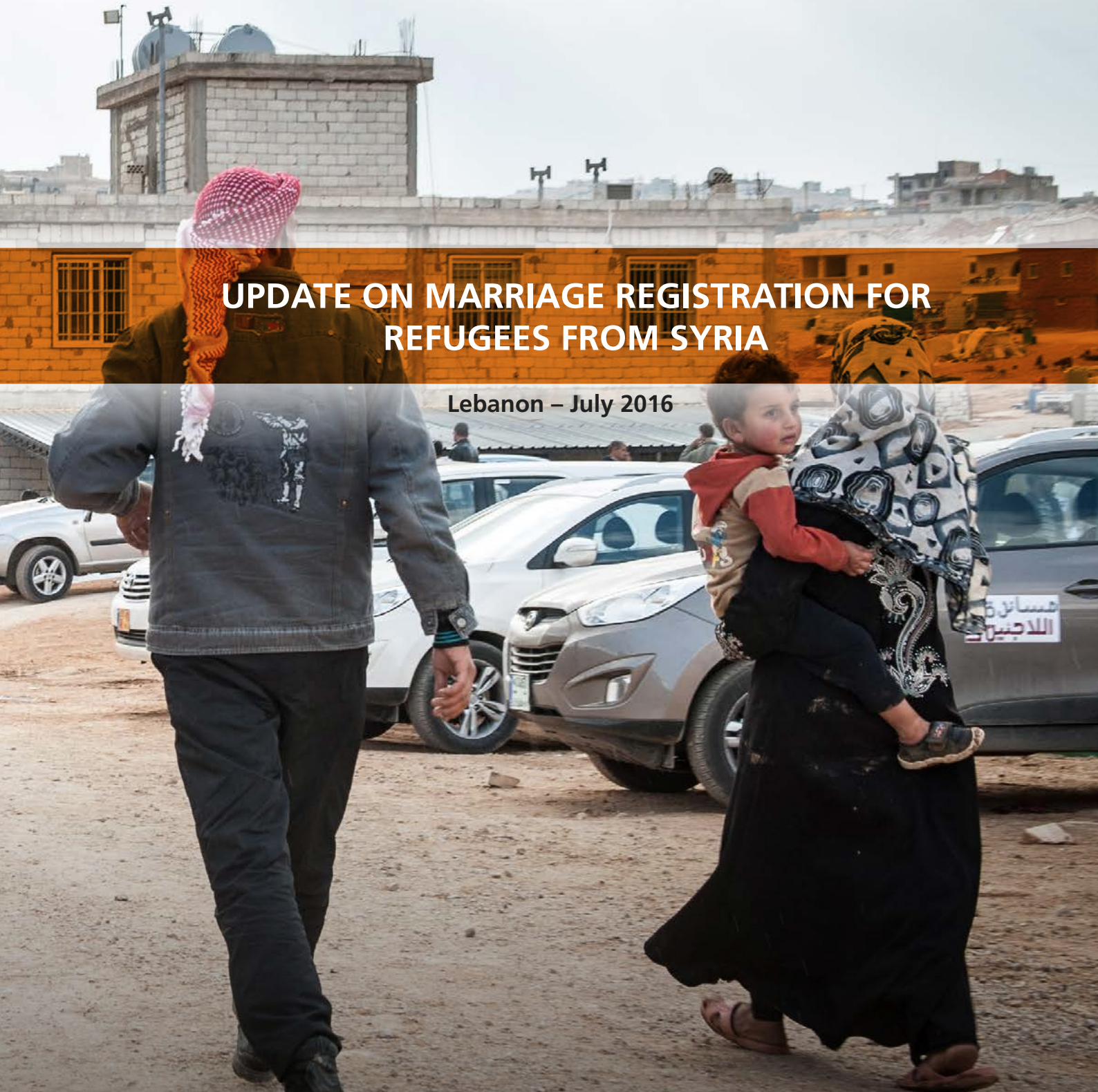


## UPDATE ON MARRIAGE REGISTRATION FOR REFUGEES FROM SYRIA

Lebanon – July 2016



# UPDATE ON MARRIAGE REGISTRATION FOR REFUGEES FROM SYRIA

## UNDERSTANDING THE PROCEDURES AND IDENTIFYING THE CHALLENGES FACED BY REFUGEES WHEN REGISTERING MARRIAGES IN LEBANON

RESEARCHED AND WRITTEN BY THE INFORMATION, COUNSELLING AND LEGAL ASSISTANCE PROGRAMME,  
NRC LEBANON

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# 1. BACKGROUND

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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, South Lebanon, and Beirut and Mount Lebanon (BML). The ICLA team reaches out to refugees at NRC Community Centres and at a number of other locations, including UNHCR registration sites, informal tented 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 marriage registration, including the proof of 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 the main reasons for not completing the marriage registration procedure are lack of information regarding this topic, financial difficulties, lack of valid legal stay, lack of identity documents and many other reasons. Also, NRC has identified protection incidents, such as increasing number of early marriage and negative coping strategies from refugees. Therefore, NRC is continuing its activities in this field to help refugees from Syria to overcome the obstacles mentioned above as well as to avoid or mitigate negative coping strategies and protection incidents.

Due to the Syrian crisis and because many marriages are taking place in Lebanon both, the Syrian as well as the Lebanese law has to be taken into consideration when discussing marriage registration for Syrian refugees. Therefore, this update provides an overview of the legal requirements for marriage registration in Syria and Lebanon. The legal requirements for marriage registration in both countries 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 document requirements 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. 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.

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

## 2. NRC ICLA – MARRIAGE REGISTRATION ACTIVITIES

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Between February 2015 and February 2016, NRC was able to provide information, counselling and legal assistance on marriage registration to 58,988 refugees from Syria. Out of the 58,988 NRC provided legal counselling on marriage registration to 5,996 refugees from Syria. Out of this latter number 1,859 received legal assistance at the Sharia Court.

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.
- Regularly updating information and protection trends on marriage registration in each NRC field location (Bekaa, North, South and BML).
- Coordinating with other actors on any changes in marriage registration procedures.<sup>1</sup>
- Conducting training and awareness sessions for community focal points, social workers and other field workers on marriage registration procedures.
- Conducting workshops and coordinating with Mukhtars and Sheikhs on marriage registration procedures.
- Collecting detailed data on an ongoing basis on the challenges faced by refugees trying to get married and/or to register marriages.
- Coordinating and maintaining regular contact with local authorities and departments responsible for marriage registration.

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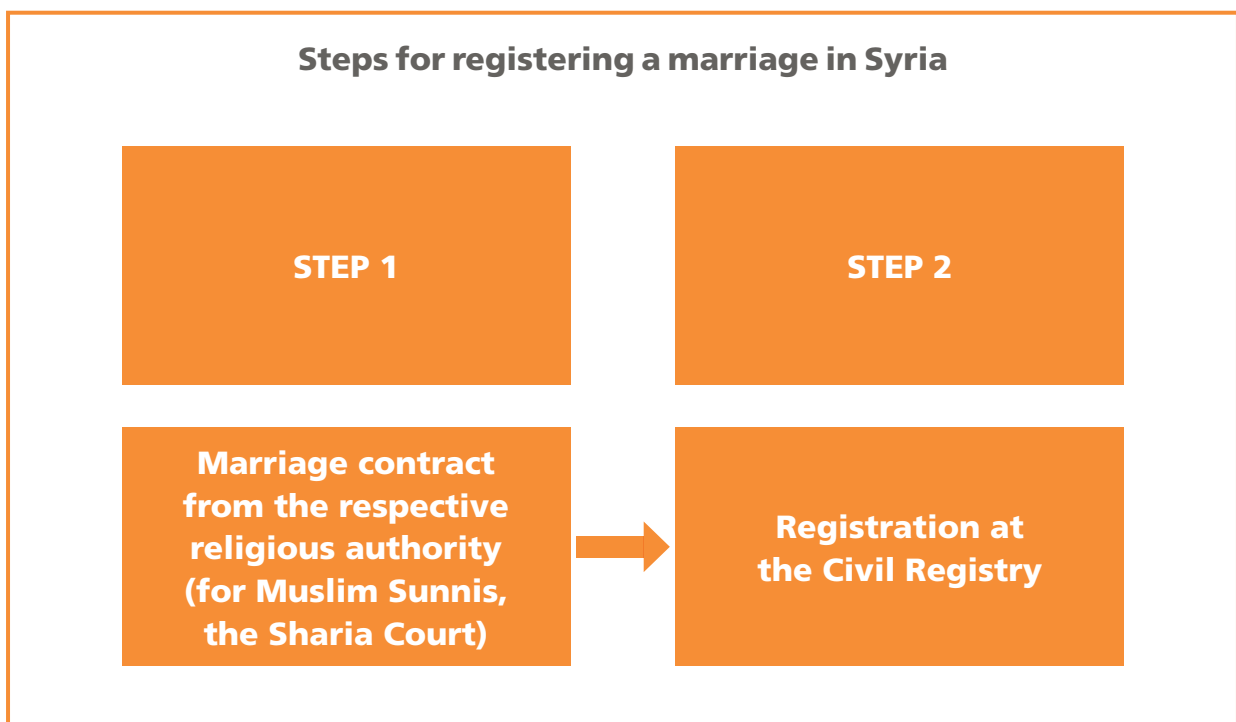
<sup>1</sup> NRC contributed to the development on national level of the development of guidelines for early marriages cases in close coordination with UNHCR and main protection actors. The aim of these guidelines is a) to ensure that marriage registration is effectively used as a protection tool (i.e. does not create harm) and, b) to recommend non-harmful practices for referrals, counselling and provision of information to early married children and families.

### 3. STEPS FOR REGISTERING A MARRIAGE IN SYRIA

Syrian national laws of personal status and civil documentation are very similar to the Lebanese national laws. Registration of all personal status documents is compulsory for all individuals in Syria whether Syrian nationals<sup>2</sup> or non-Syrians,<sup>3</sup> such as PRS. This includes marriage registration inside<sup>4</sup> or outside<sup>5</sup> Syria.

Two steps are necessary in order to register a marriage contract of Syrian nationals and PRS that took place in Syria:

- Celebrating the marriage and registering the marriage contract in accordance with the applicable religious law; and
- Registering this marriage contract at the Civil Registry.



<sup>2</sup> Articles 2-A and 5-A of the Syrian Civil Status Law, issued by legislative decree Nr. 26, 12 April 2007.

<sup>3</sup> Articles 2-A and 16 of the Syrian Civil Status Law, issued by legislative decree Nr. 26, 12 April 2007.

<sup>4</sup> Articles 2-D and 15 of the Syrian Civil Status Law, issued by legislative decree Nr. 26, 12 April 2007.

<sup>5</sup> Articles 2-D, 14 and 17 of the Syrian Civil Status Law, issued by legislative decree Nr. 26, 12 April 2007.

### 3.1. MARRIAGE CONTRACT

Similar to Lebanon, marriages in Syria can only be performed by a religious authority, such as a church or Islamic court. The marriage is regulated by the law of the religion in which the ceremony was conducted.<sup>6</sup> As the vast majority of refugees from Syria are Sunni Muslims, Sunni family law is of particular importance. Therefore, the following overview over the procedure of getting married focuses on Sunni marriages conducted before a Sunni Sharia Court.

#### 3.1.1. Where

The marriage ceremony is conducted at the Sharia Court. The marriage contract should be certified and stamped at the Sharia Court (this cannot take place elsewhere). The marriage contract (three copies) should be sent to the Civil Registry for registration. As mentioned above, the registration of marriages taking place in Syria is obligatory. However, different to Lebanon, the courts have the obligation to follow up with the procedure. The court staff should send three copies of the marriage contract to the Civil Registry within 30 days.<sup>7</sup> According to Syrian law, the marriage is not considered legal unless registered at the Civil Registry.<sup>8</sup>

#### 3.1.2. Documents required

In order to marry before a Sharia Court, the couple<sup>9</sup> has to submit an application providing, among other documents,<sup>10</sup> those listed below:

- **Individual extracts** – individual extracts issued in the last three months for both the wife and the husband. The individual extracts are issued by the Civil Registry in Syria.<sup>11</sup>
- **Medical tests and report** – showing that the couple does not have any genetic diseases that would have negative effects on their children.
- **A statement from a Mukhtar and local leaders** – stating that there is no religious reason for the couple not to get married.<sup>12</sup>

The Sharia judge can refuse to authorise the marriage if:

- There are missing documents;
- There is a legal/religious reason preventing the marriage;<sup>13</sup>
- The couple is not ready to be married due for instance because there is a big difference in age;<sup>14</sup>
- The man is already married and he does not prove he has a valid reason to marry another wife.<sup>15</sup>

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

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<sup>6</sup> Article 536 of the Syrian Procedures Law, legislative decree 84, 28 September 1953. The relevant religious laws apply.

<sup>7</sup> Articles 14, 30 and 31 of the Syrian Civil Status Law, issued by legislative decree Nr. 26, 12 April 2007.

<sup>8</sup> Article 30 of the Syrian Civil Status Law, issued by legislative decree Nr. 26, 12 April 2007.

<sup>9</sup> The man has to be a Muslim. The women can be Muslim, Christian or Jewish (faith of a “holy book”).

<sup>10</sup> Article 40 of the Syrian Civil Status Law, issued by legislative decree Nr. 26, 12 April 2007.

<sup>11</sup> The individual extract contains personal information such as the name of the person, the parents and the date of birth.

<sup>12</sup> Articles 33-39 of Syrian Personal Status Law, issued by legislative decree Nr. 59, 7 September 1953 mentions legal and religious reasons which may prevent marriages such as: man already married to four wives, woman still in another marriage, man marrying two sisters at the same time, etc.

<sup>13</sup> Ibid.

<sup>14</sup> Article 19 of the Syrian Personal Status Law, issued by legislative decree Nr. 59, 7 September 1953.

<sup>15</sup> Article 17 of the Syrian Personal Status Law, issued by legislative decree Nr. 59, 7 September 1953. Such a reason could be: The first wife is unable to have a child or she has a chronic disease. The man should also prove that he is financially capable to pay alimony for the wives.



### 3.1.3. Age

The family law applied in Sharia courts in Syria determines the minimum age of marriage as 17 for girls and 18 for boys.<sup>16</sup> Marriages below that age require a special permit from the Sharia Court provided certain conditions are fulfilled as per the Syrian law.<sup>17</sup>

### 3.1.4. Fees

The issuance of a marriage contract is exempted from any fees.<sup>18</sup>

### 3.1.5. When marriage takes place outside Syria (Lebanon)

If the marriage occurs outside Syria, registration of the marriage is required within 60 days at the Syrian Civil Registry.<sup>19</sup> The marriage documents should be registered through the Syrian Consulate. When the Syrian Consulate does not exist or is very far away, the marriage documents should be registered and certified according to the laws at the country where the marriage took place.<sup>20</sup> Refugees from Syria who marry in Lebanon should register their marriages at the Foreigners' Register of the Personal Status Department (PSD) in Lebanon. In a following step the original marriage certificate should be certified at the Lebanese Ministry of Foreign Affairs and then certified from the Embassy of Syria in Lebanon.<sup>21</sup> The Embassy finally sends it to the Syrian Civil Registry to register the marriage in Syria. Please see details further below.

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<sup>16</sup> Article 16 of the Syrian Personal Status Law, issued by legislative decree Nr. 59, 7 September 1953.

<sup>17</sup> Article 18 of the Syrian Personal Status Law, issued by legislative decree Nr. 59, 7 September 1953, mentions exceptions allowing the marriage of boys and girls based on a case by case basis on the conditions:

- 1- The boy is above 15 and the girl is above 13 years of age.
- 2- The boy and or girl have reached puberty.
- 3- The girl seems physically ready for marriage.
- 4- Permission of her guardian (father, brother, grandfather, uncle).

<sup>18</sup> Article 46 of Syrian law of Personal Status, issued by legislative decree Nr. 59, 7 September 1953.

<sup>19</sup> Article 14 of the Syrian Civil Status Law, issued by legislative decree Nr. 26, 12 April 2007.

<sup>20</sup> Article 17 of the Syrian Civil Status Law, issued by legislative decree Nr. 26, 12 April 2007.

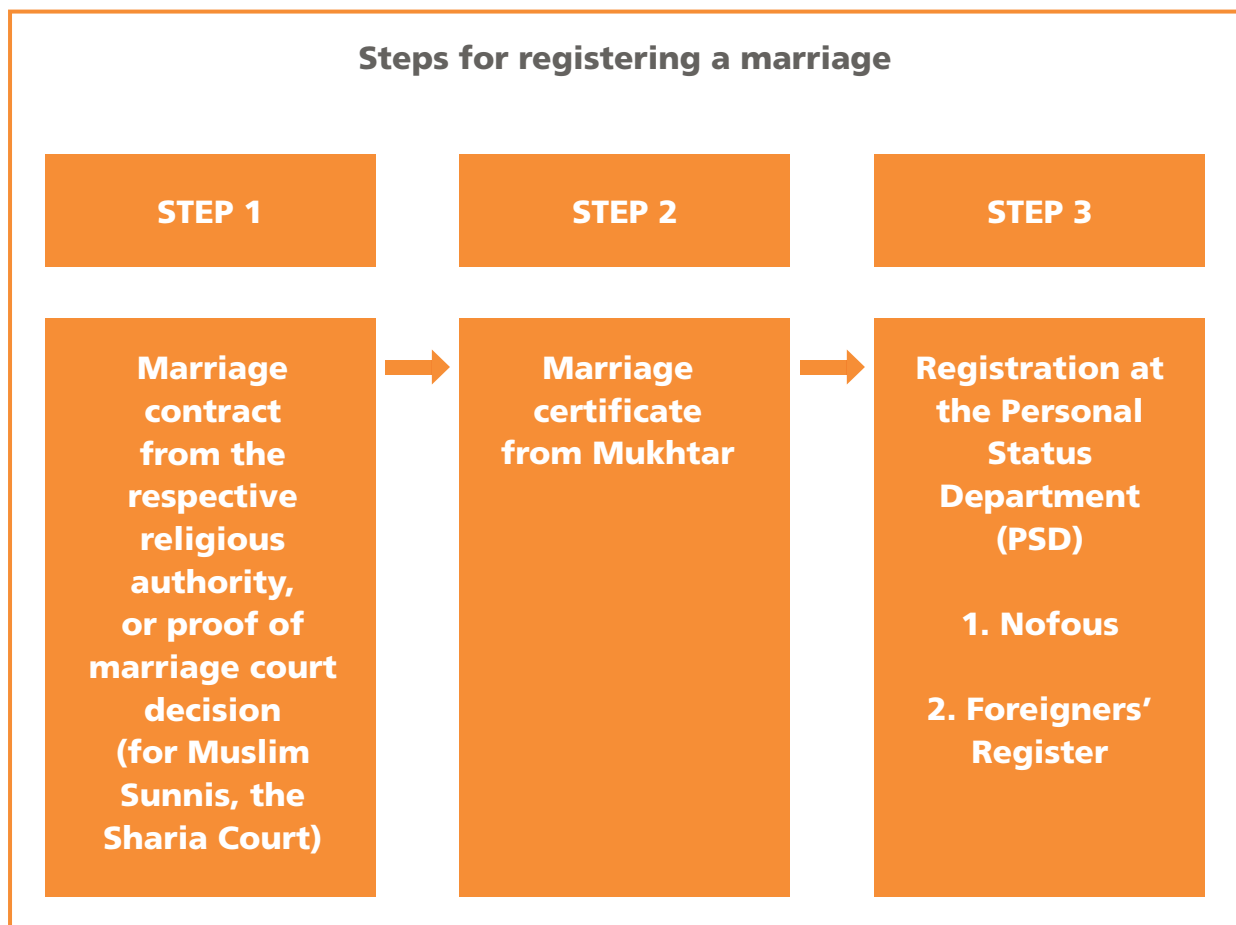
<sup>21</sup> Article 17 of the Syrian Civil Status Law, issued by legislative decree Nr. 26, 12 April 2007. Currently NRC does not advise refugees to approach the Syrian Embassy.

## 4. STEPS FOR REGISTERING A MARRIAGE IN LEBANON

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.<sup>22</sup>

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

1. Celebrating the marriage, or proof of an unofficial marriage that already took place and registering the marriage contract in accordance with the applicable religious law;
2. Obtaining a marriage certificate; and
3. Registering this marriage certificate.



The Foreigners' Register of the 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.<sup>23</sup>

<sup>22</sup> Personal status documents can be registered at the PSD.

<sup>23</sup> Currently NRC does not advise refugees to approach the Syrian Embassy.

## 4.1. MARRIAGE CONTRACT

Marriages in Lebanon can only be performed by a religious authority, such as a church or Islami court. If refugees from Syria marry in Lebanon, the marriage is regulated by the law of the religion in which the ceremony was conducted.<sup>24</sup> The documents needed to establish a marriage in Lebanon therefore depend on the particular religion of the individuals. As previously noted, since most refugees from Syria are Sunni Muslims this report focuses on the procedure for getting married conducted before a Sunni Sharia Court.<sup>25</sup>

### 4.1.1. Where

Under Sunni law, any authorised Sheikh<sup>26</sup> 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).

### 4.1.2. Documents required

In order to marry before a Sharia Court, the couple has to provide, among other documents,<sup>27</sup> those listed below:

- **Individual extracts** – recent, individual extracts for both the wife and the husband. The individual extracts are issued by the civil registry in Syria.<sup>28</sup> The individual extract, which usually has to be issued within the last 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 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 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.<sup>29</sup>
- **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.<sup>30</sup>
- **A statement from a Mukhtar and local leaders** – proof that the woman has the faith of a “holy book”. This means that the woman must be either Jewish, Muslim or Christian.<sup>31</sup> 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.

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<sup>24</sup> The relevant religious laws apply.

<sup>25</sup> 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.

<sup>26</sup> An authorised Sheikh is a person appointed by the relevant Mufti. Marriages performed by an authorised Sheikh are recognised by the Sharia Court.

<sup>27</sup> Through its ongoing fieldwork NRC continues to ascertain which documents for refugees are always needed.

<sup>28</sup> Some Sharia courts require the individual extract to be stamped by the Nofous in Syria as “valid for marriage”.

<sup>29</sup> Some Sharia courts also ask for such a statement in addition to the individual extract.

<sup>30</sup> The cost may vary depending on the laboratory, the doctor and area.

<sup>31</sup> The proof can be done with a copy of an individual extract. Some Courts may also accept a statement signed by the Mukhtar.

### 4.1.3. Age

The family law applied in Sharia Court in Lebanon determines the minimum age of marriage for girls at 17 and boys at 18.<sup>32</sup> Marriages where one or both parties is under that age require a special permit from the Sharia Court provided certain conditions are fulfilled as set out in the Lebanese family law.<sup>33</sup>

### 4.1.4. 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.

## 4.2. PROOF OF MARRIAGE

In some cases, Syrian refugees do not fulfill all the requirements of the above mentioned step 1. Syrian refugees and PRS who are married a) in Syria without having registered their marriage or b) in Lebanon outside the Sharia Court or c) without the presence of an authorised Sheikh have to get a proof of marriage in order to be able to continue marriage registration in Lebanon.<sup>34</sup> With a proof of marriage couples can then proceed with step 2 and 3 of the marriage registration.

### 4.2.1. Where

As in Syria, also in Lebanon only religious courts have the competency to conclude a marriage or alternatively to provide a proof of marriage. Couples can submit an application or file a case at the Lebanese Sharia Court for proof of marriage. When conditions are fulfilled (see below), the Judge issues a decision which serves as a proof of marriage. The proof of marriage or a copy is then certified and stamped as valid for execution at the Sharia Court. Without certification from the Sharia Court a marriage certificate cannot be signed by the Mukhtar (step 2, see below for more information).

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<sup>32</sup> Article 5 of the Law of Family Rights, Ottoman law, 15 October 1917.

<sup>33</sup> Articles 6 and 7 of the Law of Family Rights include exceptions allowing the marriage of children on a case by case basis when the following conditions are fulfilled: a) the girl is above 9 years; b) she has reached puberty; c) she looks physically ready for marriage; and, d) her guardian (father, brother, grandfather, uncle) has approved the marriage. Articles 5 and 7 of the same law provide exceptions for boys when he fulfills the following conditions: a) he is not less than 17 years; b) he has reached puberty; and, c) he is physically and financially ready for marriage.

<sup>34</sup> In such cases, the couple may have a written marriage contract issued in Syria but not yet registered. They may also have marriage contract issued by a non authorised Sheikh in Lebanon or in Syria. Finally, they may have no written marriage contract at all. Consequently, the couple would not have a proof of their marriage recognised by the Lebanese authorities which is needed for marriage registration procedure purposes.

### 4.2.2. Documents required

In order to prove the marriage before a Sharia Court the couple has to provide, among other documents,<sup>35</sup> those listed below:

- **Case Application** – submitted by both spouses as a petition or from one spouse as a law suit;<sup>36</sup>
- **A Statement from a Mukhtar** – stating that the couple is married;
- **Individual extracts** – some Sharia Courts require recent, individual extracts for both spouses. A statement from a Mukhtar stating that the woman is not married to another person may be accepted, depending on the Sharia Court, instead of an individual extract. This might be relevant in cases where an individual extract cannot be acquired;<sup>37</sup>
- **Medical tests and report** – showing that the wife is pregnant or had a child. Most Sharia courts do not accept cases of proof of marriage if there is no birth or pregnancy.
- **A statement from a Mukhtar and local leaders** – testifying that the couple is married. In case of a birth or pregnancy, most Sharia Courts do not require the presence of the family members. However their testimony is required when the husband is not present.

In principle, attending the court session is mandatory for both spouses in order to prove their marriage. When at least one of the spouses is below the minimum age of marriage as determined by the law,<sup>38</sup> the presence of the father or brother (guardian) of the young spouse may be requested by the Sharia Court.

### 4.2.3. Fees

The proof of marriage case fee at the Sharia Court is approximately LBP 150,000.

## 4.3. MARRIAGE CERTIFICATE

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

### 4.3.1. Where

The marriage certificate can be obtained from the Mukhtar nearest to the Sharia Court where the wedding took place.<sup>39</sup> 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.

### 4.3.2. Documents required

For the document to be certified, the husband or wife needs the marriage contract issued by the Sheikh or copy of the decision of proof of marriage stamped as copy valid for execution and their proof of identity. Valid proof of identity includes 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.

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<sup>35</sup> Through its ongoing fieldwork NRC continues to ascertain which documents for refugees are always needed.

<sup>36</sup> This procedure differs from one Sharia Court to another. Proof of marriage cases can be submitted either through a petition in cases of no conflict between the spouses or through a law suit in case there is any conflict. Some Sharia courts are not following the procedure law and are only accepting either petitions or law suits.

<sup>37</sup> Some Sharia courts also ask for such a statement in addition to the individual extract.

<sup>38</sup> See above, age of marriage.

<sup>39</sup> 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.

### 4.3.3. Fees

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

## 4.4. 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.

### 4.4.1. 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.

### 4.4.2. Documents required

The following documents are required:

- **Marriage Contract** – the original stamped marriage contract from the Sharia Court; or
- **Proof of Marriage** – issued by the Sharia Court and stamped as valid for execution; and
- **Marriage Certificate** – issued by the Mukhtar; and
- **Valid Legal Stay** – evidence of valid legal stay in Lebanon (for each spouse): i.e., the original entry coupon with the valid legal stay; 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 as well as the Syrian embassy in Lebanon.

### 4.4.3. 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.

## 5. CHALLENGES FACED BY REFUGEES FROM SYRIA DURING MARRIAGE REGISTRATION IN LEBANON

Through its ICLA activities NRC is regularly monitoring the steps in marriage registration procedures that refugees have managed to complete. The below diagram (figure 1) shows that between February 2015 and February 2016 out of 1,702 refugees that obtained a marriage contract in Lebanon, only 317 were able to acquire an official marriage contract issued from an authorised Sheikh. Those who were not able to obtain an official marriage contract will need to submit a case to prove their marriage at the Sharia Court as explained above.

Out of those who were able to acquire an official marriage contract 206, obtained a marriage certificate at the Mukthar, and out of those only 61 were able to continue marriage registration at the Nofous. Only 15 were able to finalise the marriage registration at the Foreigners' Register.

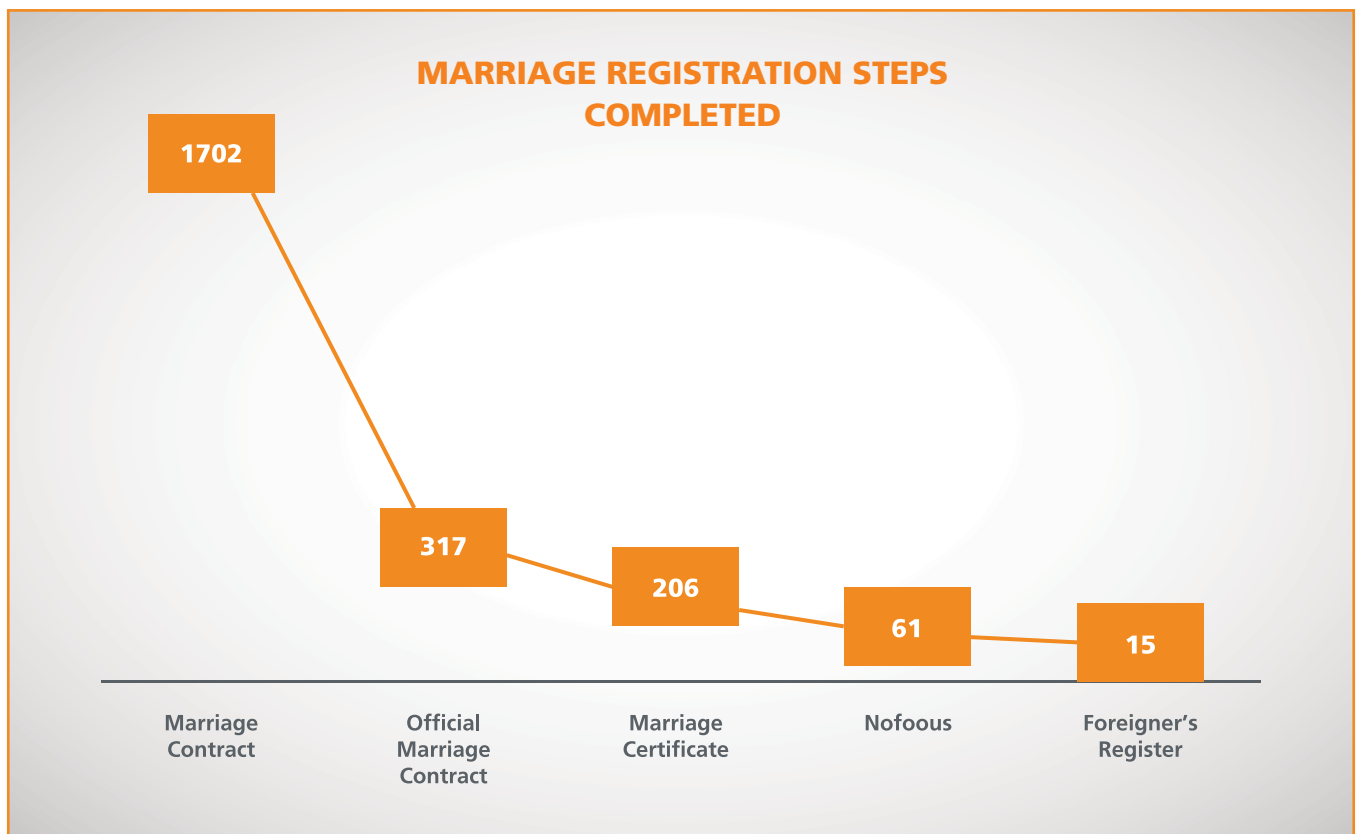


Figure 1. From February 2015 to February 2016 – selected number of beneficiaries interviewed

Described below are further details about the challenges and obstacles faced by refugees from Syria in Lebanon.

### 5.1. CHALLENGES AT THE SHARIA COURT – STEP ONE OF THE REGISTRATION PROCESS

As mentioned, the above diagram (figure1) shows that between February 2015 and February 2016 out of 1,702 refugees from Syria that obtained a marriage contract only 317 were able to obtain an official marriage contract at the Sharia Court which is 18.6%. The remaining 81.4% who were not able to acquire an official marriage contract will have to submit a case at the Sharia court to prove their marriage, as explained above.

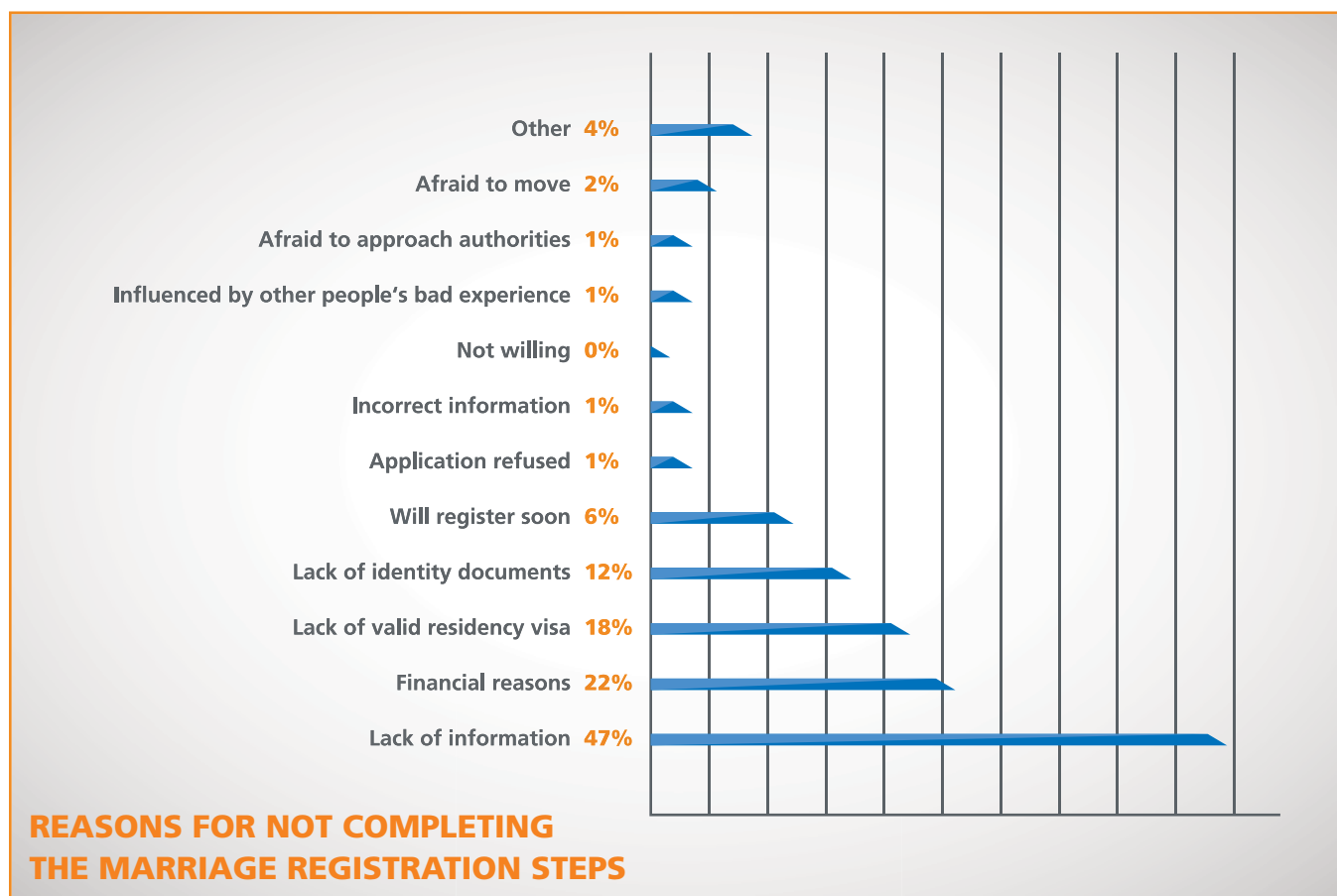


Figure 2. The above diagram shows the percentage of reported challenges faced by 1,702 interviewed beneficiaries

The following provides more explanation of the reasons why refugees are facing challenges when undertaking the steps in the marriage registration procedure.

#### 5.1.1. Lack of Information

As presented in figure 2, 47% of the interviewed beneficiaries stated lack of information as the main reason for not completing marriage registration in Lebanon. Out of those 64.3% stated that they lack information about the required documents.<sup>40</sup> Also, refugees are not aware of the additional steps that are required to legally register their marriage in Lebanon. Many refugees only become aware of these steps once they are expecting a child as they would need then to register a new born. 34% of the 47% who mentioned generally the lack of information as the main reason specified that they lack information about the required fees for marriage registration.<sup>41</sup>

<sup>40</sup> Details taken from ICLA database.

<sup>41</sup> Details taken from ICLA database.



### 5.1.2. Financial Reasons

22% of the interviewed beneficiaries stated that they could not afford the fees required for marriage registration. The majority reported all costs as the main reason for not proceeding with marriage registration. Out of the 22%, 5% reported the religious court costs as the main challenge for not completing the marriage registration. In general, refugees do not prioritise marriage registration procedures over spending on their basic needs.

### 5.1.3. Lack of identity documentation

12% of the interviewed beneficiaries stated that they lack identity documentation. 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 (see also above). In practice, this individual extract should have been issued within three months. This requirement obviously presents an obstacle for refugees, as the individual extract can only be issued by the Civil Registry 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. In addition it needs to be certified by the Syrian Embassy in 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. 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.

### 5.1.4. Lack of valid residency visa

18% of the interviewed beneficiaries were not able to complete the marriage registration due to the refusal of their application by relevant local authorities and/or PSD (Mukhtar, Nofous, and/or Foreigners' Register). Refugees from Syria who wish to exit Lebanon must regularise their legal stay and pay the required fees. Children born in Lebanon should be registered and get an exit permission. This is not possible for married couples whose marriage is not registered.

### 5.1.5. Challenges facing refugees in proof of marriage cases

NRC, through its ICLA project, provides legal representation for proof of marriage cases in Lebanon. Between February 2015 and February 2016 ICLA provided legal representation for 1,859 beneficiaries at the Sharia Court for proof of marriage of which 1,099 cases were closed. The below diagram (figure 3) shows that out of 1,099 closed cases that were provided with ICLA's legal assistance, 19 cases were not able to solve their legal issues at the Sharia Court. Two main reasons are reported for not being able to complete the proof of marriage: a) beneficiary is not willing anymore to proceed, or b) beneficiary went back to Syria.

*Nabila is a PRS who had a child. Her marriage was not yet registered. She and her family were accepted for resettlement and acquired the necessary visa. When they got to the airport, Nabila was asked to pay USD 600 to be allowed to exit. As her marriage and thus her child as well was not registered her child was not allowed to exit.*

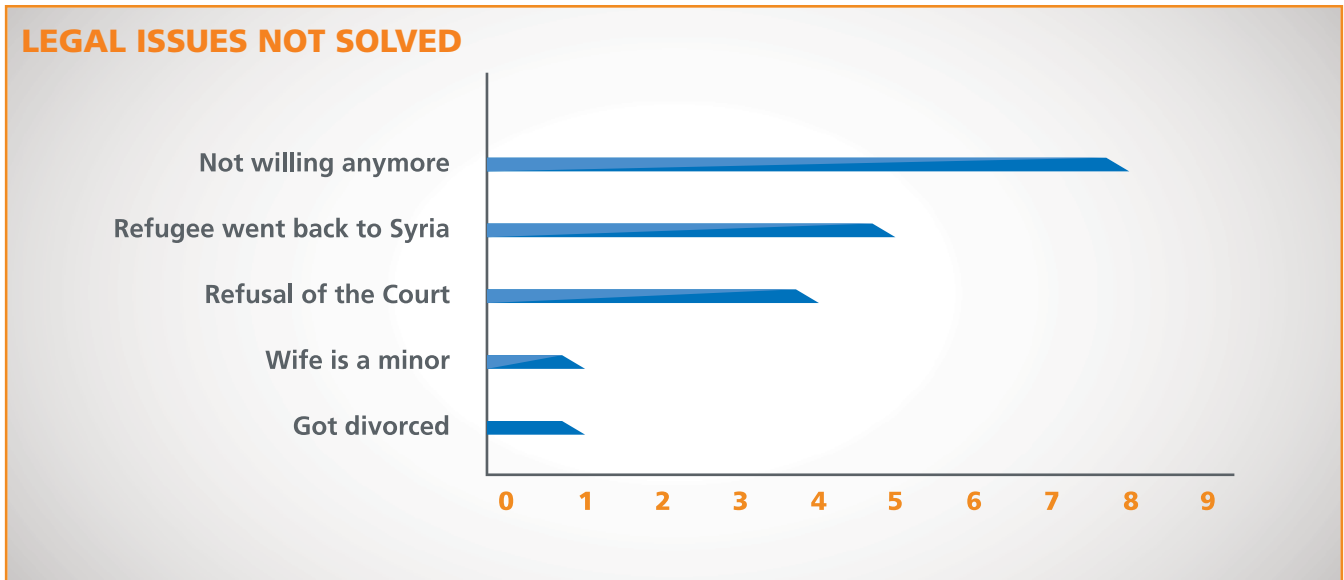


Figure 3. The above diagram shows reported reasons why the legal case was not solved

Women who came alone to Lebanon without having registered their marriage in Syria are facing additional challenges to prove their marriages. In the absence of the husbands or any immediate family members of the husband, women are not able to obtain a decision from the Sharia Court to register the marriage.

#### 5.1.6. Different practices from different Sharia Courts in relation to proof of marriage cases

As most refugees coming from Syria are Sunni Muslims, the Sunni Sharia Court is becoming more familiar in addressing their cases. However, other Sharia Courts of other confessions are not as exposed to refugees from Syria for marriage and proof of marriage applications. These groups of refugees are facing challenges related to proof of belonging to the sect, required documents, and discrimination based on nationality. These refugees face rejections at the court because the court often does not want to receive refugees from Syria.

### 5.2. CHALLENGES AT THE MUKHTAR – STEP TWO OF THE REGISTRATION PROCESS

According to the above figure 1 out of 1,702 refugees that obtained a marriage contract in Lebanon, only 206 obtained a marriage certificate at the Mukhtar. 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. NRC has been facilitating workshops with Mukhtars on marriage registration. NRC found that most of the Mukhtars already had a good knowledge about marriage registration procedures, but were not aware of recent circulars, and they lacked information about their legal responsibility for marriage registration. Through the provision of information to them, NRC was thus able to increase their understanding and ability to facilitate the marriage registration process.

### **5.3. CHALLENGES AT THE PERSONAL STATUS DEPARTMENT – STEP THREE OF THE REGISTRATION PROCESS**

The above diagram in figure 1 shows that out of the 1,702 of the interviewed beneficiaries, 61 of them were able to register their marriages at the Nofous while only 15 were able to register at the Foreigners' Register.

Regarding the reasons, as presented in figure 2, 12% were not able to complete marriage registration steps due to lack of identity documents such as certified individual extracts or valid passports. Evidence of legal entry and stay is also required for registering a marriage at the Foreigners' Register (step three). 18% of the interviewed beneficiaries were not able to complete the steps for this reason (see figure 2 above). NRC has identified, that legal stay is a significant obstacle to registering a marriage, as the number of refugees without proof of legal 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 requirements.

## 6. CONSEQUENCES OF CHALLENGES OF MARRIAGE REGISTRATION

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### 6.1. ACCESS TO BIRTH REGISTRATION PROCEDURE

A couple from Syria which is unable to register the 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 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.<sup>42</sup> For the birth registration, parents need:

**Certified copy of the marriage certificate** – certified by the Ministries of Foreign Affairs in Syria and Lebanon within the last three months;<sup>43</sup> or

**Family extract** – for Syrian nationals (for PRS the family booklet is not accepted).

**Family booklet** – for Syrian nationals (for PRS the family booklet is not accepted).<sup>44</sup>

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, the child can only be registered as an “illegitimate child”, which may have further social impact on the future of the child.<sup>45</sup> This is an issue that NRC will continue to monitor and better understand.

### 6.2. ACCESS TO SERVICES

Couples without a registered marriage might not be considered a family unit and might face problems to be considered for certain programmes, such as the resettlement or humanitarian admissions programmes.

### 6.3. 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.

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<sup>42</sup> Please see also NRC’s work on statelessness for instance NRC’ report, Statelessness and displacement, 2015.

<sup>43</sup> 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.

<sup>44</sup> 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.

<sup>45</sup> The child will get the name of the mother and not of the father.

## 7. OTHER PROTECTION RISKS RELATED TO MARRIAGE REGISTRATION

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Through its work NRC noticed an increase of early marriages among refugees from Syria. Even though early marriage is recognised as a culturally accepted behavior among refugees coming from rural areas in Syria, several other reasons for the increased number of early marriages were identified. Parents often perceive marriage as a tool to protect their daughters.

NRC ICLA has been addressing early marriage cases as a protection issue and providing ICLA services. In close coordination with other protection actors (GBV and child protection actors) who have the expertise to assess whether it is safe and the best for the child to register the early marriage, ICLA has been providing legal representation for marriage registration.

In addition to the above mentioned challenges, specific challenges are faced in the marriage registration process in cases of early marriages, such as:

- Lack of information related to legal requirements for marriage contracts: a special permit from Sharia court is required for marriages below the legal age of marriage which is 17 for girls and 18 for the boys. Refugees in Lebanon do not know about this requirement and usually follow the traditions of celebrating the marriage contract at home through an unauthorised Sheikh.

- Presence of the father at the Sharia Court to approve the marriage: some girls are living with their husbands away from their parents which is a challenge for the father as he is supposed to attend in person the marriage at the court. It is even more challenging for the couple if the father is missing or dead. Such cases are legally more complicated and due to this it is even more complicated to obtain proof of marriage.

## 8. RECOMMENDED NEXT STEPS

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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 are 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 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** - NRC has identified that 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 proving marriages of 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 Sharia Courts, and Sheikhs should be improved** – NRC and other legal and protection actors should have regular contact with the Sharia Court and Sheikhs. NRC has been in contact with different Sharia Courts in different areas providing legal assistance in marriage registration. NRC was able to provide successful advocacy for the benefit of refugees in some Sharia Courts. It is recommended that NRC continue to do advocacy work at Sharia Courts.

NRC was able to coordinate with Sharia Courts to have mobile courts in specific areas to reach refugees that have limited freedom of movement. It is recommended that NRC continue to coordinate with Sharia Courts to continue the work of such mobile courts. NRC is providing workshops with court staff, authorised Sheikhs and unauthorised Sheikhs on marriage registration. It is recommended to continue providing such workshops.

**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.
- development of a circular that waves the requirement of a valid legal stay for marriage registration.

NRC has been providing workshops on marriage registration with Mukhtars. It is recommended to continue providing these workshops.

**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.

**Coordinate among relevant stakeholders to address early marriages** – legal and protection actors should work together with other stakeholders, in particular child and GBV actors to prevent and/or mitigate the effects of early marriages. Awareness on early marriage has to be raised and referral mechanisms improved.

#### **NRC ICLA Lebanon**

NRC – [www.nrc.no](http://www.nrc.no)

NRC ICLA Programme

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. Julia Herzog-Schmidt, ICLA Specialist at [julia.herzog-schmidt@nrc.no](mailto:julia.herzog-schmidt@nrc.no) or 01 366 113.

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