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Algeria: Whether a divorce is automatically indicated on a person's marriage and birth certificates when it is finalized, or whether a person has to make a request for this information to appear on these two documents; if the person has to appeal to the authorities, which authority is responsible for the changes and how long does the process take (2010-2013)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Marriage Certificates

In correspondence with the Research Directorate, a lawyer in Batna [North Eastern Algeria] who practices family law, indicated that after a divorce, a person's marriage certificate does not indicate that he or she is divorced, because "the marriage certificate does not contain terms that mention the divorce" (Lawyer, Batna 30 Mar. 2014). However, in correspondence with the Research Directorate, a lawyer in Algiers who also practices family law, indicated that after a divorce, a person's marriage certificate indicates whether he or she is divorced (Lawyer, Algiers 27 Mar. 2014). The lawyer in Algiers added that this process is automatic and "the authority responsible for making the changes to a marriage certificate to reflect a change in marital status is the court which rendered the judgement of divorce" (ibid.). He stated that the court sends the information of the divorce to the "mayor (la commune)" of the city in which the marriage was conducted "for recording" (ibid.; ibid. 30 Mar. 2014). He said that, after the court sends the information of the divorce to the mayor, "the mayor changes the register of marriages, so any new marriage certificate requested should be marked divorced" (ibid.). He explained that, in order for a marriage certificate to show that someone is divorced, the divorced person must request a new certificate (ibid. 2 Apr. 2014). However, he indicated that, although there is no obligation to update a marriage certificate after getting divorced, "all marriage ...certificates are valid for only one year" (ibid.). In contrast, the lawyer in Batna said that marriage certificates "do not expire" (2 Apr. 2014).

2. Birth Certificates

Both lawyers consulted by the Research Directorate indicated that after a divorce, a person's birth certificate indicates that he or she is divorced, and that this process is automatic (Lawyer, Algiers 27 Mar. 2014; Lawyer, Batna 30 Mar. 2014).

According to the Journal Officiel de la Republique Algerienne, "decisions made in court regarding divorce cases must be transcribed and sent to the Civil Status office at the request of the public prosecutor (ministère public)" (27 Feb. 2005). The lawyer in Batna stated that the Civil Status office is the authority responsible for changing birth certificates to reflect that a person has gotten a divorce (Lawyer, Batna 30 Mar.2014). He also added that "if a marriage is registered in the Civil Status, the divorce must be pronounced by the court ..." (ibid. 2 Apr. 2014). He said that marriages that take place under Sharia law are not registered in the Civil Status (ibid.). In addition, he indicated that when the divorced person or his or her lawyer, parents, or
children go to the Civil Status office with a notification of the divorce from court, the agent at the Civil Status office immediately registers the changes on the birth certificate (ibid. 30 Mar. 2014). He added that, if the court sends the notification of divorce by mail, "the changes may take some time" (ibid.). According to the lawyer in Batna, a new birth certificate is not issued when a divorce takes place, rather "there is an empty space in the right of the birth certificate which indicates any changes" such as marriage and divorce (Lawyer, Batna 2 Apr. 2014).

The lawyer in Algiers indicated that the court that renders the decision on the divorce sends the information about the divorce to the "mayor (la commune) where the person was born for recording" (Lawyer, Algiers 27 Mar. 2014). He said that, after the court notifies the mayor of the divorce, "the mayor changes the register of births, so any new birth certificate requested should be marked divorced" (ibid. 30 Mar. 2014). According to the lawyer in Algiers, in order for a birth certificate to show that someone is divorced, the divorced person must request a new certificate (ibid. 2 Apr. 2014). He added that there is no obligation to update a birth certificate after getting divorced, however "all ... birth certificates are valid for only one year" (ibid.). The lawyer in Batna also said that birth certificates are valid for one year, and that "if you have a birth certificate dated more than one year, the birth certificate is not applicable; therefore you should have a new one" (2 Apr. 2014).

Both lawyers indicated that the process of adding information about a divorce on a birth certificate varies depending on where the person lives (Lawyer, Algiers 27 Mar. 2014; Lawyer, Batna 30 Mar 2014). The lawyer in Algiers indicated that adding that a person is divorced on a birth certificate could take "between two weeks in big cities to two months in small villages" (27 Mar. 2014). According to the lawyer in Batna, if a person is divorced in the same city in which they were born, the divorce is indicated on his or her birth certificate, however "if the divorce is pronounced in a different place than the place of birth, the divorce is rarely registered ..." (Lawyer, Batna 30 Mar. 2014).

According to the lawyer in Batna, "Algeria recently created a network program between the different courts and Civil Status [office], which aims to unify all the information that occurs on the birth certificate..." and its implementation across Algeria is "still in progress" (ibid. 30 Mar. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The lawyer in Batna said that until the network connecting information between courts and the Civil Status office is fully implemented across Algeria, people who get divorced in a city other than the city in which they were born must go to their native city to make necessary changes to their birth certificate (2 Apr. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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


Lawyer, Algiers. 2 April 2014. Correspondence with the Research Directorate.

_____. 30 March 2014. Correspondence with the Research Directorate.

_____. 27 March 2014. Correspondence with the Research Directorate.

Lawyer, Batna. 2 April 2014. Correspondence with the Research Directorate.

_____. 30 March 2014. Correspondence with the Research Directorate.

Additional Sources Consulted

Oral sources: Attempts to contact the following individuals and organizations were unsuccessful within the time constraints of this Response: Algeria – Consulate General in Montreal, Embassy in Ottawa; 10 lawyers who practice many categories of law, including marriage and divorce law; Ligue algérienne pour la défense des droits de l'homme; SOS Femmes en détresse.
Internet sites, including: Algeria – Consulate General in Montreal, Embassies in Ottawa and Washington, Ministère de l'Intérieur et des Collectivités Locales; ecoinet; Factiva; United Nations – Refworld; United States – Department of State.

Tips on how to use this search engine.