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Nigeria: Documentation required and procedures to be followed by a parent wishing to travel abroad with a minor child in the absence, or without the consent, of the second parent

Research Directorate, Immigration and Refugee Board, Ottawa

In a 27 July 2005 personal interview with the Research Directorate, a minister from the Nigeria High Commission in Ottawa provided the following information about the documentation required and procedures to be followed by a parent wishing to travel abroad with a minor child:

Children are considered minors if they are under 16 years of age.

For a minor child to be endorsed on his or her mother's passport, consent must be given by both parents, especially the father.

For a minor child to obtain his or her own passport a letter of consent by the father is required. If the father is unable to provide a letter of consent or is deceased, a letter of consent by the mother will be adequate.

Minors can be endorsed in their mother's passports, but not in their father's.

Once the minor is endorsed in their mother's passport, the mother can exit the country with the child and without additional consent by the father. If the child is travelling on their own passport, it is unlikely that immigration officials will ask for a letter of consent from the father to allow the child to exit the country with their mother.

No consent by the mother is required for the father to travel abroad with their children who are under 16 years of age.

The Nigeria High Commission recommends that parents endorse in the mother's passport, children under the age of five rather than acquire a separate passport for the child. This is because the child's appearance changes rapidly during their first five years and their passport photo will quickly become dated. However, a passport issued to a minor is legal and, if requested by the parents, cannot be refused by the Passport Office.

In correspondence sent to the Research Directorate, the International Centre for Nigerian Law (ICNL) stated that if a minor possesses their own passport or if they are endorsed in their mother's passport, then no other documentation or letters of consent are required for the minor to travel abroad (23 July 2005).

The United Nations High Commissioner for Refugees' (UNHCR) office in Lagos provided the Research Directorate with the following information based on the Nigerian Immigration Act (Chapter 171) and "common practices at official borders":

A valid Nigerian passport is required for both the child and the parent...[although] the child's photograph [in] the mother's passport is also allowed if the child is less than ten (10) years old. A birth certificate or a sworn affidavit evidencing the relationship [of] the parent wishing to travel abroad with the child is also required. These documents are to be presented to the Embassy of the country to which the Nigerian citizen is travelling along with the visa application forms and corresponding fees (11 Aug. 2005).

Regarding whether the documentation or procedures differ in a case where a divorce is pending or a claim for custody or guardianship of the child has been filed, the UNHCR reported that in addition to the documentation listed above, parents must present

certified-true-copies of the divorce petition and the other court processes, or the application for guardianship...to the Embassy when applying for a visa.

The common practice at the airports is that the parent should prove his/her relationship with the child regardless of any divorce or custodian rights (11 Aug. 2005).

The minister at the Nigeria High Commission said that immigration officials do not know whether custody or guardianship claims are pending (27 July 2005). However, if or when the parent returns to Nigeria, they may face charges by the other parent or punitive measures by the courts if they are in breach of a custody order (Nigeria 27 July 2005).

The ICNL explained that in the case of litigation, the parent who has custody is not barred from travelling with the child (23 July 2005). However, if one of the parents wishes to prevent the other parent from travelling with the child, they must ask the court for an order to that effect; simply commencing proceedings, however, is not sufficient to prevent the child's departure (ICNL 23 July 2005). The ICNL commented that "[e]ven where a party goes so far as to obtain an order for custody, family and social pressures can still make that order practically ineffective" (ibid.).

In its 2 May 2005 consular information sheet for Nigeria, the United States Department of State claims that in the case of children who hold dual Nigerian-American nationality, these children "may be prevented from leaving Nigeria if the child's father has not authorized the departure".

It should be noted that Nigeria is not a signatory to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (HCPIA 16 June 2005). This convention is a

multilateral treaty, which seeks to protect children from the harmful effects of abduction and retention across international boundaries by providing a procedure to bring about their prompt return (ibid. n.d.).

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 additional sources consulted in researching this Information Request.

References

Hague Conference on Private International Law (HCPIL). 16 June 2005. "Status Table 28: Convention of 25 October 1980 on the Civil Aspects of International Child Abduction." <http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=24> [Accessed 22 July 2005]

_____. N.d. "Welcome to the Child Abduction Home Page of the Hague Conference." <http://hcch.e-vision.nl/index_en.php?act=text.display&tid=21> [Accessed 22 July 2005]

International Centre for Nigerian Law (ICNL). 23 July 2005. Correspondence.

Nigeria. 27 July 2005. Nigeria High Commission, Ottawa. Personal interview with a minister.

United Nations (UN). 11 August 2005. UN High Commissioner for Refugees, Lagos. Correspondence.

United States (US). 2 May 2005. Department of State, Bureau of Consular Affairs. "Consular Information Sheet: Nigeria." <http://travel.state.gov/travel/cis_pa_tw/cis/cis_987.html?css=print> [Accessed 5 Aug. 2005]

Additional Sources Consulted

Internet sites, including: Embassy of Nigeria, Washington; Nigeria Human Rights Commission; United Nations High Commissioner for Refugees (UNHCR); United States, Department of State, Bureau of Consular Affairs.

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