



August 2013

Refugee Documentation Centre

Country Marriage Pack

Albania

Disclaimer

Country Marriage Packs (CMPs) are prepared by researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. CMPs contain a selection of representative links to and excerpts from sources under a number of categories for use as Country of Origin Information. Please note that CMPs are not, and do not purport to be, exhaustive with regard to conditions in the countries surveyed or conclusive as to the merit of any particular claim to refugee status or protection.

1. Types of Marriage

Civil Marriage

From the *Albanian Constitution*:

“Article 53

1. Everyone has the right to get married and have a family.
2. Marriage and family enjoy special protection of the state.
3. The entering into and dissolution of marriage are regulated by law.” (The Republic of Albania (21 October 1998) *The Constitution of Republic of Albania*)

From the website of the *US Embassy, Tirana*:

“Marriage in Albania

Foreign nationals in Albania may marry in a civil ceremony, religious ceremony, or both. However, only a civil ceremony is considered legal under Albanian law.” (US Embassy Tirana (5th May 2011) *Marriage in Albania Information for Travellers*)

Religious Marriage

See “Civil Marriage” above that states only civil marriages are legally recognised in Albania.

A response by the *Australian Refugee Review Tribunal* under the heading 'What is the attitude to mixed religious marriages in Italy and in Albania?' states:

"Albania

Inter-religious marriages are common in Albania, including marriages between Muslims and Christians. However, no official statistics of such marriages are collected and published. Numerous sources suggest that most Albanians have tolerant or moderate attitudes towards mixed marriages." (Australian Refugee Review Tribunal (29 June 2010) *Albania – ALB36850 – Muslim-Christian Intermarriage – Albanian Social Attitudes – Italian Social Attitudes – Albanian & Italian State Protection – Relocation*)

This response also states:

"In the absence of accurate statistics, estimates suggest that approximately 70 percent of Albanians are Muslim, 20 percent are Greek Orthodox Church and 10 percent are Roman Catholic. Despite the predominance of Islam in Albania, language is said to remain the dominant source of national identity. A combination of this fact and the de-emphasis of religion under communism would explain why Albanians have developed "a strong tradition of religious tolerance" and therefore why interfaith marriages are reportedly "common"." (ibid)

Traditional/Other Marriage

See "Civil Marriage" above that states only civil marriages are legally recognised in Albania

Proxy Marriage

No information on the above issue could be found among sources available.

2. Formalities of Marriage (Consent, Minimum Age and Registration of Marriage)

The *Family Code, Law Number 9062* states:

"Article 7 - Age for marriage

Marriage can be concluded between a man and a woman who are 18 years or older. The court in the location where the marriage is to be concluded may, for sufficient reasons, allow marriage prior to this age.

Article 8 - The consent of the spouses

Marriage is concluded in front of the civil registration office clerk, upon the free consent of the future spouses." (Law Number 9062 Adopted (8 May 2003) *The Family Code*)

A report by the *United States Department of State* under the heading "Children" states:

“Child Marriage: The minimum age for marriage is 18. Underage marriages occurred mostly in rural areas. According to UNICEF statistics, 10 percent of women were married or in union before they were 18 years of age. Some NGOs have reported that child marriages occurred in rural communities as part of human trafficking schemes, when parents consent for their underage girls to marry older foreign men, who subsequently trafficked them to other countries.” (United States Department of State (19 April 2013) *Country Reports on Human Rights Practices for 2012 Albania*)

From the website of the *US Embassy, Tirana*

“Legal Requirements

When you go to City Hall to get married, you should bring the following documents:

Affidavit of Birth and Freedom to Marry:

Once notarized by the U.S. Embassy in Tirana, please take this form to the nearest post office and request that it be authenticated at the Ministry of Foreign Affairs of the Republic of Albania. The post office clerk will advise you on the procedures of having the form returned to you once authenticated by the Ministry of Foreign Affairs;

- Your Birth Certificate:

If you were born in the United States, you will also need a certified copy of your birth certificate with an “Apostille” attached to it. The “apostille” is placed by the issuing authority in the United States. For information on how to obtain a birth certificate with an “apostille” please visit the U.S. Department of State's Bureau of Consular Affairs webpage “[Notarial and Authentication \(Apostille\)](http://travel.state.gov/) (<http://travel.state.gov/>).”;

- Divorce Decree or Certificate:

In cases of previous marriages performed in Albania but terminated in the United States, the divorce must be registered in Albania and recognized by the Albanian authorities before approaching the U.S. Embassy for an Affidavit of Birth and Freedom to Marry. In such cases, you must get a certified copy of your divorce decree or certificate with an “apostille” attached to it. The “apostille” is placed by the issuing authority in the United States. For information on how to obtain a birth certificate with an “apostille” please visit the U.S. Department of State's Bureau of Consular Affairs webpage “[Notarial and Authentication \(Apostille\)](http://travel.state.gov/) (<http://travel.state.gov/>).”;

- Your U.S. passport and a Copy of the Biographic Page;
- Personal Birth Certificate for your Future Spouse;
- Albanian Passport or ID card of your Future Spouse and a copy of the Biographic Page;
- Two Witnesses:

The witnesses should not be related to you or your spouse by blood or marriage, and must be present at City Hall at the time the marriage will be registered. The witnesses must present proper identification” (US Embassy Tirana (5th May 2011) *Marriage in Albania Information for Travellers*)

A response by the *Immigration and Refugee Board of Canada* states:

“In 23 December 2004 correspondence with the Research Directorate, a Counsellor from the Embassy of the Republic of Albania provided the following information about the Albanian birth and marriage certificates.:

Security Features

All valid birth and marriage certificates have "a postage stamp that is sealed by a wet seal on one side of the paper."

Paper Quality

Of the same quality as regular "letter format" paper, Albanian birth and marriage certificates are smaller in size. In addition, data such as the document's issue date, the registrar office's number, "the register's name and year," the type of certificate, as well as the bearer's personal data (such as the names of the bearer's father and mother, date and place of birth) are all handwritten by the registrar officer." (Immigration and Refugee Board of Canada (4 January 2005) *ALB43196.E Albania: Description of valid birth and marriage certificates including security features (which resemble postage-style stamps and wet seals) and the general paper quality of original documents; register numbers and register years indicated on the top left hand part of the certificates*)

In a section titled 'Register Number and Register Years' it states:

"Every community in Albania has its own unique register number (it is like a district number). The bearer of the valid birth or marriage certificate will thus have a register number corresponding to the location of his or her parents at the time of his or her birth. According to the Counsellor, "[t]he register year is always 1974 based on the last time of the reorganization of the 'Regjistrir Themeltar,' and until that happens again 1974 will always be on any birth or marriage certificate." (ibid)

3. Divorce

The *Family Code, Law Number 9062* states:

"FORMS OF MARRIAGE DISSOLUTION

Article 125 - Uncontested divorce

When spouses agree on the dissolution of marriage, they submit to the court for approval, together with the request, a settlement agreement that stipulates the terms for the dissolution of the marriage. The request can be submitted by the spouses or their respective representatives.

Article 126

The court examines the request, initially hears from each of the spouses separately, then together without the presence of their representatives, and finally with their representatives, if they have any.

Article 127

The court decides on the dissolution of the marriage after determining that each party freely desires to dissolve the marriage and has given their consent. In the same decision, the court approves the settlement agreement that stipulates the terms for the dissolution of the marriage. The agreement must contain the provisions for the care and education of any minor children, financial support for their care and education, provision for alimony if needed and if possible the division of their assets.

Article 128 - Court refusal to approve settlement

If the court determines that the agreement does not properly provide for the needs of the children or one of the spouses, it may suspend the judgment for 3 months and request that the spouses make the necessary changes to the agreement.

If, after the deadline noted in the paragraph above, the necessary changes have not been made, the court may refuse to approve the agreement and dismiss the request for the uncontested divorce.

Dissolution of marriage based on a period of separation

Article 129

Either spouse can request dissolution of their marriage when they have lived separately for a period of 3 years. A spouse requesting dissolution of the marriage, based on the previous paragraph of this article, should specify in his/her petition the provisions for child support and alimony.

Article 130

The court can refuse to grant dissolution of the marriage, based on separation, if the other spouse proves that the dissolution of marriage will have especially grave moral and material consequences for the children or the other spouse. The petition for dissolution may be resubmitted, based on the same cause, if new circumstances arise.

Article 131

Separation can be presented as grounds for dissolution of the marriage only by the spouse who submitted the petition for dissolution.

The defendant-spouse has the right to submit a counter-petition. In this case, the court can refuse to grant the original petition and accept the counter-petition thereby dissolving the marriage.

Dissolution of marriage based on the request of one spouse

Article 132

Either spouse can request the dissolution of marriage when, due to continuous quarrels, maltreatment, severe insults, adultery, incurable mental illness, lengthy penal punishment of the spouse or due to any other cause constituting repeated violations of marital obligations, a joint life becomes impossible and the marriage has lost its purpose for one or for both of the spouses.

Article 133

The court may assign fault, in the dissolution of the marriage, only when requested to by one or both spouses.” (Law Number 9062 Adopted (8 May 2003) *The Family Code*)

4. Marriage between Non Nationals and Nationals

From *Law No. 8492, Law for Foreigners*:

“Article 23 Stay permission as result of the family union

A foreigner is allowed to apply for stay permission because of family reunion, if one of the family members is an Albanian citizen, refugee, or foreign resident with a stay permission no shorter than one year.

If the person resident in Albania has more than one spouse, he has to choose only one of them.

It is accepted as a request for stay permission the request of a foreigner for family union for reasons of convivence without marriage with a foreign person resident in Albania, if in the country of one of the applicants the convivence without marriage between two persons of different sexes, is accepted as legal.

Family reunion is not considered as an argument to issue stay permission to a foreign person, if the marriage or the adoption is done after an order of removal or decision of refusal for him/her.” Law No. 8492, Law for Foreigners” (Law No. 8492 (5 August 1999) *Law for Foreigners*)

Marriage between Two Non Nationals

No information on the above issue could be found among sources available.

References

Australian Refugee Review Tribunal (29 June 2010) *Albania – ALB36850 – Muslim-Christian Intermarriage – Albanian Social Attitudes – Italian Social Attitudes – Albanian & Italian State Protection – Relocation*
<http://www.unhcr.org/refworld/pdfid/4f40da0b2.pdf>

The Constitution of Republic of Albania
<http://www.cecl.gr/RigasNetwork/databank/Constitutions/Albania.html>

Immigration and Refugee Board of Canada (4 January 2005) *ALB43196.E Albania: Description of valid birth and marriage certificates including security features (which resemble postage-style stamps and wet seals) and the general paper quality of original documents; register numbers and register years indicated on the top left hand part of the certificates*
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=42df609128>

Republic of Albania (8 May 2003) *Law Number 9062 Adopted The Family Code*
http://www.legislationline.org/download/action/download/id/3407/file/Albanian_Family_Code_2003_en.pdf

Republic of Albania (5 August 1999) *Law No. 8492 Law for Foreigners*
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=3ae6b5fc7>

United States Department of State (19 April 2013) *Country Reports on Human Rights Practices for 2012 Albania*
<http://www.state.gov/documents/organization/204464.pdf>

US Embassy Tirana (5th May 2011) *Marriage in Albania Information for Travellers*
<http://tirana.usembassy.gov/marriage.html>

Sources Consulted

ECOI

Freedom House

Google

Human Rights Watch

Immigration and Refugee Board Canada

IRIN News

Lexadin

Lexis Nexis

UNHCR

UK Home Office

US Department of State

US Embassy Tirana

UN Office of the High Commissioner for Human Rights