

# BIRTH REGISTRATION PROCEDURES IN LEBANON

## PRACTICAL MANUAL

Frontiers-Ruwad Association

**2014**

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# INTRODUCTION

*This manual addresses the appropriate procedures and steps to officially register children's births at the Directorate General for Personal Status (DGPS) or the Directorate of Refugee Affairs (DRA), the two governmental bodies charged inter alia with this type of registration.*

*This manual is reserved for groups allowed by the laws in force today to register their children, meaning the segment whose parents have personal status records at the relevant authorities. For stateless persons who lack any type of personal status records, it will only provide a basic overview of procedures leading to future registration of births.*

# INTRODUCTION

## WHY THIS MANUAL?

**Frontiers Ruwad** and its partners are seeking to raise awareness concerning birth registration and mitigate the situation of statelessness and the unfathomable suffering faced by stateless persons in Lebanon, who are deprived from access to the most basic rights, due to the lack of identity papers. This segment truly lives between “humiliation and a life in the shadows” – the title of a study published by **Frontiers Ruwad** in 2011 addressing the laws and regulations of nationality and reasons leading to statelessness in Lebanon.

The above study pointed to legal obstacles faced by unregistered or stateless persons in obtaining their basic rights – first and foremost, the recognition of their existence. It was followed by a second (unpublished) field study by **Frontiers Ruwad** of one thousand households in Lebanon, where at least one individual is stateless.

Notably, around half of the field study’s sample were individuals belonging to families who have civil status records, but whose members became stateless for not registering their births at the relevant Lebanese authorities. Failing to register leads to a lack of official identity papers, which would recognize them and allow them to practice various rights.

The main reasons behind failure to register the birth of the children could be summarized as thus:

- Parents’ ignorance, neglect, or failure to complete the registration process at the relevant authorities.
- Parents’ lack of full set of documents required to register the recent birth.
- Parents’ failure to register their marriage for various reasons.
- Parents’ poverty and inability to bear direct and indirect cost of registering births, which requires movement between the *mukhtar* (local mayor), the hospital, and various civil status officers and entailed costs of transportation and work stoppage.
- Intricacy and variety of registration stages, which makes it difficult and complicated for some people, especially those living in remote areas or who lack the necessary awareness of registration process.

Failing to register births has not only led to an increase in the number of stateless persons, but also to the persistence of this problem from one generation to another.

Based on the above, a practical guide was needed to describe procedures for birth

registration, whether those occurring within Lebanese territories or outside Lebanon for those who are registered in the country. This manual delineates the registration process, from the moment of birth, throughout all the following stages, up until the execution of the birth at the DGPS or the DRA, indicating the concerned authorities and required documents for each of those stages.

## WHO BENEFITS FROM THIS MANUAL?

This manual is addressed to all associations, organizations, and institutions involved in the registration of births throughout the process, in addition to parents of children in Lebanon regardless of nationality, as well as Lebanese citizens and persons registered in Lebanon but whose children were born abroad.

This manual is not an alternative to querying information provided by hospitals, local authorities, and relevant administrations related to the details of the procedures, but it could be of great help as an additional resource. It is published in conjunction with Frontiers-Ruwad's Marriage Registration Manual, which delineates measures to execute marriages at the Lebanese civil authorities, a mandatory prerequisite to registering children whence borne.

## SOURCES FOR THE MANUAL

This manual is based on relevant Lebanese legislations, in particular, the Nationality Law (Decree No.15 of 1925) and its amendments and the Law on Documenting Personal Status issued on 7 December 1951, which regulates the registration of personal status incidents in Lebanon.

It also relies on procedures adopted by official administrations to elaborate the application of the Law on Documenting Personal Status and the execution of birth registrations and the Guidelines of Procedures of the Directorate of Refugee Affairs. It is also based on legal opinions on executing birth registrations and their conditions and procedures, issued by the Department of Legislation and Consultation at the Lebanese Ministry of Justice.

**Frontiers-Ruwad** validated its sources through examples from cases pursued by the association, in addition to the conclusions of a series of dialogues on the registration of births held in various Lebanese governorates in 2014, which included the staff of ministries in the Statelessness Working Group.

## SECTIONS OF THE MANUAL

This manual is divided into an introduction, illustrating the background and motivation behind its production, and four chapters. It is presented in a fluid and easy to use manner, whenever possible.

**Chapter one** offers tips and information needed by all those concerned with registering births.

**Chapter two** introduces the rules and procedures for administrative birth registration of all types of eligible children.

**Chapter three** illustrates the course of action for registration through judicial procedures, as well as the terms, documents, measures, and stages of litigation.

**Chapter four** is devoted to birth registration procedures for particular categories of children born out of wedlock, or who are from unknown parents, or whose father is stateless or lacks civil status records.

## HOW TO USE THE MANUAL

The chapters devoted to registration procedures will begin with the general guidelines and regulations to be followed by all applicants. Exceptions, options, and procedures related to specific cases will be introduced in an easy to use question and answer style (Frequently Asked Questions - FAQs), which should hopefully lead the user smoothly throughout the process.

The manual will delineate procedures for the announcement and execution of births **based on the father's nationality**, with the exception of illegitimate child where the mother is allowed to register her child in her own register at the relevant civil status departments, and foundlings (children of unknown parents) who acquire new civil status records on which they are registered.



# Chapter one

## WHAT YOU SHOULD KNOW

*This chapter defines key terms used in the manual related to administrations, authorities, and persons involved in the various stages of birth registration.*

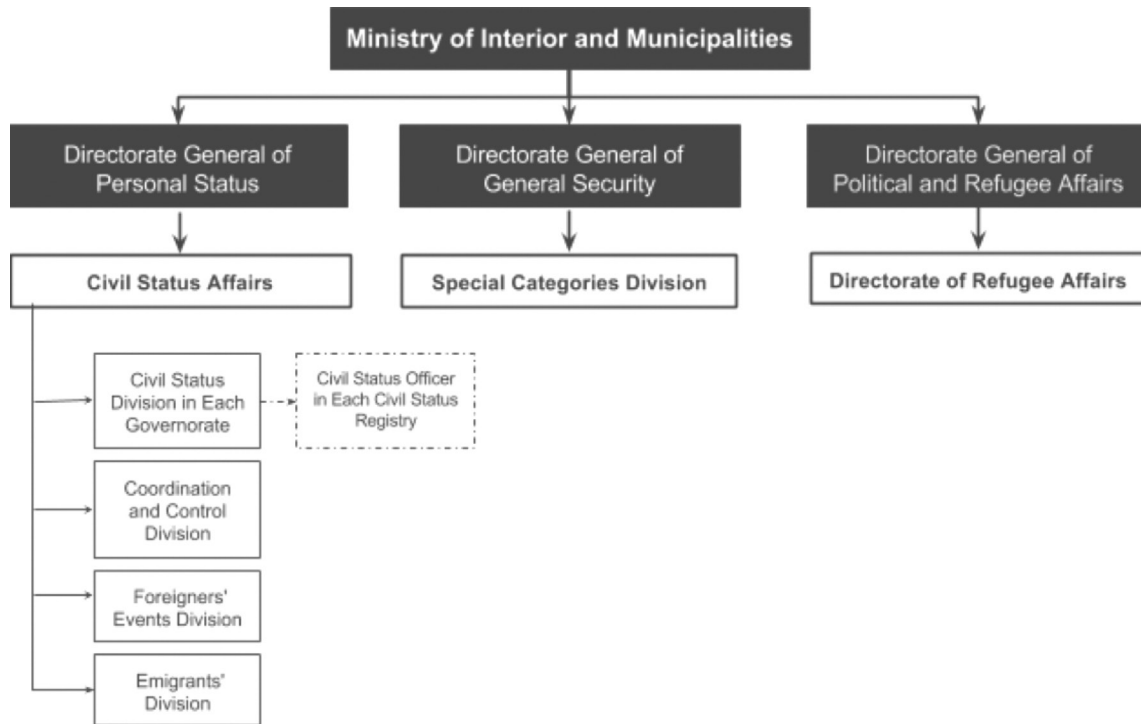
# DEFINITIONS AND TERMINOLOGY

- **Records related to personal status** are organized by the state; they indicate all information relevant to the civil status of individuals and families. These records form the basis for the legal recognition of individuals, their identities, and their provision with official identification papers. There are four types of civil status records in Lebanon:
  - **Personal Status Records for Lebanese Nationals [sijil[at] nufus]** are kept at the **personal status register** in the various districts of the Directorate General for Personal Status (DGPS) at the Ministry of Interior and Municipalities (MoIM). They are organized according to family, where each family holds a unique serial number for all its descendants, known as the **register number**. These records are the basis for Lebanese citizenship for obtaining Lebanese identification papers (IDs).
  - **Palestinian Refugee Records** are kept at the **Directorate of Refugee Affairs** at the **General Directorate of Political and Refugee Affairs** of the MoIM. They form the legal basis for Palestinian refugees to enjoy legal residency in Lebanon and obtain IDs issued by Lebanese authorities.
  - **Records of Foreigners (including QAD-under study)** are those recording events (such as marriage and birth) occurring in Lebanon to persons with QAD residency permits and foreigners residing legally in the country.
- **Personal (individual) Record** is the record of an individual person in the personal status register, which includes information such as the name, surname, gender, father's name, mother's name, place and date of birth, marital status (single, married, divorced, widowed), the religion or confession, and the register number.
- **Personal status events [woqouat ahwal shakhsiya]** are incidents that impact and alter the social and legal status of a person: birth, marriage, annulment and divorce, death, change of residency, or change in religion or confession.
- **Birth attestation [shahadat wilada]** is a documents issued by those who carry out the birth operation (the doctor or midwife) and includes preliminary information on the newborn and birth: sex of the newborn and date of birth in details, including the hour of birth. Sometimes, it contains additional related information, such as the name of the father, his register number, and whether the newborn is alive or not. There are no uniform templates for birth attestations, as of the writing of this manual.
- **Birth certificate [Wathiqat Wilada]** is the document whereby the birth is legally executed, which is based on the birth attestation authenticating the birth of a person. Birth certificates are organized based on a form issued by the

DGPS, which includes: the names of parents and their register number; name and sex of the newborn; place and date of birth; signature of the hospital, doctor or legal midwife who assisted the birth; position and signature of the one preparing the document; signature of *mukhtar* and witnesses; date of submission to the personal status departments; and the incoming and execution serial numbers.

- **Birth declaration [*Tasriḥ Wilada*]** is whereby the relevant authorities are informed of a birth event through the submission of the birth certificate and all other required documents; it is recorded in the **incoming register** and are given an **incoming serial number**. The declaration and **incoming number** eliminate the statute of limitations on administrative registrations and allows execution at any time without a deadline.
- **Birth execution [*Tanfith Wilada*]** is the recording of new births in personal status registers pursuant to their declaration, to indicate the name of newborns on their fathers' box or their mothers' if the father is unknown and the mother's consent.
- **Directorate General of Personal Status (DGPS) [*al-Mudiriya al-'amma lil 'Aḥwal al-Shakhsiya*]** is one of the directorates of the Ministry of Interior and Municipalities. The DGPS is charged with maintaining civil, nationality, and census records, as well as voter registers and issuing identification cards. It is entrusted with personal status records and all other documents issued in this regard, pursuant to the provisions of applicable laws, especially the Law on Documenting Personal Status issued on 7/12/1951.
- **Civil status officer (*Ma'mur al-Nufus*)** is a civil servant at the **Civil Status Division** at the DGPS in the MoIM. The civil status officer is delegated with registering and executing birth certificates, i.e., their recording in personal status registers. However, some districts (Cazas) might contain more than one Civil Status Officer, depending on the size of the population.
- **Head of Civil Status Division [*Da'irat al-Nufus*]** presides over the Personal Status Division in each of Lebanon's six governorates and serves a double capacity in the registration of births, on one hand, deciding – as a direct supervisor – in cases where the Civil Status Officer is unable to make a decision, and, on the other, registering newborns of foreigners and QAD persons in all governorates except Beirut (see below).
- The **Foreigner Events Division [*Da'irat Wouqou'at al-Ajanib*]** of the DGPS is responsible for receiving incoming birth certificates for foreigners and QAD persons in Beirut Governorate and their registration.

- **The Emigrants Department [*Mudiriyat Shu'oun al-Mughtaribin*]** of the DGPS is responsible for receiving incoming birth certificates for children of Lebanese expatriates or people with civil status records in Lebanon, such as registered Palestinian refugees in Lebanon or QAD persons born abroad, to be recorded in the appropriate register. These documents are sent by diplomatic and consular missions through the Ministry of Exterior and Emigrants.
- **Directorate of Refugee Affairs [*mudiriyat shu'oun al-laji'een*]** of the Directorate General of Political and Refugee Affairs in the MoIM is charged with the legal and administrative affairs of registered Palestine refugees in Lebanon, controls their related civil status records, is mandated with issuing them special identity cards, and records their personal status events, including births whether they occur inside the country or abroad.
- **General Directorate of General Security (GDGS) [*al-Mudiriya al-'amma lil 'amn al-'am*]** is the authority charged with following up the affairs and monitoring of foreigners and issuing them residency permits, in addition to being charged with QAD persons and “issuing identity cards and laissez passer documents for *Maktoum al-Qaid* (MAQ) persons.
- **Foreigners** are those who are not Lebanese citizens and holding a foreign nationality.
- ***Qaid al-Dars* [Under Study] (QAD) residency permit** holders are persons considered by the Lebanese state not to have a particular nationality. They are provided with residency permits indicating that the holder's nationality is QAD.
- A **Stateless/*Maktoum al-Qaid* - MAQ** person is one who lacks records in Lebanon or any other country.
- **Legal Guardian** is a person appointed by the court as a trustee of a minor in the event the father dies, loses guardianship through a court order, or never being entrusted with the minor his entire life.
- ***Mukhtar* (local mayor)** is an elected official on the local level, mandated with the administration of some local issues, including those related to personal status.
- **Judicial late birth registration** is the declaration and registration of a birth one year after the event, whereby a birth is registered through a ruling by a single chamber judge as per the request of the applicant.



# BIRTH REGISTRATION DEADLINE

***The registration of births within the legal timeframe of birth declarations is of vital importance; missing the deadline would entail a fine in the first year and later registration would only be possible through a court decision.***

## LEGAL DELAY FOR ADMINISTRATIVE REGISTRATION:

Birth declarations must be submitted within 30 days of birth to the Civil Status Officer at the place of birth; declarations following this deadline, up to one year from the date of birth, would include a fine – according to the legally prescribed delay.

The birth would be given an **incoming number**, meaning it will be noted in the incoming register at the Civil Status Division. In this event, even if the documents are not complete at this stage, the deadline for administrative registration would be suspended indefinitely and registration would become possible once the documents are completed.

**EXCEPTION TO THE RULE OF THIS DELAY:** There is no delay for registered Palestinian refugees and births abroad of Lebanese parents and registered Palestinian refugees and QAD who hold habitual residency in Lebanon and possess civil status records.

## LATE REGISTRATION:

In the event of delaying a birth declaration for more than one year from the date of birth, registration in civil status records would only be possible through a court order; meaning filing a voluntary lawsuit before the single chamber civil judge looking into the matters of personal status to obtain a judicial decision to execute the registration. The lawsuit can be filed by the parents or guardian in the event the child in question is a minor or by the concerned party after reaching age of majority.

## DELAYS BETWEEN THE DATE OF MARRIAGE AND THE DATE OF BIRTH:

A period of 180 days (around 6 months) must pass at least between the date of marriage and date of birth; otherwise, the newborn would be considered illegitimate and suspicions would arise concerning the parenthood of the father.

In the event of not meeting the legal period between marriage and legitimate birth, the outcome differs according to religious confession:

- For children of Christian parents, the relevant religious courts could be sought to review the child's lineage and obtain registration of the child as legitimate.
- Islam, on the other hand, prohibits the legitimization of the lineage of a child born less than 180 days after marriage; thus, the child would be considered illegitimate.
- In the case of civil marriage conducted outside Lebanon, the birth certificate must be accompanied with the article of the law sanctioning the legitimization of births according to the law under which the marriage was conducted.

# COST OF BIRTH REGISTRATION

***The cost of birth registration varies significantly between regular administrative registration and late registration at the courts.***

## ADMINISTRATIVE REGISTRATION COSTS

The law does not stipulate a specific cost for the declaration and registration of birth. The Law on Documenting Personal Status only mentions a penalty in the case of failing to declare births at the Civil Status Officer within 30 days of the birth. The fine is currently in the form of a LL1,000 stamp affixed to the certificate.

In practice, however, preparing and authenticating a birth certificate at the *mukhtar's* could entail additional costs in some cases, which could reach LL100,000, based on his discretion.

Additionally, birth declarations prepared and executed by the Civil Status Officer are subject to some fees:

- Four fiscal stamps of the LL1,000 denomination affixed to the certificate.
- One fiscal stamp of the LL1,000 denomination affixed on the registration statement, which is regulated and given as a result of executing the birth certificate.

## ■ COST OF REGISTRATION OF BIRTHS OCCURRING OUTSIDE LEBANON:

- The cost of filing a birth registration application varies according to the Lebanese consulate in the place of residency, but is no less than the \$15 set by the Lebanese Foreign Ministry, which set a minimum limit for consular fees, without specifying the fees or setting upper limits. Transactions at the Foreign Ministry in Lebanon are free of charge.



- Additional fees are incurred on requests for copies of certificates and their authentication.

## ■ COST OF REGISTERING BIRTHS OF PALESTINIANS REGISTERED IN LEBANON THROUGH LIBANPOST:

Palestinians registered in Lebanon could exclusively benefit from declaring births through LibanPost, for the following costs:

- Two fiscal stamps of the LL1,000 denomination, one on the plaintiff's signature and the other on the *mukhtar's* signature.
- Four fiscal stamps of the LL1,000 denomination for each original document.
- One fiscal stamp of the LL1,000 denomination for each carbon copy of the original.
- The amount of LL8,000 for the first birth certificate paid through the mail or through postal stamps.
- The amount of LL2,000 per each local birth certificate for each additional child of the same applicant family, paid through the post or postal stamps (only Palestinians registered in Lebanon could present more than one birth certificate for more than one child in a single application).

## COST OF LATE REGISTRATION THROUGH THE COURTS:

Registration through the courts entails additional costs, which vary depending on many factors, including:

- Number of applicants, which impacts the cost of representation and DNA tests.
- Number of preliminary rulings.
- Allowance to the expert decided by the judge, which could be more or less than the figure mentioned below (Figure 2).
- Unexpected costs, which vary according to the court clerk's transportation needs, copies of documents, and other logistical costs.

Below is a model of what the costs might be. However, they are neither official nor final, but merely an example to illustrate how the costs are distributed.

**Figure 2: Estimates of Registration Costs**

Lawyer fees, if lawyer is assigned.	<b>LL40,000</b>
Authenticating the power of attorney at the Bar association, if lawyer is assigned.	<b>LL44,000</b>
Lawsuit fee	<b>LL300,000</b>
Notification of lawsuit	<b>LL30,000</b>
Notification of preliminary rulings (at least 2)	<b>LL60,000</b>
Ruling fee and stamps (at least 2)	<b>LL40,000</b>
Notification of General Security's decision	<b>LL20,000</b>
Notification of court session	<b>LL20,000</b>
Witness transportation fees	<b>LL200,000</b>
Unseen costs	<b>LL75,000</b>
Lineage ruling	<b>LL150,000</b>
DNA tests (for two persons)	<b>LL150,000</b>
Court clerk transportation to lab, based on judge's discretion	<b>LL300,000</b>
Medical examiner	<b>LL750,000</b>
Final ruling fee	<b>LL50,000</b>
Notification of ruling to all sides	<b>LL20,000</b>
Second authentication of power of attorney for execution, in the event a lawyer is hired	<b>LL44,000</b>
Execution request application fee	<b>LL100,000</b>
Execution notification fee	<b>LL20,000</b>

# EFFECTS OF NON REGISTRATION OF BIRTH

**If you fail to register your child, your nationality or legal status will not be passed on to your child and he/she will become stateless.**

- If you are Lebanese, your child will not have an identity and will be deprived of many basic and fundamental rights, such as education, health, and jobs. The child will not be able to register his or her marriage in the future and thus be unable to register her or her own children, who will also become MAQ and deprived of all the rights denied to their father.
- If you carry a QAD residency permit and fail to register your child, you will not be able to obtain a QAD card allowing your child to benefit from some of the privileges not enjoyed by the MAQ segment.
- If you are a registered Palestinian refugee and fail to register your children, they will not be able to obtain a Palestinian refugee ID card, and be allowed permanent residency in Lebanon. They will also be denied of all rights enjoyed by others, including registering their marriage at the Directorate of Refugee Affairs in the Ministry of Interior and Municipalities.

# Chapter two

## RULES AND PROCEDURES FOR ADMINISTRATIVE BIRTH REGISTRATION

*This chapter elaborates the procedures to be followed to register births, indicating the requirements needed of registration, in addition to the documents to be provided, organized according to the nationality of the child's father and the place of birth. It applies to those eligible to register the birth of their children immediately; please refer to later chapters for special considerations (late registration and special categories).*

# REGISTRATION OF A BIRTH OF A CHILD OF A LEBANESE FATHER

## IF BIRTH OCCURS IN LEBANON

### ■ CONDITIONS:

- The parents' marriage must be registered in the Personal Status Registers.

### ■ REQUIRED DOCUMENTS:

- To organize the birth certificate:
  - Obtain birth attestation issued by the hospital or the doctor or midwife who assisted the birth.
  - Obtain extract from Family Personal Status Register (*Ikhraj Qaid*).
- To declare and execute the birth registration:
  - Obtain birth certificate filled and signed by a parent or legal guardian and the witnesses; certified by the *mukhtar* of the birth locality; and signed by the doctor or legal midwife who assisted the birth.
  - Obtain family Personal Status Register extract (*Ikhraj Qaid 'A'ili*).
  - If the declaration is made by the legal guardian, provide a copy of the stewardship decision and the guardian's ID.
  - If the declaration is made by a person authorized by the parents, provide legal authorization established at the notary public and a copy of the delegate's ID.

## ■ PROCEDURES AND STEPS:

- Obtain a birth attestation from the doctor or legal midwife who assisted the birth.

**Before the declaration of a birth, make sure that all the boxes in the birth certificate form are duly filled – with except the referral to the Personal Status Register, the incoming number, and the execution number.**

- Obtain a birth certificate form from the *mukhtar* of your place of residence or place of birth of the child and fill in the boxes related to the child, the father, the mother, and the civil status record. In practice, the mukhtar fills the information for you.
- Take it to the *mukhtar* of the locality where the birth took place and sign it in his presence; the *mukhtar* shall authenticate your signature in the presence of two witnesses, who should neither be related to you, nor be the doctor or the midwife involved in the birth, or the *mukhtar* himself.
- Take it to the doctor or legal midwife who assisted the birth for signature.
- Deliver it by hand, along with all supporting documents, to the Civil Status Officer in district where the birth took place to be recorded in the incoming register and referred to the Civil Status Officer of your own register's locality, if different from the birth locality, to be executed, i.e., to record the birth in your register. In practice, it is customary for the Civil Status Officer of the birth vicinity to request from applicants to personally take the document to the Civil Status Officer of their place of registration, instead of sending it through administrative mail.
- After the execution of the birth, an individual civil status extract will be given to the child and the father will obtain a new family record, updated with the child's name.

## FAQ

### ***What if some conditions are not met or documents were missing?***

There are some situations where the conditions cannot be met or where some of the required documents to register a child are missing. Below are additional requirements for some of the typical situations:

### ***What if the father and mother dies before registering their child?***

- In the event of the death of the parents, the legal guardian or steward could take care of the birth certificate and/or declare the birth, contingent on providing proof of legal guardianship or a stewardship decision and of the parenthood of both parents, through a registered marriage certificate, a birth certificate, and a religious ruling from the relevant confessional court verifying the lineage.

### ***What if my wife is Lebanese but I did not register my marriage?***

- In this situation, the marriage must first be registered at the Personal Status Department immediately and no more than one year from the date of birth; otherwise, you will need to file a lawsuit at the courts to be able to register your child.

### ***What if my wife is stateless (Maktoum[at] al-Qaid - MAQ)?***

- If the wife is stateless, the administration will not register the marriage since the wife will not have records, thus considered inexistent towards the state and the marriage certificate would not be considered legally admissible or executable administratively, since it would be missing the wife's register number and location. Thus, the situation would require an appeal to the competent courts. However, it is recommended that you request from the administration (the Civil Status Officer), first, to request the referral to the courts. This should be done within a maximum of one year from the birth, to avoid additional litigation to register the birth and spending additional time and money.



***Is there anything else I need to take care of before registering the marriage and the birth?***

- Yes. You should make sure your personal status register does not have a precautionary notice or that it has not been struck-off the records.

Having a precautionary notice on the register means that it is no longer valid and the concerned parties are asked to regulate their situation; this relates to some individuals whose civil status records do not conform to their actual situation. The measure prevents recording any civil status event in the person's designated register, in addition to obtaining any form of identification documents or copies thereof, until the mark is removed. It aims to encourage concerned parties to resolve their situation. However, the precautionary reference has not been regulated by a special legal provision.

Having a record struck-off the register will render the concerned persons unregistered with the Civil Status Department and leads to confiscating all the identification documents they hold; thereby, they will no longer be able to enter into any transactions related to personal status events or to demand identification documents and copies thereof from the administration, unless the decision is challenged and won before the courts. In either event, the notice must be lifted or the struck-off record recovered before applying to register your marriage and no later than one year from the birth date.

***What if the hospital refuses to provide a birth attestation?***

- The hospital cannot refuse to provide you with a birth attestation for your child. However, if this occurs, you could contact the **Health Ministry's hotline on 1214** to take the necessary measures against the hospital and oblige it to issue an attestation.

**The birth attestation and birth certificate, or authentic copies thereof, should be kept in a safe place at all times, even after the child's registration.**

### *What if there is no birth attestation?*

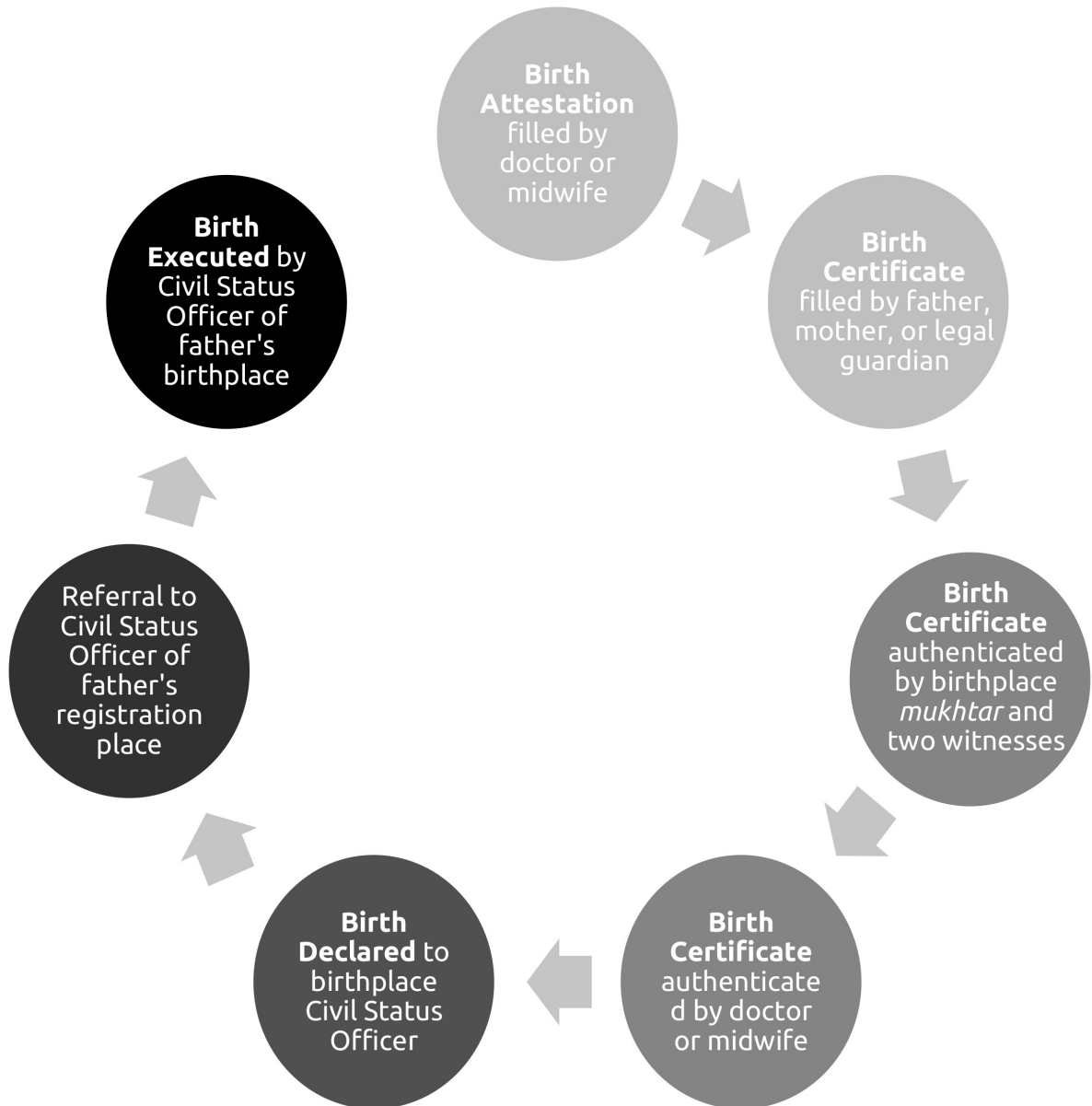
- In the event a birth attestation does not exist, such as if the birth happened at home and without a doctor or legal midwife:
  - Inform the *mukhtar* of the locality of the birth (most probably your place of residence) immediately following the birth.
  - The *mukhtar* will then draft a report of the incident and authenticate the birth certificate based on his personal knowledge, mentioning that the birth occurred at home.
  - Take the certificate to the Civil Status Officer in the place of birth.
  - The certificate will then be referred to the Civil Status Officer in the place of registration, who will send it in turn to the head of the Civil Status Department in the governorate.
  - An administrative review will then be requested through a referral by the head of department to the governor, who will communicate it to the security forces; a medical review of the birth might also be requested.

### *How could I provide evidence of the birth?*

- In the event of a birth at home without medical support, you might be requested during the administrative review to provide evidence of the pregnancy and the birth. Thus, you should always keep a copy of medical records related to the pregnancy or documents provided by the clinic or doctor in charge, in addition to all supporting materials such as echo images and laboratory results.

**Figure 3**

**Administrative registration stages of births to a Lebanese father occurring in Lebanon:**



### *What if more than one child is born at the same time, such as twins?*

- A birth certificate must be filled for each child according to the regular procedures mentioned above.
- The birth certificates should mention the hour of birth, who was born before, and identifying marks for each.
- Both certificates should mention that it is part of a set of “twins”, otherwise, the certificate would not be executed due to fears of duplication.

## IF BIRTH OCCURS ABROAD

### ■ CONDITIONS:

- The parents’ marriage should be registered in Lebanon or abroad.

### ■ REQUIRED DOCUMENTS:

To organize the birth certificate:

- Birth attestation issued by the hospital or the doctor or midwife who assisted the birth.
- Birth Certificate form available at the nearest Lebanese consulate or mission.

To declare and execute the birth registration:

- Birth certificate issued and authenticated in accordance with the procedures of the country of birth and translate it by sworn translation into Arabic if it is in a foreign language.
- Copy of the marriage certificate executed in Lebanon in the application.
- Copy of extract of family civil status record.
- Copy of each of the parents' passports or any document proving Lebanese citizenship or registration in Lebanon.

## ■ PROCEDURES AND STEPS:

- Obtain, authenticate, and translate certificate in accordance with the procedures of the country of birth.
- Apply for birth registration in the Lebanese mission abroad (embassy, consulate general, honorary consulate).
- In the absence of a Lebanese mission in the country of birth, apply to register in the nearest mission to the country of residence or where the birth took place.
- Send the dossier to the Lebanese embassy or consulate abroad through registered mail.
- Once it receives the application, the Lebanese mission refers it to the Ministry of Foreign Affairs and Emigrants in Lebanon, to be delivered to the competent authorities. The application is given an incoming number, which should be kept for future reference, particularly if you need to follow up on the matter.
- The ministry refers the application to the Personal Status Department in the DGPS, which refers it, in turn, to the father's personal status register.
- Once finalized by the Personal Status Department, the dossier is returned to the Ministry of Foreign Affairs and Emigrants to inform the concerned parties.

## FAQ

### ***If Some Conditions Are Not Met or Documents Were Missing:***

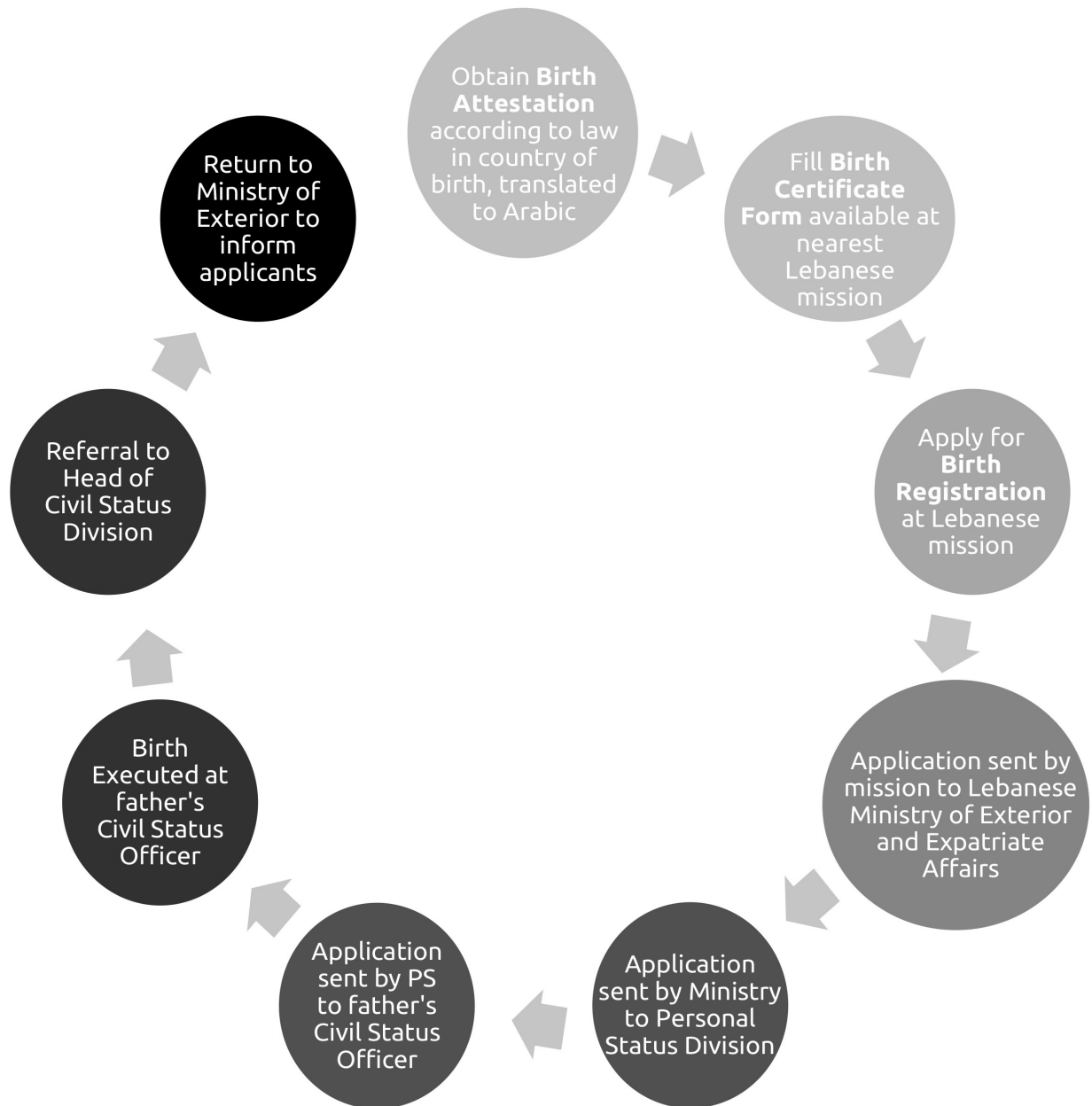
There are some situations where the conditions cannot be met or where some of the required documents to register a child are missing. Below are additional requirements for some of the typical situations:

### ***What if my marriage is not registered at the DGPS in Lebanon?***

- In this situation, the birth attestation must be accompanied by the marriage certificate issued at the Lebanese embassy or consulate and which had been duly authenticated.
- The marriage and birth will be executed in Lebanon at the same time, i.e the parents have to register their marriage with the Lebanese consulate and then submit both the marriage certificate and birth certificate together in order that they are both executed at the same time administratively in Lebanon. The legal one-year delay for administrative birth registration (meaning before having to go to the courts) does not apply for birth abroad.

**Figure 4**

**Administrative registration stages of births to a Lebanese father occurring outside Lebanon:**



# REGISTRATION OF BIRTH OF A CHILD WHOSE FATHER IS A FOREIGN NATIONAL

## ■ CONDITIONS:

- The father must be a legal resident of Lebanon; if both parents are foreigners, they both must be legal residents.

## ■ REQUIRED DOCUMENTS:

- To organize the birth certificate:
  - A birth attestation signed by the assisting doctor or midwife must be obtained.
  - Authenticated copy of marriage certificate for the parents according to applicable laws in the father's native country.
  - Photocopy of valid passports of parents, if they were both foreign, or of the father's valid passport and the mother's Lebanese ID if she is Lebanese.
- To declare and execute the birth registration:
  - Obtain birth certificate.
  - Provide authentic copy of the marriage certificate of the parents, according to the applied laws of the father's native country.
  - Provide photocopy of valid passports of parents and valid Lebanese residency permit, if they were both foreign; or of the father's valid passport and residency permit and the Lebanese mother's personal status extract, indicating she is married to a foreigner and his name; or the mother's QAD residency permit or Palestinian refugee card, if applicable.
  - In the event the declaration is made by the guardian or a legal representative, documented proof must be presented, such as a stewardship ruling or a legal authorization established at the notary public.



## ■ PROCEDURES AND STEPS:

- Obtain a birth attestation from the doctor or legal midwife who assisted the birth.
- Birth certificate filled by mother or father.
- Birth certificate signed and authenticated by the *mukhtar* of the locality where the birth took place, in the presence of two witnesses and with their signature.
- Signature of the doctor or midwife assisting the birth.

## ■ IF BIRTH OCCURS INSIDE BEIRUT:

- The duly filled and signed birth certificate with all the supporting documents should be hand delivered to the Foreigner Events Department at the DGPS.
- The certificate is then reviewed and recorded in the incoming register, if both parents are foreigners.
- If the mother is Lebanese, the certificate is referred to the her Personal Status Register for conformation.
- The certificate is returned to the Foreigner Events Department following conformation.
- The certificate is recorded in the foreigner events records and given an execution number.
- A copy of the birth certificate is referred through the Foreign Ministry to the authorities of the foreign father's native country to be executed as per their applied laws.

## ■ IF BIRTH OCCURS OUTSIDE BEIRUT:

- The duly filled and signed birth certificate with all the supporting documents should be hand delivered to the Civil Status Officer in the vicinity of the birth, which then refers it to the head of the department in the governorate.
- If the mother is Lebanese, the documents are referred to her Personal Status Register for conformation.
- Following the conformation, the documents are then referred to the head of the personal status department in the governorate.
- The birth certificate is then referred to the Ministry of Foreign Affairs and Emigrants - Authentication Section.

## ■ IN THE EVENT OF GIVING BIRTH TO TWINS:

- A birth certificate must be filled for each child according to the regular procedures.
- The birth certificates should mention the hour of birth, who was born before, and identifying marks for each.
- Both certificates should mention that it is part of a set of “twins”, otherwise, the certificate would not be executed due to fears of duplication.

## FAQ

### ***Can I register the birth of my child if I am residing in Lebanon illegally?***

- No. You must settle your situation regarding your residency first at the GDGS before being allowed to register the birth of your child. You could apply for a settlement at any time when the conditions of residency are met, but will have to pay a fine. You could also benefit from GDGS grace periods, which are offered to foreigners violating residency regulations, and avoid paying a fine.

### ***Can I register the birth of my child if I am a refugee registered at the UNHCR?***

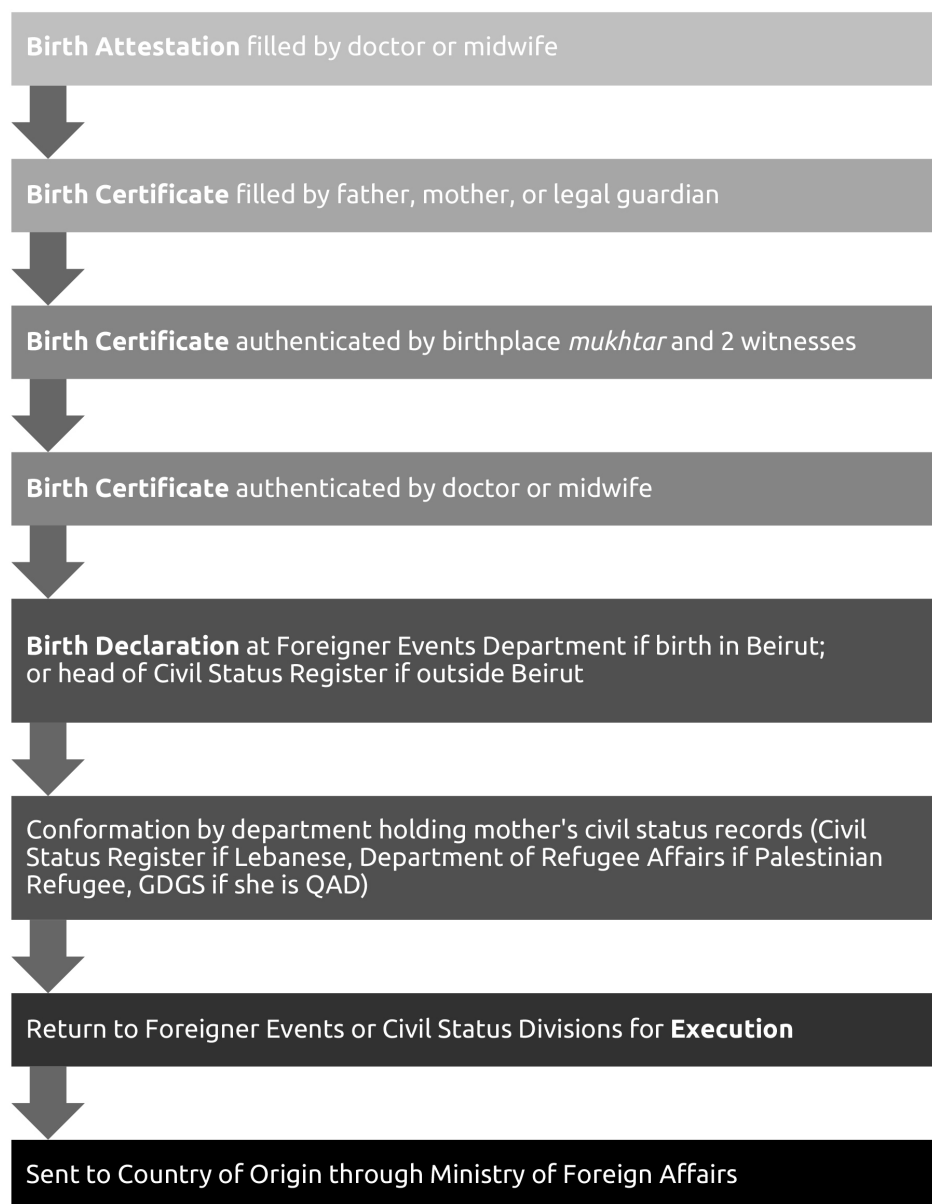
- If you are not a legal resident of Lebanon, but registered as a refugee at the UNHCR, the Foreigner Events Department in Beirut and some personal status departments might make exceptions for carriers of refugee cards instead of legal residency in Lebanon and register the birth of your child.

### ***I am a Syrian refugee and do not hold all the required document, how can I register the birth of my child?***

- In principle, the same procedures apply as those for a foreign father. However, Since the recent crisis in Syria (2011), the Syrian family card is admissible instead of the family extract and if either document are not available, an authentic copy of the marriage certificate alone is acceptable to be provided to register your child . Then, follow the same aforementioned procedures to register the birth.

**Figure 5**

**Administrative registration stages of births to a foreign father occurring inside Lebanon:**



# REGISTRATION OF BIRTH OF A CHILD OF A FATHER WITH QAD RESIDENCY PERMIT

## BIRTH INSIDE LEBANON

### ■ REQUIREMENTS:

- The father's QAD residency permit must be valid.
- The parents' marriage must be registered at the DGPS - Foreigner Events Department and the Under Study Register at the GDGS.

### ■ REQUIRED DOCUMENTS:

- To organize the birth certificate:
  - Birth attestation signed by the doctor or midwife who assisted the birth.
  - Copy of valid QAD residency permit for the parents, if both are QAD, or copy of the father's QAD residency permit and the Lebanese mother's ID, or her passport if she was a foreign national, or laissez-passer if QAD, or Palestinian refugee card.
  - Copy of parents' marriage certificate executed at the QAD Register at the GDGS.
- To declare and execute the birth certificate
  - Birth certificate, duly filled and signed by all concerned parties and the supporting documents.
  - Identification and residency statements issued by the *mukhtar* and signed by two witnesses.
  - Copy of father's valid QAD residency permit.

- In the event the declaration of the birth is done by the guardian or a legal representative, documented proof must be presented, such as a stewardship ruling or a legal authorization established at the notary public, in addition to the guardian's ID.

## ■ PROCEDURES AND STEPS:

- Obtain a birth attestation from the doctor or legal midwife who assisted the birth.
- Obtain a birth certificate from the Mukhtar of the locality near where the birth occurred.
- Make sure the birth certificate is duly filled and signed.
- Get the *mukhtar* of the locality where the birth took place authenticate your signature, in the presence of two witnesses and with their signature.
- Then, get the doctor or midwife assisting the birth to sign the certificate.

## ■ IF BIRTH OCCURS INSIDE BEIRUT:

- The duly filled and signed birth certificate with all the supporting documents should be hand delivered to the Foreigner Events Department at the DGPS.
- The certificate is then reviewed and recorded in the incoming register.
- If the mother is Lebanese, DGPS refers the certificate to the her Personal Status Register for conformation.
- If both parents are QAD, the birth certificate is referred to the GDGS.
- A copy of the executed birth certificate is provided to the concerned parties and an administrative copy is sent to the GDGS - Special Categories to be included in the father's records.

- The father is informed to request a QAD permit for the child from the GDGS.

## ■ IF BIRTH OCCURS OUTSIDE BEIRUT:

- The birth certificate and all the required documents should be submitted to the Civil Status Officer in the vicinity of the birth, which then refers it to the head of the department in the governorate.
- The personal status department refers the application to the GDGS for conformation.
- GDGS returns to PSD the certificate for registering the birth event.
- PSD sends back the registered certificate to DGPS to be executed in their records.
- A copy of the executed birth certificate is given to the concerned parties,, and are asked to follow up with the GDGS regional headquarters in the place of residency to obtain a QAD card for the child.

## FAQ

### *In the event of giving birth to twins:*

- A birth certificate must be filled for each child according to the regular procedures.
- The birth certificates should mention the hour of birth, who was born before, and identifying marks for each.
- Both certificates should mention that it is part of a set of “twins”, otherwise, the certificate would not be executed due to fears of duplication.

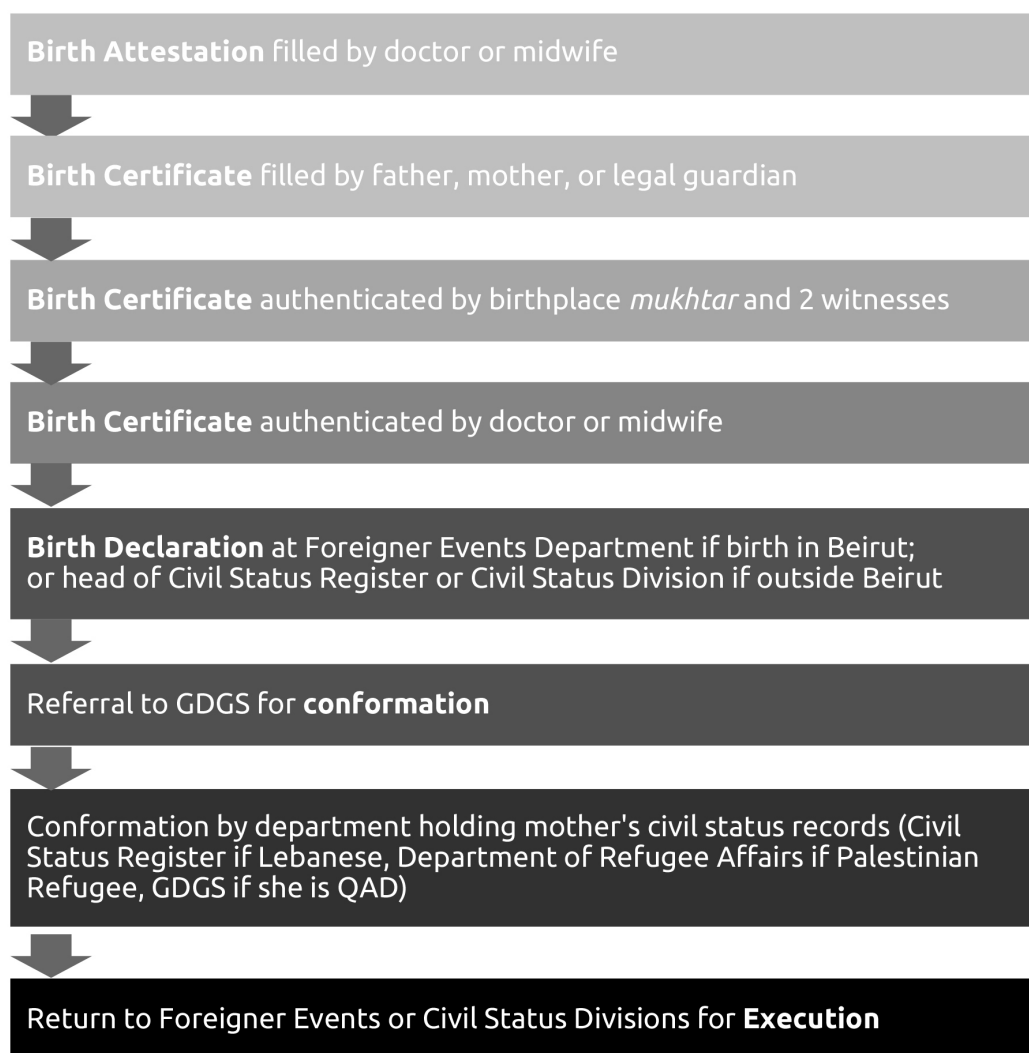
### *What if my father is QAD but he did not register my birth?*

- In this case, you will not be able to register your marriage or birth of your children, since you will have to register yourself first by filing a birth registration lawsuit to be registered under your father’s name.



**Figure 6**

**Administrative registration stages of births to a QAD father inside Lebanon:**



## BIRTH OUTSIDE LEBANON

### ■ CONDITIONS:

- The parents' marriage should be registered in Lebanon .

### ■ REQUIRED DOCUMENTS:

- Birth certificate issued by the competent local authorities in the country of birth and translate it by sworn translation into Arabic if it is in a foreign language.
  - Authenticate the certificate in accordance with the procedures of the country of birth.

To declare and execute the birth registration:

- A birth certificate issued by the competent local authorities in the country of birth must be obtained and translated into Arabic if it is in a foreign language.
- It should be certified in accordance with the procedures of the country of birth.
- The application should include a copy of the marriage certificate executed in Lebanon.
- Copy of the QAD father or both parents' *laissez- passer* or the mother's ID, if she is Lebanese, her passport if she was a foreign national, laissez-passer if QAD, or Palestinian refugee card.

## ■ PROCEDURES AND STEPS:

- Obtain a birth certificate issued by the competent local authorities in the country of birth and translate it by sworn translation into Arabic if it is in a foreign language.
- Authenticate the certificate in accordance with the procedures of the country of birth.
- Apply for birth registration in the Lebanese mission abroad (embassy, consulate general, honorary consulate).
- In the absence of a Lebanese mission in the country of birth, apply to register in the nearest mission to the country of residence or where the birth took place.
- The dossier could be sent to Lebanese embassies or consulates abroad through registered mail.
- Once it receives the application, the Lebanese mission refers it to the Ministry of Foreign Affairs and Emigrants in Lebanon.
- The Ministry of Foreign Affairs and Emigrants refers the application to the Personal Status Department in the DGPS, which refers it, in turn, to the father's personal status register. Which then sends it to the GDGS - Special Categories Division for conformation and returned to the relevant personal status department to be executed and sent again to the DGPS to be recorded in its registers.
- Once finalized by the Personal Status Department, the dossier is returned to the Ministry of Foreign Affairs and Emigrants to inform the concerned parties of the execution.
- The father is informed to request a QAD permit for the child from the GDGS.

## FAQ

### ***If Some Conditions Are Not Met or Documents Were Missing***

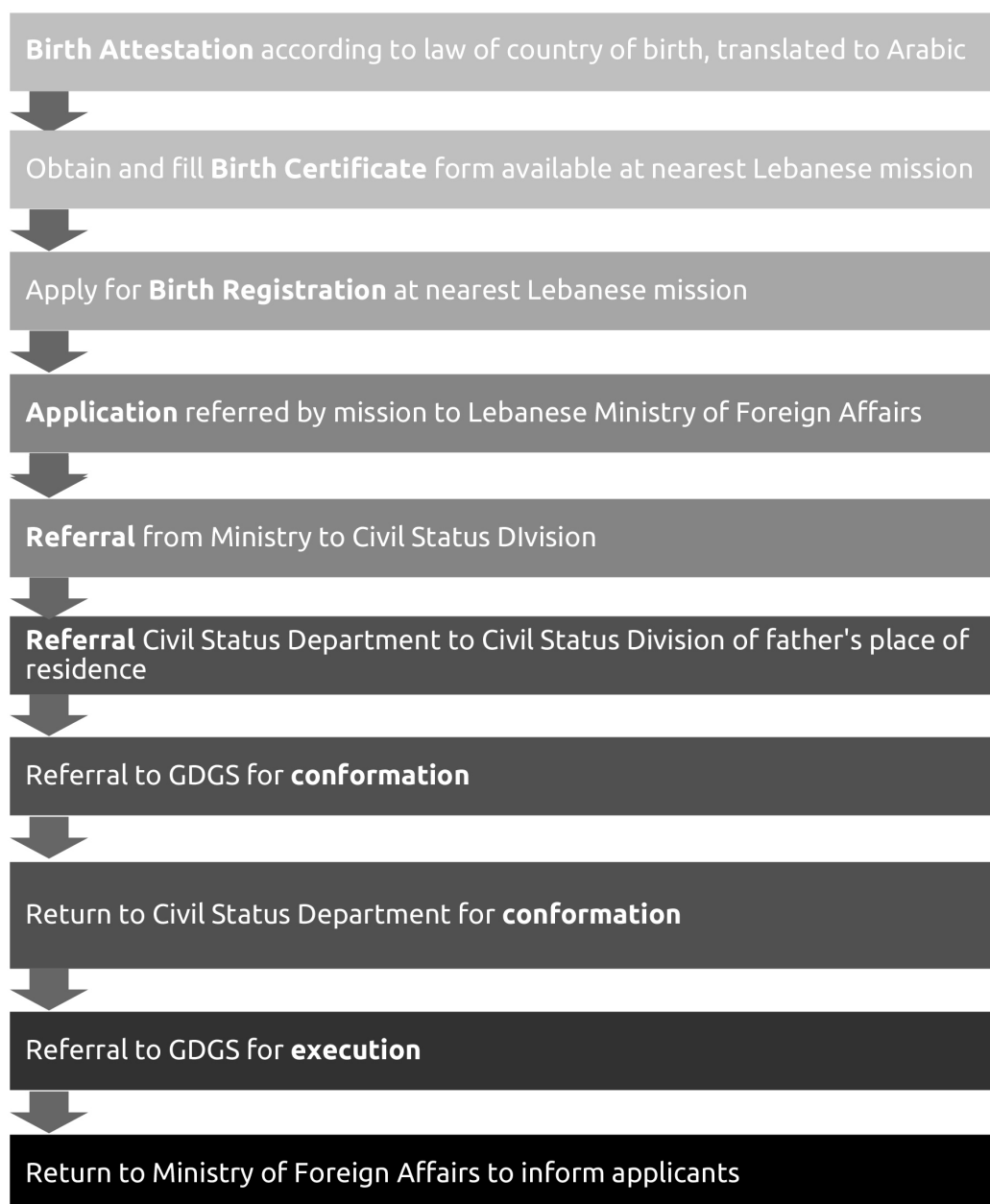
There are some situations where the conditions cannot be met or where some of the required documents to register a child are missing. Below are additional requirements for some of the typical situations:

### ***What if the marriage is not registered at the DGPS or GDGS in Lebanon?***

A authenticated marriage certificate issued by the Lebanese embassy or consulate should be attached to the birth attestation, as both events (the birth and the marriage would be executed together).

**Figure 7**

**Administrative registration stages of births to a QAD father outside Lebanon:**



# REGISTRATION OF BIRTH OF A CHILD WHOSE FATHER IS A PALESTINIAN REFUGEE REGISTERED IN LEBANON

## BIRTH INSIDE LEBANON

Special procedures for registering children of Palestinian fathers registered in Lebanon have been adopted by Department of Refugee Affairs, whereby more than one child born to the same family could be included in the same application without a time limit. Additionally, it is possible to declare the birth either at the Foreigner Events Department in the GDGS or through mail using LibanPost.

### ■ CONDITIONS:

- The father must be registered at the Department for Refugee Affairs.
- The marriage must be registered at the same department.

### ■ REQUIRED DOCUMENTS:

- To organize the birth certificate:
  - Birth attestation from the doctor or midwife who assisted the birth.
  - The father's "Palestinian Refugee" card.
  - Copy of the marriage certificate executed at the Department of Refugee Affairs.
  - Extract of father's Palestinian refugee family register.

## ■ DECLARATION AND EXECUTION:

- Birth certificate signed by one of the parents, authenticated by the *mukhtar* of the birth locality, signed by two witnesses and either the doctor or the midwife who assisted the birth.
- Extract of family personal status register for registered Palestinian refugees.
- A request by the *mukhtar* of the place of residence, filled accordingly; the type of application must be recorded, as well as all events related to the concerned party (triple name, mother's name, census number, and file number).
- Copy of the father's Palestinian refugee card or the delegated person's ID.
- If the declaration is through a guardian, a copy of the guardianship decision must be presented.
- If the declaration is through a someone delegated by the family, a copy of the delegation through a notary public must be presented.
- If the application is delivered by someone other than the concerned party (please see below for a list of those allowed to present the application), a copy of the depositor's ID.
- Two photographs of the child.

The application could be delivered in person to the Foreigner Events Department in the GDGS or through LibanPost. In the second case, the LibanPost clerk should verify all of the father's identification papers or those of the depositors by comparing them to the original.

## ■ PROCEDURES AND STEPS:

### **If birth occurs inside Beirut:**

- Deliver the certificate and other documents to the Events Registration Department at the Department of Refugee Affairs.
- The register's clerk refers them to the head of the department for review and recommendation.
- The head of events registration at the Department of Refugee Affairs authenticates the application and refers it back to the competent staff for execution.
- Following execution and registration of birth, a card is filled for the child and sent to the head of the events registration department for signature.

### **If birth occurs outside Beirut:**

- Deliver the certificate and all supporting documents to the Civil Status Officer in the vicinity of the birth, which then refers it to the head of the department in the governorate.
- The Civil Status Division refers the documents to the Events Registration Department at the Department of Refugee Affairs.
- Following execution and registration of birth, a card is filled for the child and sent to the head of the events registration department for signature.



## FAQ

### *What if the father or mother die before registering the birth?*

- If both the father and mother die before registering the birth, the application is signed at the *mukhtar's* and deposited by any of the parties mentioned below, who should provide the necessary identification documents to the *mukhtar*, the department, and LibanPost:
  - Adult brother or sister, uncle, legal guardian, or delegate authorized through a notary public by any of them.

### *In the event of giving birth to twins:*

- A birth certificate must be filled for each child according to the regular procedures.
- The birth certificates should mention the hour of birth, who was born before, and identifying marks for each.
- Both certificates should mention that it is part of a set of “twins”, otherwise, the certificate would not be executed due to fears of duplication.

## BIRTH OUTSIDE LEBANON

- The same procedures above apply. However, the birth certificate must be authenticated by the Lebanese embassy in the country of birth and the Lebanese Ministry of Foreign Affairs, translated if in a foreign language, and affixed to the application signed by the *mukhtar*.

**Figure 8**

**Administrative registration stages of births to a registered Palestinian father inside Lebanon:**



## Chapter three

# PROCEDURES FOR LATE BIRTH REGISTRATIONS IN THE COURTS

*In the event of not being able to register administratively, this chapter indicates the cases where registration could happen through the courts, clarifying all the necessary steps and required documentation, according to the legal status of both parents.*

## WHEN SHOULD I SEEK THE COURTS?

It is possible to seek the courts to register a birth if a year had passed from the date of birth and the administrative registration is not completed; this applies to all categories, except Palestinians, based on Article 12 of the Law on Documenting Personal Status, which states:

**“If a year passes on the date of birth, the registration of a child would only be possible through a court ruling issued in the deliberations chamber and based on a request from the Public Prosecution or the concerned party.”**

However, applications to register children are rarely filed by the Public Prosecution in practice, despite being authorized to do so by law in the interest of the public, in the event of neglect by the concerned parties.

# FILING THE LAWSUIT

## ■ REQUIRED DOCUMENTS

All the required documents must be ready before filing the lawsuit, since they could be decisive in the case:

- Father's ID.
- Birth Attestation signed by doctor or legal midwife who assisted the birth.
- Birth Certificate filled and signed accordingly (please refer to copy of Birth Certificate in Annex).
- Parents' Marriage Certificate, executed at the Personal Status Departments.
- Proof of lineage ruling or certificate from the relevant religious courts.
- In the event of hiring a lawyer, proof of power of attorney from a notary public

**Although it is not mandatory for applicants to hire a lawyer and can do it themselves. In the event of a negative decision and if the plaintiff wishes to file a voluntary lawsuit, a lawyer must be hired. However, if the ruling is in the plaintiff's favor and the state appealed, hiring a lawyer is not mandatory.**

## FAQ

### *Where shall I submit the voluntary lawsuit?*

- The voluntary lawsuit must be presented to the unique civil judge overseeing personal status issues in the father's civil status records locality.

**The court may conduct all necessary investigations and interrogate all those it deems necessary, prior to issuing its voluntary ruling in the positive or negative in the deliberations room and without a public hearing.**

### *What if the registration involved an adult?*

The same procedures apply, whether the person is a minor or an adult. However, for a minor, the case should be filed by the father, mother, or legal guardian. Adults, on the other hand, should file the case themselves.

### *What if the father is a minor?*

In the event of a father who is a minor, the paternal grandfather, grandmother, or legal guardian could file the lawsuit.

### ***What if the applicant is a foreigner?***

In the event of a foreign father, the lawsuit must be filed in the district where the child was born. Following an execution ruling, the birth is executed by the departments of Foreigner Events/Civil Status, as in any ruling regarding birth registration.

Some courts, however, may reject a registration lawsuit for non-Lebanon, based on jurisprudence regarding Article 75 of the Code of Civil Procedures, which is explained as limiting the mandate of the courts to cases involving the personal status of Lebanese citizens alone. However, this could be appealed at the Court of Appeals. In the event of a ruling in the plaintiff's favor, the lawsuit will be considered and the registration would occur through a court order, pending the verification of parenthood. However, some the courts could refuse to consider such lawsuits when presented by non-Lebanese for lack of competence. In the event of an appeal's rejection, the authorities of the father's native country should be sought to inquire about proceeding.

### ***What are the proceeding for filing a voluntary lawsuit?***

- After filing the lawsuit at the court's register, the judge will ask the opinion of the Civil Status Officer, who represents the Lebanese state in civil registry cases to explain whether the judge should accept the lawsuit (this includes the civil status officer's opinion, information about the register, and comments on any obstacles to recording the birth in the parents' register). For non-Lebanese fathers, the judge will also request from GDGS to verify the father's place of residence.
- Based on the personal status review above, the judge could issue a preliminary ruling to expand the inquiry by referring the case to investigation at the GDGS to find out the reasons behind the delay in registration and verify the parents' identities. If the father is a foreigner, however, following the GDGS review, judges will always request an inquiry of the parents' identity and the reasons behind delaying the registration. The time required for GDGS registrations varies case by case, but usually takes between one and six months.

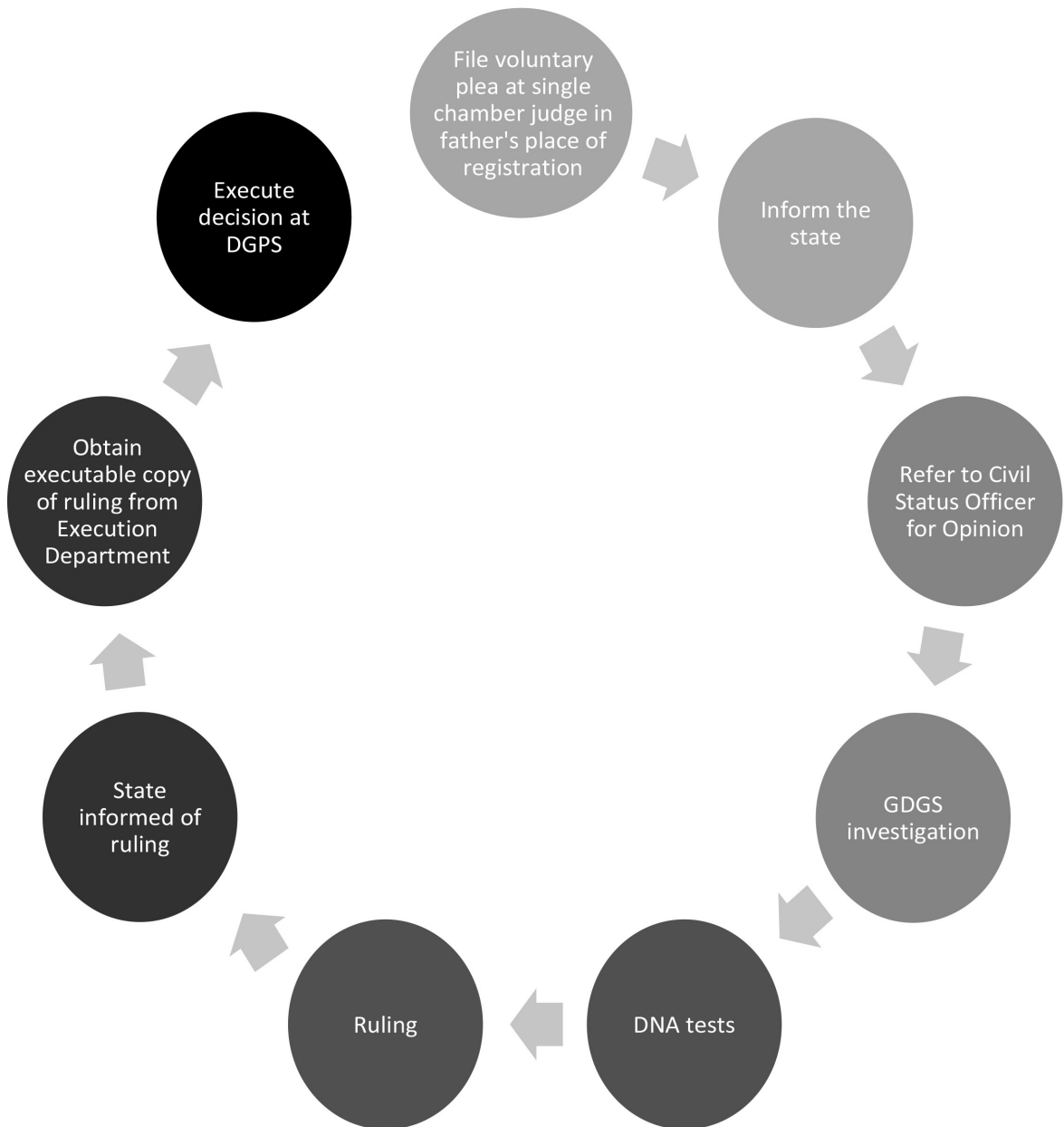
- In the majority of cases, the judge might request a DNA test for the father and/or mother, in addition to the child; a medical examiner and a laboratory to undertake the tests will be appointed. Such tests have become quasi-customary and adopted by most courts. But they are not mandatory if the judge decided that the child's identity could be verified by the information at hand. However, in most cases, the state will appeal personal status register rulings, which lack DNA evidence.
- The applicant will be asked to pay an advance for expenses such the medical examiner appointed by the state as well as for court clerk, in the event the judge decided they should accompany the applicant to the laboratory. It is up to the judge's discretion to decide the amount of the advance and fees and thus it varies from case to case (Please see section on costs in Chapter 1)
- The tests are conducted after paying the advance to court and in coordination between the court clerk, the medical examiner, and the lab to set an appointment. The test costs are paid directly to the lab after being conducted (Please see section on costs in Chapter 1) .
- Following the DNA results and the GDGS investigation, in case it was requested, the judge would review the documents and issue a ruling.
- The state is informed by the decision through the Cases Commission, Civil Status Officer, DGPS, GDGS, and the public prosecution.
- The decision is executed and comes into force if no appeal is filed within the prescribed one month deadline for appeals. Both the state, as well as the applicants, may challenge the decisions, in case the first instance decision does not come in their favor.
- Once the decision is final, enforcement of the decision would be through the Department of Execution in the jurisdiction of the judge issuing the decision.
- An enforceable copy of the decision is obtained by the applicant, to be executed through the department.
- For the approximate costs of late registration, please see section on costs in Chapter 1.



**If you cannot afford the officially designated laboratory, the judge could be asked to review the ruling and appoint an alternative laboratory. However, the judge may decide to deny you the request. In most cases however, judges are lenient when lack of financial means is corroborated.**

**Figure 9**

**Stages of late birth registration through the courts**



## Chapter four

# SPECIAL CATEGORIES

*Not all births are allowed to be registered automatically. In some particular cases, registration is complicated, including for children out of wedlock or whose parents are unknown. This is in addition to situations where births cannot be registered, such as for the children of stateless persons and MAQ.*

# REGISTRATION OF BIRTH OF ILLEGITIMATE CHILD

“Illegitimate” children are defined as those born from parents who are not bonded through a marriage contract according to the customs and laws. According to Article 2 of Decision 15/1925, illegitimate children may be considered Lebanese if the first Lebanese parent recognizes the child while still a minor.

## ILLEGITIMATE CHILD BORN IN LEBANON TO LEBANESE PARENTS

An illegitimate child must be recognized by a Lebanese parent first while still a minor to obtain Lebanese citizenship based on Article 2 of Decision No.15/1925; the birth must be declared within one year from the date of birth to be recorded administratively according to Article 12 of the Law on Documenting Personal Status.

### ■ REQUIRED DOCUMENTS:

To prepare the Birth Certificate:

- Birth attestation issued by the hospital or the doctor or midwife who assisted the birth.
- Extract from individual Personal Status Register (*Ikhrāj Qaid*) of the parent (or both parents) recognizing the child.

To declare and execute the birth registration:

- Birth certificate filled by one of the parents, signed by two witnesses and ratified by the birth locality’s *mukhtar*.

**Birth Certificate:** As for any child, prepare the child’s birth certificate and include

your name (father or mother) and a pseudonym for the other parent. However, if the other parent wanted his name mentioned, it would be considered a voluntary recognition and the child would be recorded in the father's civil status records.

- Voluntary deposition or recognition by one of the parents – admitting parenthood of the child through a deposition at the *mukhtar's* in the presence of two witnesses (if the recognition is done by both parents, it should be indicated in one single document).
- Personal or family personal status extract for the person recognizing the child as theirs (father or mother).

## ■ ADMINISTRATIVE PROCEDURES FOR REGISTERING AN ILLEGITIMATE BIRTH:

The same procedures apply in the event of recognition by either parent, as long as it takes place within one year from birth.

- The documents mentioned above are delivered to the Civil Status Officer in the place of birth.
- The Civil Status Officer in the place of birth records the certificate in the incoming registry and refers it to the register of the parent recognizing the child.
- The Civil Status Officer in the parent's registry delivers the certificate to the head of the division, along with the supporting documents.
- The head of division refers the certificate to the head of the personal status department, along with the officer's opinion.
- The head of department refers the documents to the General Director of Personal Status, with the relevant suggestion. When necessary, the head of department may refer the case to the governor or General Security for investigation.

- The General Director reviews the application and takes the appropriate decision, then sends it back through the above administrative hierarchy to the personal status register, to comply with the General Director's decision.

**If one of the parents is a foreigner and the other a Lebanese and if proof of parenthood is presented by the foreign parent first, the child would be registered in the Foreigner Events Department's registry according to the foreign parent's nationality. However, if the father is foreigner and the proof of parenthood had been a result of one contract including both parents or one single ruling, the child would follow its father's nationality and be recorded in the Foreigner Events Department's registry.**

## ■ JUDICIAL PROCEDURES FOR REGISTERING AN ILLEGITIMATE BIRTH

*What if the registration did not occur within one year?*

- If recognition is obtained from the father or mother and the child is more than one year old, the registration of the child in the register of the recognizing parent may only happen through a recourse to the courts by filing a voluntary birth registration lawsuit.
- If there is no voluntary recognition and the child is a minor, a steward appointed by the relevant religious court or the public prosecution may file a nationality lawsuit at the unique judge charged with personal status issues to record the child in the personal register of the person identified as parent by the child.

In this situation, the judge will request an investigation and proof of biological lineage through DNA.

### *What if the illegitimate child is an adult?*

- Persons born inside Lebanon may file a nationality lawsuit. The appeal would not be on the basis of being illegitimate, however, but that they were born of “unknown parents” and provide proof of birth in Lebanon and lack of recognition from any parent, filed at the court of first instance.

The reason behind this is that jurisprudence had been settled that a person would not obtain a citizenship on the basis of being illegitimate, even if recognized by a Lebanese parent, if the recognition occurred after the person’s adulthood.

### **NOTE:**

Different legal and administrative opinions exist concerning the concept of illegitimate children who could be registered:

- On one hand, some tend to consider all children born out of marriage to be illegitimate and thus may be recorded in the registry of any recognizing parent – regardless of any other factor.
- Other opinions believe that Islamic Sharia consider illegitimate offspring as children of adultery, who may not be affiliated to their fathers and thus should be registered under their mothers. For Christians, on the other hand, illegitimate children could be attributed to parents who are not bonded by marriage and are unrelated in a manner that makes the relationship incestuous, nor married to another person (if either of the parents is married to third person, the child’s lineage could be attributed to them).

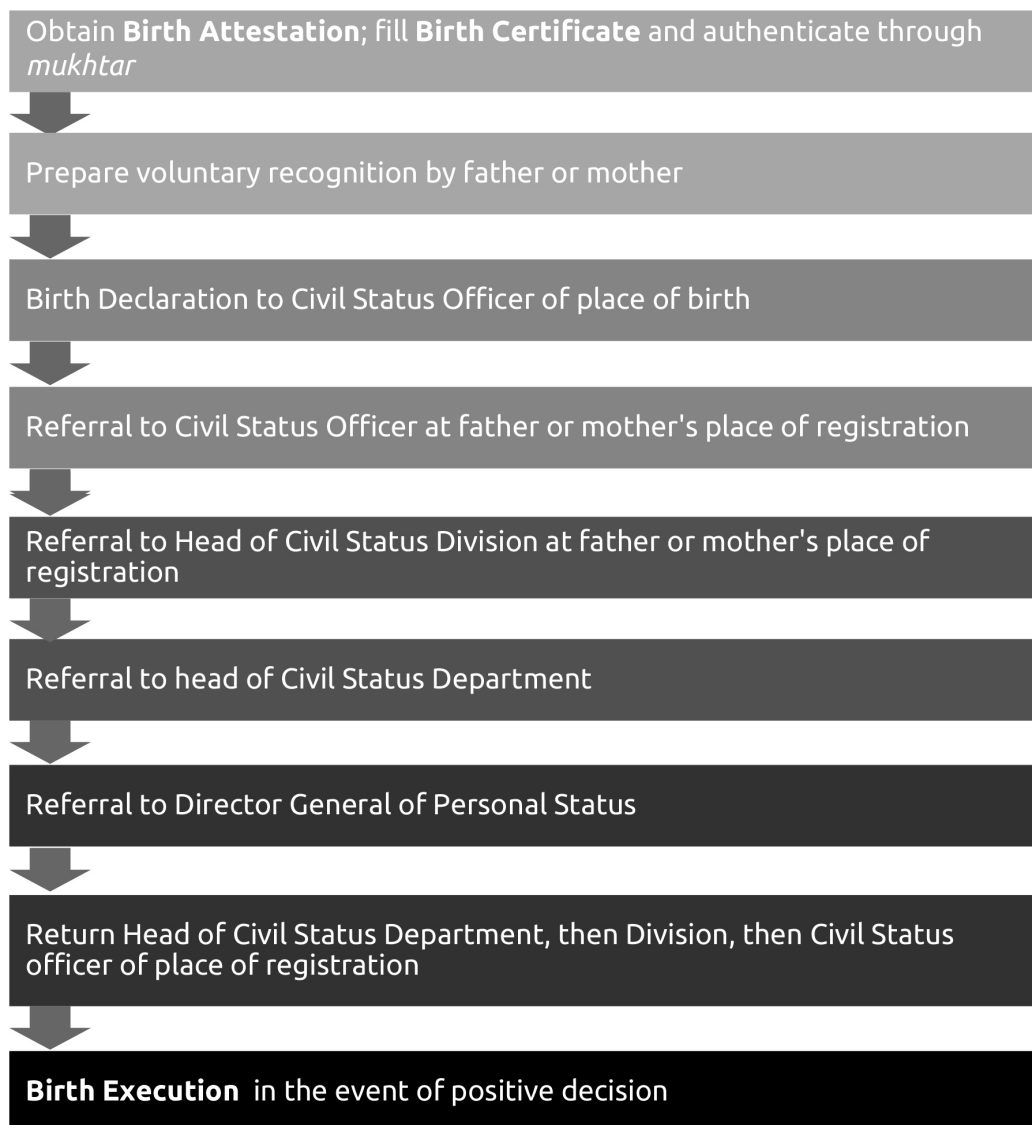
## ILLEGITIMATE CHILD BORN IN LEBANON TO FOREIGN PARENTS

If an illegitimate child is born in Lebanon to two foreign parents, the law of the parent's country who recognized him first applies and the child is treated as any foreigner born in Lebanon in the birth registration process. The certificate is delivered along with the voluntary recognition deposition in Arabic or translated into Arabic and goes through the process to reach the General Director of Personal Status for approval. The child will be treated as a foreigner and follow the due procedures at the GDGS for "legitimate" foreign children (please see previous chapters for details).



**Figure 10**

**Stages of registering birth of illegitimate minors in Lebanon**



# REGISTRATION OF BIRTH OF A CHILD OF UNKNOWN PARENTS (FOUNDLING)

Article 16 of the Law of Documenting Personal Status states:

“Any person finding a newborn shall deliver it to the mukhtar of the village or locality with anything found on the child, such as clothes and other things and indicate the place, time, and conditions under which the child was found. The mukhtar shall thus draft a report indicating the apparent age of the child and any special marks on it and deliver the child, along with the report, to one of the institutions designated by the Ministry of Social Affairs; the institution shall draft a birth certificate and send it to the Personal Status Department to be registered in a new civil status record in its registries based on previous provisions.”

## ■ PROCEDURES FOR PLACEMENT IN SOCIAL SERVICES INSTITUTIONS AND PREPARING THE BIRTH CERTIFICATE

The law defines clear procedures for children of unknown parents; administrative registration would not be possible if they are violated:

- First, the child must be handed to the *mukhtar* of the village or locality where it was found.
- The *mukhtar* shall draft a report, indicating the child’s features and what was found on the child.
- The *mukhtar* shall hand the child to an institution designated by the Ministry of Social Affairs.
- The institution where the child is placed shall prepare the birth certificate.
- There are no special conditions for the certificate, as the law stipulates it is filled “based on previous provisions”. However, the name of the father and mother on the certificate are pseudonyms chosen by the institution.

## ■ ADMINISTRATIVE REGISTRATION PROCEDURES

- To register a child of unknown parentage administratively, the child must be a newborn – according to Article 16 above.

The child is considered newly born if it appears that he or she is no older than thirty days and is of critical need of care.

- The certificate is filled by the care institution and delivered to the Civil Status Officer in its locality to proceed with the registration.
- The registration happens in a new record in the registers.

## ■ CASES AND PROCEDURES FOR REGISTRATION THROUGH THE COURTS

- Thirty days after the birth – and not one year like for other newborns – registration under unknown parents must be sought through the courts. The thirty days deadline is used as proof that the child was born in Lebanon, pending investigations about the location of the birth as requested by the court.

However, the courts are split along two different opinions: Some considered that registration should be through court order by the unique judge, as per Article 12, meaning a Civil Status Lawsuit. Other courts believe that if the child is no longer a newborn, the registration should be based on legal provisions governing nationality lawsuits and are under the jurisdiction of courts of first instance, meaning an adversarial lawsuit against the Lebanese State. Nationality lawsuits are filed at the Court of First Instance for Personal Status, based on Paragraph 3 of Article 1 of Decision 15 of 19 January 1925, which also considers “any person born on the territories of Grand Lebanon and of unknown parents or from parents of unknown nationality” shall be considered Lebanese.

## FAQ

### *What should the lawsuit prove?*

To file the lawsuit based on the above law, two issues must be substantiated:

- That the birth occurred in Lebanon, based on reports by the *mukhtar*, the security forces, and investigations by the security services.
- That the birth occurred from unknown parents who could not be identified.

Based on the lawsuit's outcome, the child will be provided a new record as a Lebanese in the personal status register.

**Figure 11**

**Stages of registering birth of foundlings in Lebanon**



# REGISTRATION OF BIRTH OF A CHILD OF A STATELESS FATHER AND MAQ

The following applies to stateless and MAQ persons (registered or unregistered Lebanese origins), stateless persons from non-Lebanese origin, and unregistered Palestinian refugees. As this category is not indicated in the Law of Documenting Personal Status, they may not register their children unless they file a nationality lawsuit for the child on solid grounds.

The birth certificate would not be issued as well, since Article 3 of the said law read together with Article 13 requires the inscription of the names of persons involved in the related events, along with their nationality and place of residency, meaning their civil status records, which stateless and MAQ persons do not have. The *mukhtar* would thus be unable to authenticate the certificate.

## FAQ

### *Is it possible to register a child born of an MAQ father of recorded origins?*

- If the father is of Lebanese descent and of an origin with a register, the father should file a civil status lawsuit.
- Following this, the father would be able to register his marriage and children in his register.

### *What if the father is stateless?*

If the father is of stateless origin, meaning his origins are not recorded in Lebanon, a nationality lawsuit may be filed in the following two situations:

- If he could prove being born in Lebanon, that the parents' nationality is unknown, and/or lack of foreign nationality by birth (as per Paragraphs 2 and 3 of Article 1 of Decision 15/1925 – link to the land).

- If he could prove that he is of Ottoman origin and is able to corroborate these origins in Lebanon on 30 August 1924, he may file a lawsuit based on Article 1 of Decision 2825 of 1924.
- Note: This manual does not go into details of all the legal and procedural aspects related to the categories under this chapter regarding the issue of birth registration. It only indicates here the minimum basic issues that you need to be aware of. Please refer to lawyer or legal expert for details of procedures related to this type of litigation.

# ANNEXES

*To be more effective, the manual includes some of the legal texts related to nationality and registering births, in addition to a manual of the relevant official departments, courts, and judges undertaking nationality and registration appeals.*



# LEGAL TEXTS ON NATIONALITY AND BIRTH REGISTRATION

## ***Article 1 of the Nationality Law (Decision 15/1925):***

Is considered Lebanese:

- 1) Every person born of a Lebanese father.
- 2) Every person born in the Greater Lebanon territory and did not acquire a foreign nationality, upon birth, by affiliation.
- 3) Every person born in the Greater Lebanon territory of unknown parents or parents of unknown nationality.

## ***Article 3 of Law on Documenting Personal Status of 1951:***

Personal status documents must contain the year, month, day, and hour of events for which the documents have been drafted. The names of all mentioned persons shall be inscribed, as well as their surname, age, profession, and place of residence. It is totally forbidden to cross out any of its parts, to inscribe commentary on the margins or short explanatory phrases, or use Indian numerals. The document must be signed by the drafters in the presence of two witnesses and ratified by the *mukhtar*.

## ***Article 11 of Law on Documenting Personal Status of 1951:***

A birth must be declared at the Personal Status Officer within 30 days of the date of birth. The birth certificate shall be drafted and signed by the father, mother, guardian, doctor or midwife who assisted the birth, and the *mukhtar* shall ratify the signature.

The perpetrator of any violation of provisions in this article shall be penalized with an administrative fine in the amount of five Liras paid to the Personal Status Officer registering the document and receive a return from a stubbed book.

## ***Article 12 of Law on Documenting Personal Status of 1951:***

If a year passes on the date of birth, the registration of a newborn would only be possible through a court ruling in the deliberations chamber based on a request by the Public Prosecutor and concerned party.

## ***Article 13 of Law on Documenting Personal Status of 1951:***

The birth certificate must include the year, month, date, and hour of birth, the sex of the child, the given name, and the names, titles, professions, ages, and place of residence of the father, mother, the two witnesses.

## ***Article 14 of Law on Documenting Personal Status of 1951:***

If twins are born, a birth certificate must be drafted for each of them indicating, the hour of birth of each, the child born first, and any distinctive signs on their bodies; the child born first is considered the elder.

### ***Article 15 of Law on Documenting Personal Status of 1951:***

If an illegitimate child is born, the birth certificate is organized by the caretaker or the doctor or midwife who assisted the birth. The father's name is not mentioned, except in the event of his recognition or delegating a personal representative to undertake the recognition; if this does not occur, the child would be registered under the names chosen by the child's caretaker.

The person drafting the birth certificate must not mention the name of the child's mother; the Personal Status Officer must not mention her name except if authorized by her as the child's mother or based on a legal ruling.

The statement of recognition of an illegitimate child shall be recorded in the registers and dated on that day, referenced in the birth certificates registers, and drafted in the presence of two witnesses.

### ***Article 16 of Law on Documenting Personal Status of 1951:***

Any person finding a newborn child shall deliver it to the mukhtar of the village or locality with anything found on the child, such as clothes and other things and indicate the place, time, and conditions under which the child was found. The mukhtar shall thus draft a report indicating the apparent age of the child and any special marks on it and deliver the child, along with the report, to one of the institutions designated by the Ministry of Health and General Emergency [the task is currently under the Ministry of Social Affairs]; the institution shall draft a birth certificate and send it to the Personal Status Department to be recorded in its registries based on previous provisions.

### ***Article 18 of Law on Documenting Personal Status of 1951:***

A child born outside the father's actual place of residence or the mother's in the absence of the father, shall be registered in the place of his parents' actual residence; a birth certificate is drafted according to Articles 11 and 13 and handed to the Personal Status Register in the village or locality, to be sent to the Personal Status Officer in the locality of the parents' actual residence.

### ***Article 19 of Law on Documenting Personal Status of 1951:***

If a child is born to a Lebanese national father in foreign lands, proof of birth must occur in the nearest Lebanese consulate to the place of residence as per the father's request; the consul shall provide a temporary certificate, serving as identity documents, then send a photocopy of the birth certificate and copies of the parents' identity cards to Lebanon, to record the child in the registers of the father's place of origin.

# GUIDE TO CIVIL STATUS REGISTERS AND DEPARTMENTS

Civil Status Department - Mohafazat	Civil Status Registers - Caza	Register Phone Number
Beirut Civil Status Department	Beirut	01-355009
Mount Lebanon Civil Status Department	Baabda	05-920191
	Hammana	05-530537
	el-Metn, Jdeideh	01-890914
	Bikfaya	04-980381
	Upper North Metn	04-392170
	Antelias	04-410219
	Chouf	05-500036
	Chhim	07-241859
	Barja	07-623290
	Aley	05-554587
	Choueifat	05-433802
	Keserwan	09-914907
	Ftough Keserwan	09-641155
	Jbeil	09-540167
North Lebanon Civil Status Department	Tripoli	06-443812
	Zgharta	06-660225
	Batroun	06-740003
	Douma	06-521502
	Halba	06-690083
	Qoubeyat	06-350010
	al-Abdeh	06-470638
	Bcharri	06-671104
	Sir	06-490069
	Minyeh	06-460684
	Bakhoun	06-240016
	Saida	07-720016

Civil Status Department - Mohafazat	Civil Status Registers - Caza	Register Phone Number
South Lebanon Civil Status Department	Sour	07-740040
	Jwaya	07-410837
	Jezzine	07-780103
Nabatieh Civil Status Department	Nabatieh	07-760233
	Jbaa	07-210309
	Marjeyoun	07-831008
	Hasbaya	07-550133
	Bint Jbeil	07-450021
	Tebnine	07-325271
Bekaa Civil Status Department	Zahle	08-800901
	West Bekaa	08-660020
	Saghbin	08-760072
	Rachaya	08-859080
	Baalbeck	08-370274
	Shmistar	08-330759
	Deir al-Ahmar	08-320349
	Labwe	03-230434
	Nabi Sheet	08-335045
Hermel	08-200446	



## *What should be mentioned in the Birth Certificate?*

First, the person drafting the birth certificate and *mukhtar* must be diligent to fill all the boxes except those to be filled by the Personal Status Department. Any box left blank or filled in error could impact the whole registration process. Below is the information requested in the certificate:

1. Child's name
2. Child's sex
3. Place of birth in details (locality or village, Caza, and hospital, institution, or home where the birth took place)
4. Time of birth: Year-Month-Day-Hour-Minute
5. Signature of doctor and midwife who assisted the birth, mentioning the name and profession, date of signature, and declaration of attending the birth.
6. Information on the certificate's signatory and their capacity (father, mother, caretaker, or guardian), mentioning the name, family name, profession, date of drafting the certificate, and signature.
7. Information on the father and mother, including names, surnames, religious confessions, dates of birth, professions, and the place of residence of the mother.
8. Location of father's register or, in the situation of an illegitimate child, the mother's, mentioning the locality or village and the Caza.
9. Number and type (confession) of register.
10. Information on the witnesses including names, surnames, dates of birth, addresses, register numbers, and signatures.
11. Information about the *mukhtar*, stating the locality served, Caza, date of drafting the certificate, name, and signature.
12. Information to be filled by the Civil Status Officer of the birth locality, name of register, and date of presentation of certificate.
13. Information pertaining to the incoming register, with the date of receiving the certificate and the signature of the Civil Status Officer in the locality of the birth.
14. Execution number and date, along with the signature of the Civil Status Officer in the father's or mother's register, depending on the situation.

# LIST OF UNIQUE JUDGES AND COURTS OF FIRST INSTANCE

## ■ BEIRUT GOVERNORATE:

**Court of First Instance** (first instance chamber) considering personal status cases: based in Beirut Justice Palace

**Unique Judge** considering personal status cases: based in Beirut Justice Palace

## ■ GOVERNORATE OF MOUNT LEBANON:

**Court of First Instance** (first instance chamber) considering personal status cases: based in Baabda for all of Mount Lebanon, except al-Matn, Keserwan, and Jbeil.

**Court of First Instance** (first instance chamber) considering personal status cases: based in Jdeidet al-Matn for al-Matn, Keserwan, and Jbeil cazas.

**Unique Judges** considering personal status cases in each of:

Baabda Caza	Baabda
Matn Caza	Jdeideh
Keserwan Caza	Jounieh
Jbeil Caza	Jbeil-Qartaba
Deir al-Qamar Area	Deir al-Qamar
Baakline Area	Baakline
Aley Caza	Aley
al-Damour-Chhim Area	al-Damour-Chhim

## ■ GOVERNORATE OF NORTH LEBANON

**Court of First Instance** (first instance chamber) considering personal status cases: based in Tripoli for all of North Lebanon governorate.

**Unique Judges** considering personal status cases in each of:

Tripoli Caza	Tripoli
Akkar Caza	Halba - al-Qobeiyat
Zgharta Caza	Zgharta - Ehden
Bcharre Caza	Bcharre
Koura Caza	Amyoun
Batroun Caza	Batroun - Douma

## ■ GOVERNORATE OF SOUTH LEBANON:

**Court of First Instance** (first instance chamber) considering personal status cases: based in Saida for all of South Lebanon governorate.

**Unique Judges** considering personal status cases in each of:

Saida Caza	Saida
Sour Caza	Sour - Jwaya
Jezzine Caza	Jezzine

## ■ GOVERNORATE OF BEKAA:

**Court of First Instance** (first instance chamber) considering personal status cases: based in Zahle for Cazas of Zahle and West Bekaa.

**Court of First Instance** (first instance chamber) considering personal status cases: based in Baalbeck for Baalbeck Caza.

**Unique Judges** considering personal status cases in each of:

Zahle Caza	Zahle
West Bekaa Caza	Jib Jennin - Saghbin
Baalbeck Caza	Baalbeck - Deir al-Ahmar
Rashaya Caza	Rashaya
Hermel Caza	Hermel - Ras Baalbeck

## ■ GOVERNORATE OF NABATIEH:

**Court of First Instance** (first instance chamber) considering personal status cases: based in Nabatieh for all of Nabatieh Governorate.

**Unique Judges** considering personal status cases in each of:

Nabatieh Caza	Nabatieh
Bint Jbeil Caza	Bint Jbeil - Tibnine
Marjeyoun Caza	Marjeyoun
Hasbaya Caza	Hasbaya