

## NAMIBIAN LAWS ON MARRIAGE

- The Constitution requires all marriages (Civil and Customary) to be made freely between fully consenting adults (21+ years).
  - You cannot be forced into marriage or an engagement.
  - If you are between 18 & 21 years, you need the consent of both your parents/legal guardian.
- Customary marriages have to be verified by customary laws and witnesses. It must not conflict with the Namibian Constitution.
- Civil marriages in Namibia have to be conducted/‘solemnized’ by a registered marriage officer in a church or in court.

*‘Solemnization’ of a civil marriage refers to the formalities where the marriage officer - after checking that both parties are eligible to get married - asks the questions which result in the answers “I do” and pronounces the couple to be husband and wife.*

*This must take place in front of two adult witnesses, and everyone involved must sign the marriage register – the couple, the marriage officer and the witnesses. A marriage officer is either a magistrate, or a person holding a responsible position in a religious denomination who has been formally designated as a marriage officer by the Ministry of Home Affairs and Immigration.*

NAMIBIAN LAWS ON MARRIAGE FOR RECOGNIZED REFUGEES	NAMIBIAN LAWS ON MARRIAGE FOR ASYLUM SEEKERS
<ul style="list-style-type: none"><li>• You have to prove that the civil marriage was solemnized according to your country’s laws</li></ul>	<ul style="list-style-type: none"><li>• If an asylum seeker comes to Namibia and they are already married, that marriage should be recognized and respected by Namibia as long as it complies with Namibia’s laws.</li></ul>
<ul style="list-style-type: none"><li>• You have the same rights to marry as any Namibian citizen</li></ul>	<ul style="list-style-type: none"><li>• Asylum seekers are restricted from entering into a civil marriage</li></ul>
<ul style="list-style-type: none"><li>• Your spouse has the right to stay with you in Namibia</li></ul>	
<ul style="list-style-type: none"><li>• If you were married before coming to Namibia, you have to prove that the marriage was solemnized according to the laws of your country</li></ul>	

## DERIVATIVE STATUS

Derivative status is the term used to describe granting asylum to someone who has a family member/dependent who is a recognized refugee.

### WHO QUALIFIES FOR DERIVATIVE STATUS

- You can qualify for derivative status if you are a blood relative of the refugee and you are dependent on them
- You can qualify for derivative status through marriage and you are dependent on the refugee

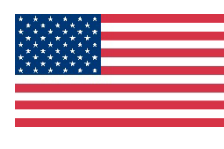
### WHO DOES NOT QUALIFY FOR DERIVATIVE STATUS

- The parents or primary legal or customary caregivers of a recognized refugee who is under 18 years, as well as the dependents of the adult parent or caregiver
- The minor siblings of a recognized refugee who is under 18 years
- Estranged spouses who do not live together as a family unit.

*It should be noted that applications for derivative status should be brought as soon as possible where there is sufficient knowledge and intent to reunite a family or where a dependency relationship exists.*

### TIPS FOR APPLYING FOR DERIVATIVE STATUS

- Always mention family members or dependents that you have been separated with at the initial interviews, including full names and description for future ease of reference.
- Provide all relevant documentation where available including pictures, identification documentation, DNA tests, witness testimonials and declarations under oath.
- In the event where there is a clear claim for derivative status, first apply for derivative status and if refused only then should one do the individual refugee status determination procedure.
- Desist from applying for derivative status only after you have been finally rejected.



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