

WHAT YOU NEED  
TO KNOW ABOUT

# My Nikah - My Rights

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In the UK, 60%\* of women who had a nikah are not in legally recognised marriages.

\*Channel 4 survey

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Did your nikah take place in the  
UK or overseas?

Do you know whether it's legally  
recognised in England & Wales?

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# Why does it matter?

You may have no, or limited, legal protection if your relationship ends.

Here's five things you need to know.

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## ONE: Location, Location, Location

If your Nikah took place in a registered building in England & Wales, your marriage is legally recognised under English law. You will have legal protection if your marriage ends or your partner passes away.

Always check whether your venue is a registered building. If it isn't, you will need to register your marriage through a separate civil ceremony.

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If your marriage took place overseas, the question is whether your Nikah is recognised as a valid marriage in that country? If it is, then it also a valid marriage under English law.

Always check that your nikah ceremony is recognised as a valid marriage in the country where you're getting married.

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## TWO: What Happens if Your Nikah Is Not Recognised Under English Law?

Under English law, couples who do not have a registered marriage are considered a “cohabiting couple”. Your marriage is not recognised as legally valid. That means if your relationship ends or your partner dies, you will not have the same rights as a couple in a civil marriage e.g. access to pensions and benefits.

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## THREE: Can You File for Divorce in England if Your Nikah is not legally recognised?

You cannot file for a divorce in an English court if your Nikah is not legally recognised. That's because the law views your marriage as a 'non-marriage.'

However, you may still be eligible for legal protection. Speak to our legal team.

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## FOUR: Can you file for an Islamic Divorce ?

Yes, in Islam men and women can ask for divorce.

Men can start a divorce through talaq. They do not need their wife's permission (unilateral divorce).

Women can start a divorce through different procedures - most frequently with a Khula application (you do not need your husband's permission).

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Remember, you can specify your right to divorce in your Nikah Nama (the marriage contract).

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## FIVE: What Are Your Rights If Your Spouse Dies?

If your spouse dies and your marriage is not recognised under English law,

- there is a risk that any assets will go into the estate of the deceased and could be divided amongst family members. For example their brothers, sisters or parents may inherit the assets.

Make sure your marriage is legally recognised.

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Please note this information is not  
legal advice.

If you need to know your options,  
book our free 15 minute consultation  
on 01274 727373.

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