**Surrogacy in Nigeria**

There has been an increase in U.S. parents using surrogacy in Nigeria. If this is something you are considering, please review the State Department’s [general guidance](https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/us-citizenship/Assisted-Reproductive-Technology-ART-Surrogacy-Abroad.html) on surrogacy and Artificial Reproductive Technology (ART) as it relates to the Consular Report of Birth Abroad (CRBA) process. Then, continue below to read information specific to Nigeria as well as information about the CRBA process specifically.

**What the law says**

If you intend to pursue parenthood in Nigeria through assistive reproductive technology (ART) with a gestational mother, be prepared for long and possibly unexpected delays in documenting your child’s citizenship. Surrogacy in Nigeria is not legislated. This means, even though you may have a surrogacy contract, it is not clear if the contract will stand in court as a custody agreement. Therefore, parents should consider obtaining a custody order in Nigeria to be certain their parental rights are recognized. The surrogate will also need to be present and available for the initial CRBA interview as the gestational mother. The surrogacy contract and medical records should be brought to the initial CRBA appointment.

**Role of DNA Testing**

If parents are unmarried, there must be a genetic relationship between the U.S. citizen parent and the child for the child to acquire U.S. citizenship at birth. If parents are married at the time of the child’s birth, the genetic relationship needs to be established with at least one of the parents. DNA is often the best method for establishing a genetic relationship. Please read our information about DNA testing in Nigeria and keep this in mind as you plan for your child’s birth in Nigeria.

**Surrogacy clinics in Nigeria**

The U.S. Embassy and Consulate in Nigeria cannot recommend a specific surrogacy clinic in Nigeria. Please note there have been instances of clinics substituting another individual’s genetic material either willfully or through laboratory error. In these cases, the parents only discovered the child was not genetically related when they participated in DNA testing for the CRBA process. Please research fertility clinics carefully if you are considering surrogacy in Nigeria.

**Travel documents**

The CRBA process can be long and complicated, particularly when surrogacy is involved. Please take this into account when making your travel plans. If the parents are married at the time of the child’s birth the child must be biologically related to at least one parent. If parents are unmarried at the time of the child’s birth, the relationship must be with the U.S. citizen who must meet the requirements to transmit citizenship. This is true even if you are recognized as the legal parents in the child’s country of birth.

**Medical care in Nigeria**

Please review our information about [medical care](https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Nigeria.html) in Nigeria. On occasion, embryo implantation can result in twins or even triplets. These pregnancies are statistically more likely to result in pre-term delivery, especially when surrogacy was used. Children born pre-term can have significant medical needs. If your child may be a U.S. citizen, your child is unable to travel to the United States until a citizenship determination is made. This is because a child born outside the United States cannot obtain a U.S. passport until citizenship is approved. Furthermore, a child who could potentially be a U.S. citizen is not eligible for a visa, as visas are not intended for U.S. citizens. If a medical emergency arises, it will be challenging for your child to obtain U.S. travel documents in a timely manner due to the nature of the CBRA process and potential DNA testing. Your child may be entitled to a Nigerian passport, and then may be able to travel to countries in Africa or the European Union for urgent medical care. Therefore, please carefully consider your medical options and potential costs before choosing surrogacy in Nigeria.

**Potential costs**

Costs of surrogacy in Nigeria vary depending on the clinic. However, the clinic fees tend to be less than surrogacy in the United States. Other costs to consider include paying for the CRBA and passport. You will be required to attend the initial interview in Nigeria and make the necessary travel arrangements to do so. You may be asked to return for subsequent interviews. You may need to find care for the child until the CRBA process is complete since the child cannot travel to the United States until after the CRBA is approved. Therefore, either a parent will need to stay with the child in Nigeria while the CRBA process is ongoing, or the parents will need to pay for someone to care for the child in their absence. Another potential cost to consider is DNA. For surrogacy, only the genetic U.S. citizen parent and the child are tested. DNA can be completed by the biological parent in the United States but in that situation, someone will need to bring the child into the Consulate or Embassy for DNA testing. For more information on DNA, please review this [link](https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/us-citizenship/US-Citizenship-DNA-Testing.html).

**Insufficient evidence of relationship (DNA)**

A genetic relationship is one of the requirements for a U.S. citizen parent to transmit citizenship to their child. If the consular officer finds there is insufficient evidence of a genetic relationship between the parent(s) and child(ren), a DNA test may be recommended at the time of interview. Please do not start the DNA process until requested to do so by an officer, as DNA results will only be accepted directly from an approved lab. **If the interviewing officer makes this recommendation, parents can expect a processing delay to allow for the receipt of the DNA test kit at the Embassy/Consulate, sample collection, the mailing of the sample, and the receipt of results from the lab.  You may ask the consular officer at the time of the interview the length of the delay, but it could be from a couple of weeks to several months depending on the demand for DNA. Parents should factor this potential delay into their plans.  If a DNA test is recommended, you will be provided with all details related to this testing at the time of your interview.**All costs and expenses associated with DNA testing must be borne entirely by the passport applicant and his/her family. For more information on DNA testing, see the State Department’s [Information on DNA Testing](https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/us-citizenship/US-Citizenship-DNA-Testing.html).