Child Abduction - Saudi Arabia

Disclaimer: Any information contained in these pages relating to the legal system in Saudi Arabia is provided for general information only. Independent legal advice should be sought in Saudi Arabia for specific information relating to individual cases.

Parental Child Abduction

The abduction of a child from the UK to Saudi Arabia is NOT a crime in Saudi Arabia unless there is a Saudi court order regarding custody of the child or travel restrictions. Parental child abduction is, however, a criminal offence in Saudi Arabia if a parent or grandparent removes a child from the person who is entitled to custody according to a Saudi judicial decision.

The Kingdom of Saudi Arabia has not signed the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The Hague Convention seeks to return children abducted or retained overseas by a parent to their country of habitual residence, for the courts of that country to decide on matters of residence and contact.

There is no agreed international system in place to return children from Saudi Arabia to the UK. Therefore, parental child abduction cases from the UK to Saudi Arabia are often difficult to resolve. Neither the British government nor the British Embassy can force the abducting parent or the Saudi government to return a child to the UK. There is no extradition treaty in force between the UK and Saudi Arabia. Dual nationality is not recognised in Saudi Arabia.

Custody Issues

Religious law (Sharia) will apply if one or both spouses are Muslim, and custody disputes will be decided in the family court. Under Sharia law, the mother is entitled to custody of her children up until the age of nine for boys and seven for girls. The mother will retain the right of custody up until these ages unless the court rules the mother is not of sound mind, has the intention to move the child to another country or has remarried. It typically takes approximately six to eight months for a custody cases to process through the family courts. Appeals are possible through the Court of Cassation and can take up to two years.
If neither parent is Muslim, Sharia law does not apply, unless one of the parents approaches the local court seeking to have custody of the children. The parent who does not have custody is entitled to contact with the child.

A court Judge with the help of the executive authorities would enforce this entitlement. UK or non–Islamic foreign custody orders are not recognised in Saudi Arabia. An order from a similar Sharia court may be considered when ruling on custody issues.

N.B. This section constitutes general information on the Saudi system. For detailed information and advice on how the law may apply to the circumstances of individual cases, independent legal advice should be sought in Saudi Arabia.

Travel

An exit visa is required to leave Saudi Arabia. It takes one to two days for an exit/re-entry visa, but exit-only visas for holders of residence permits can take a week or more. The father’s approval is needed for a child to be able to leave the country, even in cases where the mother has custody. The passport should carry an exit stamp and the child must be accompanied by one of his parents if under the age of eighteen. A wife will need the permission of her sponsor to leave the country, which is often her husband. The husband has to arrange for an exit visa which has to be stamped on the wife’s passport. Emergency Travel Documents can be used to leave Saudi as long as the entry details of the holder and the exit visa are included in the document.

A parent can have a travel ban put on a spouse or child through the Ministry of Interior, which in turn notifies Immigration, to prevent them from leaving the country. An appeal can be made to lift the travel ban. However, the prevalent residence laws have to be observed. These laws stipulate that only the sponsor can authorise an individual’s exit from the country. If there is a travel ban in place a parent will be arrested at the airport and if found to have had prior knowledge of the ban will be detained and possibly charged. Those unaware of a travel ban placed on them would be released with a warning and not permitted to travel.
Mediation

Mediation is an option when parents are not able to reach an amicable agreement between themselves about their children’s futures, but do not wish to take court action. A neutral party, or mediator, can assist in enabling parents to form a mutually acceptable decision on custody and contact with their children.

The Child Protection Section, a department of the Saudi Ministry of Social Affairs, plays a mediating role in cases of family disputes involving children based on Sharia law. They can be contacted on: +966 4 778 888 (ext 1559) or by email at mosa@mosa.gov.sa

Reunite is the leading UK charity specialising in international parental child abduction. The services range from offering practical impartial advice and mediation to providing a helpful support network aimed at those who have had their child abducted. For more information, visit Reunite’s website www.reunite.org or call 0116 2556 234