

International Parental Child Abduction

Saudi Arabia

DISCLAIMER: The information in this flyer relating to the legal requirements of specific foreign countries is provided for general information only. Questions involving interpretation of specific foreign laws should be addressed to foreign legal counsel.

GENERAL INFORMATION: The Kingdom of Saudi Arabia is not a party to the Hague Convention on the Civil Aspects of International Child Abduction, nor are there any international or bilateral treaties in force between Saudi Arabia and the United States dealing with international parental child abduction. American citizens who travel to Saudi Arabia are subject to the jurisdiction of Saudi courts, as well as to the country's laws and regulations. This holds true for all legal matters including child custody. Parents planning to travel with their children to Saudi Arabia should bear this in mind.

CUSTODY DISPUTES: In Saudi Arabia, child custody is based on Islamic law. **The primary concern of Saudi courts in deciding child custody cases is that the child be raised in accordance with the Islamic faith.** Most custody disputes in Saudi Arabia are handled by the Islamic "Shari'a" courts. In rare cases, the Board of Grievances, a religious appeals court, has ruled on custody disputes.

Saudi courts generally do not award custody of children to non-Saudi women. If the mother is an Arab Muslim, judges will usually not grant her custody of children unless she is residing in Saudi Arabia, or the father is not a Muslim. **All Saudi citizens are considered to be Muslim.**

Since Saudi women are prohibited from marrying non-Muslims, custody disputes between a Saudi mother and American father would be heard by the Shari'a court, which would usually apply Islamic rules of custody and decide the case on its merits. If the mother wins custody, the father is usually granted visitation rights. According to Saudi law, a child whose mother is Saudi and father is non-Saudi is not granted Saudi citizenship. **However, even if an American father wins custody of his children, he may still need permission from the Saudi mother to remove the children from Saudi Arabia.**

Saudi courts hesitate to rule in a child custody case if both parents are non-Muslim. The court will refer the case to the family court in the country from which the parents came. Often, if pressured to address such a situation, the court will rule that both parents should be deported from Saudi Arabia to avoid complications and embarrassment.

Normally, under Shari'a law, a mother can maintain custody of her male children until the age of nine, and female children until age seven. In practice the courts favor keeping children within a strict Islamic environment. Shari'a court judges have broad discretion in custody cases and often make exceptions to these general guidelines.

Even when a mother who is residing in Saudi Arabia is granted physical custody of children, the father maintains legal custody and has the right to determine where the children live and travel. In many cases, the father has been able to assume legal custody of children against the wishes of the mother when she is unable or unwilling to meet certain conditions set by law for her to maintain her custodial rights. For example, if the mother moves to another country, the father is entitled to have custody. A court can sever a mother's custody if it determines that the mother is incapable of safeguarding the child or of bringing the child up in accordance with the appropriate religious standards. The mother can lose custody by re-marrying a non-Muslim, or by residing in a home with non-relatives. Shari'a law allows custody of children to be awarded to the closest male relative of a Saudi father in the case of death or imprisonment of the father, even if the Saudi father has made clear his wish that the children's mother have full custody.

Persons who wish to pursue a child custody claim in a Saudi court should retain an attorney in Saudi Arabia. The U.S. Embassy in Riyadh and the Consulates General in Dhahran and Jeddah maintain lists of attorneys willing to represent American clients. U.S. government officials cannot recommend an attorney and make no claim as to the professional ability or integrity of the attorneys on these lists. The U.S. government does not pay legal expenses. A copy of these lists may be obtained by contacting the following offices. The work week in Saudi Arabia is Saturday through Wednesday.

U.S. Embassy Riyadh
P.O. Box 94309
Riyadh 11693
Phone: [966] (1) 488-3800
Fax: [966] (1) 488-7275

U.S. Consulate General Jeddah
P.O. Box 149
Jeddah
Phone: [966] (2) 667-0080
Fax: [966] (2) 669-3078 or 669-3098

U.S. Consulate General Dhahran
P.O. Box 39855
Doha-Dhahran 31942
Phone: [966] (3) 330-3200
Fax: [966] (3) 330-6816

U.S. Department of State
Office of Overseas Citizen Services
Washington, DC 20520
Phone: (202) 647-5226

Specific questions regarding child custody in Saudi Arabia should be addressed to a Saudi attorney or to the Embassy or one of the Consulates General of the Kingdom of Saudi Arabia at:

Embassy of the Kingdom of Saudi Arabia
601 New Hampshire Avenue, NW
Washington, DC 20037
Tel: (202) 342-3800

Saudi Consulate General in New York
866 United Nations Plaza
Suite 480
New York, NY 10017
Tel: (212) 752-2740

Saudi Consulate General in Houston
5718 Westheimer
Suite 1500
Houston, TX 77057
Tel: (713) 785-5577

Saudi Consulate General in Los Angeles
Sawtelle Courtyard Building
2045 Sawtelle Blvd.
Los Angeles, CA 90025
Tel: (310) 479-6000

ENFORCEMENT OF FOREIGN JUDGMENTS: **Custody orders and judgments of foreign courts are generally not enforceable in Saudi Arabia.** For example, an order from a U.S. court granting custody to an American parent will not be honored in Saudi Arabia. Courts in Saudi Arabia will not enforce U.S. court decrees ordering a parent in Saudi Arabia to pay child support.

VISITATION RIGHTS: Women entering Saudi Arabia with the intent of visiting their children may do so **only with the written permission of the father of the children.** The father must file a "statement of no objection" with the Saudi Ministry of Interior before the mother will be granted a visa to enter the Kingdom. This includes Muslim fathers who are non-Saudi nationals. If the father refuses to sponsor the mother, or to authorize a child's travel to another country, there is little that can be done to effect a visit. The U.S. Embassy and Consulates General are not able to help American parents to obtain visas to Saudi Arabia without a no-objection letter. Neither the U.S. State Department nor the U.S. Mission in Saudi Arabia may serve as a woman's sponsor. Women

visitors are required to be met by their sponsor upon arrival in Saudi Arabia.

If a non-Saudi father wants to enter the Kingdom to visit his children, he can do so by applying for a Saudi visa with proof that his children are living in Saudi Arabia. Saudi authorities may consult with the mother if she is Saudi, who may be able to prevent issuance of the visa.

Some American Muslim parents have considered traveling to Saudi Arabia on Umrah (religious pilgrimage to Mecca) as a means to visit their children. However, issuance of an Umrah visa does not guarantee that a parent will be permitted to see his or her children once in the Kingdom. If a woman is not divorced, the Saudi Embassy has the right to ask for her husband's permission for another family member (e.g. son) to act as the mother's Mahram. If the mother is divorced, the Saudi Embassy will ask to see the divorce certificate before granting the Umrah visa. Women married to Saudis should keep in mind that even when they enter the Kingdom on an Umrah visa, they would need their Saudi husband's permission to depart the country.

Persons who obtain a visa for business or religious visits (Hajj and Umrah) with the intention of visiting their children may face legal penalties including detention and/or deportation. While visitor visas are issued for approved tour groups following organized itineraries, these visitors are not permitted to travel outside the set itinerary.

Before traveling to Saudi Arabia to visit their children, women should consider whether they obtained a complete Islamic declaration of divorce from the Shari'a court in Saudi Arabia. **Secular, American divorce orders are not recognized by the Shari'a courts.** Although an Islamic divorce can be obtained from several mosques within the U.S., it has been the experience of several divorced spouses in the U.S. that the Shari'a courts in Saudi Arabia will not recognize orders originating from an American mosque. The purpose of obtaining a Shari'a declaration is to establish the legal personal status of the mother prior to traveling to the Kingdom. **If an American woman is considered to still be married, the "husband" can prohibit the woman from departing Saudi Arabia.**

On rare occasions, Saudi families have paid for a non-Saudi mother to live in a neighboring country and visit her children in Saudi Arabia on a regular basis.

DUAL NATIONALITY: Dual nationality is not recognized under Saudi law. Children of Saudi fathers automatically acquire Saudi citizenship at birth, regardless of where the child was born. Saudi women cannot transmit citizenship; therefore, their children would acquire only the citizenship of the father. Saudis must enter and leave the country on Saudi passports even if they are entitled to hold the passport of another country.

TRAVEL RESTRICTIONS: Exit visas are required to leave Saudi Arabia. The U.S. Embassy or Consulates General **cannot obtain exit visas for American citizens.**

Women must have permission from their husband or father to exit Saudi Arabia. The government of Saudi Arabia has been known to issue international arrest warrants against women who have taken their children from Saudi Arabia without the father's permission.