

Flygtningenævnets baggrundsmateriale

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Kilde:	Udenrigsministeriet
Titel:	Notat om forældremyndighed i Marokko
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UDENRIGSMINISTERIET

ANONYMISERET KOPI

J.nr. 2020 - 41518
Den 10. december 2020

NOTAT

Land: Marokko
Familiesammenføringssag
Anmodning om oplysninger
vedr. forældremyndighed
US ref. nr. _____

Udenrigsministeriet modtog den 27. november 2020 en anmodning om bistand fra Udlændingestyrelsen i forbindelse med en familiesammenføringssag. Udlændingestyrelsen har anmodet om oplysninger vedr. regler for forældremyndighed i Marokko.

Udenrigsministeriet har konsulteret en uafhængig kilde og kan på baggrund heraf oplyse følgende:

Regarding custody and documentation

- Which authority/tribunal handles cases regarding child custody in Morocco, including matters related to transfer of custody?

The court dealing with child custody cases in Morocco is the Family Court.

- Which kind of documentation issued by the relevant authorities would a parent who claims to have full custody over his or her child/ren be in possession of?

The required document is a decree made by the court of first instance (Family Court) or a ruling by the Court of Appeals.

Regarding children born into wedlock

- According to the laws of Morocco, who has custody over a child born into wedlock, following the divorce of the parents and will this appear on the divorce papers?

Both the father and the mother are responsible for child care as long as they are married.

According to Moroccan laws (the Family Code), in case of divorce, custody of the child shall first be assigned to the mother, this custody being mentioned in the decree made by the court.

- *In the event of the death of one of the parents, who will succeed as custody holder of a child, according to the laws of Morocco?*

In the event of the death of one parent:

- In the event the mother dies: custody is assigned to the father, then to the child's maternal grandmother.

Otherwise, the court decides, following the assumptions it has, and always in the best interest of the child, to assign custody to one of the close relatives who is most suitable for taking the same. The court orders also to provide appropriate housing to the child under custody, on the same terms as for the other obligations arising from alimony.

Regarding children born outside of wedlock

- *According to the laws of Morocco, who has custody over a child born out of wedlock?*

As far as a child born out of wedlock is concerned, his/her custody is assigned to the mother, since illegitimate parentage has none of the effects of legitimate parentage towards the father.

- *In the event of the death of the custody holder, who will succeed as custody holder of a child, according to the laws of Morocco?*

In the event of the death of the custodian as explained in the third question:

Custody is transferred according to this priority order: the mother, the father, then the maternal grandmother of the child.

If change in the status of the custodian, likely to impact the child, occurs, he/she is deprived of this right, which is transferred to the following person according to the priority order.

Udenrigsministeriet, den 10. december 2020