

Jordan - Child Abduction

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Child Abduction - Jordan

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

Parental Child Abduction

Jordan 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.

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

There is no agreed international system in place to return children from Jordan to the UK. Therefore, parental child abduction cases from the UK to Jordan are often difficult to resolve. Neither the British government nor the British Embassy can force the abducting parent or the Jordanian government to return a child to the UK.

There is no extradition treaty in force between the UK and Jordan.

Custody Issues

Jordanian Personal Status laws (Sharia) apply if both parents are Muslims. In cases where there is a difference in religion or nationality, then the civil courts will have jurisdiction unless both parties agree to the Sharia courts' and laws' jurisdiction. Under Jordanian Personal Status law, a mother has custody of her children until puberty, which varies from male to female up until the age of fifteen. The mother will retain the right of custody until puberty, provided she resides in Jordan, is considered fit enough to look after her children and does not remarry. It typically takes from six to twelve months for custody to be decided through the Jordanian courts. The non custodial parent has the right to appeal and such an appeal usually takes approximately four months. Religion is a consideration in custody matters. A Muslim parent will be given priority in court.

The parent who does not have custody is entitled to contact with the child if they have the approval of the other parent. In cases where the custodial parent refuses to grant contact with the child, the non-custodial parent must file a case at the Sharia court to obtain an order which will allow the Sharia police to enforce contact.

N.B. This section constitutes general information on the Jordanian 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 Jordan.

Travel

A mother can travel alone without the permission of her husband but if she is taking her Jordanian child she must obtain the written approval of the father in order to leave the country. If the mother is British and the dual national child is travelling on their British passport (with the relevant and correct entry/visa stamps) then the permission of the Jordanian father is not required. However, a father can initiate a Stop Order through the courts to prevent their spouse or child from leaving Jordan. This applies until the age of 17 for boys and 18 for girls. A mother may only place a Stop Order if she has legal custody of the child. In cases where a Stop Order is in place, a parent will be stopped at the airport and prevented from travelling with the child.

Jordan does recognise dual nationality provided the second nationality is a non-Arab nationality i.e. British/Jordanian. A dual national child entering Jordan on a foreign passport is able to leave the country on their Jordanian passport. No exit visa is required, and a UK Emergency Travel Document may be used for travel in cases of emergency if the British passport has been lost or stolen.

Immigration would require a document from the Ministry of the Interior from a mono-British national to state why they could not produce a passport.

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.

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 or call 0116 3553 45