



[Français](#) | [Home](#) | [Contact Us](#) | [Help](#) | [Search](#) | [canada.gc.ca](#)

[Home](#) > [Research](#) > [Responses to Information Requests](#)

RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIRs](#) | [Help](#)

The Board		8 March 2006
About the Board	ISR100451.E	
Biographies		
Organization Chart	Israel: Documentation required and procedures to be followed by a parent wishing to travel abroad with a minor child in the absence, or without the consent, of the second parent (January 2003 - March 2006)	
Employment		
Legal and Policy	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
References		
Publications	Hague Convention	
Tribunal		
Refugee Protection Division	Israel is a signatory to the Hague Convention on the Civil Aspects of International Child Abduction (International Family n.d.; Amihoud Borochov n.d.d) and has been bound by its provisions since 1 December 1991 by virtue of the Hague Convention Law (Return of Abducted Children, 1991) (ibid.). In Israel, this means that all Israeli parents, whether married, divorced, or unmarried, have "joint and equal parental guardianship" of their children and cannot remove them from Israel without the consent either of the other parent or of a court (ibid. n.d.h).	
Immigration Division		
Immigration Appeal Division		
Decisions		
Forms	Guardianship	
Statistics	The Amihoud Borochov Law Office in Israel, which was founded in 1989 and specializes in family law, has a Website entitled "Israel - Child Abduction and Relocation," which provides information on child abduction, relocation, custody, and visitation as it pertains to Israel (ibid. n.d.f).	
Research		
Research Program		
National Documentation Packages	According to this Website, Israel's Legal Capacity and Guardianship Law of 1962, states that	
Issue Papers and Country Fact Sheets	both parents are equal "natural guardians" of their children, and "guardianship" includes the right to the custody of the child (unless, obviously, there is a court order to the contrary), and the right ... "to determine his [or her] place of residence ..." (ibid. n.d.k).	
Responses to Information Requests		
Recent Research	This Website also states that it is generally presumed that both parents agree to any decision involving their children, unless the contrary can be proven (ibid.).	
Media Centre		
News	Relocation	
Information Sheets		
Media Relations		
Proactive Disclosure		
	If a parent obtains a relocation order, even without the consent of the other parent, the parent is legally allowed to move abroad with his or her children; without a relocation order, the relocation is considered abduction (ibid. n.d.a). Obtaining a relocation order is accomplished by filing an application for relocation and then receiving a court judgment permitting relocation without the consent of the other	

parent (ibid. n.d.c). The other parent can then file a defence pleading if he or she believes that relocation would be against the best interests of the child (ibid. n.d.b). Without a court order, relocation is also considered child abduction if a parent objects to a child's leaving the country or remaining outside the country with the second parent, even if there was originally consent (ibid. n.d.j).

Passports

Under Israeli law, a parent has the right to veto the issue of a passport to a minor child (under age 18) (ibid. n.d.i). Children whose parents are divorced can receive passports only if both their parents are physically present at the Ministry of Interior to sign their consent; similar provisions exist for officially separated parents (ibid.). In cases where the parents cohabit or are unofficially separated, only one parent needs to be present to apply for the passport (ibid.). Children must have their own passports, which are valid for five years, and must be physically present when a passport is applied for (ibid.). Children who are Israeli citizens should use their Israeli passport both when entering and exiting the country (ibid.). According to the Website of a New York-based international family law office, a passport must always be shown to border control when leaving Israel (International Family n.d.).

A parent is allowed to take legal action at a Family Court if he or she disagrees with the issuance or renewal of an Israeli passport for his or her child (Child Abduction n.d.e). After hearing testimony from the objecting parent and the Ministry of the Interior, the Family Court can then decide whether the passport should be issued or renewed (ibid.).

According to the Website "Israel - Child Abduction and Relocation," in practice, there have been cases of Israeli citizens outside of Israel obtaining passports for their minor children in ostensibly "emergency" situations, without notifying the non-Israeli parent living abroad (ibid. n.d.i).

Stop Orders

In Israel, a stop order is a legal decision granted by a Family Court, in emergencies, which prevents a child from leaving the country if abduction is suspected (ibid. n.d.g; see also International Family n.d.). It can be granted without the knowledge of the other parent and, once granted, it is immediately sent to airports and border crossings (Amihoud Borochoy n.d.g).

In the case of children with dual nationality, who have a non-Israeli passport in addition to an Israeli one, it is not always necessary for both parents to be present when applying for a foreign passport for their child (ibid. n.d.i). The child may exit Israel with a foreign passport (ibid.). In such a case, any stop order issued at the request of one parent who fears his or her child might be abducted by the other may not be effective since the stop order may not apply to the foreign passport held by the child (ibid.; International Family n.d.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Amihoud Borochoy Law Office. N.d.a. "Can Children Be Moved Abroad?"
<<http://www.child-abduction.co.il/english/article.asp?articleID=3544>> [Accessed 8 Mar. 2006]

_____. N.d.b. "How Can a Non-Custodial Parent Oppose a Relocation Plea?"
<<http://www.child-abduction.co.il/english/article.asp?articleID=3558>> [Accessed 8

Mar. 2006]

_____. N.d.c. "How Can One Parent Move Abroad Legally if the Other Objects?" <<http://www.child-abduction.co.il/english/article.asp?articleID=3555>> [Accessed 8 Mar. 2006]

_____. N.d.d. "Is Israel Bound by the Hague Convention?" <<http://www.child-abduction.co.il/english/article.asp?articleID=3561>> [Accessed 8 Mar. 2006]

_____. N.d.e. "Option of Legal Action Re Issue/Renewal of Passport" <<http://www.child-abduction.co.il/english/article.asp?articleID=3777>> [Accessed 8 Mar. 2006]

_____. N.d.f. "Practice Profile." <<http://www.child-abduction.co.il/english/aboutUs.htm>> [Accessed 8 Mar. 2006]

_____. N.d.g. "What Court Preventative Court Orders Are There?" <<http://www.child-abduction.co.il/english/article.asp?articleID=3634>> [Accessed 8 Mar. 2006]

_____. N.d.h. "What Principles Apply to Abduction to a 'Hague' Country?" <<http://www.child-abduction.co.il/english/article.asp?articleID=3599>> [Accessed 8 Mar. 2006]

_____. N.d.i. "What's Important Re Getting & Renewing Passports?" <<http://www.child-abduction.co.il/english/article.asp?articleID=3633>> [Accessed 8 Mar. 2006]

_____. N.d.j. "When is it Unlawful for One Parent to Move Abroad with Children?" <<http://www.child-abduction.co.il/english/article.asp?articleID=3553>> [Accessed 8 Mar. 2006]

_____. N.d.k. "Which Parent Decides Where a Child Lives under Israeli Law?" <<http://www.child-abduction.co.il/english/article.asp?articleID=3550>> [Accessed 8 Mar. 2006]

The International Family Law Office of Jeremy D. Morley (International Family) [New York, NY]. N.d. "Child Abduction Prevention." <<http://www.international-divorce.com/ca-israel.htm>> [Accessed 8 Mar. 2006]

Additional Sources Consulted

Oral sources: A lawyer in Tel Aviv specializing in international family law.

Three lawyers specializing in international family law in Israel, the Embassy of Israel in Ottawa, the Israel Children's Rights Monitor, and the Office of the Ministry of Immigration Absorption at Ben-Gurion International Airport did not respond to requests for information within time constraints.

Publications: *Travel Information Manual (TIM)*, January 2006.

Internet Sites, including: A. Briggs: Passport and Visa Expeditors; Embassy of Canada in Tel Aviv; Embassy of Israel in Ottawa; Embassy of Israel in Washington, DC; Embassy of the United States in Tel Aviv; Foreign Affairs Canada (Travel Report); Israeli Ministry of Foreign Affairs; United Nations High Commissioner for Refugees (UNHCR) Refworld 2005; United States Bureau of Consular Affairs (Travel Advisory); United States Department of State - Reciprocity Schedule.

[Top of Page](#)

[Important Notices](#)

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