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Bangladesh: 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

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In 18 August 2010 correspondence with the Research Directorate, an official at the Canadian High Commission in Bangladesh stated that "[t]he only document required for a Bangladeshi parent who wishes to travel abroad with their minor child is a passport issued by the Department of Immigration & Passports (DIP), Dhaka"

The Official provided the following information about the procedures followed by a parent wishing to travel abroad with a minor child since the introduction of machine-readable passports in May 2010:

In the case of the new machine-readable passport (MRP) issued from May 2010, the minor child needs to have his/her own passport separate from the parent's passport. A minor child under 15 is eligible to apply for a passport that can be used to travel overseas, but it will be only issued if the application form is endorsed by the guardian of the child (usually one of the parents). A signature from the guardian implies permission for the minor child to travel. Two copies of the application form with attested photographs of the child, father and mother (the passport will only have the photograph of the applicant, but the father and mother's photographs were included for office records) and relevant fees (Taka 5,000 or C\$73 for very urgent, Taka, 3000 or C\$45 for urgent and Taka 2,000 or C\$29.5 for normal delivery) have to be submitted to the DIP Dhaka or other regional offices.

Each application subsequently undergoes a police verification process- local police verify all details in the form, including birth certificates or other documents to ascertain the legal guardianship of the child. In the case of adoptions or children of separated/divorced parents, the local police officer will verify relevant legal/custody documents before confirming the legal guardian of the child mentioned in the passport. The passport is issued by the DIP only after the police verification process is completed. The passport does not have the father's or mother's name printed on it, but they are recorded on the immigration database. The entire process takes 72 hours to 30 days. (Canada 18 Aug. 2010)

The Official also provided the following details for the procedures that were followed before the introduction of MRPs in May 2010:

In the case of manual passports issued before May 2010, there was an option to include children under the age of 12. The father or mother were allowed to include up to two minor children in their passport, if two copies of the application form were submitted with birth certificates and photographs of the minor children. The form required to be countersigned by the legal guardian or other parent, implying permission for both parents and/or the legal guardian to travel. Alternatively, a minor child under 15 was eligible to apply for an independent passport if two copies of the application form with attested photographs of the child, father and mother [were submitted] (the passport would have only the photograph of the applicants, but the

father's and mother's photographs were kept in official records). The application form was required to be endorsed by the guardian of the child, indicating permission for the minor child to travel. The passport for the minor child included the father's and mother's name on Page 1.

Both options (i.e. independent passport or to be included in the parent's passport) were open for minor children under 12, but minor children between the age of 13 and 15 were required to apply for their independent passports.

The application subsequently went through a similar police verification process like the MRP. Local police were required to verify all details in the form, including birth certificates or other documents to ascertain the legal guardianship of the child. In the case of adoptions or children of separated/divorced parents, the local police officer would verify relevant legal/custody documents before confirming the legal guardian of the child mentioned in the passport. The passport was issued by the DIP only after the police verification process is completed. (ibid.)

The Official added the following information about situations where only one parent is travelling with a child or if the non-travelling parent has not given his or her consent:

If the minor child holds a valid independent passport (either MRP or manual), DIP assumes that there is consent from the legal guardian to travel. Similarly, if the father or mother has their minor children included in their passport (in the case of the manual passports), it is assumed there is consent from the legal guardian to travel. Hence, there are no additional requirements or documents for the minor child to travel with either the father or mother when the other parent is not traveling. As mentioned above, the passport is issued only after police verification that there is consent from the legal guardian (usually the father and/or the mother).

The only exception to the above is if the DIP received a court order that changes the legal guardian of the minor child under 15 (e.g. adoption, separation/divorce of parents). If the court order changes the custody of the child, the new legal guardian will have to give written permission for the minor child to travel. Otherwise, the child's independent passport (MRP or manual) will be cancelled. Similarly, if the children under 12 are included in the father's or mother's passport, there has to be approval from the new legal guardian based on the court order.

The DIP will only take its decision based on the court decision. The court order will be sent to the DIP automatically, but interested parties can [get] copies of it themselves to ensure that the authorities receive it on time. If the court order changes custody of the child, the new [guardian] needs to give a written letter immediately if he/she did not have legal guardianship previously. A new passport for the minor child with the signature of the new legal guardian can be applied for if he/she did not have an existing valid passport.

...

As far as DIP is concerned, there are no differences/discrimination in rules and procedures for mothers and fathers. However, it depends on the court order, which is based on Muslim family law. As per Muslim family law, custody for boys [is] given to mothers until age 7 and then it is given to the father; custody for girls is given to mothers until 18. However, individual circumstances of the case may change the custody. The DIP merely follows the court order. (ibid.)

In 23 August 2010 correspondence, the Official explained that if there was no court order, there was nothing barring a minor child from travelling with just one parent but that at least one of the parents had to accompany the child (Canada 23 Aug. 2010).

In his 18 August 2010 correspondence, the Official also noted the following regarding the issuance of passports:

Despite the above requirements for police verification and confirmation of the legal guardian, please note that there is rampant corruption in both the DIP and Police force. This means that it is often possible to get passports without any verification by bribing junior officers or middlemen. (Canada 18 Aug. 2010)

As of 6 April 2010, Bangladesh is not listed as a signatory to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (HCCH 6 Apr. 2010).

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 sources consulted in researching this Information Request.

References

Canada. 23 August 2010. High Commission of Canada to Bangladesh. Correspondence with an Official.

_____. 18 August 2010. High Commission of Canada to Bangladesh. Correspondence with an Official.

Hague Conference on Private International Law (HCCH). 6 Apr. 2010. "Status Table: 28: Convention of 25 October 1980 on the Civil Aspects of International Child Abduction." <http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=24> [Accessed 28 July 2010]

Additional Sources Consulted

Oral sources: Attempts to obtain information from a representative of the Bangladesh High Commission in Ottawa were unsuccessful. Attempts to contact representatives of non-governmental organizations (NGOs) dealing with children and women's issues Ain o Salish Kendra (ASK), BRAC, the Bangladesh National Woman Lawyers' Association (BNWLA), and the Bangladesh Shishu Adhikar Forum (BSAF), as well as representatives of Biman Bangladesh Airlines, GMG Airlines and Royal Bangladesh Airlines were also unsuccessful.

Internet sources, including: Ain o Salish Kendra (ASK), Australia - Department of Foreign Affairs and Trade, Bangladesh - Ministry of Home Affairs, Bangladesh National Woman Lawyers' Association (BNWLA), Bangladesh Shishu Adhikar Forum (BSAF), Bangladesh Traveller, Banglapedia (National Encyclopaedia of Bangladesh), Biman Bangladesh Airlines, BRAC [Dhaka], Canada - Foreign Affairs and International Trade, Embassy of Bangladesh in Washington, DC, GMG Airlines, High Commission for the People's Republic of Bangladesh in London, International Organization for Migration (IOM), Office of the United Nations (UN) High Commissioner for Human Rights (OHCHR), Royal Bangladesh Airlines, United Kingdom (UK) - Foreign & Commonwealth Office, UN Children's Fund (UNICEF).

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