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BGD42137.E

20 November 2003

Bangladesh: Whether minor children travelling with one parent are permitted to leave the country without the presence and consent of the other parent in cases of marital separation or divorce; circumstances in which a parent cannot leave the country with his or her minor child(ren) without the presence or consent of the other parent

Research Directorate, Immigration and Refugee Board, Ottawa

The Consul at the High Commission of Bangladesh, in Ottawa, as well as a reservations officer for Biman Bangladesh Airlines, in Toronto, indicated that in instances where minor children are travelling from Bangladesh with one parent, the presence and/or consent of the other parent is not required (High Commission of Bangladesh 13 Nov. 2003; Biman Bangladesh Airlines 13 Nov. 2003). The Consul added that as long as a Bangladeshi citizen has a valid passport, that citizen is permitted to travel into and out of the country freely (High Commission of Bangladesh 13 Nov. 2003). However, in its second periodic report to the United Nations Committee on the Rights of the Child, dated June 2001, the Government of Bangladesh indicated that while

Bangladeshi children are free to enter and leave the country on presentation of valid travel documents, [c]hildren are sometimes prevented from traveling and [are] required to produce letters of [parental] authorization or sponsorship as an anti-trafficking measure (UN 14 Mar. 2003, par. 126).

According to the reservations officer, children can travel alone, provided that at the time of reserving the airline ticket, a fee is paid and a specified form is filled out and signed by one parent (Biman Bangladesh Airlines 13 Nov. 2003). The name of the guardian who is to pick the child up at the destination point is stipulated on the form, and upon arrival, the guardian's identification documents are verified by airline representatives before the minor child is transferred to the care of the guardian (ibid.).

The Consul said that while there are no provisions in policy or legislation that restrict the travel of children, in practice the view is that children should travel in the presence of their mother (High Commission of Bangladesh 13 Nov. 2003). A child is always included in the mother's passport until the age of 12 (ibid.). A separate passport can be issued for the child if the child intends to travel with the father, in the mother's absence (ibid.). The application for a separate passport can be filed by either of the parents, and, if the child is under the age of 12, an explanation detailing why a separate passport is needed for the child, must be provided (ibid.). Based on the information provided in the application, the passport-issuing authority may decide to consult with and/or obtain the consent of the mother before issuing the passport (ibid.). The Consul also added that the full names of both parents are always recorded in a Bangladeshi

passport (ibid.).

In cases where the parents are separated or divorced and a custody order has been issued stipulating that one or both parents are not permitted to leave the country with their child(ren), the Consul stated that the Bangladeshi immigration authorities are notified of this by the courts (ibid.).

There is no legislation or policy provision in Bangladesh that outlines circumstances under which a parent can be prevented from leaving Bangladesh with his or her child(ren), without the presence or consent of the other parent (ibid.). However, immigration authorities can exercise their discretion and prevent anyone from leaving if they reasonably suspect wrong-doing or foul-play (ibid.).

Similarly, the reservations representatives for Biman Bangladesh Airlines indicated that the airline has not experienced a situation involving Canada as a destination or departure point where a parent was prevented from traveling with his or her child(ren) without the presence or consent of the other parent (13 Nov. 2003). As far as the representative is aware, Biman does not have any policies in place that outline circumstances under which a parent can be prevented from leaving Bangladesh with his or her child(ren) when the other parent is not present or has not provided permission (Biman Bangladesh Airlines 13 Nov. 2003).

Bangladesh is not a signatory to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (HCPIL 3 Nov. 2003; UN 14 Mar. 2003, par. 127).

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 to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

References

Biman Bangladesh Airlines, Toronto. 13 November 2003. Telephone interview with a reservations officer.

Hague Conference on Private International Law (HCPIL). 3 November 2003. "Full Status Report Convention #28." <<http://www.hcch.net/e/status/stat28e.html>> [Accessed 7 Nov. 2003]

High Commission of Bangladesh, Ottawa. 13 November 2003. Telephone interview with a Consul.

United Nations (UN). 14 March 2003. Committee on the Rights of the Child (CRC). *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second Periodic Report of States Parties: Bangladesh.* (CRC/C/65/Add.22) <<http://www.unhchr.ch/>> [Accessed 13 Nov. 2003]

Additional Sources Consulted

Bangladesh National Women Lawyers Association (BNWLA), in Dhaka, did not respond to a letter requesting information within time constraints.

Dialog/WNC

Internet sources, including:

Bangladesh National Women Lawyers Association (BNWLA)

BBC

Biman Bangladesh Airlines

Country Reports on Human Rights Practices for 2002

Embassy of Bangladesh, Washington

European Country of Origin Information Network (ECOI)

High Commission of Bangladesh, Ottawa

The New Nation [Dhaka]

United Kingdom, Immigration and Nationality Directorate (IND)

United States Department of State, The Bureau of Consular Affairs

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