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## RESPONSES TO INFORMATION REQUESTS (RIRs)

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07 March 2007

### SYR102394.E

Syria: Divorce and custody laws that apply to Christians; validity in Syria of a divorce granted in Canada  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In Syria, the judiciary is composed of both secular and religious courts (UN n.d.; UK 27 Oct. 2006, para. 10.02). Secular courts administer civil and criminal cases (ibid.; UN n.d.) and religious courts deal with matters of personal status, such as divorce (US 8 Mar. 2006, Sec. 1.e). The Web site of the Emory University School of Law states that the Syrian Law of Personal Status of 1953 deals with "matters of personal status [and] family relations" (n.d.). A copy of the law could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the United States (US) Reciprocity Schedule, marriage in Syria is a religious institution, not a civil one (10 May 2006). Each religious group has its own marriage and divorce laws (US 15 Sept. 2006, Sec. 2; ibid. 8 Mar. 2006, Sec. 2.c). Divorce decrees for Christians are granted by Christian religious authorities (US 10 May 2006).

With respect to custody laws, all Syrians, including Christians, are governed by Sharia-based personal status laws (ibid. 8 Mar. 2006, Sec. 2.c; ibid. 15 Sept. 2006, Sec. 2). If a woman becomes divorced, she loses physical custody of her sons once they reach 13 years of age, and daughters once they reach 15 years of age (ibid.; ibid. 8 Mar. 2006, Sec. 5). The *International Religious Freedom Report 2006* also states that custody can be taken away from women prior to her children reaching the designated ages should she "remarry, work outside the home, or move outside of the city or country" (ibid. 15 Sept. 2006, Sec. 2). *Country Reports 2005* indicates that the paternal side of the family always retains guardianship of children (ibid. 8 Mar. 2006, Sec. 5).

According to the *International Religious Freedom Report 2006*, the Greek Orthodox Church (also known as the Greek Orthodox Patriarchate of Antioch and All the East) is the largest Christian group in Syria (15 Sept. 2006, Sec. 1). In a 19 February 2007 telephone interview, the church administrator of the Greek Orthodox Church in Ottawa stated that if Christians of the Orthodox faith want to end their marriage, a civil divorce must be obtained, followed by a church (or ecclesiastical) divorce. Since the record of marriage is held by the archdiocese where the couple married, the couple must seek the church divorce from the specific archdiocese in which they were married (Greek Orthodox Church 19 Feb. 2007). The church administrator explained that if a couple married in Canada, they would obtain a civil divorce and then a church divorce from the Canadian church in which they were married. If a couple married in Syria and was residing in Canada, they would obtain a civil divorce in Canada but would have to obtain the church divorce from the Syrian church that married them in order for the divorce to be considered valid (ibid.).

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

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## Additional Sources Consulted

**Internet sites, including:** Canadian Society for Syriac Studies, Christian Solidarity International, Deir Mar Musa, *Hugoye: Journal of Syriac Studies*, International Family Law Office of Jeremy D. Morley, Middle East Council of Churches, Syriac Orthodox Resources.

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