

Putting the child stop list due to the divorce of the parents

Question:

I am a Russian citizen, married to a Cypriot. We have a common child (4 years old). I want to apply for divorce and to return home. But, as I was told, in the case of divorce the child will automatically be put in the stop list. So, I have to stay in Cyprus until his 18th birthday? I do not have enough money for living, because it is hard here to find a job according to my specialty. Do I have the possibility to take the child and go to Russia? Can I leave Cyprus with the baby and apply for divorce from Russia?

Response:

Dear Reader, the situation of a child been put in the stop list, upon the issue of their parents' divorce, especially when one of the two parents is a foreigner, constitutes a legal matter that concerns the majority of people. Therefore, this is a question that has been answered several times previously, in order to avoid any misrepresentation of the relevant laws and directives and to protect the legal rights of both the parents of the minor. The answer to your question is yes, upon the issue of your divorce, your child's name will be included in the stop list. The reason is to prohibit any of the two parents (whether is you or your husband) to travel with the minor to the ignorance of the other parent. Since the two parents will be divorced, the only way to protect the interests and rights of both of the parents and to promote the benefit of the minor, is to prohibit the minor from travelling, unless, the one parent carries with him/her a written affidavit made at the court by the other parent, allowing the child to travel with the other parent, indicating the country(ies) and the duration of the trip. In case you wish to leave Cyprus and to eliminate your husband's rights and interests over the child, you will have to apply before the court for exclusive custody. However, in such a situation you will have to prove before the Court that your husband is unsuitable for taking care of his child and harms the child's best interests. However, this is not easy to prove since the Court will only be satisfied with concrete evidence that the decision is to the best interests of the minor, not of the parents. As such you will not be allowed to take your child and travel to Russia. You will have to initiate the procedures for obtaining a divorce here in Cyprus and in the case that you wish to travel with your child abroad you will have to obtain your husband's written consent. In any case, the divorce will not be the only procedure you will need to follow; the Court will also determine the usual place of residence of the minor. Thus, the legal matter of the custody will be a matter that you will have to consult with your lawyers. We are always eager to assist you in your matter and provide you with our professional assistance.