174409 - Should he stay in the disbelievers’ land in order to take care of his son from his apostate ex-wife, or should he go back to his Muslim country?

the question

Previously I was married to a French woman who had become Muslim, and she gave me a son approximately 3 years ago, but one year ago this woman apostatised from Islam, and I repented to Allah and became religiously committed, and I started to look for a righteous wife who wears the niqab in Morocco, not France (with the intention of leaving the land of the disbelievers), where I currently live and my son lives with his mother. Then I found a girl in Morocco and I proposed to her (with the approval of my parents) on the basis that we would live in Morocco, and this girl agreed, but recently my mother pointed out to me that I should not leave my son on his own in France to be brought up by his mushrik mother and her Christian family, and that I should stay near him in France, to bring him up in an Islamic manner, and she does not agree with me going to Morocco.
My question is: what should I do? Should I be patient and stay near my son here in France, even though I no longer want to stay in the disbelievers’ land? If I do that, what about getting married? (Niqab is banned here and I cannot marry a woman who does not wear niqab). What about the girl I proposed to in Morocco? Can I suggest that she should come to France? What about her niqab? Or should I move to the Muslim land and make frequent visits to France in order to check on my son and how he is being brought up? (For example, I could open an import-export business which will allow me to visit France often) Or is there another solution by means of which I may please Allah?

Detailed answer

Praise be to Allah.

Firstly:

It is not permissible for you to leave your son to be easy prey for the disbelievers. You have to do your utmost to take him away from his mother and her country, so that he can live with you in your country. This is your right according to sharee'ah, and he should follow you in your religion and be in your custody; that apostate woman has no right to him. If you can give them money to let the boy be with you, then do so; if you can refer the matter to their courts so that he can be in your custody, then do so. In all of these matters, you should consult Islamic centres whose staff you trust in that country, and consult trustworthy lawyers. If you can find a suitable way to take him and bring him to your country, then do so.

If your attempts to keep your son with you now do not succeed, but the law will allow you to have custody of him within a short period of time, then there is nothing wrong with staying there for the duration, so that you can be near him and in constant contact with him, until you are able to have custody of him. At the very least, you can frequently visit that country in order to see him and take care of him as much as you can, within time constraints. Perhaps your frequent visits will be a cause of his mother coming back to Islam and being saved from eternity in the Fire, and it may be a cause of your son bonding with you and loving Islam. At the same time you should do whatever you can to make sure that he is in a clean environment, whether in the place where he is living or in school. We know how difficult that is, but whoever fears Allah, may He be exalted, is sincere in his intention and does his utmost, there is the hope that the difficulties will be reduced for him and his good wishes will be fulfilled.

Secondly:

If your staying in France will increase the likelihood of your son being with you and keeping his religion, and that his apostate mother will not make him into a Christian or turn him away from your religion, then stay close to him until you are able to take custody of him, as mentioned above. If you think that there is no benefit in your staying there, and that you will never be able to take custody of him within a short period of time, then what we think is that you should move to your country Morocco, and start a new life there, but that is on condition that you can frequently

visit the place where your son lives, as we mentioned above. Do not cut off your ties with him and keep in touch with him as much as you can.

And Allah knows best.