180793 - Where should a revocably-divorced woman observe ‘iddah when her husband is in another country and there is no marital home?

the question

If a husband and wife are living in two different countries, and each is living in a different country to complete his or her studies, and the last time they met was two months ago, and he contacted her recently and told her that he had divorced her, does she have to go to his house to observe the ‘iddah? Please note that he does not have his own house in the first place.
The wife is a new Muslim and has no Muslim among her relatives in her own country. Her husband lives with two other people in the apartment where he is staying. What should they do then? How can she stay near him during her ‘iddah so that his heart may be softened and he may take her back?.

Detailed answer

Praise be to Allah.

Firstly:

The woman who is revocably divorced (first or second talaaq) has to stay in her husband’s house and it is haraam for her to leave it. She is also entitled to be provided with accommodation by him, and for him to spend on her maintenance during the ‘iddah, and it is haraam for her husband to turn her out of her home during this period, because Allah says (interpretation of the meaning): “and turn them not out of their (husbands’) homes, nor shall they (themselves) leave, except in case they are guilty of some open illegal sexual intercourse. And those are the set limits of Allah. And whosoever transgresses the set limits of Allah, then indeed he has wronged himself” [at-Talaaq 65:1].

Ibn al-Qayyim (may Allaah have mercy on him) said: What highlights the difference between ‘iddah in the case of revocable divorce and in irrevocable divorce is that ‘iddah in the case of

revocable divorce is for the husband’s sake (to make it easier for him to take her back), and the wife is entitled to maintenance and accommodation during this period according to the scholarly consensus of the Muslims.

End quote from Zaad al-Ma‘aad fi Hadi Khayr al-‘Ibaad, 5/674

It says in al-Mawsoo‘ah al-Fiqhiyyah (25/113): The woman who is observing ‘iddah in the case of revocable divorce is still regarded as a wife, because the marriage contract is still in effect; so her status after divorce (talaaq) is the same as her status before it. Hence the scholars are unanimously agreed that she is still entitled to accommodation, because Allah says (interpretation of the meaning): “Lodge them (the divorced women) where you dwell” [at-Talaaq 65:6]. End quote.

The husband has the right to take back his wife who is revocably divorced during her ‘iddah, and she does not have the right to refuse to go back to him. Allah says (interpretation of the meaning): “And their husbands have the better right to take them back in that period, if they wish for reconciliation” [al-Baqarah 2:228].

Secondly:

In the case of the sister asked about here, there is no issue of leaving the marital home on her part or turning her out on his part. The reason why the wife is not to leave or be turned out is that perhaps he may have second thoughts and take her back, and this not applicable in this case, when she is living far away from him, in another country. According to the question there was never a marital home in the first place! Based on that, there is no reason why the woman should not stay in her current country and observe her ‘iddah in any safe place she wants. In this case, the husband is obliged to spend on the accommodation, food, clothing and other essential needs of his divorced wife until her ‘iddah ends.

And Allah knows best.