

Moving abroad with children

We are increasingly becoming a global society and it is no longer uncommon to move abroad for work or to have parents from different origins. Therefore, it is increasingly common for a parent to choose to move abroad maybe on separation to return to their homeland or at a later stage when moving on to a new stage in their life.

Neither parent can remove a child from England and Wales even for a holiday for a period of in excess of 28 days or move abroad without the consent of all adults with personal responsibility for the child, or, if that isn't forthcoming, the consent of the court.

If a child is removed from England and Wales without this consent, then the child has been wrongfully removed. This is a criminal offence of child abduction.

As a Resolution accredited international family lawyer, Joanne Houston has a wealth of experience in dealing with these types of cases and can provide clear advice on the detailed information the court will require for a successful application to remove a child from the jurisdiction.

If consent is not granted from the other adults with parental responsibility for the child, it will be necessary to apply to the court for permission to remove the child from the jurisdiction. In deciding whether or not to grant permission, the court will consider the welfare of the child and if it is in the best interests of the child to move abroad permanently.

The court will need information as to employment, housing and educational plans and how this will be provided financially. It will look at the reasons why a move is being proposed and the impact of the move on the relationship between the child and the parent left behind. You will need to put in place detailed plans as to how the child's relationship with the other parent, other siblings and extended family will continue and how the cost of flights and telephone communication will be funded.

The better prepared your application is, the greater your chance of success. This is a specialist area and advice should be sought at an early stage particularly if you have a timescale in place for your intended relocation.

If you are an unmarried father and your child is being moved to a foreign jurisdiction, it is essential that you acquire parental responsibility.

It may also be advisable to obtain a shared residence order for a child who is moving abroad particularly if you will be spending significant periods of time with the child.

Orders will be enforceable in other EU states under EU legislation and with other Hague Convention countries, although a mirror order will need to be applied for in the country you will be residing in with the child, to render the orders easily enforceable.