

GLOBALARRK'S NO NONSENSE GUIDE

RELOCATION / LEAVE TO REMOVE

This is just a short introduction to this topic. We will use the term Relocation, but it is also commonly known as Leave to Remove. For more detailed information please contact GlobalARRK and always speak to an expert international family lawyer.

What is International Relocation?

It's when the local family court decides whether to allow one parent to take their child/ren out of the country and move somewhere else to live.

Why do parents need a Relocation order?

If one parent takes the child/ren without permission, the other parent can apply to use The Hague Convention on International Child Abduction or use other emergency remedies which can have serious legal consequences. Ask us for more details.

Mediation first?

Firstly, it is good practice to negotiate with the other parent about the possibilities of a move back home. Keep emails, and proof that you have tried to resolve this amicably first. There are international family mediators that will offer a specialised service. Certainly, it is quicker and cheaper to resolve this without going to court. Maybe there is a financial settlement that you can both agree on, or contact arrangements for holidays? Any agreements need to be IN WRITING, preferably in the presence of a lawyer AND ratified by the court in the country where you are living.

Key points in a relocation application

In order to apply to the family court for a Relocation Order, you need to prove that the move to the 'new' country (and it will be considered a 'new' country even if you are effectively applying to return home) will be in the best interests of the children.

These are the main factors that judges should consider:

The court will want to make sure that there is a detailed and well thought out plan. This plan should include detailed information / evidence on:

- Your motivation for relocating. It will be important to demonstrate it is not because you want to deny your child/children a relationship with the other parent.
- Immigration status for you and your children,
- Arrangements for your children's schooling;
- Any family support you will have if you move;
- Your job prospects, or other details about how you will support yourself and your children financially;
- Where you will live;
- How your children will continue to have contact with their other parent, including telephone contact, contact over the internet and visits or holidays.

Further Reading:

www.iflg.uk.com/sites/default/files/child_relocation.pdf

www.penningtons.co.uk/media/1121277/international-relocation-of-children-law-report.pdf

www.icmec.org/en_X1/icmec_publications/Washington_Declaration__English_.pdf



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Contact Us www.globalarrk.org info@globalarrk.org