Non-Hague Convention Countries

At GlobalARRK, we often hear from parents who are deeply concerned about their safety and that of their children, especially after experiencing domestic abuse. In some cases, family courts may order child contact arrangements that parents believe are unsafe. This can be made worse by accusations of "parental alienation," a term that is sometimes misused in court, leading to decisions that reduce the amount of time children spend with their primary caregiver.

As a result, some parents may feel the need to take their children abroad, believing that this is the only way to protect them from harmful decisions. They may have heard of the Hague Convention (1980) on child abduction—a global agreement signed by over 100 countries that aims to return children to the country they were living in before the abduction. To avoid this, some parents may choose to take their children to countries that are not part of the Hague Convention.

This guide is here to help you understand the risks of taking your child to a non-Hague Convention country. You may have come across online discussions about how moving to a non-Hague country can be a good option for avoiding the return of your child. However, it's crucial to make an informed decision, knowing the potential risks for both you and your child.

Understanding the Context

The Hague Convention (1980) is an international agreement that applies between the UK and many other countries. Its purpose is to ensure children who are wrongfully taken or kept in another country are quickly returned to the country where they usually live.

If a parent requests the return of their child under this convention, legal proceedings take place in the country where the child has been taken. However, if the child is taken to a country that has not signed the Hague Convention, the treaty cannot be used to bring the child back.

This doesn’t mean the child will never be returned. Other legal options, including both civil and criminal actions, may still help bring the child back. This guide focuses on what might happen in England and Wales when a child is taken to a non-Hague country.

Civil Proceedings

If a child is taken to a non-Hague Convention country without the consent of the other parent or caregiver, or retained after an agreed holiday, the left-behind parent can apply to the English High Court. The court may take several actions to locate the child and attempt to bring them back to the UK, including:

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- **Ordering the return of the child** and the left behind parent might then be able to apply to enforce the order in the country where the child is located
- **Requesting assistance from other organisations** to bring the child back.
- **Requiring third-party organisations to provide information** about the child's location.
- **Asking individuals who may know where the child is to attend court** and provide evidence.
- **Instructing the Passport Office (HMPO)** to prevent the issuing of a British passport to the child or the taking parent without permission from the court.
- **Freezing bank accounts or property** in England and Wales to pressure the taking parent into returning the child.

If a parent fails to follow a court order, they may face serious consequences, including fines, asset seizure, or even a prison sentence.

Criminal Charges

Taking a child under 16 out of the UK without permission can be a criminal offense under the Child Abduction Act 1984. This law applies regardless of which country the child is taken to. If this happens, authorities like Interpol can issue notices to help locate the child and the parent who took them.

Interpol can:

- Issue a **Yellow Notice** to alert countries that your child is missing.
- Issue a **Red Notice** to locate and arrest the person who abducted the child.

Add your child's details to their **missing children database.**

Final Thoughts

While it may seem like a solution, taking your child to a non-Hague Convention country can have serious legal consequences, both for you and your child. It's important to be fully informed before making any decisions, as these actions could lead to complex legal battles and, in some cases, criminal charges. Always seek legal advice to understand your options and the best way to protect your family.

If you are feeling overwhelmed, please reach out to GlobalARRK or a legal professional to explore all of your options safely.

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