

International Relocation of Children



**A study of how applicant parents experience
relocation proceedings to return to the
country they consider home**

A GlobalARRK Report by

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Table of Contents

1.	<i>Introduction and Background to the Report</i>	3
2.	<i>Methodology</i>	5
3.	<i>The Survey Population</i>	6
4.	<i>International Relocation & Hague Proceedings</i>	8
5.	<i>The Relocation Proceedings</i>	9
6.	<i>Ongoing Relocation Proceedings</i>	10
7.	<i>Impact of the Length of Proceedings</i>	12
8.	<i>Completed Relocation Proceedings</i>	14
9.	<i>The Cost of Relocation Proceedings</i>	15
10.	<i>Impact of the Cost of Relocation Proceedings</i>	16
11.	<i>Reasons for Not Applying for Relocation</i>	17
11.1	<i>Absence of Relocation Procedures</i>	19
12.	<i>Reasons for Wanting to Return Home</i>	20
13.	<i>Main Challenges of Relocation</i>	23
14.	<i>Domestic Abuse</i>	27
15.	<i>Evidence Needed for Relocation</i>	30
16.	<i>Feelings After Relocation Proceedings</i>	33
17.	<i>Improving Relocation</i>	34
18.	<i>Conclusions and Recommendations</i>	38

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1. Introduction and Background to the Report

This report follows on from the Relocation Report published by GlobalARRK in June 2024,¹ and presented at the Forum on Domestic Violence and Operation of Article 13(1)(b) of the 1980 Convention on International Child Abduction.² This report builds on the findings of the initial report, following an extended period of data-gathering and seeks to gain further insight into the lived experiences of ‘stuck parents’ seeking international relocation.

What is a ‘stuck parent’?

A ‘stuck parent’ is a parent who has moved abroad and is unable to return to the country they consider ‘home’ with their child³ because the child’s other parent refuses to give permission to move the child out of the country where the child is considered habitually resident. Moving the child without the permission of the other parent (or court – see below) is unlawful and could trigger the application of the Hague Convention on the Civil Aspects of Child Abduction 1980 (HCCA),⁴ the international treaty regulating the unlawful removal or retention of a child outside his or her country of habitual residence. The parent who wishes to move – but does not have the agreement of the other parent – is thus ‘stuck’.⁵

In such a situation, the stuck parent can, if the process exists, seek permission from the court in the country of the child’s habitual residence, to move the child. This is called an application for relocation, or leave to remove (in this report, the term ‘relocation’ is used). Relocation provides a route for lawful removal, even without the other parent’s permission, and avoids triggering the application of the HCCA.

The legal procedure for relocation is a matter of domestic family law and therefore the procedures and requirements vary from country to country. If the court refuses permission to move the child, the applicant parent usually remains stuck, for studies show that parents are reluctant to relocate without their child.⁶ That said, there are times where it is impossible or extremely difficult for the parent to stay in the country where they are ‘stuck’ and in such cases they have no choice but to leave the stuck country alone, resulting in a separation between parent and child.

GlobalARRK is a charity dedicated to supporting and advocating for *all* stuck parents, irrespective of where they are within the process of relocation. Although relocation can be sought for various reasons, GlobalARRK focuses on relocation *home*, and that is also the focus of this report.

¹ GlobalARRK, *Relocation and Experiences of Lawful Removal Applications*, June 2024

Available at: <https://www.globalarrk.org/wp-content/uploads/2024/06/Relocation-Report-June-2024-FIN.pdf>

² Event webpage: <https://www.hcch.net/en/publications-and-studies/details4/?pid=9035&dtid=50> And see:

Barnett, A., Kaye, M., & Weiner, M. (2024). The 2024 Forum on Domestic Violence and the Hague Abduction Convention. *International Journal of Law, Policy & the Family*, 38(1).

³ Throughout this report ‘the child’ is referred to in the singular. This is for reasons of readability. The same text applies to ‘children’.

⁴ Available at: <https://assets.hcch.net/docs/e86d9f72-dc8d-46f3-b3bf-e102911c8532.pdf>

For countries that are party to the Convention, the unlawful removal/retention of a child can trigger so-called ‘return proceedings’. These proceedings are summary in nature and aim to immediately return the child to their country of habitual residence, unless one of the exceptions to return is successfully engaged.

⁵ It is important to clarify that the parent him or herself is free move – it is moving the child that requires the other parent’s permission.

⁶ Parkinson, P., & Cashmore, J. (2015). Reforming relocation law: An evidence-based approach. *Family Court Review*, 53(1), 23-39.

International relocation must be understood in the context of the HCCA. Indeed, Schuz has argued that relocation and return proceedings are in fact the same matter, addressed from different angles: return proceedings deal with relocation *ex post facto*, whereas relocation proceedings themselves deal with the matter *ex ante*.⁷ Often, parents applying for relocation will have undergone return proceedings, and returned with their child to the country of habitual residence, prior to then seeking relocation through the court process (see section 3 of this report). Here, the focus is on *ex ante* applications for relocation.

In a world where international mobility is on the rise, and thus families are increasingly ‘on the move’, lawful relocation home needs to be a feasible and accessible option for parents who find themselves ‘stuck’. Crucially, it needs to be feasible and accessible from the outset (as opposed to a post-abduction step), and a clear alternative to abduction.⁸ As pointed out in the first GlobalARRK Relocation Report, there are key differences between the applicable legal frameworks on abduction and relocation. Whereas abduction is regulated via an international treaty (the HCCA), offering a certain degree of clarity and consistency, relocation as a matter for domestic law, is thus subject to variation depending on which jurisdiction the stuck parent is applying from. In short, there is little global consistency and clarity on international relocation.⁹

Washington Declaration on International Family Relocation of 2010 (Washington Declaration)¹⁰ provided a concrete starting point for the development of more consistent, coordinated, and well-defined practices internationally. Lived experiences of relocation, particularly Taylor and Freeman’s work, formed an important part of the conference deliberations that would result in the Washington Declaration.¹¹ Since then, a limited amount of empirical work has emerged within academic discourses on international relocation¹² and experts have repeatedly emphasized the need for further empirical research.¹³ Indeed, amongst the principles articulated in the Washington Declaration was the need for continuing research on relocation.

To that end, and in line with its remit, GlobalARRK opened a survey inviting stuck parents to share their experiences of international relocation.¹⁴ The purpose of the survey was to seek a

⁷ Schuz, R. (2024). International child relocation after relationship breakdown. In: *Research Handbook on International Family Law* (pp. 130-152). Edward Elgar Publishing.

⁸ For a discussion on how relocation systems can incentivize abduction see: Schuz, R. (2013). *The Hague Child Abduction Convention: A Critical Analysis*. Hart.

⁹ Schuz, n.7 for a comparative overview of the different approaches taken by national jurisdictions

¹⁰ Available at: <https://assets.hcch.net/docs/8a45655a-c8fa-4789-8df8-d5187d69512f.pdf>

¹¹ Taylor, N., & Freeman, M. (2010). International research evidence on relocation: Past, present, and future. *Fam. L.Q.*, 44, 317.

¹² For example: Parkinson and Cashmore n.5 (and see the related commentary: Thompson, R. (2015). Presumptions, burdens, and best interests in relocation law. *Family Court Review*, 53(1), 40-55; Stahl, P. M. (2016). Critical Issues in Relocation Cases: A Custody Evaluator's Response to Parkinson and Cashmore (2015) and Thompson (2015). *Family Court Review*, 54(4), 632-641; Parkinson, P., & Cashmore, J. (2015). Reforming Relocation Law: A Reply to P rof. T hompson. *Family Court Review*, 53(1), 56-65.); Taylor, N. (2013). Relocation following parental separation: International research, policy and practice. *Children Australia*, 38(4), 134-142; George, R., & Galloway, A. (2016). How do parents experience relocation disputes in the family courts? *Journal of Social Welfare and Family Law*, 38(4), 394-412.; Parkinson, P., Taylor, N., Cashmore, J., & Austin, W. G. (2016). ‘Relocation, research, and child custody disputes.’ In: *Parenting plan evaluations: Applied research for the family court*, 431-459; Parkinson, P., & Cashmore, J. (2018). Relocation and the indissolubility of parenthood. *Journal of Child Custody*, 15(1), 76-92.

¹³ Parkinson, P., Cashmore, J., & Single, J. (2010). The need for reality testing in relocation cases. *Family Law Quarterly*, 44(1), 1-34; Kostense, L. (2024). The Consequences of Divorce-Related Relocation: A Scoping Review on the (Lack of) Knowledge of the Topic. *Marriage & Family Review*, 60(4), 210-235; Taylor and Freeman n.11; Schuz n.7

¹⁴ To clarify, the survey and resulting report is not a formal academic undertaking, rather it falls within the category of social research and consultation.

better, more holistic understanding of how applicant parents, wherever they are in the world, experience the relocation process. This is with a view to understanding how to support and advocate for the improvement of international relocation. It is worth underlining that the impact of relocation proceedings on children, distinct from their parents, whilst an important issue in its own right, is not the focus of this report.¹⁵ Here, the spotlight is on parents' lived experiences. However, in most situations a child will inevitably be affected by their parent's experience – particularly their primary carer parent's experience – and this link between parent and child is reflected in the survey design.

Thus, the aim of this report is to present the results of the survey, highlighting the key themes that emerge through the lived experiences of these parents, and in doing so, provide a platform for the voices of stuck parents.

2. Methodology

The Relocation Report, referred to above, reported on the results of a survey undertaken by GlobalARRK in 2024.¹⁶ The questions sought to gather information and insights into stuck parents' experiences of considering and applying for international relocation; whether or not they had applied for relocation, the reasons behind their decision, for those who had applied, the practicalities of their application (length of time, cost, evidence required), and their experiences of the legal process itself. The survey questions comprised both multiple-choice and open questions. The survey was available online only, to ensure uniformity in gathering responses and to maximize accessibility world-wide. It was developed as an anonymous, voluntary survey, accessible via a Google form. Respondents were free to answer or skip (most) questions, or to stop the survey at any time. The target survey population was 'stuck parents', stuck in any jurisdiction, world-wide. The survey was distributed by GlobalARRK to parents using GlobalARRK's services.

The survey was introduced and explained to the target population as follows:

We would like to hear from you about your experiences with the international relocation system. We will produce a report which will be shared on our website and on social media and we will do presentations at key events to put forward your experiences.

If you live in a country that doesn't have an accessible Relocation system or if for any reason you haven't been able to make the application we DO want to hear from you, to know more about the barriers you have faced.

This survey should take less than 10 mins to complete, many of the questions are optional, all information is confidential. We know this can be a really upsetting topic, so if you need some support do reach out to us: info@globalarrk.org

We will not be asking for identifying details, and will do our best to anonymise all written responses but please do not give information which may identify you just to be extra safe! FYI here's our privacy policy: <https://www.globalarrk.org/globalarrk-privacy-policy/>

¹⁵ On children's experiences particularly see: Kilkelly, U. (2010). Relocation: A children's rights perspective. *CFLQ*, 331, 350. Cashmore, J., & Parkinson, P. (2016). Children's Wishes and Feelings in Relocation Disputes. *Child & Fam. LQ*, 28, 151; Taylor, N., Gollop, M., & Henaghan, M. (2010). Relocation Following Parental Separation: The Welfare and Best Interests of Children Research Report. *Centre for Research on Children and Families and Faculty of Law, University of Otago, Dunedin, New Zealand.*

¹⁶ Relocation Report, n.1

*If you have any feedback about the form or anything else please reach out. Thank you for taking part.
From the GA team*

The survey was available for 2 weeks in 2024, preceding the first report. The results were collected in a report, automatically generated by Google forms, and a spreadsheet. Both the report and the spreadsheet preserve the respondents' anonymity. For the purposes of the current report, the original online survey was reopened for a further few weeks from December 2024 – January 2025, with the aim of gathering additional responses, particularly from jurisdictions that were not represented or underrepresented in the original results. To that end, respondents to the first survey were informed not to participate in the re-opened survey. The survey remained anonymous and voluntary. The final dataset included both the original responses and the additional responses. The full dataset was collected in a report, automatically generated by Google forms, and a spreadsheet. The dataset was then uploaded into NVIVO 14 (Mac version) to facilitate the analysis of responses to the open questions (i.e. coding the qualitative data). NVIVO 14 is a standard software tool for qualitative data analysis within both academic and non-academic social research. Throughout the data collection, analysis, and writing-up processes, all respondents remained anonymous to the researchers.

Limitations of the survey

Whilst every effort has been made to ensure that the survey is as accessible as possible, via conducting it online and making it available to complete at the respondent's own convenience within a timeframe of several weeks, certain limitations are acknowledged. Firstly, although participants from across the world were sought, the survey was only available in English. This is because GlobalARRK's operating language is English, and resources for translation are extremely limited. Furthermore, English as a language was considered widely spoken enough to maximise accessibility. Nevertheless, there is an English-language bias in the results. Secondly, given the survey was online-only, access to a computer or device and the internet was a prerequisite for participation. Thus, stuck parents without access to these technologies were excluded. Conducting the survey online was considered, on balance, to be more accessible and efficient than alternative methods.

The following sections present the survey results.

NB: Obvious typographical errors within the responses have been amended for readability, otherwise the responses appear as they were written by the survey participants.

3. The Survey Population

The survey yielded 168 responses in total. Of these, three responses were duplicates, and therefore omitted from the analysis. The total number of responses for analysis is therefore 165.

Of the 165 respondents, 160 were mothers and 5 were fathers. These figures in themselves indicate a gender dimension to the matter at hand, namely, who is a stuck parent/who is applying for relocation.¹⁷ When asked, '**Are/were you a stuck parent?**' 4 responded 'no', 8 responded 'maybe' and the remaining 153 considered themselves 'stuck'.

¹⁷ On this see: Lowe, N. V., Everall, M., & Nicholls, M. (2003). *International movement of children: Law, practice and procedure*. Jordans.

The 4 respondents who did not consider themselves stuck were all mothers. Two of them reached agreements with the other parent to relocate during or before the legal proceedings (R144, R130). One relocated without going through the legal procedure for relocation, but did not give details on how this came about (R22). One did apply for relocation, but did not give any further details on the application (R7). The 8 respondents who indicated they were ‘maybe’ stuck were also mothers.

Notwithstanding the 4 mothers who do not consider themselves stuck, and the 8 who are maybe stuck, based on the survey results, it is primarily mothers who consider themselves ‘stuck’ and who are seeking relocation – 148 in total.

Respondents indicated that they were stuck in 32 different countries; one respondent did not indicate where they were stuck (R111).

Table 1. Country in which parent is stuck

	Country	Number of Respondents
1	Australia	16
2	Austria	1
3	Belgium	2
4	Brazil	1
5	Canada	5
6	Columbia	1
7	England & Wales	28
8	Falkland Islands	1
9	France	4
10	Germany	4
11	Greece	1
12	Hungary	2
13	Iceland	1
14	Israel	1
15	Italy	4
16	Jamaica	1
17	Japan	1
18	Mexico	1
19	Netherlands	16
20	New Zealand	16
21	Other – unknown	1
22	Panama	1
23	Peru	1
24	Portugal	2
25	Qatar	1
26	Scotland	4
27	Senegal	1
28	Singapore	7
29	Spain	4
30	Sweden	21
31	Switzerland	3
32	United Kingdom (not specified where in UK)	1
33	USA	11

The countries that the respondents called home are equally diverse:

Table 2. Home country of stuck parents

	Home country	Number of respondents
1	Australia	10
2	Belgium	2
3	Brazil	1
4	Canada	4
5	Czech Republic	1
6	Denmark	4
7	England & Wales	16
8	France	4
9	Germany	10
10	Ireland	5
11	Italy	4
12	Mexico	2
13	Netherlands	7
14	New Zealand	6
15	Norway	3
16	Other (not specified)	22
17	Poland	4
18	Portugal	1
19	Scotland	5
20	South Africa	2
21	Spain	4
22	UK (not specified where in UK)	20
23	USA	27

4. International Relocation & Hague Proceedings

Given the interrelation between relocation and the HCCA 1980, participants were asked, **‘Have you been through a Hague Convention proceeding?’** To this question, 1 participant did not respond, 123 indicated that they had not been through return proceedings under the HCCA framework, and 41 indicated that they had been through return proceedings.

Of the 41, 23 had also applied for relocation, and 1 had applied for custody in order to relocate:

I won a custody case where I was able to get my child out of Sweden but it was not a relocation or Hague case... [R148]

Sweden does not have a separate procedure for relocation; a parent can only move with their child if they have the agreement of the other parent or if they do not, unilaterally via acquiring sole parental responsibility (custody).

12 respondents indicated that they had not applied for relocation, 1 indicated that they did not know what relocation is, 3 are trying to or working towards an application for relocation, and the remaining respondent did not reply to the question.

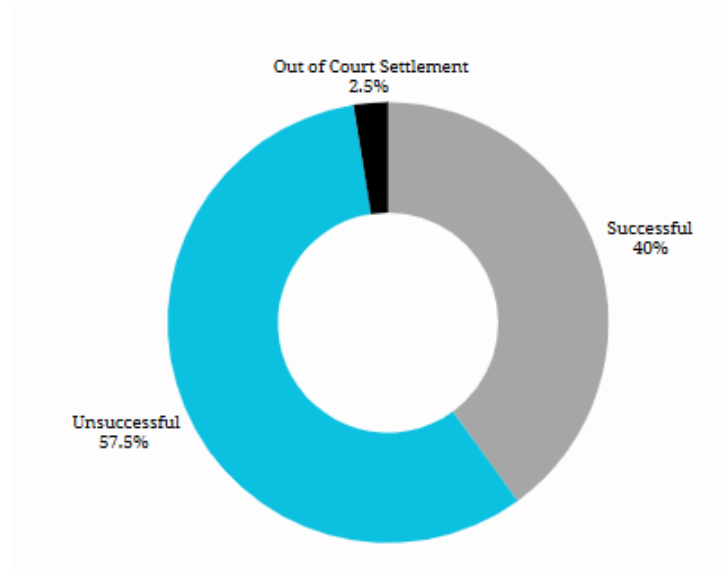
5. *The Relocation Proceedings*

The survey queried in detail the parents' experiences of the relocation proceedings. When asked **whether they had applied** for relocation:

- 61 responded 'yes' and 3 responded in their own words that they had applied to relocate, resulting in a total of **64 respondents who had applied for relocation.**
- 49 responded 'no' and 7 responded in their own words that they had not applied or withdrawn their application to relocate, resulting in a total of **55 who had not applied for relocation.**
- 27 indicated that they were 'trying to/working towards' applying and 3 responded in their own words that they plan to apply to relocate in the future – a total of **30 who were on the path to applying for relocation.**
- 2 respondents did not know about relocation or that they could apply for relocation
- 2 respondents made private agreements to relocate
- 2 respondents (both stuck in Sweden) indicated that there was no process for relocation
- 1 respondent from Sweden gained custody and was able to relocate
- 1 respondent indicated that they relocated, but did not indicate if they followed a particular relocation process
- The remaining respondents did not respond directly to the question or at all.

Of the 64 respondents who had made an application for relocation, 40 indicated proceedings were completed, 20 indicated that they were ongoing, and 4 did not respond.

Of the 40 completed applications 16 were successful, 23 were unsuccessful, and one applicant reached an out-of-court settlement to relocate. Less than half of the completed applications were successful.



Infographic 1. Completed Relocation Application Success Rates

6. Ongoing Relocation Proceedings

Participants were asked **what stage their application to relocate was at**, and 40 responded that it was ‘ongoing’. This figure includes participants who had responded ‘yes’ to the question of whether they had made an application, and some participants who had responded that they were ‘trying to/working towards’ an application.

The respondents who indicated an ongoing application were asked how long they had been going through relocation proceedings. The timings they indicated can be seen in the table below.

Table 3. Length of time – ongoing proceedings

Length of time	Number of respondents
0-6 months	14
6-12 months	5
1-1.5 years	3
1.5 – 2 years	5
2 - 3 years	5
3+	8

Over half of the respondents with ongoing proceedings (a total of 21) had been engaged in relocation proceedings for more than one year at the time of data collection, some for longer than 3 years (a total of 8), revealing that these proceedings are considerably lengthy.

The same set of respondents were asked, **‘How are you funding legal costs?’** They responded as follows.

Table 4. Funding source – ongoing proceedings

Funding source	Number of respondents
I am paying out of my own funds	29
Legal Aid is paying/will pay	7
Women’s Legal Services	1
Self-representing	2
Parents/family	4
Own funds + parents	1
Fundraiser + family	1

Thus, 30 respondents in total were paying for legal costs themselves (in whole or in part) and 6 with the help of family. Only 8 respondents were receiving aid in some form (Legal Aid and Women’s Legal Services). These figures show that the majority of cases demand the availability of personal resources; either financial resources or the ability to represent oneself or fundraise.

As to the level of resources required, survey participants were asked, **‘How much has it cost so far?’** Their responses are gathered in the following table. Most respondents indicated costs in the currency of the country from which they are applying; some chose to indicate costs in different currency with which they are more familiar (usually the currency of their home country).

Table 5. Costs – ongoing proceedings

Respondent	Country applying from	Cost so far
1	Australia	\$17,000 AUD
14	Australia	\$5,000 AUD
16	Australia	\$45,000 AUD
19	Brazil	40,000 BRL
20	Canada	\$30,000 CND
21	Canada	\$15,000 CND
23	Canada	£5000 - 20000
24	Canada	\$90,000 CND
25	England & Wales	£30,000 +
32	England & Wales	£10,000 +
38	England & Wales	£16,000 +
50	England & Wales	£15 +
53	England & Wales	£0 (pro bono consultation)
60	Germany	€1,000+
63	Greece	€100,000
115	Hungary	€15,000
64	Italy	€10,000
69	Mexico	150,000 MXN approx.
72	Netherlands	€100,000
74	Netherlands	A lot more than a year's salary.
76	Netherlands	€12,000
77	Netherlands	I don't know. My lawyer is being kind.
78	Netherlands	€2500
81	Netherlands	€4264
82	Netherlands	€100,000
87	New Zealand	\$10,000
91	New Zealand	\$20,000
93	New Zealand	\$13,000+
98	New Zealand	\$10/week to Legal Aid
99	New Zealand	£30,000
102	Panama	\$15,000
120	Portugal	€15,000+
126	Singapore	\$400,000 USD approx.
131	Singapore	\$250,000+ SGD
135	Spain	£15,000+
151	Sweden	KR1,800,000
118	Switzerland	More than I have
160	USA	\$10,000 USD

As can be seen, the cost of applying for relocation can be significant; for most respondents, legal costs are already into thousands of dollars or pounds (or equivalent) and proceedings are not yet complete. The total cost in legal fees will likely be more that what is indicated above.

7. Impact of the Length of Proceedings

In order to fully understand the impact of the ongoing proceedings, the survey asked participants, **'If the relocation case takes a long time, what impact do you think this will have on you and your child?'** Several key themes emerged from the responses: the impact on mental health, the financial impact, the isolation, the impact on childhood, and experiencing ongoing abuse.

Respondents repeatedly mentioned the **impact on mental health**, including emotional and psychological impact; in fact, this was the most oft-cited impact:

mentally its extremely hard [R23]

Psychologically, that is a drain especially on me, the parent [R36]

Mental health and physical health deteriorated [R99]

They expressed that lengthy proceedings would be: devastating, hopeless, intolerable, exhausting, sad, and traumatic. The following respondent felt unseen by the system:

The court process has been delayed by ex and/or the system and it doesn't feel like they see the people behind the case...[R38]

The **financial impact** of the ongoing and potentially lengthy legal proceedings was a recurring theme in responses to this question. The responses show that there are multiple ways in which stuck parents experience the financial impact of relocation. Relocation proceedings might be taking place against a background of pre-existing financial abuse, meaning the applicant is starting from a vulnerable position:

My husband gives us no money. I am going to the foodbank charity. We will soon become homeless. [R77]

Having or building sufficient resources to apply for relocation in the first place, is also an important consideration:

Also financial struggle, isolation, sadness. Started under a year ago but it has taken me a couple of years to be able to save for the process. [R50]

Relocation is often one of series of legal proceedings that stuck parents are going through – usually alongside divorce/separation proceedings and ancillary matters, so the financial burden must be seen in context:

...the financial strain is immense as prior to relocation I had family matters proceedings and then financial matters which has cost us not only our sanity but any money I had left, therefore the children are missing out on things as I cannot afford much. [R36]

The above quote, and the one below, highlight the knock-on effects of the financial outlay on the child:

We live in poverty, so my daughter is missing out on activities that would be good for her development...Also because of poverty, I can't afford to spend very much on groceries, so we miss out on eating some foods that are too expensive to buy, but are healthier. [R69]

Respondents also repeatedly expressed feelings of **isolation** (from family and friends) and loneliness.

It will be traumatic, sad and isolating for both our child and myself. [R74]

Feelings of isolation were often linked to the absence of family support:

It's isolating, no family support at all.[R25]

We have no family here or support here. [R89]

It's exhausting and lonely to go through so far from any and all family. [R98]

The loss of connection with family in the home country recurred:

...the children are missing out on a closer bond with the family they would like to be around. [R38]

I'm already in such a precarious state having been forced to take care of my 18-month-old, far away from my friends and family... [R53]

My daughter is almost 3 and never met any of my family (apart from my parents who came to visit), so she's never met my 3 sisters or my cousins etc. [R69]

..my son never be able to see his grandparents or extended family, same for me. [R81]

They have lost their grandparents without ever meeting them. They have never met their cousins, aunts or uncles. [R151]

Feelings of entrapment in the stuck country, alongside the isolation, were also expressed:

...it's a challenge to think about that we have to be imprisoned more than 12 years. [R64]

We have already been hostages here 7 years. Our lives are intolerable. My children's lives are already destroyed. [R77]

Respondents also worried about the impact of their current situation on their **child's development and experience of childhood**. Some of these concerns were expressed in the context of financial impact (R36 and R69, above). The respondents also expressed concerns about identity and loss of connection with their home language and culture.

My child is missing out on their identity. [R151]

She's missing out on cultural aspects of my home country. [R69]

My child will have no sense of belonging here since none of us are nationals of this country. [R74]

Respondents worried that the longer the relocation proceedings took, the harder an eventual move would be on the child:

It will be more difficult the longer we stay and settle, especially with the kids making friends and attending school. [R6]

The longer it takes for my son, he's confused on where "home" truly is. [R98]

Both my boys will be proper English boys. They will both be in primary school and the change then will be really hard for them. [R106]

The last two quotes in particular implicitly refers to a child's developing sense of identity.

The **uncertainty** of the situation for parents recurred too. This included practical difficulties of pursuing relocation proceedings, such as immigration status:

I am currently living in Singapore but on a 90 day tourist pass which I just hope it gets renewed when I do my visa runs, living in an illegal property arrangement which I could be removed from any day now. [R131]

The psychological impact of uncertainty was also mentioned:

The not knowing is causing anxiety for everyone, the lengthy times between court dates means you can't start the healing process fully and it's a band aid that is being kept ripped open [R38]

Finally, for some parents, an important impact of extended proceedings was living with ongoing **abuse**:

And father is a domestic abuser and violent alcoholic. Post separation abuse and financial abuse continue. [R25]

Im being financially and emotionally abused which is not a crime here. [R91]

8. Completed Relocation Proceedings

For those respondents whose relocation proceedings were complete (40 in total), they indicated the following times-spans.

Table 6. Length of time – completed proceedings

Length of time	Number of Respondents
0-6 months	4
6-12 months	8
1-1.5 years	7
1.5-2 years	8
2-3 years	8
3-4 years	3
4+ years	2

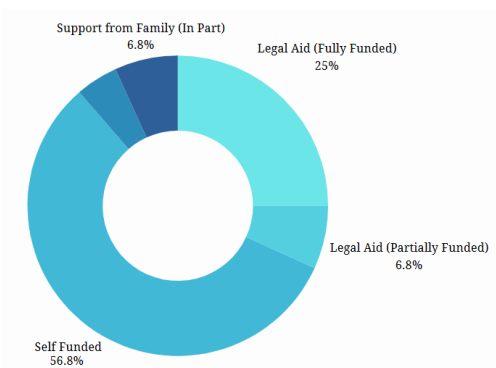
As can be seen, few proceedings are done within 6 months. For most, proceedings take somewhere between 6-12 months and up to 3 years. Overall, most proceedings took longer than 1 year to complete. In some cases, proceedings can take even longer, lasting over 4 years.

Regarding funding, those whose proceedings were complete reported using the following sources.

Table 7. Funding source – completed proceedings

Funding Source	Number of Respondents
I am paying out of my own funds	22
Legal Aid is paying	11
Legal Aid and own funds	2
Legal Aid and family	1
Parents/family	2
Own funds + family	1
Fundraiser + family	1

As with those whose relocation proceedings are ongoing, most applicants paid legal costs themselves, in whole or in part (25 in total). Following the same pattern as for those with ongoing proceedings, the next most common source of funding is Legal Aid. However, the number of Legal Aid funded cases is noticeably lower: 11 fully funded cases and 3 partially funded cases (14 in total). A total 5 applicants had financial support from family in whole (2) or in part (3). Overall, applicants’ access to personal resources, whether their own or family resources, remains a key source of funding for the majority of stuck parents.



9. The Cost of Relocation Proceedings

Survey participants were asked, ‘If you had to pay for legal fees how much did your relocation case cost?’ They reported as follows. Again, most respondents indicated costs in the currency of the country in which they were stuck; a few chose to indicate costs in a different currency with which they are more familiar (usually the currency of their home country).

Table 8. Cost – completed proceedings

Respondent No.	Country applied from	Cost
2	Australia	\$60,000 AUD
3	Australia	\$50,000 AUD
8	Australia	\$100,000 AUD approx
9	Australia	\$30,000 AUD
17	Belgium	€15,000
18	Belgium	€500+
26	England & Wales	£30-40,000+ each time.
27	England & Wales	£25,000 (if I paid myself)
28	England & Wales	£15,000
29	England & Wales	£25,000
51	England & Wales	\$50,000 CND
58	Germany	€10,000
61	Germany	€3000
112	Hungary	£6000 approx.
114	Israel	\$30,000 approx. USD
65	Italy	I have no idea. (Legal Aid paid)
67	Italy	No idea (Legal Aid paid)
68	Japan	£5000
90	New Zealand	\$1,000,000+ NZD
97	New Zealand	\$100,000+ USD
100	New Zealand	\$150,000 NZD
101	New Zealand	£50,000 approx.
103	Other - Falkland Islands	Thousands.
121	Portugal	€4500
125	Scotland	£150,000
128	Singapore	\$25,000 SGD
132	Singapore	\$203,335.60 SGD
136	Spain	€15,000
116	Switzerland	CHF5000
159	USA	\$60,000 USD
162	USA	\$15,000 USD

For 28 out the 34 respondents, legal costs ran into the thousands of dollars or pounds (or equivalent); very often into the tens of thousands. Some respondents report costs into the hundreds of thousands (e.g. \$100,000 AUD; \$100,000+ USD; \$150,000 NZD; £150,000; \$203,335.60 SGD) and one respondent reported costs of over 1 million NZD.

It is fair to conclude that legal costs are high. Notwithstanding the most extreme cases, the sums of money indicated above are by no means negligible. Thus, stuck parents who are not eligible for Legal Aid (or similar) need to have access to considerable personal financial resources in order to see through an application for relocation.

10. Impact of the Cost of Relocation Proceedings

In order to gain a fuller understanding of the impact of paying these costs, participants were asked, **'How did paying this cost impact on your life/ the children's lives?'** The responses largely centred on the immediate and knock-on financial impacts of paying this cost. The stress and impact on health was also reiterated through the responses.

The cost of applying for relocation clearly and substantially impacted the **financial situation** of majority of respondents.

Ruined me , psychologically, emotionally, financially. [R90]

It was financially devastating...[R136]

We were in severe poverty so it was very difficult to pay. [R39]

We were constantly broke even though I worked full time. [R125]

Unable to afford basic necessities, constantly borrowing money and getting into debt. [R28]

Respondents shared that the costs had eaten into savings and pushed them to selling their home:

Spent all savings. [R58]

Significant impact negatively. Drained my savings completely and got me into debt. [R128]

It took away all my savings. [R159]

I could not work in spain. I had to sell our home...We are now in the UK and I cannot buy us a home, yet prior to this we owned two homes and sold both. [R136]

Respondents also shared that they had to borrow money to meet the financial demands; some were still in the process of repayment:

Still paying it off. [R61]

In massive debt and complete breakdown relationship with multiple family members I had to borrow all of it from as I had none of my own money. [R68]

I'm still in debt. [R100]

Others indicated that they relied on family support:

For myself it was beyond stressful as I couldn't apply for benefits and had to rely upon my folks to send us money to be able to live off of! [R51]

Luckily my parents paid otherwise I would not have afforded it. [R112]

We had no money. If my family couldn't have helped we couldn't have applied. [R101]

The **effects of the financial outlay** were keenly felt by respondents. One respondent summarized the impact as:

I had less to spend on caring for them [the children]. [R18]

Respondents also pointed out that the negative financial impact will resonate into future, with knock on effects on, for example, their child's access to education, and even their own:

The costs extinguished money we could have used for my son's college long term, but it devastated my ability to continue my studies without the fear of finances, food, and supporting my son's educational tuition. [R114]

I now have no funds to pay for their university. This might seem like no big deal, but in the US this is a major problem. [R97]

Less money for the future. [R9]

Though thankfully I was able to afford it without going into debt, this is money no longer available for my and the children's futures. [R132]

Respondents referred to the **stress** and impact on **physical and mental health**, caused by the financial demands:

Massive stress, low in money, it made me find "other" forms of income which were detrimental to me. [R8]

We almost lost our house, living in poverty, I was very ill with acute liver failure with the stress and poor diet. [R26]
Constantly stuck in survival mode was incredibly hard both physically and psychologically [R51]

11. Reasons for Not Applying for Relocation

Not all survey participants have applied for relocation. Some participants indicated that they have not yet progressed to the point of making an application to court. Others have decided not pursue relocation despite wanting to relocate, and it is both important and interesting to query why not. To that end, participants were asked, **'In your own words, please tell us about the reasons you haven't applied for relocation/leave to remove.'**

The most often cited set of reasons were that relocation is too difficult to win, doubts about winning or a feeling of futility in trying to secure relocation. For some respondents, custody arrangements directly impacted their decision:

I share the custody of my child with his father. I've heard that I have no chance to relocate. [R84]
My ex was granted 50/50 custody in family court and it would be a very difficult case to win... [R11]

For others, what they had heard or been told about the difficulty of relocation impacted their decision:

Because of the terrible stories that it's not possible. [R85]
Because I will lose. [R31]
I was told it is extremely difficult to attain given that I was living here for 7 years prior to separation and I would need to remarry and they get a job elsewhere as a prerequisite. [R119]
I was told not to bother as it would be a lot of money in legal fees and make bad relationship with my ex even worse as well as going through hell only to be refused. [R83]
Based on the experiences of other Finnish women, it takes years to get the result and usually the outcome is that child needs to stay in England. [R40]

A significant number of respondents had been specifically advised by their lawyer against pursuing relocation:

My lawyer says it's unrealistic. [R5]
Lawyers told me I had no chance of winning. [R167]
When I mentioned that I was in the process of compiling documents for relocation I was told by QC that I would never be successful. [R111]
Lawyers advised I was unlikely to win and it was going to be expensive and lengthy legal proceedings. [R96]
According to several lawyers I have consulted, I would not stand a chance, hence why I've been totally discouraged to do so for the time being... [R80]
As a father in Singapore I was advised by 2 law firm that I had no chance of winning and the process would be \$100k-200k that I did not have. [R129]

The low chances of success appear to steer lawyers towards advising against applying for relocation.

Cost, as already indicated by R129 above, was a frequently cited reason as to why respondents did not pursue relocation:

I don't have the funds to pay and do not qualify for legal aid in Australia. My family helped me out immensely with my fees fighting The Hague. I waisted [sic.] a few lawyers out here in Perth and got a rough "estimate" only and could cost up to \$200,000. [R13]
Costs! You need a very good barrister to have any chance of being heard. As a single mum in London it is difficult to cope financially especially without any support. At one point I was paying nearly £1,000pm in childcare so I could work. [R35]

I was at the end of a 9 month legal battle, and did not have the financial, emotional or mental resources to take on another fight I'd likely not win. [R142]

It is incredibly expensive here and I've heard it could cost 100k easily to go through a relocation application. I have already spent 70k on legal fees for custody and trying to get ex to pay full child/spousal support (withholds money often). My ex has a history of abuse and I know he would fight any application I made. [R166]

What is clear from these responses is that respondents are often faced with a choice over whether to pursue relocation after having already gone through several legal proceedings (e.g. divorce/separation, financial matters, child arrangements, Hague return proceedings) that have cut into their resources. Furthermore, the cost of legal proceedings is in addition to the cost of living, which some respondents already struggling to manage. The cumulative legal costs plus managing daily living costs means that by the time relocation is being considered, stuck parents might not have sufficient financial resources to pursue it.

R142, above, indicates that they did not have the emotional and mental resources to pursue relocation, and this factor was also mentioned by other respondents too:

It left me financial and emotionally drained and it also meant I couldn't start another court case. [R35]

The following respondent shares their fears, about their financial and general situation:

I am scared I will lose my children and the money implications but I am so tired just want to go back home with the children, but my husband just says no. Lawyers told me almost impossible to go back home with children should not hope. Feel scared and confused. [R71]

For some stuck parents, the impact of further legal proceedings on their child deterred them from applying for relocation:

...the impact of a long court case on my daughters well being. I didn't want her to feel any pressure. I did not want to put my kids through 2 years of lawyer for child and S133 reporters who often make entirely biased judgements and again find in favour of the status quo, the male and the Kivi in the cases. I felt that this would be damaging to my children and wanted to protect them from an entirely flawed family court system. [R92]

The length of relocation proceedings [see section 7 for specific insights into the impact of lengthy proceedings] deterred parents from applying too.

A considerable number of parents, like R92 (above), expressed a lack of confidence in the legal system of the country in which they are stuck:

It's a futile exercise as there is no functioning justice system here. [R105]

I didn't have a good experience with court and I didn't feel heard and lacked confidence they would understand the dynamic in of them. [R35]

Pointless after my treatment through a biased court system & power and influence ex & highly paid lawyer has over the community. [R86]

...the entire process feels entirely stacked towards the Father and the NZ party if there is one. [R92]

The government instances here prioritize my abuser as he is the father and Swedish citizen. [R137]

*In *every* proceeding and decision, the (Dutch) courts refused to acknowledge:*

- that we are all foreigners
- that the children and I have no family or support in the stuck country
- that my children are being denied the right to grow up in their home country and with family...
- that we face daily barriers to living a happy life including language and culture differences [R73]

These responses, and others, reveal that stuck parents feel that the court system is biased against the foreign parent/parent apply to relocate.

Some parents did not apply for relocation as they managed to find a solution, in most cases through negotiation or mediation:

I eventually got relocation through mediation. [R10]

After 4 years of being stuck, I was able to negotiate with the children's father who allowed me to bring the children home with me. [R30]

Managed to agree out of court a relocation back to UK. [R95]

I was working towards it but before it got to court the father agreed based on the recommendation of the school, who advised that our son go back to England as he was clearly struggling and not okay (this was picked up by his teachers). [R110]

Finally, some respondents indicated that they did not know what relocation is or how to apply.

11.1 Absence of Relocation Procedures

In some jurisdictions, it is not possible to apply for relocation *per se*; Sweden, is one such example. The only way for a stuck parent to relocate is either with the other parent's permission, or to seek and secure sole custody and then relocate without the need for the other parent's permission. The latter is rare, and Sweden favours 50:50 post-separation childcare arrangements.¹⁸ The respondents who indicated that they had not applied for relocation because it was simply not possible, were all stuck in Sweden:

It doesn't or did not exist in Sweden. The only way to relocate is/was sole custody. [R139]

There also isn't a standard relocation process in the Swedish court system as in some other countries ...was told by my Swedish lawyer that in Sweden relocation is not an option. It would be difficult, she said, for me to get permission to take my daughter out of the kommun / region we were sent back to. Let alone out of the country permanently. [R140]

It is not possible to relocate from Sweden unless the other parent agrees. [R144]

I knew, as advised by my attorneys, I could not ask for this. [R152]

As for pursuing a relocation via the available legal routes in Sweden (with permission or via sole custody), many respondents reported that it would be difficult to obtain permission from the other parent:

I was told that I can never leave the country without father's permission, and I'm sure that the father won't permit us to go. He is misusing legal system or processes to exert control and to continue his abuse post separation. [R141]

I know it is not worth trying as the father is Swedish and he want to stay here. [R150]

Only one respondent indicated that they had applied for sole custody:

It would have been impossible to relocate from Sweden so I asked for physical custody instead after having moved myself. [R148]

Readers may be interested to learn that R148's application was successful.

Significantly, a number of respondents stuck in Sweden indicated that asking for relocation would result in losing custody altogether:

Asking for relocation from Sweden commonly results in losing custody of one's child, so I was advised against it and took that advice. [R140]

To do so in Sweden often results in losing custody. [R146]

I was told that if I applied for relocation I would lose custody automatically. [R153]

The respondents did not elaborate on the details of this.

¹⁸Eriksson, H., & Kolk, M. (2024). Parental union dissolution, H and the gender revolution. *Social Forces*, 103(2), 550-571.

12. Reasons for Wanting to Return Home

The survey also queried why parents applied for relocation, posing the question: ‘**What are/were your main reasons for wanting to return home?**’ Reasons 1-9 were offered as tick-box options; reasons 10-15 were added by the respondents themselves, under the option ‘other’. Respondents were allowed to tick as many boxes as needed.

Table 9. Reasons for relocation

	Reasons for seeking relocation	Number of respondents
1	Financial difficulties	59
2	To be nearer family, friends and support network	87
3	Fear of further partner violence	54
4	Health and Mental Health	74
5	Lack of integration	45
6	Language difficulties	22
7	Lack of visa	13
8	Concerns about my child's safety	47
9	Better life for my child e.g. schools	71
10	Racism	1
11	Career/work opportunities	5
12	We were never meant to stay	2
13	Child’s mental health	2
14	Live in a country where children have right to remain	1
15	New relationship	1

Respondents were then asked to elaborate on their **main reasons for applying for relocation**. Their responses mirrored the table above.

One of the key themes that emerged was that of **missing life in the home country**. This refers to much more than a feeling ‘homesickness’ – interestingly, the word ‘homesick’ did not appear at all in the responses – it refers to practical, tangible elements of life. From the stuck parent’s perspective, firstly, it refers to the distance from their support network, and from their family and friends:

Whereas in my home country I have a big family and lots of close friends who want to help us both in practical terms as well as emotionally and psychologically. I have lots of people who can fill my cup so that I can care for my child better. [R53]

To have the physical and emotional support of family and friends. [R48]

So, family support is the main one. We are all alone here. [R69]

Psychologically, I just want to be near family and friends again too... [R36]

Importantly, for some parents, the absence of a support network in the stuck country affects their ability to pursue work:

I can't have my job here due to no support network so I have to work different than my chosen area and a lot more. [R29]

I have very little work scope, whereas in the Netherlands I would have family and friends who are able to help with childcare. [R38]

Secondly, it refers to the general lifestyle, culture and language in the parent’s home country:

I come from a country rich in culture. The lifestyle is way better and more interesting there. [R117]

Better lifestyle, in a safer environment, slower pace, closer to family and friends. [R50]

I would be able to give the children a much better life and future in the Netherlands, schools are much better suited to both children, healthcare is better and easier to access, they would have much more freedom and would be more independent. [R38]

I think the quality of life is better in the UK, less danger in the streets etc. [R19]

I just want to...speak my own language again (Dutch) and have my own culture around me. [R36]

Thirdly, this theme also encapsulated access to certain public services and social welfare systems in the home country (housing, healthcare, education, special needs, transport, environmental health all came up):

I know life would be so much better in the Netherlands, where my salary would be much higher, the housing/ healthcare/ schools/ public transport better and more affordable, roads safer, and pollution lower. Better education and help for PTSD for my children and support from family and friends. [R36]

There is also much more support from the state for single mums and for raising multilingual children. [R53]

Main one would be education for my children, the education is poor here is in the Victorian age. I have a child with a disability and she would receive better care back home. [R65]

Finally, returning home was perceived as offering a better future and better opportunities for the stuck parent and child:

more opportunities for him [the child] and where he could flourish with access to supports. [R51]

Safer, better future options for my children and myself. [R82]

...to give the children a stronger foundation from which to begin the rest of their lives. [R132]

Not only would we have safe reliable family but my son would have better opportunities for education, sports, support. [R98]

The converse theme of **dissatisfaction with life in the stuck country** was also a key reason for seeking relocation. This theme captures the feelings of isolation and loneliness in the stuck country:

We were very socially isolated in England... [R48]

NZ is also geographically, mentally, socially and intellectually isolated [R88]

Hard to make solid friendships here so feel very alone. [R65]

It also captures the lack of integration in the stuck country and the language barriers some parents face:

Different mentality, traditions, common sense. We are literally aliens in England. [R29]

My child had no friends at school, I was struggling to integrate even after 6 years in the country. [R39]

Right now I have no job and my prospects are low because I am having a lot of issues with the language. [R151]

She [daughter] has trouble learning and English is her first language but she has to try to cope in an Italian school. [R65]

There is a language barrier and with trauma it is difficult to retain what I learn, making it more difficult to manage in more complex situations. [R67]

For my child to be able to learn our native language and have friends of the same nationality. To have a sense of belonging. [R74]

And, it captures the dissatisfaction with the state of and/or access to public services and social welfare systems, infrastructure and environment, that affects their quality of life:

The UK is not what it used to be and continues to get worse - the infrastructure of this country is truly falling apart; e.g., schools, roads, healthcare. Everything is in a terrible state and it makes life unsafe, unhealthy, and unhappy for me and my children... There is pollution everywhere, and cycling and walking is unsafe but I can't afford a car. [R36]

The school and medical system in Greece is falling apart. [R63]

México City has terrible air pollution that causes both my daughter and I to get sick. [R69]

An important theme that emerged is the **financial situation** of the stuck parent. Stuck parents recounted the financial difficulties they faced in the stuck country and resulting poor financial health (e.g. not being able to work, not being able to access social benefits) as a key reason for seeking relocation home.

... [I] was destitute in UK with no access to public funds. [R28]

Financially I have not been able to afford to live here and its only gotten worse since I now face eviction... To provide a future for my kids. In NZ i would have a home, secure income, family to help with children, friends. [R67]

In addition, our cost of living would be much lower and I would have more disposable income to take care of my child. [R53]

There's no future for the children and me here... we're stucked [sic.] in poverty. The court and the social services don't help us... [R64]

Career and job prospects in the home country, compared with that of the stuck country, was a recurring reason for seeking relocation:

I am also unable to work due to the ages of the children but in Germany I can return to work much sooner. [R32]

Support from family and friends and knowing financially we would be ok in NZ. I could get a permanent contract there whereas here part time and yearly contracts are the norm. [R65]

I have a career and a permanent job as an architect with the office of public works at home. My husband is not working for 3 years. He does not wish to provide for or support his children's future. I do. [R77]

I also have a Psychology degree which I haven't been able to use in the foreign country. And continuing my studies and career were part of my ideal life. [R117]

Escaping **domestic abuse** (DA), against the stuck parent, child, or both, and/or the other parent's difficult behaviour was frequently cited as a reason for seeking relocation:

My ex partner is an abuser. I did not want my child to grow up thinking his dad's actions were acceptable. [R12]

The principal reason was to escape the abuse both of me and her. [R26]

Ex husband was v abusive, had no one there to help, he controlled everything with nothing for me in nz. [R101]

This matter of DA is explored further in section 14.

Interestingly, some parents explained that **staying in the stuck country was unplanned**. These parents explain that they were either tricked into staying in the stuck country, or that the agreed plans to move (to their home country or elsewhere) never came to fruition:

My daughter was born prematurely by accident in the child father's home country, Austria, when I just came for a 3 day visit to collect the rest of my things in our apartment, where I still was registered after he broke up with me while I was pregnant. On the third day, when I had a flight back to Oslo in the evening, I get contractions and are forced to stay in the hospital in Vienna, since I will have a prematurely born child. Two days after my daughter is born in pregnancy week 23 + 3 days, the father is applying for full custody in the district court in Vienna. I am forced to find a lawyer and start legal proceedings. [R107]

Before getting pregnant my ex persuaded me to birth in the UK and then bring our child to Brazil for a couple of years before moving permanently to the UK. I didn't know about the possibility of getting stuck... [R19]

I went on vacation to my husband's country of greece but when we got there he took our child's passport and announced we now lived here. We had been living in Vietnam, so no Hague convention. [R63]

I never wanted to stay in the UK forever and the father of my son knew this. [R50]

Some stuck parents explained seeking **certainty, safety and stability** at home, for themselves and their child:

The first three years of a child's life are supposed to set the foundation for the rest of their life, but under the current circumstances I'm not able to provide her the happy stable environment that I think she needs to develop into a balanced human being - I'm doing my best but I'm pouring from an empty cup. [R53]
I need to be safe. My children need to be safe & have the hope of self worth and a chance in life. [R77]
My family is much more stable and safe and it all in my home country. [R98]
...structure, familiarity, safety, permanency... [R132]

Other reasons included the impact on both **mental and physical health** and the **visa/right to remain** in the stuck country. On the matter of visa/right to remain, the following response demonstrates the extreme difficulties stuck parents can find themselves in due to immigration status:

Our expat situation was based on my now ex-wife's employment so I was at the time the full time carer of the children and the "trailing spouse". My visa status in Singapore was as a dependant under the main visa holder, which gave me no right to work and made day to day life very difficult eg getting a bank account, mobile phone and apartment lease particularly challenging...
We had to remain married until I left Singapore at the end of 2023, if we had divorced any earlier I would have had no means to attain a visa and I would have been deported without the children. [R126]

Due to the rules on immigration, this parent, a father, was placed in the difficult situation whereby he could only stay with his children in Singapore on a dependent visa (without the right to work). He reported that there was no alternative visa option available to him, in order to remain in Singapore with his children, thus motivating relocation.

13. Main Challenges of Relocation

In order to gain further insights into the applicants' experiences of relocation, they were asked to elaborate on the challenges they faced: **'What were the main challenges you experienced in your Relocation case?'**

The most frequently cited challenges were the length of proceedings, the cost of proceedings, perceived biases and discrimination by the court, and ongoing abuse towards the stuck parent and/or child. These challenges arose equally often in the responses.

Survey respondents cited the **length of proceedings** as a key challenge within the relocation procedure:

The length of time it took to get to trial and then get the verdict...[R2]
The length is unbearable!!! [R32]
The time between the proceedings...[R38]
The timings are long, process is slow and I am desperate. [R50]
The process is incredibly slow, for no good reason. [R97]

Parents also faced **delays** within the court system, increasing the overall length of the proceedings:

My case was postponed 4 times for nearly 1.5 years. Every court [sic.] case then takes about a year to get a judgment. [R63]
Constant delay of the legal process through the courts. [R121]

The **costs** associated with making an application for relocation also posed a major challenge. The cost of applying for relocation and the impact of bearing those costs are explored in detail in sections 9 and 10. The cost-related responses to this question underline the sheer expense of engaging in legal proceedings:

It is also very expensive and lawyers charge per every second. [R50]

It is incredibly expensive. [R97]

The following respondent highlights the additional costs of translating documents for the court:

I had to pay for everything to be translated to Spanish, which was very expensive. [R69]

It is standard practice to submit 'sworn translations' of documents not written in one of the national languages of the country in which the court is based, however, this is an expensive task.

Many respondents reported that they felt the court was **biased** against them, and that they experienced **discrimination** on the basis of gender/gendered roles, nationality, and race:

The Dutch courts seem to blindly support fathers and do not want to hear about and don't care about abuse. [R72]

The racism and biased from the court against me as expat woman. We are clearly discriminated over every 50/50 solution. [R78]

Bias remains prevalent. The court reporter described my facts as my feelings and the father's opinions as facts. [R97]

The legal system being biased against foreigners, especially Americans, and being in favour of any interest from the Father, whether good or reliable. [R98]

Bias. As a woman, an older mom, and an immigrant from a country with unfavorable stereotypes about it, I was assumed to be lying. The judgement implied that because I was intelligent, I was trying to manipulate the court. My husband needed no proof for his statements, and evidence I brought disproving them was ignored. [R125]

Bias (against the applicant parent and in favour of the staying parent) and discrimination (against the applicant parent) by the court was frequently mentioned as a challenge. It falls within a broader theme of dissatisfaction with the court experience, for applicant parents also reported that they did not feel that the court listened, understood, or believed their situation. This comes through in the quotes above, in the context of bias and discrimination; the following responses present the challenge in more general terms:

Judges are not educated and don't see when (not physical) abuse happens, they don't take into consideration the child's wishes, they don't follow-up on their decisions or the consequences of their decisions. [R17]

The judge didn't believe me, didn't look at my evidence, even rolled her eyes when I was forced to explain painful situations. [R27]

I think appeal courts judges didn't believe I would bring kids back to Italy for visits. [R65]

Not being believed. Being emotionally abused by father and court then accused by them of being emotionally fragile and a liar. [R90]

The court dismissed all of my testimony and evidence. There was nothing more I could do. I think only our deaths would have convinced them of the truth. [R48]

The responses above refer specifically to the 'court' or 'judge'; significant number of stuck parents also expressed discontent with their legal representation, specifically the **lack of available expertise** in relocation:

I am in a small town. International relocation just isn't the "done thing". Many lawyers didn't even believe in taking my case. [R23]

Finding a good lawyer who specialises in relocation, accepts Legal Aid and understands the mindset of someone who has been first through a difficult infertility journey to have a child, then cheated on and abandoned by their partner. [R53]

Lack of lawyers who knew about my complex situation. [R81]

Lack of knowledge here, lawyers not even wanting to go into battle for relocation and the odds of actually winning are so low. [R89]

The lack of experience the professionals had with this kind of case. From the beginning it felt like people did not want to consider my relocation as an option. And my solicitor was probably overwhelmed with the amount of trouble that followed opening my case. [R103]

Finding a lawyer competent in relocation proceedings who also accepts Legal Aid clients was cited as a challenge by other parents too. Indeed, finding a lawyer was a challenge in itself for some parents. The responses above reveal a professional reluctance to fight relocation cases, and indeed, this was cited as a specific challenge by the respondents:

All local lawyers tell me that I cannot succeed in the relocation. They discourage me from even trying, although they do tell me that they are happy to take my case (and money, of course, since I'm not on legal aid)... [R74]

The negative attitudes from the lawyers and stats telling you it is impossible for you to relocate. [R87]

Thus, in addition to the major challenge of facing bias and discrimination, a more general lack of understanding and support by the courts and legal profession was perceived by applicant parents.

Contending with **ongoing DA** throughout the relocation proceedings was one of the main challenges reported by the survey participants. Respondents reported continuing abuse against themselves and their child:

The violence against me whilst separated. The violence against my child as they grew older that was done to make me feel awful. [R151]

He also said he abused me due to my behaviour of moving on. [R1]

...additional abuse during court case as ex was angry which affected myself and our child... [R39]

dealing with abuse while having to figure out this situation and balancing work alongside. [R81]

Furthermore, the respondents shared that their experiences of DA (when disclosed) were ignored by the legal system, and that they and their child(ren) were not protected:

My daughter seeing sexual content and experiencing trauma 3 times within 1 year and it being disregarded by the family report writer. The family report writer ignored all the domestic abuse and said they were no reasons we couldn't have an amicable co parenting relationship. [R1]

Noone cared about the abuse and the affect on us. [R101]

Not being believed. Father was believed although he was lying to protect himself after committing the abuse. [R3]

The failure of the Spanish court to protect my daughters... It is sick that courts and legal systems do not protect 2yo and 4yo little girls against a man criminally convicted and with dozens of social worker & psychologists reports confirming child abuse. [R136]

DA is considered more closely in section 14. The experiences of DA, and the impact of disclosing DA within relocation proceedings are mirrored and reiterated here in the context of challenges.

Moreover, respondents also indicate that the **other parent's behaviour** during proceedings was challenging:

My ex is very manipulative and creates a narrative for whatever situation is ongoing. [R12]

The father tried to extort money out of me via his lawyer ie pay €100 000 and he would "leave us alone and let us go". [R136]

Going up against a master manipulator and liar in a country where man are allowed to be in charge and money talks. [R131]

On this point, the manipulation of legal process itself by the other parent, in order to manipulate or control the stuck parent, emerged as a sub-theme within the challenge of contending with DA.

Respondents described the **legal procedures** themselves as challenging, for example:

...having to jump through the courts hoops. [R51]

Implicit in the responses is the (perceived) arbitrariness of proceedings and outcomes:

And then even though the case was accepted into court, and we had all the hearings for it, the sentence was that you can't apply for relocation while the custody case is still ongoing. Apparently some judges allow it and some don't. Ours didn't. [R69]

The fact that the courts don't have to follow the law, they make up their own laws and decisions. Even though I ticked all the boxes it was disregarded. [R26]

Even though I met all of the court's requirements to move (finding a house, job, schools, and coming up with a visitation schedule for father), the Dutch court still denied my permission to relocate my children back to our home country. [R72]

Matters relating to evidence were also cited a challenge. Respondents specifically cited the difficulties of gathering evidence and that the evidence put forward was ignored:

The court dismissed all of my testimony and evidence. [R48]

So they didn't even look and consider the evidence. [R69]

They didn't even look at any of it [the evidence] or discuss it in court. [R82]

They also refer to the lack of opportunity to present evidence and respond to allegations:

Another child psychologist who also works as a court reporter completely disagreed with him, but I was not allowed to introduce her evidence. It was assumed that because he was court appointed, he was competent and unbiased and that no other expert opinion should be introduced. [R97]

My ex lied throughout his statements, and I was not given a proper chance to prove that he lied. This was very difficult to me. [R49]

Further matters relating to evidence are considered in section 15.

Lastly, on the theme of the specifics of the legal procedures, several respondents pinpointed **50:50 childcare arrangements** as frustrating and challenging. The following respondent sums up the sentiment:

The presumption that 50/50 shared care is best for kids makes it virtually impossible to win relocation, even if the other parent could also relocate (and even if they promised they would when the family moved to the stuck country). [R97]

This is echoed in other responses:

We are clearly discriminated over every 50/50 solution. [R78]

...child services decided to change the custody of the children from me having 85% and lowered it to 50/50 parenting even though I've always been a stay at home mum and my ex husband has his own company and works long hours. [R82]

Implicit in the last quote is the lack of acknowledgment over primary caregiving and how this might impact relocation.¹⁹ This thread is picked up further in section 17 on 'Improving Relocation'.

Survey participants acknowledge the **impact on their mental health** as challenging:

Triggered PTSD reading through thousands of pages of evidence... [R20]

No one considered the impact it would have on my mental health and just acted 'according to what is in the child's best interest.' Which is contradictory because my child often notices that I am not well and worries. As hard as I try to put on a brave face, it's not always possible. [R61]

...extreme stress about court case [R39]

Plus also mourning the loss of the life I had hoped we would all have had... [132]

The following participant noted the state of their mental health as impacting how they approached the case:

¹⁹ On the importance of the link between the child and their primary care giver see: Wallerstein, J. S., & Tanke, T. J. (1996). To move or not to move: Psychological and legal considerations in the relocation of children following divorce. *Fam. LQ*, 30, 305; Bruch, C. S. (2006). Sound research or wishful thinking in child custody cases-lessons from relocation law. *Fam. LQ*, 40, 281; Hetherington, M. & Kelly, J. (2002). 'For Better or For Worse': Divorce Reconsidered. WW Norton & Company.

Having time (and mental capacity) to build and work on my case. [R117]

Respondents also noted the challenge of coping with the uncertainty of the outcome of proceedings:

The time between the proceedings, the not knowing... [R38]

Living in limbo, not knowing what the eventual outcome would be of all the upheaval and expense, was enormously hard for all of us. [R132]

Alongside these mental health challenges, **isolation** and being far away from family, friends, and a support network was reported as compounding the mental health difficulties.

Finally, the **practical challenges** of managing costs (legal, living etc.), housing, work, childcare, contact, and legal proceedings was also cited by some respondents:

The instability of my situation and having access to electricity and internet to work on my case. The constant threat of becoming homeless and having to factor in the relocation case, my daughter's wellbeing and still manage to work, do all the chores ['chores'] and mental challenges without any support whatsoever (apart from GlobalArrk). [R117]

All the upheaval and uncertainty, trying to get a safe new life for us all whilst also dealing with the many practicalities of trying to leave a family home undetected and set up a temporary new life, keeping kids balanced and safe and happy. [R132]

To see my children whilst trying to keep a roof above my head... [R44]

14. Domestic Abuse

In order to gain as full a picture as possible of the reasons for relocation and bearing in mind the reported correlation between return proceedings under the HCCA 1980 and domestic abuse,²⁰ the survey specifically queried the incidence of domestic abuse in the context of relocation. The term 'domestic abuse' (DA) is used, rather than 'domestic violence', as it better captures the myriad forms of abuse, physical and non-physical.

The survey asked participants, **'Have/had you or your child suffered any kind of family violence since moving abroad?'** To this question:

- 82 responded 'yes, myself and/or my children have experienced abuse from the other parent'
- 4 responded 'no, there has been no abuse'
- 2 responded 'maybe'
- The remainder did not respond

²⁰ This was the subject of the recent Forum on Domestic Violence, see n.2

Considerably more has been written on DA and abduction in the context of the HCCA than on DA and relocation. See for example: Kaye, M. (1999). The Hague Convention and the flight from domestic violence: how women and children are being returned by coach and four. *International journal of law, policy and the family*, 13(2), 191-212; Weiner, M. H. (2000). International child abduction and the escape from domestic violence. *Fordham L. Rev.*, 69, 593; Freeman, M., & Taylor, N. (2020). Domestic violence and child participation: contemporary challenges for the 1980 hague child abduction convention. *Journal of social welfare and family law*, 42(2), 154-175; Weiner, M. H. (2021). You can and you should: How judges can apply the Hague Abduction Convention to protect victims of domestic violence. *UCLA Women's LJ*, 28, 223; Gray, A., & Kaye, M. (2023). Redressing the balance: how Australia's approach under the Hague Abduction Convention is still endangering victims of domestic violence. *International Journal of Law, Policy and the Family*, 37(1).

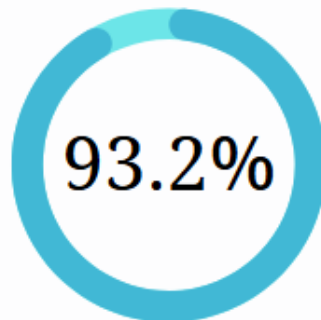
On DA and relocation specifically see: Bala, N., & Wheeler, A. (2012). Canadian relocation cases: Heading towards guidelines. *Canadian Family Law Quarterly*, 30(3), 271; Henaghan, M. (2011). Relocation Cases-the rhetoric and the reality of a child's best interests-a view from the bottom of the world. *Child & Fam. LQ*, 23, 226; Taylor and Freeman n.11

A total of 85 respondents reported experiencing abuse of the following types, listed in the table below. Note that 2 respondents who had indicated ‘maybe’ and 1 respondent who had indicated ‘no’ to the preceding question, responded to this question. Types 1-7 were offered as tick-box options; types 8-11 were added by the respondents themselves under the option, ‘other’. Respondents were allowed to tick all the boxes that applied.

Table 10. Types of Abuse Experienced

	Type of Abuse Experienced	Number of respondents
1	Physical	38
2	Emotional	85
3	Financial	69
4	Sexual	35
5	Coercive control	76
6	Psychological	78
7	Verbal	65
8	Preventing breastfeeding	1
9	Creating an unsafe environment	1
10	Abuse via institutions and authorities	2
11	Abuse via child	1

Every single respondent indicated that they had experienced emotional abuse (a total of 85). Most respondents indicated that had experienced psychological abuse (78) and coercive control (76). A large number of respondents experienced financial abuse (69) and verbal abuse (65). These are all non-physical forms of domestic abuse; less ‘visible’ to the outside world, and hence more difficult to document and evidence. Alongside non-physical forms of abuse, close to half of the respondents reported experiencing physical abuse (38) and sexual abuse (35).



Infographic : Have/ had you or your child suffered any kind of family violence since moving abroad? 93.2% of those who responded to the question reported ‘yes, myself and / or my children have experienced abuse from the other parent’

In order to understand how (if at all) DA impacted the relocation case, survey participants were asked, **‘If you disclosed this abuse as part of your relocation case, how did it impact on your relocation case? (any relevant experiences welcome here)’**

The responses fall into two broad categories: those who did not disclose DA and those who did disclose DA. Examining the respondents who did not disclose their experiences of DA as part of the relocation case first, it is important to understand the reasons behind their non-disclosure.

A significant proportion of stuck parents were specifically advised by their lawyer not to disclose their experiences of DA:

My lawyer advised to not paint a bad picture of my ex as to show that we could get along still which would be needed to communicate if relocation was allowed. [R8]

I didn't, because lawyers in the UK advised me to be positive about my ex - the idea being that the judge would want to see that I want to maintain my daughter's relationship with her dad. [R19]

I have not disclosed it. My lawyer advised against it. [R32]

I'm currently preparing for my relocation case, but current advice from my lawyer is not to mention the abuse as part of the relocation case. [R53]

Others were advised (though they do mention by whom) not to disclose DA:

I was always advised not to mention abuse as family courts in England do not like to deal with it and it would turn against me. [R29]

I have been advised not to disclose this matter as it will not help rather slow and over complicate my case. [R50]

I have been told not to make it a focal point as it needs to appear I support the father as if it looks like I want to run away from him it will automatically be denied. [R23]

I was told so far not to say anything about it. Not to point any finger towards the father. To pretend that it's not there, that it's not happening, because no one will be interested in it, no one is going to hold him responsible for it. [R74]

Several messages emerge from these responses. Firstly, that disclosure of DA as part of the application for relocation will complicate the case and prejudice the court against the applicant. Secondly, that applicants must appear to be on good terms with their former partner – even against a history of or ongoing DA – in order to show they can facilitate a continuing relationship with the child. Thirdly, that a history of and/or ongoing DA does not matter.

It is also interesting to note that parents chose to, or were advised to, ‘pick their battles’ and tactically decide whether or not disclose DA.

My solicitor said maybe I should choose which battle is my priority & put the other to the side. I went for relocation & because I said I didn't want to pursue the fact finding. [R33]

Halfway during the court process we dropped them to fully focus on relocation. [R37]

Not included for relocation, though it is disclosed in the custody case and it's the same courtroom and same judge. So when we reapply for relocation, the judge will know the background of the abuse, and it could subconsciously bias her. [R69]

I only disclosed in order to get Legal Aid. I told the judge it was not relevant to the relocation case, so he decided to not do a fact finding hearing. I had very little evidence so I'm happy with this outcome. [R39]

Some parents decided themselves not to disclose DA. Their reasons vary; for some DA was not the main reason for seeking relocation:

I also didn't because it is not the main reason I'd like to move. [R19]

My focus however is not on the abuse but on how they can stay in touch IF the children ever wanted direct contact. [R38]

Others were concerned about how this disclosure would reflect or impact on them:

No, I did not disclose this for fear of more trouble. [R18]

i didn't, was scared it will look bad on me. [R93]

And others still indicated that they did not think they would be believed, or that the claim of DA would not be considered seriously or at all in the stuck country:

I did not mention abuse because they do not believe women if we mention abuse. [R72]

Yes, Hungarians do not consider any of these aspects of violence against women. The government doesn't even recognize domestic violence. [R115]

Didn't disclose because wasn't seen as abuse. [R67]

Domestic violence has no effect in the NL. There are virtually no successful relocation cases with or without DV being cited. [R77]

Turning then, to those who did disclose DA during relocation proceedings, the majority of respondents indicated that the disclosure had ‘zero weight’– it was not seen as a supporting factor in their relocation case. Responses read along the following lines:

It's as if it meant nothing at all. I believe Australian culture accepts violence against women and children. [R14]

Had zero weight. [R15]

Yes, it was disclosed and it had no impact. [R61]

Further, many respondents reported that the disclosure was either ignored or that they were not believed by the court.

It fell on deaf ears in court. [R44]

I was not believed and I was accused of coaching the children to serve my relocation purpose. [R3]

Yes- it was used against me and I was told I was making it up because - to quote the judge - "if they were to accept it it would be a main defence against the Hague." [R26]

Yes, judge didn't care at all. She even used it against me and wanted me to show accountability for him abusing me. [R27]

I was portrayed as a liar because I hadn't involved police the whole way through. [R28]

Not taken seriously by court at all because I had no bruises. [R68]

The responses reveal that reporting and evidencing DA impacts how it is viewed by the court. It is also important to add that some respondents experienced further or an escalation of abuse following disclosure.

A minority of respondents reported that DA was both disclosed and acknowledged by the court:

The judge acknowledged my ex displayed a lot of controlling behaviours, along with his very negative attitude towards me. She acknowledged how this would impact my son as he grows up if we had stayed in Australia. [R2]

During The Hague it was referenced by the judge as “relationship troubles” but my judge during my relocation case was far more open minded and knowledgeable about all forms of abuse. [R12]

We had lived in a shelter the whole time and in the end the Judge saw through the delay tactics and abusive behavior of the father. [R51]

Finally, those whose relocation cases were ongoing, expressed despondency that any disclosure of DA would impact the outcome of the relocation application.

15. Evidence Needed for Relocation

Survey participants were requested, ‘**Tell us about what kinds of evidence you needed and how easy/hard it was to gather.**’ Within the responses, it is sometimes unclear as to what evidence the respondent provided of their own initiative, and what evidence was needed per the direction of their lawyer or the court procedure.

Regarding the relocation itself, respondents report needing to provide detailed information on the logistics of the move. Based on the responses, that included:

- School enrolment
- Transport (public transport or access to a car)
- Place to stay (housing, address)
- Social benefits
- Proximity to key places

- Map of the area they are relocating to
- Proof of income or job, or indication of job prospects
- Cost of living
- Medical reports
- Financial situation
- Doctor, dentist, healthcare registration
- Social worker check
- Children's guardian/representative report
- Information about the area (in some cases, photos)
- Maintaining cultural and language connection with country they are leaving
- Extra-curricular activities for the children
- Other similar, successful relocation cases
- Visa, citizenship, residence rights
- Contact, visits, and maintaining a relationship with remaining parent
- Life in the country they are relocating to (often in comparison with life in the stuck country)
- Statements of support from family and friends
- Chronology of events/narrative
- Police reports
- Expert evidence, e.g. psychologist
- Airline tickets/sufficient funds

The following response is a particularly detailed and clear example of what evidence was required from this parent [R97]:

I needed evidence of what life would look like back home. This included:

- *housing options*
 - *job options for me*
 - *school information. Although schools are dramatically better in the proposed relocation destination than in NZ, I simply made the point that they are at least as good. It is well known that NZ judges never believe that any other country has better schools, even though international comparisons by experts clearly show this.*
 - *Te reo (Māori language classes) and other info on how the kids would maintain a connection to NZ. (No, the children aren't Māori, but the father used Māori language and culture opportunistically to try to argue that this was a reason they could not move. In contrast, he did not acknowledge that in my state, where there is no ethnic/racial majority, Spanish immersion would be great for the kids).*
 - *Family and friend support back home. At first, the father claimed I had no support systems in the Bay Area, so I had to get some affidavits. It was not hard, but it was just silly. Wherever possible, relocating to the town or city where one's family is a good idea. In my case, that was not plausible as there are no jobs in my sector.*
 - *A very generous visitation schedule. This helped me a lot because I could show that the kids could be with their dad 25% of the time if he wanted. This works for Americans due to our long school breaks.*
- [R97]

As for how difficult this evidence was to gather, the responses varied. For some, it was foremost a **time-consuming** task, though not necessarily difficult:

- I spent hours writing my statements. [R103]*
- Took a long time to gather all the info but putting it in one large chronology really helped. [R132]*
- It was time consuming but not too difficult to find. [R39]*
- Not hard so much as taking a lot of time. It took months to gather employment records. [R63]*
- It was all the normal stuff that's recommended and that was easy enough just time consuming. [R65]*

A few respondents found it **easy to gather the evidence**, for example:

comparisons of Mexican and NZ healthcare, education, housing, job prospects, govt benefits I'd be eligible for, family support, transport. Letters from friends. It was easy to gather. [R69]

I needed a mountain of evidence of the impact of being in the stuck country on my mental health, and that I had tried pretty much every medication and therapy to fix it. This was not hard to provide as I had done all those things, but I still had to hire a forensic psychiatrist, which became very expensive. [R97]

The **expense** of providing, for example, expert evidence (as noted by R97) or sworn translations of documents was noted by a few respondents too.

Comparatively more respondents found it **difficult to impossible to gather the evidence** needed:

The job I had lined up in my home town didn't want to provide a written letter with a job offer as I had advised them I couldn't go back there as they needed a response from me. [R8]

The main problem has been trying to get a job offer without knowing when I will actually be permitted to live in the UK. Secondly, it's thanks to my parents that I have been able to present a place to live, without their having a place for me, I would also have great difficulty giving an address in the UK. [R19]

...it is difficult to get some evidence like a school place or work offers if you can't give them a definite answer of when you would be able to move. [R38]

Very difficult to get when I was living abroad. I needed photos of my parents home, school options, a work letter that I would have a job offer which is near impossible when you don't know anything about your future. [R114]

Very easy to get when we were there, impossible from overseas. [R26]

I am finding it impossible to get evidence for preschool places and financial security. [R32]

It's extremely hard to juggle a job, no childcare and a toddler and do as much prep yourself to save money. [R23]

What emerges from the quotes is that securing a job and providing evidence of that is particularly difficult for the reasons indicated by the respondents, namely, the uncertainty of the move itself. It is interesting to note that some countries appear to require a job to be secured/offered, while others simply require an indication of job prospects – the latter is far easier to do.

Additionally, some parents report that they were **not sure what evidence they needed**, for example:

It's not clear. My lawyers didn't seem very motivated to help me. [R125]

Furthermore, one respondent indicated that they could not obtain the evidence they needed from public bodies (police, healthcare, local authority). Another respondent shared the danger of obtaining evidence (videos, voice recordings, photos).

Regarding gathering **evidence of abuse**, the survey did not specifically ask about this. Nonetheless, survey participants shared that this was difficult:

I didn't have much evidence of the abuse, just my word against his. [R2]

I had some evidence but it seemed like I was arguing with a brick wall at times to prove he was an abuser. [R12]

I was unable to gather much evidence of the abuse. [R49]

The following respondent underlines the how onerous this task can be:

I documented everything! I went hyper vigilante and spent loads of time investigating and gathering documents to show the abuse. A lot of time and effort went into this. [R51]

16. Feelings After Relocation Proceedings

Participants were asked, ‘Whether you won or lost your case, tell us how you felt afterwards and the impact on you and your child/ren?’ Given the extensive coverage on the impact of various aspects of the proceedings throughout this report, this section focuses on the feelings of the stuck parents.

The number of parents reporting positive feelings was significantly smaller compared to the number of parents reporting negative feelings.

Parents who won their relocation case, most often reported feeling **relief**, often relief combined with **shock**:

Great relief and shock we won as no one hardly wins. [R101]

They also shared more general **positive feelings**:

Great but due to COVID it took us almost a year before returning home. [R37]

...overcome with joy, impact on me and my child has been very positive [R39]

We now have a good life after getting over the abuse. [R101]

In particular, the feeling of **freedom** following a successful relocation recurred:

We were granted relocation and when we arrived home to Canada I could finally breathe... My son and I are finally doing well here in Canada and I am finally free from that nightmare. [R51]

Not any longer a prisoner. Free. Finally free. [R121]

However, it is important to note that some parents continued to feel **fear** even after relocation:

Terrified, homeless and penniless. It took me around 3 years to feel safe back home and to stop thinking a court would change their decision. I was living on edge all the time and my child suffered from horrific separation anxiety. [R12]

Immensely relieved, but still frightened because the agreement was that I would wait two years before leaving (my son would be 14 then). [R18]

We flew out just a few days after the final decision. It sends chills down my spine still. [R132]

These respondents feared that the decision in their favour would be changed or retracted. Their responses reveal the lasting and weighty impact of the relocation process. The following respondent details their post-hearing and post-relocation experience:

I felt drained, I felt I had lost my own sense of good judgement & needed to turn to professionals for everything. I felt sad that I had to pour so much energy & time into court battles instead of making early memories with my children & self care for me. Now I deal with post separation abuse through child contact as my ex followed me to my relocated country where there is no child arrangements order in their jurisdiction except maintenance. Mentally I'm stronger, my mind is free, I'm back at work, my family are nearby. I still have PTSD & can see the control affect the children too at times they will have meltdowns when they get home from seeing their Dad or be very disregulated. [sic.] [R33]

As can be seen through this quote, numerous difficulties and struggles can persist despite feeling ‘stronger’, even if relocation is successful.

Turning to the parents who lost their application to relocate, a small number of parents who did not succeed nonetheless reported a sense of **satisfaction for having tried**:

There was a feeling of satisfaction for knowing I had tried my best to relocate. I'd have regretted if I hadn't tried. [R103]

There was also a feeling of satisfaction for giving our best try in court. [R117]

One of those respondents (R117) reported having found happiness despite an unsuccessful application for relocation:

After a couple years, I find myself happy and satisfied with my life. It is far from ideal but it's comfortable and somewhat safe. [R117]

Other parents report trying to **make the best** of the situation:

I've turned a corner since my best friend died in 2022 back home and I'm trying to live life. It was sad at first but I decide to make the best of it and things are good now. [R26]

The feelings of parents following (unsuccessful) relocation applications were, unsurprisingly, negative. A small number of parents reported having **suicidal thoughts**. Others reported feeling *'like I was at the bottom of a well'* [R8] and *'like my world collapsed'* [R17]. The respondents reported feeling **alone, isolated, angry, awful and broken**. They felt **abused** by the other parent and the system. They reported feeling **confused**. Many parents reported feeling **depressed, distressed, stressed, traumatised** and generally experiencing **poor mental health**. Many also reported **crying** constantly and feeling **sad**. **'Devastated'** was recurring word throughout the responses. Parents reported poor mental health in their child(ren) too. The respondents reported feeling **exhausted**. Some stuck parents felt **trapped** or **imprisoned** in the stuck country, and some felt they had been **tricked** (by the other parent) into the stuck country. Many parents felt that they had been **let down by the system** and that they had experienced a **loss of (human) rights**. They felt **unheard, ignored**, and that things were **unfair**. The feeling of **hopelessness** was repeated throughout the responses. Some parents felt **unsafe** and some **worried** for their own and their child's future.

17. Improving Relocation

Finally, the survey asked participants to share their views on how relocation could be improved: **'How do you think the relocation court process could be improved?'** Their responses clearly indicate key areas for improvement. These areas largely reflect the challenges that they have faced, articulated in section 13.

From the responses gathered, that the area that most requires attention is the **length of time** it takes to go through the relocation process. The need for faster processing times was a common suggestion from parents stuck in various jurisdictions:

It should be much quicker. Going home cases are very different to "moving to a warmer country". [R32]
Timings are ridiculous this should be a much shorter process. [R50]
Faster processing times in court. [R67]

Some parents indicated that the need for a faster process was linked to visa requirements, for example:

Time was of the essence as I only had my visitors visa and every 6 months had to fly to Canada and back to get another 6 months put on my visa! [R51]

Another parent, shared the broader impact on her life, namely, wanting to move on and continue building a family:

Well specific to Brazil it could be faster in general. Putting my life in limbo for 3-5 years isn't ideal, especially given that my child bearing years are coming to an end. [R19]

Many parents cited (ongoing) abuse as key reason for recommending a faster court process for relocation, for example:

Faster. Take abuse seriously. [R101]

Responses pertaining to DA are addressed separately, below.

Reducing the cost of applying for relocation was cited almost as frequently as the length of proceedings as a point for improvement:

It should not also cost a small fortune to go to court!!! Solicitors should not charge so much for family court. It's outrageous. There should be a cap on it as parents with lots of money seem to be the only ones

getting justice as they can afford to hire lawyers and pay to win instead of actually doing what's in the best interests of the child!!! I've had to use my life savings to battle the father who is clearly the problem and using family court as a tool to manipulate us to get his way and make life here even more miserable and difficult. [R25]

I had to defend myself in court as I had no money to hire a barrister and solicitor unlike my ex. Which meant I lost my case. [R44]

...and it's ridiculous to have to pay so much to go to your own country which should be a civil right! [R91]

Solicitors and barristers are too expensive in London at least prices are ridiculous and this should be a bit more fair. [R50]

Better access to Legal Aid and financial support in general was also called for:

Make it accessible with legal aid. [R26]

...it should be easier to get access to legal aid. [R2]

Access to legal aid (without oners ['onus'] to prove abuse, which in some cases is impossible) [R28]

...and a fair support for the parent with no money. [R44]

There is also the issues around visas, finances and legal costs. I was fortunate I have dual citizenship and legal costs were paid but financially I was reliant on family and charities. When my son was made to return I was told to just go to the nearest homeless centre and ask for help. I was not given accommodation for returning with a 1 year old child and all my money had been stolen by my ex. [R12]

The last quote captures the financial and administrative interdependencies that stuck parents have to contend with, namely, visa related costs, legal costs and living costs which, in the absence of any assistance, must come out of the same, limited resources. The following respondent suggested flight subsidies as a way of reducing travel costs:

Also a special arrangement possible with airlines to make it affordable for parents to see the kids in other countries. [R160]

Within the responses there was a considerable amount of dissatisfaction with professionals within the relocation system, primarily judges and lawyers. Respondents suggested **better training for legal professionals** on relocation:

Nobody really knows what relocation is. My first lawyers didn't. You have to wonder if the judges understand it. Maybe more education for the judges would be useful. [R69]

Competent judge. Such cases should be addressed by special judges trained in international matters and selected for having an expatriate experience. Otherwise, these people don't know what they are talking about neither the impact on children. [R159]

...a list of approved solicitors who are vetted for specific processes relating to relocation. [R28]

Dramatically reform the court reporter system by putting in competent people who are trained in the latest research. [R97]

Respondents also specifically called for better training within the legal profession on DA:

Train judges about domestic abuse. [R26]

More knowledge around trauma and abuse. [R87]

Alongside dissatisfaction with the level of expertise encountered within the legal system, many stuck parents felt that the court was **biased** against them:

Yes, maybe the judge could actually be an independent person who takes both parents into consideration. [R93]

Unbias judges that don't have preconceived ideas and preference towards father no matter how awful and difficult he is. Younger judges, female judges, who actually read all the documents. [R8]

To listen and stop being biased. [R42]

Gender and race-based biases in particular were perceived:

And Dutch judiciary would have to be trained in equality & anti racism. [R77]

Eliminate bias, misogyny, nationalism (how? I don't know) [R97]

*Yes, more education, less bias against women/foreigners. [R98]
And Social Services go against mothers because "they are harder to work with". Yes, because the system is created by man and for man. [R103]*

A better understanding and prioritisation of the **best interests of the child** was a key theme within the responses:

But the best interests of the child should be reviewed because I don't feel they are ever properly used. [R23]

They absolutely do not consider the children's welfare, it would be a huge improvement if they would. [R48]

Some parents felt that the child's best interests were outweighed by the father's interests (recall that stuck parents are mostly mothers, and that this is reflected in the survey population):

Truly centering the wellbeing of the child instead of the right of an absent father to "build" or "maintain" a relationship that they haven't shown much interest in building or maintaining before. [R53]

By taking into account the best interest of the child, not that of the father. [R74]

Less weight on father's rights and more weight on child's rights... [R39]

Equally strongly articulated was the view that the child's interests should not be seen in isolation from the mother's/caring parent's interests:

The court cannot isolate the case of the mother to the case of the child and pretend that they are two different things. [R34]

They cannot separate what's best for the child and the parent. They need to look into everyone's wellbeing. [R117]

That abuse towards the mother is automatically abuse towards a child, because it impacts them greatly. [R49]

Listen to women and that the mental health affects the child 100%. [R114]

The main thing was that at no point my wellbeing was taken into account. And I was still breastfeeding my baby, of course my wellbeing is important for my daughter. [R103]

Stop treating mothers and fathers as equal parents. Put serious effort into determining who is a child's primary carer, and assume the child's best interest is to remain with that parent where they are happy and safe. [R125]

The preceding quote relates directly to frustrations expressed by other parents regarding 50:50 custody arrangements:

The system must change because at the moment they just try to give 50/50 despite abuse or everything like that especially towards woman. [R78]

Do not assume that 50/50 shared care is the best option unless proven otherwise. [R97]

All of the foregoing responses highlight the triangulation of tension between the mother's, father's and child's interests. Lastly, on this theme, some parents felt that the child's best interests could be better understood by allowing children to be heard within the court process:

The courts should listen to and believe children. [R72]

Allow young children to appear in court and voice their wishes directly, without the interference of biased consultants. [R125]

Domestic abuse has already been mentioned and has appeared in connection with other key themes for improving relocation. It is, however, a key theme in its own right. The responses reveal that stuck parents who have also experienced DA, do not feel understood, supported or heard within the proceedings. The following quotes show that stuck parents do not feel DA is properly considered:

Domestic violence should be a strong factor to consider instead of being something we need to hide as it can affect negatively to the process and end result. [R50]

The courts should believe that abuse is one of the main reasons for wanting to relocate. [R72]

Give consideration on coercive control and other forms of psychological manipulation, even if these are "only" directed at the mother (not the children). [R97]

Stuck parents who have also experienced DA further indicate that DA is not properly understood or indeed, believed:

...allegations of abuse should be taken much more seriously... [R2]

Believing victims of abuse, protecting children who disclose even if there is no clear evidence, understanding that an abused parent feels safer and better supported if they are with their family in their home country.

For the court to recognise that it is another form of abuse from the perpetrator, [Ed. My emphasis] [R3]

Recognize the statistics about gender based violence and believe women. [R125]

The following response sums up the difficult choice that some survivors of DA are faced with:

Atm it's or relocation or domestic violence proceedings which is hurting a lot of mums. You can't see them separately. [R37]

This quote reiterates the same sentiment as R50, the first quote in this sub-section, that DA should be a 'strong factor' to be considered within the relocation procedure – not all respondents felt that that was the case.

Respondents recommend working towards better **understanding and supporting relocation applications in practical terms**, for example:

More understanding and support with hearings. I am a single mum and it's hard to find care to attend court in person. I contacted the court about my childcare issue and they just said they don't help and I need to attend in person and can't bring my child. [R1]

Another respondent highlighted the advantage of online courts:

Thanks to Covid, my court appearances were conducted online which made things greatly less stressful than attending in person. [R132]

And, another respondent expressed a preference to attend court from their preferred country (presumably online):

Being able to stay in the preferred country and have court hearings from there. [R106]

Respondents also recommended improvement in protecting parents from ongoing abuse throughout the relocation process, for example:

If they can't secure and protect the parents during the process, then they have to consider the abuses and violences that parent is exposed to. I haven't seen this with a man but women need to be kept safe, especially mothers. [R103]

They also recommended making more information available about the relocation procedure:

There should be more information available for parents who want to prepare themselves for this process. [R50]

More details and nuance about what counts as being settled in a country. [R68]

Additionally, they recommend clearer, more uniform procedures for relocation:

What process? There IS NO process. [R135]

Unified process with the same rules for everyone instead of this lottery style of decisions. [R29]

Moreover, they recommend addressing heavy evidence requirements and fully taking into account the evidence presented (evidence is also considered in section 15).

The final key theme to emerge from the responses on improving the relocation procedure was a **greater understanding of the applicant's situation**, and the full implications of refusing relocation. This includes taking into account their connection, or lack thereof, with the stuck country, and their life/ability to live in the stuck country. Many parents shared that they felt their situation was not fully considered:

If they had paid more attention to my situation... [R107]

Sometimes having money for the best school etc, doesn't really compensate for a depressed parent. The vision of the situation needs to be more holistic in that sense. [R19]

My life has been ruined because the appeal court judges didn't look at the bigger picture and take into account past behaviour and current financial situation. [R65]

Really watching the case and the backgrounds. Not giving the leaving parent to be a criminal. Empathy. Protection. [R121]

Throughout the responses on how to improve relocation, this theme – to be understood, to be heard – recurred.

Finally, perhaps the overarching sentiment to emerge from these responses is that relocation should be easier. The following respondent sums it up thus:

It seems the default answer for courts is to keep everything the same. The courts should give relocation a fair chance rather making it an uphill battle against keeping things the same. [R72]

18. Conclusions and Recommendations

Based on the insights gained from the survey, several conclusions can be drawn about the process of applying for international relocation. Firstly, the length of time it takes to complete relocation proceedings is too long, and crucially, the longer it takes the worse the impact on the applicant parent. Secondly, the cost of applying for relocation and the limited availability of legal aid presents a serious barrier to accessing relocation. The cost of relocation must be seen in context: relocation is often one of a number of legal proceedings that the applicant is going through, and the costs therefore accumulate. More attention should be paid to the so-called 'missing middle' – those who do not qualify for legal aid, but who also may not have sufficient resources to fund themselves. Thirdly, of the stuck parents who did manage to access the legal procedure, many, *many* of them felt unheard throughout the proceedings. This particularly relates to a lack of understanding on two matters: a) the situation of the stuck parent (i.e. being far from family and friends, living outside their own socio-cultural setting), and b) domestic abuse in all its forms (how it operates, the impact it can have).

More can and should be done to address these shortcomings and facilitate relocation when the circumstances demand it. Based on the survey responses, particularly, the responses suggesting improvements to relocation (section 17) a number of recommendations can be made. These recommendations fall into two broad categories. Firstly, those that are procedural in nature, seeking to address the issues of length and cost of proceedings. Secondly, those relating to the development and implementation of policy, and legal practice, seeking to address the complex and multi-faceted matter of applicant parents feeling unheard throughout proceedings.

It is therefore recommended that national jurisdictions collectively aim to achieve following:

Procedural Recommendations:

1. **Reduce the length** of relocation proceedings to less than 1 year.
2. Introduce an **expedited procedure** for those applicants who need to leave urgently.
3. **Increase access to Legal Aid** for those applicants whose cases have merit but who lack means.

Recommendations for Policy and Practice:

4. **Assess applications for relocation based on factors that are weighted** in the following order of priority:
 - i) Whether relocation would help protect the child from harm, recognising that harm to the parent will equate to harm to the child.
 - ii) Whether the primary/sole carer applicant is able to live in the child's country of habitual residence in order to continue caring for the child. Relevant factors include: immigration status, financial situation, housing situation, safety.
 - iii) Whether the primary/sole carer applicant is able to function effectively as a parent in the child's country of habitual residence. Relevant factors include: mental health challenges, language barrier, absence of a support network and post-separation abuse.
5. Ensure that **in cases involving DA**, the requirement placed upon the applicant/relocating parent to 'support and facilitate' a relationship with the non-relocating parent only applies when:
 - i) It is demonstrably in the child's best interests, and
 - ii) It is implemented in a trauma-informed manner.Critically, this requirement **should not prejudice relocation applications** where there is a history of/ongoing DA.
6. Ensure that law and policy pertaining to relocation is based on **trauma-informed principles** and **informed by those with lived experience** and their advocates, via active consultation.
7. **Build expertise in international relocation** across the legal profession, primarily, lawyers and judges, and the institutions that are involved in relocation proceedings (e.g. social services). Importantly, there must be commitment to overcoming unconscious bias given the diversity within families who face international relocation proceedings
8. **Build expertise in DA and trauma** across the legal profession, primarily, lawyers and judges, and the institutions that are involved in relocation proceedings (e.g. social services), with a view to developing best practices for relocation cases.
9. Notwithstanding the fact that relocation is a matter that is currently addressed within national legal systems, aim for **greater global consistency** in relocation proceedings.

These recommendations are in addition to those set out in Relocation Report of June 2024. This report, and its predecessor, is intended to form a starting point for further and deeper analysis on understanding and improving relocation from a practical perspective. There remain important themes that emerged within the data that have only been touched on very lightly or implicitly in this report (due to constraints of length) and demand further attention. Namely, the impact of the presumptions in operation vis-à-vis shared care and continuing contact, and operation and impact of the burden of proof in relocation proceedings. These matters remain points for future, focussed research. A further point for future research is the integration of technology (specifically, online proceedings) into relocation proceedings, with a view to increasing access to justice. Finally, thank you to all the GlobalARRK parents who took the time and effort to participate in this survey – often under difficult circumstances – in order to share their lived experiences with us.

International Relocation of Children

**A study of how applicant parents experience
relocation proceedings to return to the
country they consider home**

This report communicates the results of a GlobalARRK survey that invited parents to share their experiences of international relocation. The purpose of the survey was to seek a better, more holistic understanding of how applicant parents, wherever they are in the world, experience the relocation process. Highlighting the key themes that emerge through the lived experiences of these parents, this report contributes towards a better understanding of the challenges and points for improvement within current processes for international relocation.

This is the second report published by GlobalARRK on International Relocation. It builds and follows on from the Relocation and Experiences of Lawful Removal Applications Report, published in June 2024.

