

Families Fleeing Overseas

Guidance for social workers protecting children and their families who have gone abroad and safeguarding those at risk of doing so

This guidance is designed to help professionals take effective courses of action when they are working with a child in need of protection who travels, or is at risk of travelling, abroad, either in a planned or unplanned manner. This factsheet is for local authority social workers although it is relevant reading for any professional working to safeguard children.

CFAB research shows that one in four children in need of protection who travel abroad remain at risk of abuse and/or neglect¹. Sometimes children are moved in this way to avoid involvement with professionals. Families may flee after an initial home visit, once a child has been made subject to a child protection plan, when a case is escalating to a pre-proceedings stage or after court proceedings are issued. Children may also be removed from the country and placed at significant risk of harm overseas, for example, in cases involving forced marriage or Female Genital Mutilation (FGM).

Key Messages

- **Gather as much information** as early as possible in any referral and assessment process about the family's resources and any links abroad, including past addresses, addresses of grandparents, aunts and uncles, and second residences abroad.
- If a family is identified as a flight risk, **consider seeking legal advice on issuing court proceedings**. Orders issued by the family courts give the local authority parental responsibility for the child, meaning that the children cannot leave the UK without consent from the local authority.
- If it is identified that a child in need of protection has left the UK without the knowledge of the local authority, consider **reporting the child as missing to the police**, who can take action to ascertain their whereabouts.
- **Act quickly to make an urgent child protection alert abroad** to the country where the child has travelled, if this is known. This can be done by contacting the CFAB advice line on 020 7735 8941.
- Some measures are dependent on there being care proceedings underway or a care order in place. Further details on this are in the following sections.

¹ CFAB (2018) *Cross-border child safeguarding: Challenges, effective social work practice and outcomes for children*. CFAB: London.

Preventative steps

- Gather information about the family's links and resources abroad. This should include previous addresses, addresses of extended family including grandparents, aunts and uncles, and location of any second homes that the family may have in other countries. Obtaining copies of passports and national identity cards (issued in some countries), or recording the reference number of the national identity card, is also important – if the family flees, this information may be crucial to identify where they have gone so that a child protection alert can be issued overseas.
- Gather information about the location of the child's passport/s. If the parent/s consented, the local authority could hold the child's passport (and only if its security could be guaranteed). Note: some children may have dual nationality, meaning that they could hold more than one passport. If the child has dual nationality, but only one passport, consider alerting the relevant foreign embassy with advice to refrain from issuing a second passport (unless doing so would put the child at risk).
- CFAB recommends the collaborative use of genograms, 'family trees' and chronologies with children and their families from the earliest opportunity.

The information above can only be obtained with the consent of the parent/s; there is no authority to intervene without this information if there is no court order in place.

- **Seek legal advice on preventing the child being removed from the jurisdiction.** It may be appropriate to issue proceedings to prevent the child being removed from the UK. Depending on the circumstances, wardship proceedings may be considered to enable the High Court to exercise a protective jurisdiction over the child, and to facilitate the making of orders directed to the tipstaff for the location of the child, delivery up of their passports, or (exceptionally) a collection order. Similarly, the issuing of care proceedings and the making of an ICO may be appropriate depending on the circumstances, and risks to the child. Where there are concerns about forced marriage or FGM, there is specific legislation which can be used to make protective orders in relation to the child.
- **If there is a risk of imminent removal of a child from the UK** without the consent of those with parental responsibility, a Port Alert may be put in place by the police. This will mean the family is stopped if they try to leave the country, and the relevant authorities are notified. Port alerts are usually active for 28 days.

Actions to take if a family flees abroad

- **Consider an emergency application to court.** Applications made after a child has left the country can raise jurisdictional issues, where the powers of a UK court may be limited in protecting a child overseas, so it is important to act quickly.

Consider seeking an order for the child's return, and seek advice as to how that order may be recognised and enforced in the country that the child has been taken to.

An unlawful removal of a child from the UK without the consent of a holder of parental responsibility may engage the provisions of the 1980 Hague Child Abduction Convention. As such, where a child is removed from the UK without the consent of the

local authority had parental responsibility for the child at the time of the removal, the local authority may be able to bring an application for the child's return to the relevant part of the UK under the 1980 Hague Child Abduction Convention.

Where there are concerns about forced marriage or FGM, there is specific legislation which can be used to make protective orders in relation to the child.

The appropriate court application will depend on the circumstances of the case, and specialist advice should be sought.

- **Request a port alert.** If a family has left the UK, a border alert can help to identify if they return to the country. Again, a court order will need to be in place before a national border alert can be made, as the local authority must share parental responsibility for the child/ren.
- **Make a child protection alert abroad as quickly as possible** to the country where the child is known, or suspected, to have travelled to. This will inform the other country of the concerns for a child who is now in their jurisdiction and can request that the other country takes action to protect the child. Some countries will require a full address for the child's location in their country, but some may not. If the child's address in the other country is not known, it is worth enquiring to find out if they can trace the family with limited information.
- **In most countries where we have an ISS partner, CFAB can action an international child protection alert within one working day.** Enquiries and referrals for child protection alerts can be made through the Central Authority (1996 Hague Convention Contracting States), CFAB (ISS network), the relevant embassy in the UK for the child's nationality or the British consulate in the other country if the child concerned is a British national
- **Local authorities should not send a UK social worker to another country** to attempt to trace a child, return a child to the UK, or conduct a welfare visit where there are child protection concerns. This is extremely risky and, in some cases, illegal. Please see our factsheet on [UK Social Workers Practising Overseas](#) for more information.
- **Note: Home Office guidance states that a child's passport should not be stopped if they have already travelled overseas**, as this can make the process of returning them more difficult and may also be illegal.
- **Note:** Article 36 of the 1996 Hague Convention places a duty on local authorities to inform an overseas country, if the local authority is aware of a child at risk in that country, unless be 'likely to place the child's person or property in danger, or constitute a serious threat to the liberty or life of a member of the child's family' (Art 37). This mandatory duty applies even if the child has travelled to a non-Contracting State to the 1996 Hague Convention.

Returning a child to the UK

The UK court may make orders for the return of a child. Depending on the country the child has been taken to, it may be possible for such orders to be recognised and enforced in the relevant country under the 1996 Hague Convention. Alternatively, it may be possible for orders to be sought in the relevant country which reflect (mirror) the terms of the UK order, supporting the local enforcement of the order for the child's return.

Further, as set out above, if a local authority had parental responsibility for the child at the time of their removal from the UK, and that removal took place without the consent of the local authority, depending on the country they have been taken to, it may be possible for an application to be made for the child's return under the 1980 Hague Child Abduction Convention.

Due to the complex legal matters involved, specialist legal advice should be sought. CFAB's Legal Advice Service may be able to provide additional resources and support with some of the complexities of cross-border children's cases: legal@cfab.org.uk

Short and planned trips abroad

In instances where a child is travelling abroad for a short period of time and in a planned manner (i.e. a child on a child protection plan is travelling to visit their grandparents and the family have informed the local authority), the following should be considered

- **It is not always necessary to inform the destination country that the child is travelling** unless you have identified that the child will be at risk during the trip (in which case it is unlikely that the local authority will have agreed to the trip in the first instance). CFAB can provide advice as to whether the destination country should be informed.
- **In many countries, it will only be possible to arrange a welfare visit with the child while abroad if the trip lasts for several weeks.** In CFAB's experience, it is sometimes possible to arrange a routine visit with a child where the trip is longer than four weeks; however this cannot be guaranteed as some countries may refuse to complete routine visits unless an urgent risk to the child has been identified. If an immediate risk to the child has been identified then an urgent child protection alert should be issued (see above).
- **Requests for visits during planned trips abroad can be made through CFAB**, who can arrange for a visit to be made via our ISS partners, or alternatively through the Central Authority for countries who are Contracting States to the 1996 Hague Convention.
- If the local authority is arranging a trip overseas for a child in care, they should request that the family members abroad who will be receiving the child are **assessed in advance of the plans being approved**.

Unborn babies

In cases where a pregnant person with an unborn baby flees abroad to avoid child protection intervention or scrutiny, the same steps outlined above should be followed (i.e. the preventative steps, a referral to the police and Border Force, and a child protection alert issued abroad). It is sometimes possible to issue alerts through hospitals in other countries if an expectant mother has gone missing.

If you are making a referral to another country through the Central Authority, please note that the Hague 1996 Convention (Article 2) states that it applies to children 'from the moment of their birth' until the age of 18.

Cases of forced marriage and Female Genital Mutilation (FGM)

Where such concerns are identified, an FGM Protection Order or Forced Marriage Protection Order can be obtained from the UK courts, which prohibits the child from being taken abroad for the purposes of forced marriage or female genital mutilation.

If the child has left the country, wardship proceedings can also be initiated in conjunction with FGM or Forced Marriage Protection Orders to secure the return of a child who is at risk

overseas. The Police may be able to assist with locating the child while the Border Agency can notify you if the child returns to the UK.

The government's Forced Marriage Unit can provide extensive support and resources in cases of forced marriage, including cases where children have been taken overseas and have undergone or are at risk of forced marriage, and also advises on cases of possible FGM. [Forced marriage - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

Resources

- **Children and Families Across Borders (CFAB)**

CFAB can issue international child protection alerts via our network of child safeguarding partners overseas. CFAB can also provide further services, guidance and support on cross-border cases. Call the free Advice Line on: 0207 735 8941. For legal support contact legal@cfab.org.uk

- **Foreign and Commonwealth Office (FCDO)**

The FCDO has a consular network around the world, based in British Embassies and High Commissions. Any cases involving child safeguarding issues are referred to the Consular Assistant Department, Child Protection Unit (CPU). Within this team they have an experienced child and families qualified social worker. Their staff around the network are not necessarily social workers but are trained to provide empathetic help and support to British nationals who find themselves in difficulty overseas.

[Foreign, Commonwealth & Development Office Help and advice for British nationals overseas,](#)

Tel: 020 7008 1500

- **UK Central Authorities for the 1996 Hague Convention - [HCCH | Authority](#)**

- **UK Central Authorities for the 1980 Hague Child Abduction Convention - [HCCH | Authority](#)**

- **Foreign embassies in UK: <https://www.gov.uk/government/publications/foreign-embassies-in-the-uk>**

- **Border Force: <https://www.gov.uk/government/organisations/border-force>**

- **Child Helplines International:** Child Helpline International coordinates information, viewpoints, knowledge and data from 176 child helpline members across 145 countries. This is used to help and support child protection systems globally, regionally and nationally. <https://www.childhelplineinternational.org/>

- **Forced Marriage Unit:** The Forced Marriage Unit (FMU) is a joint Foreign and Commonwealth Office and Home Office unit which leads on the government's forced marriage policy, outreach and casework. The FMU operates a public helpline to provide advice and support to victims of forced marriage as well as to professionals dealing with cases. Tel: +44 (0) 20 7008 0151. Email: fmu@fco.gov.uk.

Children and Families Across Borders (CFAB)

CFAB is the UK member of the International Social Service (ISS) network, with partners in 130 countries. CFAB is the only non-government organisation (NGO) in the UK set up specifically to deal with child protection cases which involve the UK and one or more other countries. Through our inter-country social work team, we provide guidance and practical support on a range of complex international child protection issues. CFAB works with professionals from Local Authorities, the Courts, the police, NGOs and Central Government.