



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 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.

Preventative steps

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

- 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/overseas nationality, in which case also 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.

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

- **Seek legal advice on preventing the child being removed from the jurisdiction without the consent of the local authority. As part of these proceedings, consider asking that the court order make directives about the location and security of a child's passport, birth and travel documents.**
- **If there is a court order in place, request a national border alert** by contacting the local police. This will mean the family is stopped if they try to leave the country, and the relevant authorities notified.

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.
- **Request a border 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.
- **CFAB can action an international child protection alert via our ISS partners within one working day.** Enquiries and referrals for child protection alerts can be made through the Central Authority (Brussels IIa and 1996 Hague Convention

countries), CFAB (ISS network), or the British consulate in the other country if the child concerned is a British national (FCO switchboard – Tel: 020 7008 1500).

- **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.
- **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 country².

Returning a child to the UK

If the child is subject to a court order, where the local authority has the majority of parental responsibility, it may be possible for an application to be made through the Central Authority under the 1980 Hague Convention for the child's return (depending on the country to which the child has been removed). Due to the complex legal matters involved, **specialist legal advice should be sought** (local authority legal teams will be able to assist in the first instance).

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 part of Brussels IIa / 1996 Hague Convention countries.

² <https://www.hcch.net/en/instruments/conventions/full-text/?cid=70>

- 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 an expectant mother with an unborn baby who is subject to a child protection plan flees abroad, 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.

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.

In cases where the child is British or a dual-national and has already left the country, a referral should be made to the Forced Marriage Unit if you have information about the immediate risks and know their location. If a British or dual-national child has been taken overseas to undergo suspected FGM, contact the Foreign and Commonwealth Office.

Key contacts

The following organisations and agencies can assist in the cases and steps outlined above.

UK Central Authorities

<p><i>England</i></p> <p>The International Child Abduction and Contact Unit (ICACU) Office of the Official Solicitor Victory House, 30-34 Kingsway LONDON WC2B 6EX Tel: 020 3681 2608 (10am to 4pm) Email: ICACU@offsol.gsi.gov.uk</p> <p>Central Authority for Brussels II in England & Wales and Hague 1996 Convention in England.</p>	<p><i>Scotland</i></p> <p>Scottish Government Central Authority and International Law Team GW15 St. Andrew's House EDINBURGH EH1 3DG Scotland, UK Tel.: +44 (131) 244 4827 Fax: +44 (131) 244 4848</p>
<p><i>Wales</i></p> <p>Welsh Government Social Services and Integration Cathays Park CARDIFF CF10 3NQ United Kingdom Tel: +44 (29) 23000 61500 Email: WalesCAHague1996@gov.wales</p>	<p><i>Northern Ireland</i></p> <p>Northern Ireland Courts & Tribunals Service Central Business Unit 4th floor, Laganside House 23-27 Oxford Street BELFAST BT1 3LA Northern Ireland, UK Tel.: +44 (28) 9072 8808 Fax: +44 (28) 9072 8945 Email: businessdevelopmentgroup@courtsni.gsi.gov.uk</p>

Resources

Children and Families Across Borders (CFAB)

CFAB can issue international child protection alerts via our network of child safeguarding partners in over 120 countries. CFAB can also provide further services, guidance and support on cross-border cases. Call the free Advice Line on: 0207 735 8941

Foreign and Commonwealth Office

The Foreign and Commonwealth Office (FCO) 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 we have an experienced child and families qualified social worker. Our staff around the network are not social workers but are trained to provide empathetic help and support to British nationals who find themselves in difficulty overseas.

<http://adcs.org.uk/safeguarding/article/fco-international-child-safeguarding-cases>

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>

Police: Local police should be contacted in the first instance and can provide access to wider policing organisations and networks if required, such as Interpol and Europol.

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. It operates both inside the UK (where support is provided to any individual) and overseas (where consular assistance is provided to British nationals, including dual nationals). 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 120 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, Central Government and individuals.