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# RELOCATING & CHILDREN



## INTERNATIONAL RELOCATION & CHILDREN: ESSENTIAL QUESTIONS

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# 01 UNDERSTANDING THE LEGAL TEST

International relocation cases are among the most complex areas of family law.

Whether you're considering moving abroad with your children or facing a request from the other parent, this guide explains how English and Welsh courts approach these decisions, the risks involved, and the practical steps you must take before acting.

Relocation cases are anchored in one principle:

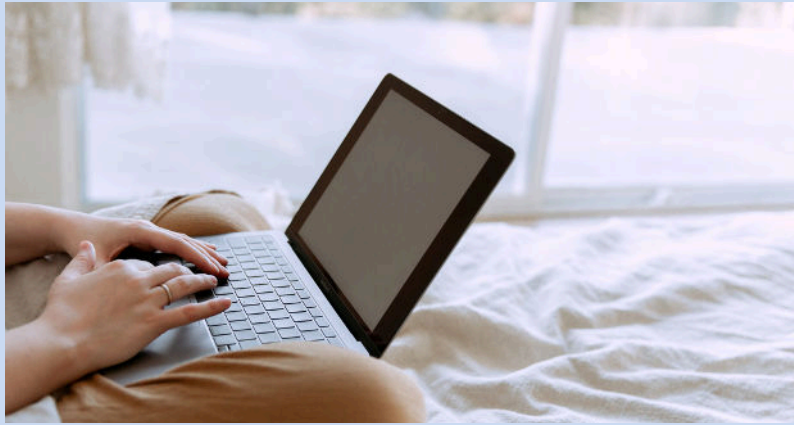
What is in the child's best interests?

Courts consider:

1. Emotional needs
2. Stability
3. Relationship with each parent
4. The impact of moving vs. staying
5. Practicalities and feasibility

There is no automatic right for a parent to move abroad with a child.





## 02 THE COURT'S KEY CONSIDERATIONS

### A. Motivation for the Move

Courts analyse:

- 1.Genuine opportunity (job, family support, safety)
- 2.Lifestyle improvements
- 3.Whether the request is child-focused
- 4.Any signs of conflict or avoidance

### B. Impact on the Child of Moving

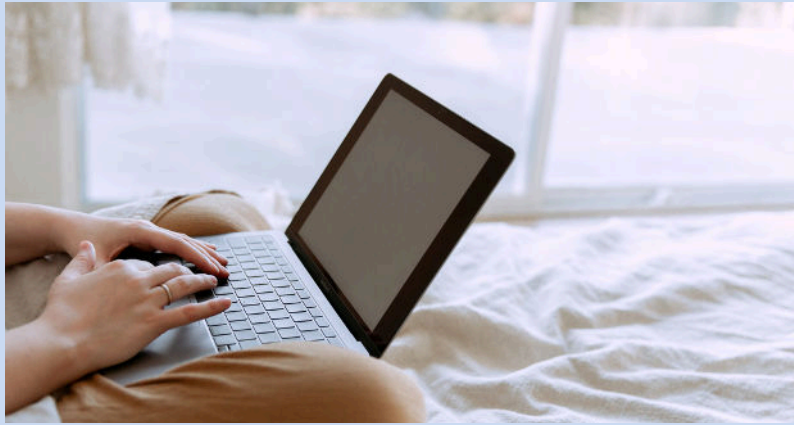
- 1.Disruption to education
- 2.Loss of contact with familiar people
- 3.Cultural or language barriers
- 4.Emotional stability

### C. Impact of Refusing the Move

In some cases, refusing relocation can significantly affect the parent-child relationship.

### Key Consideration

Practical Proposal - Your plan must be detailed, live and credible.



## 03 CREATING A REALISTIC CHILD ARRANGEMENT PROPOSAL

Your relocation plan must include:

### **Where the child will live**

- 1.Exact location
- 2.Housing plans
- 3.School information
- 4.Local support network

### **How contact with the other parent will work**

- 1.School holidays
- 2.Long/short visits
- 3.Travel arrangements
- 4.Video calls
- 5.Cost sharing

### **Safeguards**

- 1.Mirror orders (if appropriate)
- 2.Written undertakings
- 3.Return provisions

### **Key Question:**

“Can the other parent maintain a meaningful relationship if relocation is granted?”

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# 04 IMMIGRATION, VISAS & "TRAPPED ABROAD" SCENARIOS

Many parents believe they can leave a country with their children because they have UK passports.

This is **not** correct.

If the other parent's consent is required in that country, you may be trapped abroad indefinitely.

Understand:

1. Local removal laws
2. Consequences for visa overstays
3. Restrictions after divorce

## Key Question:

"What happens to my residence rights if my relationship ends abroad?"



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## 05 MEDIATION, NEGOTIATION & OBTAINING CONSENT

Courts expect parents to attempt:

1. Mediation
2. Specialist cross-border mediation (MiKK e.V., etc.)
3. Solicitor-led negotiation

Where possible, consent should be secured before any application is issued.

## 06 . WHAT HAPPENS IF CONSENT IS REFUSED

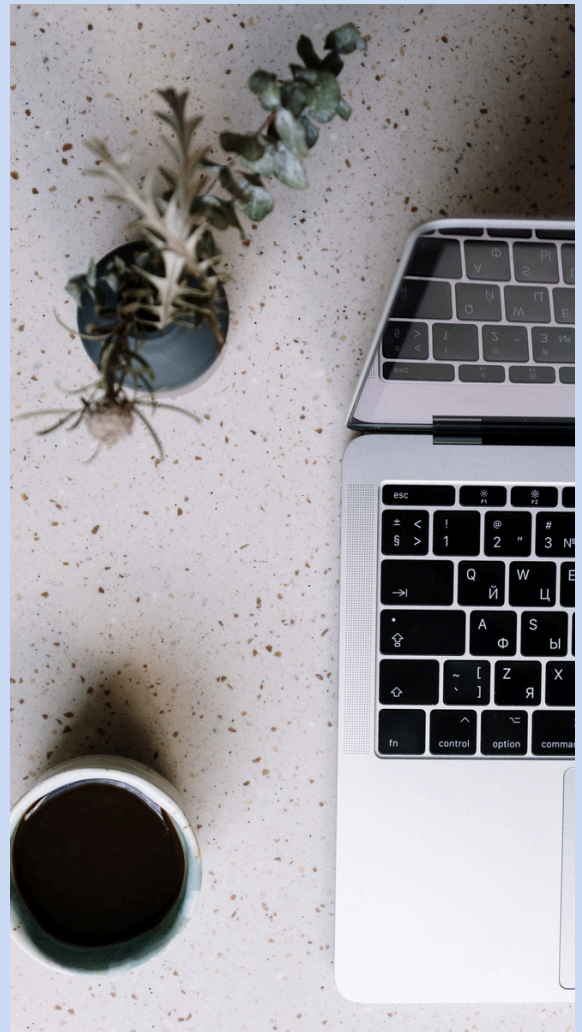
- If the other parent refuses consent, the relocating parent must apply for a Specific Issue Order.
- The opposing parent may apply for a Prohibited Steps Order.
- The court will then assess the full case and decide based on the child's welfare.



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# KEY QUESTIONS FOR PARENTS

1. Why am I relocating, and how does it benefit the child?
2. How will the child maintain a strong relationship with the other parent?
3. Are my plans practical and affordable?
4. Do I fully understand immigration risks?
5. Is there an alternative plan that meets everyone's needs?



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