

“INTERNATIONAL FAMILY  
RELOCATION –  
15 Years of the HCCH  
Washington Declaration”.

**AIJUDEFA RELOCATION  
REPORT**

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- **AIJUDEFA** is an International Association of Spanish speaking Family Law Jurists, composed of 170 recognized jurists of 25 nationalities, experts in the areas of Family Law and Inheritance.
- Our objectives include **cooperation with international organizations** and national family law associations. **We are observers before The Hague Conference** and we have cooperation agreements with different universities.

**Topic of great importance.**



Children international relocation requires urgent attention and effective legal solutions.



We are convinced that the lack of answers concerning children relocation in the Courts of most of the states



**Cause of a great part of the abduction of children all over the world**



# Extensive research on international relocation cases-

In **2020** we produced a report on international children relocation that was submitted by AIJUDEFA to the Permanent Bureau of the HCCH and presented in 3 languages: Spanish, English and French.

This report was updated in the year **2023**, on the occasion of AIJUDEFA's participation, represented by Carolina Marin Pedreño, in the 8<sup>th</sup> Meeting of the Special Commission on the Practical Operation of the 1980 Child Abduction Convention and the 1996 Child Protection Convention. (10-17 October 2023).

Finally, in February **2025**, 9 judges from different countries: Argentina, Chile, Costa Rica, England, Spain and Romania, and a lawyer from Poland; all of them part of AIJUDEFA, were asked to answer the same survey presented on 2020.



- The purpose of this final document is to summarize the reports prepared
  - **25** members of **AIJUDEFA**,
  - from **13** countries,
- in relation to the international relocation of children and adolescents, when there is no agreement between the parents.

1. Argentina
2. Brazil
3. Chile
4. Colombia
5. Costa Rica
6. Dominican Republic
7. El Salvador
8. Poland
9. Romania
10. Spain
11. UK. England and Walles
12. United States. New Jersey
13. Uruguay

**The key question AIJUDEFAs  
raises is the following:**

*Could specific and efficient procedures with clear guidelines on international relocation serve as a preventive measure against the increasing number of international child abduction cases?*



# Survey

1. Is there a specific procedure in your country to deal with these cases?

2. Average duration of these processes in your country.

3. Jurisprudence tendencies of the appeal Courts regarding international relocation.

4. Relocations are generally granted or denied?

5. Is the 2010 Washington Declaration known in your country? If so, is it applied when a case needs to be solved?

6. Identify the challenges and problems existing in your jurisdiction.

**Summary answers to each  
question of the survey**

**Key Findings**



# 1. Lack of Specific Legal Procedures

- o In most **Latin American countries, Spain, and Romania**, there is no distinct legal framework for handling international relocation.
- o Relocation requests are typically processed as travel authorizations.
- o These conclusions were ratified by **three family judges from Chile, an appeal judge from Costa Rica, two judges from Argentina and a judge from Romania, in February 2025.**

# 1. Specific Legal Procedures

- In contrast, **the United Kingdom and the United States** do have clear legal frameworks under The Children Act 1989 (UK).
- The **European Union go by** the Recommendation of February 2015 that sets out the European Principles on relocation.

## 2. Excessive Legal Delays and high costs

- In **Argentina, Brazil, Chile, Colombia, Costa Rica, Poland, Dominican Republic and Spain**, cases can take years to resolve due to lengthy legal proceedings and multiple appeals, even up to 5 years (Argentina, Colombia).
- **Uruguay**: The duration depends on the complexity of the evidence presented. However, first-instance rulings are immediately enforceable—meaning the child may leave the country with only the initial court authorization, unless the non-relocating parent files a precautionary measure. Generally, these cases are resolved in less than one year.
- Excessive Legal Delays implies also High Costs

## 2. Not Excessive Legal Delays. High Costs

- In **New Jersey (USA)**, court backlogs have created significant delays.
- In **UK** These cases are generally resolved within six to eight months. The relocation decision may be appealed, but in practice, judges rarely allow appeals unless a significant new legal issue arises. Judge Sarah Lucy Cooper informed that nowadays it can last more because the delay of the Cafcass to be able to make their report.

## FIRST CONCLUSION:



These prolonged processes discourage families and incentivize illegal relocations.

# 3. Judicial Discretion and Lack of Guidelines

- In **Latin America** judges have broad discretionary powers.
- **in Argentina**. In my experience **children's opinions**, interdisciplinary evaluations and to maintain the *status quo*, are the most relevant factors.
- **In Chile** they try to ensure that **the non-custodial parent can maintain direct** and regular contact with the child.
- **In Poland, the voice of the child**, is given top priority, when he or she is old enough to understand and be able to compare his or her situation in both countries. In addition, for the Courts the psychologists' expert opinions are very relevant and **generally they don't recommend relocation**

# 3. Guidelines



- In **Spain** The general trend is to grant relocation when it is required by the parent with exclusive custody. In cases of shared custody, which are becoming increasingly common, the issue becomes more complex.
- In contrast, the **England** Court of Appeal's decision in *Payne v. Payne* (2001) established a structured framework for evaluating relocation cases.
- **New Jersey, USA**. They have guidelines and state-level jurisprudence (e.g., *Bisbing v. Bisbing* in New Jersey, USA).

## 4. It's difficult to answer if Relocations are granted or denied. It depends on the country and specially on each case

- In **Argentina** judges are generally reluctant to grant relocation requests. The exceptions are children over 13 years, who clearly express their desire to relocate.
- In **Brazil**, they are typically granted.
- **Judge Miranda from Chile** considered that: "Over the last seven to eight years, there has been an increasing openness toward granting these types of requests.
- In **Poland**, they are generally denied in first instance, there are more chances in the appeal Courts, if the child wants to relocate, but mostly they are denied.
- In **Spain**, the tendency is to grant relocation in cases of exclusive custody, as the right to freedom of residence and the "reasonable" interests of the requesting parent prevail
- In **Dominican Republic**, judges also tend to grant relocation



# 5. The 2010 Washington Declaration is mostly unknown

Reports from:


1. Argentina
2. Brazil,
3. Chile,
4. Colombia,
5. El Salvador,
6. Spain,
7. the Dominican Republic,
8. Poland and
9. Uruguay



Confirm that the Washington Declaration remained unknown in their jurisdictions in our 3 surveys (2020 , 2023 and 2025).

# 5. The 2010 Washington Declaration is known

- In **Spain**, recent efforts by the General Council of the Judiciary have included it in judicial training
- In the **UK**, courts sometimes reference the Declaration, though it lacks binding force.
- In the **USA**, the Declaration is known but not formally applied.
- **AIJUDEFA** has made great efforts to make this declaration be known by webinars, panels in our annual Congress and specially through this report.

Our next Congress  New York, June 10 to 13<sup>th</sup> .

Fordham University

Panel 3th: “Washington children relocation HCCH declaration”



# SURVEY DETECTED PROBLEMS

1. Lack of a specialized legal process for handling these cases. Relocation applications should be distinct from simple travel authorization requests.

Excessive duration of proceedings with uncertain outcomes.

- a. The absence of a specific process
- b. multiple judicial instances, even reaching the Supreme Court in certain countries.

2. Absence of clear guidelines leaving judges with broad discretion.

**3. Lack of guarantees regarding post-relocation arrangements**

# 3. Lack of guarantees regarding post-relocation arrangements

- **It's one of the main reasons why judges hesitate to approve international relocations:**
  - a. Judges lose jurisdiction over the case.
  - b. Uncertainty over how contact and communication between the left-behind parent (and extended family) will be maintained.
  - c. Concerns about how alimony or child support—whether agreed upon or court-ordered—will be enforced.
  - d. Lack of clarity on key aspects affecting the child's future stability in the new country.

# OTHERS DETECTED PROBLEMS

4. High legal costs, making proceedings financially inaccessible for many families.

5. Self-representation in England and USA

6. Overburdened family courts, dealing with a wide range of litigation.

# Challenges

The need to Establish procedural standards that define the steps, evidence requirements, and timelines for handling relocation proceedings.

The need to develop national guidelines based on the Washington Declaration to limit judicial discretion in relocation cases.

The need to Guarantee key post-relocation aspects through direct communications or mirror agreements,

# FINAL THOUGHTS

The international relocation of children remains one of the most sensitive and complex issues in family law today.

It is our responsibility as legal professionals to ensure that the best interests of children remain at the center of every relocation decision.

The time for action is  
now.

Without proper legal frameworks, we risk damaging parent-child relationships, increasing legal conflicts, and encouraging unlawful relocations.



We must work together—across nations, jurisdictions, and legal disciplines—to establish efficient, fair, and protective legal mechanisms for international relocation cases.

# What can we do?

We Will have a special panel on relocation and about this meeting in our next **Annual Congress in New York, June 10 to 13th at Fordham University** .



We propose to create a **studying or working group to elaborate a Model Procedure Law**, following the experience of the 1980 Convention.





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