

Global Research on Relocation

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15 Years of the HCCH Washington Declaration: Progress and Perspectives on International Family Relocation

Washington DC, 2-4 April 2025



Introduction

2010

International Judicial Conference on Cross-Border Family Relocation N. Taylor and M. Freeman, "International research evidence on relocation: Past, present and future", *Family Law Quarterly*, 44(3), 2010, 317-339.

Washington Declaration on International Family Relocation

2025

Updated review of the **global research evidence**

Links between **relocation & international child abduction** Abduction cases "are, in effect, *ex post facto* relocation disputes" (Schuz, 2024, p. 130)

Children's right to identity in relocation & abduction contexts

The International Research Evidence on Relocation in 2010

3 different types of studies reviewed:

Cohort/survey-based studies Qualitative studies: family members' perspectives on relocation disputes: Australia, England, NZ Case law adjudication trends \rightarrow 'success rates' for relocation applications

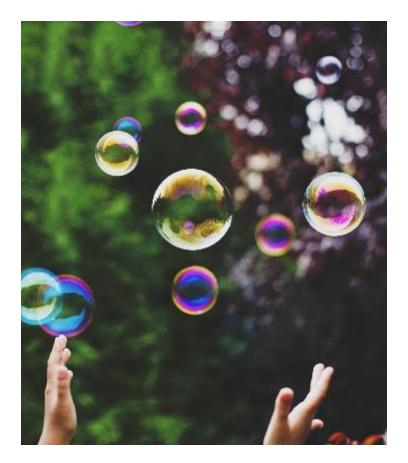
Mixed / Equivocal Findings Relocation led to → Beneficial effects / Detrimental or harmful outcomes

... whether a relocation will actually be harmful or not for an individual child depends on the combination of risk and protective factors that may be present (Austin, 2008.p. 140)

Child's relationship with relocating parent OR meaningful relationships with both parents

Fact-driven disputes \rightarrow Contextual assessment \rightarrow Need for reality testing

The International Research Evidence on Relocation in 2025



Much less research activity 2010-2025

- Further publications from Australia/NZ qualitative datasets
- Children's perspectives

New qualitative research on parents' perspectives:

- *George, Gallwey & Bader (2016)*: 34 parents involved in relocation disputes in English courts
- GlobalARRK (Keen, Momah & Osborne, 2024): mental health effects on 75 participants of being a 'stuck parent'

HCCH Forum 2024 on DV & Operation of Article 13(1)(b), South Africa \rightarrow 2025 Forum should include a facilitated discussion on relocation ⁴

Links Between Relocation & International Child Abduction

Many Common Features

- Parental relationship breakdown, familial tensions, possibly including conflict and/or violence
- Physical change of locality, perhaps country and/or continent, perhaps language
- Formal proceedings involving Lawyers, Mediators, Judges

→ Leading to a Range of Challenges

- Relationships with non-moving family
- Adjustment to absence of familiar people and important features in their lives
- Possible cultural bereavement
- Threats to identity
- Lack of support following the move to help with the challenges faced

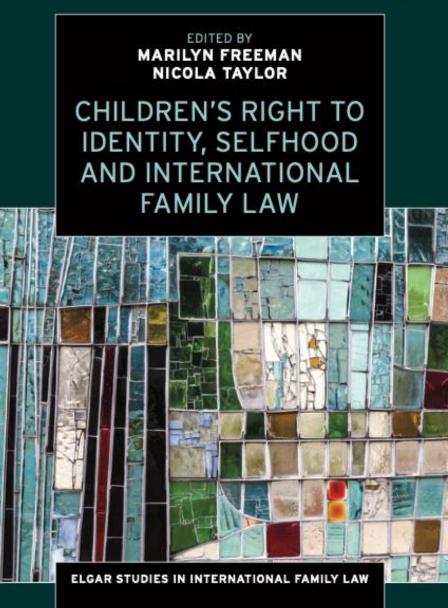
Links Continued

Significant Differences Between Relocation and International Child Abduction:

- Secrecy
- Ability to trust
- No opportunity to say farewells, to prepare in advance, to access continuing support of leftbehind family
- Occasional, but not rare, change of identity for abducted child \rightarrow living 'under the radar'
- Threat to identity and selfhood in post-abduction return often completely unrecognised
- Perhaps creating greater likelihood of identity development disruption, maladjustment or psychopathology

→ However, the challenges for a child of moving do not disappear simply because the move has been agreed by parents or approved by a court





Child's Right to Identity

- Article 8 UNCRC: "The right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference"
- Article 8 is not limited to the named identity elements, but is largely interpreted that way
- 'Family relations' imperilled by a child's move away, but scant attention to date in relocation and abduction fields where a child's identity may be profoundly affected with potential for life-changing impact

See Taylor & Freeman, Ch 8, Relocation and international child abduction: The impact on children's identity (May 2025)

CONCLUSIONS

• **Research on child outcomes** to include different jurisdictional approaches now guiding best interests' determinations in relocation cases globally

• Greater consideration to **possible link between relocation jurisdiction & abduction cases**

• Impact on child's identity as an integral element in legal decision-making processes including those relating to relocation and international child abduction