

CHILD ABDUCTION LEAFLET FOR PERU



British Embassy
Lima



MY CHILD OF BRITISH AND PERUVIAN NATIONALITY HAS BEEN ABDUCTED TO PERU BY MY PERUVIAN SPOUSE.

WHAT SHOULD I DO?

Both Peru and the UK are signatories of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, which is an agreement between various countries that aims to ensure the return of an abducted child to the country where he or she normally lives (country of habitual residence).

THEREFORE, YOU SHOULD:

1. Read the Foreign and Commonwealth Office International Parental Child Abduction leaflet, available at <https://www.gov.uk/government/publications/international-parental-child-abduction>.
2. Contact the corresponding Central Authority in the UK (England and Wales, Scotland, Northern Ireland), details available on <https://www.gov.uk/return-or-contact-abducted-child>, to request the return of the child.

WHAT HAPPENS NEXT?

1. The UK Central Authority will contact the Peruvian Central Authority (www.mimp.gob.pe) to start the administrative process.
2. The Peruvian central authority will:
 - a) perform a legal evaluation to make sure that the case meets the Hague Convention requirements, including the evidence that the child was resident in the UK at the time of the abduction,
 - b) request the location of the parent and the child in Peru, i.e. address, references, e-mail address and telephone number, from the parent in the UK via the UK Central Authority,
 - c) summon the parent of the child to explore a voluntary return, ie. his/her return to the UK with the child before the case reaches a judicial stage.
3. Outcome:
 - a) the parent in Peru is willing to return to the UK with the child, or
 - b) the parent in Peru is not willing to return to the UK with the child, or
 - c) the case is filed, because:
 - » the parent in the UK did not meet the requirements requested by the Peruvian Central Authority, ie. evidence of child's residence in the UK, forms needed by the UK Central Authority to act on the parent's behalf
 - » the child is over 16
 - » the parent in the UK withdraws the request or shows no interest to push the request

WHAT IF MY SPOUSE IS WILLING TO RETURN TO THE UK WITH MY CHILD?

The Peruvian Central Authority will ask the parent in the UK to send the air tickets for the parent in Peru and for the child to return to the UK.

WHAT IF MY SPOUSE IS NOT WILLING TO RETURN TO THE UK WITH MY CHILD?

1. If the parent of the child in Peru is not willing to return to the UK voluntarily, the file is submitted at the corresponding Court to start the judicial process. The parent in the UK can also submit the request for the child's return directly at Court.
2. The Peruvian Central Authority requests the Court to consider the child's judicial impediment to leave the country, to prevent a further abduction.
3. A hearing is likely to take place.
4. The judge makes a decision on the case:
 - a) the child must stay in Peru, either for the safety of the child or because the length of the case means that Peru now becomes the country of habitual residence for the child, or
 - b) the child must return to the UK. In that case the Judge is likely to put a number of safeguards in place to guarantee the safe return of the child.
5. Whichever decision is made, it can be appealed.

DURING THE PROCESS:

- a) the parents of the child can reach an agreement at any time,
- b) you can request the Court grants you authorisation to visit the child,
- c) if the child's parent in Peru states that there is a history of domestic violence against either the child or themselves, the parent in Peru will need to submit relevant evidence to Court, so the Judge can evaluate the risk to the child of returning to the UK.

HOW LONG WILL IT TAKE?

Once a child has been taken, it is very difficult to get them back to the UK. Child abduction cases in Peru can take a long time to be resolved. Cases can sometimes take longer, particularly when:

1. the location of the mother and the child is unknown,
2. there is a history of domestic violence,
3. the parent in the UK does not actively pursue the case and/or
4. there is an appeal.

If the case is already at the judicial stage, the above will add up to the normal heavy judicial caseload.

WHAT HAPPENS IF THE DECISION IS TO RETURN TO THE UK?

If the decision is to return to the UK, only the Judicial Power can enforce the return order. You will not be able to forcibly remove the child without the assistance of the judicial authorities in Peru.

If the child needs an Emergency Travel Document (ETD) to travel back to the UK, the British Embassy will only be able to issue an ETD with consent from everyone with parental responsibility, unless there is a Court order which directs us to issue an ETD without the consent of everyone with parental responsibility.



WHAT CAN THE EMBASSY DO AND NOT DO DURING THE PROCESS?

We can:

- provide a List of English speaking Lawyers, available at <https://www.gov.uk/government/publications/peru-list-of-lawyers>,
- arrange for a consular visit (if you have the contact details of the child and the parent in Peru agrees),
- offer travel information and help with finding accommodation locally,
- help you contact the relevant authorities in Peru,
- where appropriate, contact the authorities in Peru to express our interest in a case and ask about progress,
- provide information about Translation Services available at <https://www.gov.uk/government/publications/peru-list-of-lawyers>,
- where appropriate issue travel documents, and
- consider making appropriate representations to the local authorities to ask that your case is resolved quickly and in your child's best interests. We cannot, however, interfere in foreign court proceedings.

We cannot:

- rescue a child or get involved in any illegal attempts to bring a child back to the UK,
- locate your child if you don't know where he/she is,
- offer legal advice or interfere in the legal system of another country, and
- pay your bills, including legal, translations, travel or accommodation.





British Embassy
Lima

USEFUL CONTACT INFORMATION:

British Embassy Lima

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Av José Larco 1301, Piso 22

Miraflores, Lima 18

Tel: 0051 1 6173000

<https://www.gov.uk/world/organisations/british-embassy-peru>

Foreign and Commonwealth Office

Consular Directorate

King Charles Street

London SW1A 2AH

Tel: 02070081500

www.gov.uk/international-child-abduction

REUNITE International Abduction Centre

PO Box 7124

Leicester LE1 7XX

Tel: 01162556234 (advice line)

www.reunite.org

travel
aware
gov.uk/travelaware