

# International Child Protection

## Introduction

There are more children on the move worldwide than ever before and increasing numbers of multi-national and foreign-national families in the UK. Therefore, the social work profession – in the UK and globally – must be competent to work effectively on inter-country cases to ensure that children’s rights to care, protection and family life are upheld.

When a child at risk moves across international borders an effective response will require inter-country collaboration to ensure the child’s safety and protection. This includes children at risk who have recently arrived in the UK and families fleeing social services who unexpectedly move abroad. The collaboration required may include, for example, issuing a child protection alert overseas or requesting background information to learn if a family was previously known to child protection services in another country.

**This guidance outlines good practice and essential resources for social workers in international child protection cases.** It highlights some particularly challenging issues, such as child trafficking and female genital mutilation, which social workers might encounter when working with a child who has moved across international borders (see Appendix 1). In addition, it explains how to effectively collaborate with competent authorities overseas to resolve often very complex cross-border cases.

### **This guidance is part of a series. See also:**

- Placing Children in Care with Family Overseas
- Families Fleeing Overseas
- UK Social Workers Practising Overseas – Assessing Family Members Abroad  
(all available at [www.cfab.org.uk](http://www.cfab.org.uk))

## Children and Families Across Borders - CFAB

CFAB is the UK branch of the International Social Service (ISS) network, with partners in 130 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 its inter-country social work team, CFAB provides 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.

Call CFAB’s **ADVICE LINE 020 7735 8941**, Monday – Friday, 10am – 3:30pm  
Email [referral@cfab.org.uk](mailto:referral@cfab.org.uk) or visit [www.cfab.org.uk](http://www.cfab.org.uk)

## KEY MESSAGES

- When a family arrives from abroad, or has previously lived in another country, and child protection concerns are being investigated, it is vital to **gather relevant information**. This includes:
  - **Information from previous countries of residence**, to know if the child/ren were known to child protection services in other countries.
  - The family's **international connections and resources**, to assess the risk that they might flee
  - **Contact details of family overseas**, including addresses and phone numbers – this will help to ensure that you can trace the family if they unexpectedly leave for another country.
- If a foreign-national child is put on a child protection plan or taken into care, **advise the consular service** of the country's embassy in the UK at the earliest opportunity, unless doing so would put the child at risk. The consulate has a role to support its nationals in the UK, although services offered will differ from one country to another. For British children who are abroad, the British Consulate in-country might be able to assist.
- If there are concerns for a child in another country, or the family has moved overseas, this **information should be passed on to the relevant authorities overseas** - out of sight is not out of mind.
- **Act quickly** – research by CFAB found it took an average of 45 days, from the time that the child became at risk, for a UK local authority to make a referral to CFAB for a child protection alert abroad. The most common reason for this delay was because the child's location abroad was not known<sup>1</sup>.

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<sup>1</sup> *Safeguarding children in need of protection who travel abroad: Findings from a case study by Children and Families Across Borders, CFAB, 2018.*

## International Conventions and Regulations

There are a number of international conventions which provide a framework to assist professionals seeking to collaborate with their counterparts in other countries on international cases. Countries that are signatory to these conventions have agreed to cooperate with the UK and have established a Central Authority for that purpose. The most significant of these for international child protection cases is:

- **The Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, 1996 (Hague 1996)**

Examples of requests for cooperation include the collection and exchange of information about:

- the child's family background whilst the family was living in another country
- court decisions and proceedings about the child in another country
- assessments of potential kinship carers
- informing another country about concerns for a child in their jurisdiction

## WORKING WITH FAMILIES FROM ABROAD

Individuals and families who recently arrived in the UK, or some foreign-national families who are settled in the UK, may struggle to engage with professionals because they may:

- not understand local customs and laws, or the role of professionals like social workers
- have different experiences of child rearing
- struggle to communicate in English
- have different taken for granted assumptions about certain groups of people, such as different perceptions of gender roles. This might affect, for example, a female professional interacting with a family and feeling that she is not taken seriously in the context of their gender values or ideas. It is equally important however, that social workers reflect and challenge their own prejudices and stereotypes in these instances.
- be fearful of and/or distrust professionals, particularly if they come from countries with authoritarian governments or are part of a minority group that experiences discrimination
- be isolated from family and friends, without social networks in the UK

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- experience pressure or stigma from the local community due to the involvement of children's services
- have come to the UK as refugees and/or have made long and risky journeys to reach the UK and may suffer from mental health difficulties such as PTSD or the impact of culture shock

It is therefore important to adapt your approach when working with a child and/or family and to take into account the different contexts that this presents.

## TIPS FOR ADAPTING YOUR APPROACH

### Communication

- Explain your professional role in simple language, focusing on their safeguarding duty to work in the best interest of the child and protect children's rights.
- Do not misinterpret confusion and fear with non-cooperation. Families whose first language is not English and/or who do not understand UK child protection laws may struggle to communicate effectively and might appear uncooperative. It is also important to account for other factors such as different understandings of professional roles and language styles.
- Use registered interpreters. Look beyond nationality when identifying an interpreter as different languages and dialects are spoken in any country and the family could be uncomfortable with an interpreter from a particular religious, ethnic or political affiliation, particularly when the family is from a conflict or post-conflict country. In close communities, it might be necessary to identify an interpreter from out of the area as the family and interpreter might know one another. You may also need to consider the gender of the interpreter, and whether the service user has a preferred gender that would make them feel more comfortable.
- Provide the family with written information, preferably translated into their language. Community organisations might already hold leaflets or other documents translated into the relevant language.

### Guidance on the process

- Explain each stage of the process step by step and explain the implications of each stage.
- Depending on the type of assessment, invite the family to meet in neutral, private spaces to avoid them feeling uncomfortable due to stigma in the community.
- Refer to specific local legislation and internationally recognised Rights of the Child to explain why there are concerns for the child and how their parenting approach is seen to contravene national laws.

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- Provide written contact information for the local authority and for emergencies. Provide the child with important phone numbers that could be used in an emergency.

### Useful contacts for the child and family

- Identify community organisations who can offer support to the family, for example the Roma Support Group (<http://romasupportgroup.org.uk/>), the Family Support Centre for Polish families (<http://www.pfsc.co.uk/>), or the Family Rights Group (<http://frg.org.uk/>)
- Foreign country consulates can, in some cases, also provide assistance to their nationals or help to identify a community organisation. For a list of foreign embassies in the UK, see <https://www.gov.uk/government/publications/foreign-embassies-in-the-uk>.

### ACTIONS TO CONSIDER

It is a good idea to **verify documentation**, like birth certificates and passports. The Consular section of the relevant Embassy can often help to verify documents, or CFAB can assist in some cases.

In addition, it might be necessary to **verify the relationship** of the child and his/her carers. For example, while children might call their carers “aunt” or “uncle,” this is sometimes not actually a close relative. If a child is being cared for by someone who is not a close relative, the arrangement should be assessed and monitored by the local authority as a *private fostering arrangement*.<sup>2</sup> It might be necessary to arrange DNA testing to confirm a biological relationship. CFAB, via our overseas partners, may be able to arrange contact or a face-to-face visit to the child’s parent(s) to confirm who made an arrangement.

It might be necessary to **clarify the family’s immigration status** and history. You can contact the Evidence and Enquiry team at the Home Office, who provide immigration status checks to government departments and public bodies. Local Authorities can contact the team from 9am to 5pm on [EvidenceandEnquiry@homeoffice.gsi.gov.uk](mailto:EvidenceandEnquiry@homeoffice.gsi.gov.uk) for information on how to request these checks.

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<sup>2</sup> For more information about private fostering, see Somebody Else’s Child <http://www.privatefostering.org.uk/>, and the relevant sections of the Children’s Act (Part IX, section 66-70).

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## RISK OF FAMILIES FLEEING SOCIAL SERVICES

Foreign-national families may have connections in other countries and once concerns are raised about their child/ren they may attempt to leave the UK. It is therefore important to take preventative steps to safeguard the child, including:

- At an early stage, **gather information** about the family's international resources (extended family, property, etc.), and assess the family's mobility and risk of leaving the UK. This would include the family's financial resources (i.e. could they afford a flight or bus journey), the availability of travel documents, the family's immigration status in the UK, extended family and distance from the UK, and the family's level of engagement or evasiveness. Verify the child's identity documents if appropriate. For the immigration status of EU nationals in the UK after Brexit, you may wish to ensure that settled status has been applied for if relevant. Please see CFAB's 'Brexit' factsheet for more information on this topic.
- **Record the family's former addresses**, property abroad and contact details of other close family members abroad. It is often impossible to trace a family after they have left the UK if a full address is not known. Former addresses are also needed to complete record checks.
- If a family is identified as a flight risk, consider making an **application for care orders or wardship**. An application can also be made for a Prohibited Steps Order (PSO), which prevents parents from certain activity (such as making trips) with the child.
- If the child is subject to an Interim Care Order or Care Order then the local authority should **hold the passport**. The High Court can make tipstaff orders (passport order / location order) where the tipstaff directs the local police to seize the passports and/ or other travel documents of a child and any relevant adults. However, be aware that the child could be a dual national and could have two passports. Inform the passport service that the parents' parental responsibility has been restricted and so they should not issue a passport to the birth parents. Working with the Embassy of the home country and keeping them informed of the situation may avoid them issuing the family with a passport. Bear in mind that some EU nationals hold national identity cards, which can be used for international travel.
- If there is a risk that the family will flee abroad, or if a child at risk has already gone abroad and might return to the UK, the local authority should seek the cooperation of the police to track the family, as well as requesting that they **issue a border alert**. This will ensure that the child and family are identified on leaving or returning to the UK<sup>3</sup>.

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<sup>3</sup> The ability of the police and border force to enforce an alert (i.e. by preventing the family from departing), will depend on the circumstances of the case. To prevent the child/family from leaving the UK, it might be necessary for an application to court to be made (see above). The National Border Targeting Centre (NBTC) is the Border Force hub where watch-list checks on passengers entering and leaving Britain are carried out. Requests for border alerts can be sent to the NBTC – normally this is a referral made by the police.

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## ACTIONS IF A FAMILY HAS FLED THE UK

If you are working with a family who is likely to have fled out of the UK, or if a child who is subject to a care order is taken abroad without consent, the local authority should:

- **Issue a child protection alert** to the foreign country's authorities if it is known where the child has gone. CFAB can assist with this in most countries where we have an International Social Service (ISS) partner
- **Notify the local police** that the family are missing, as they might still be in the UK.
- Consider legal options for securing the child's return to the UK: **The 1980 Hague Convention on Child Abduction** might be used to secure the return of a child wrongfully removed or retained away from the UK, if they are present in another state in which the Convention applies. If the local authority had a care order or interim care order in force at the time of the removal it might be possible for the local authority to bring an application for the child's return. You should liaise with the relevant UK Central Authority for the 1980 Hague Convention on Child Abduction in relation to this issue. see: <https://www.hcch.net/en/states/authorities/details3/?aid=132> for contact details of the different UK Central Authorities for the purposes of the 1980 Hague Convention. The local authority may be able to seek an order from the UK court for the child's return to the UK. Depending on the country that the child has been taken to, it might be possible for an order for the child's return to be recognised / enforced in the relevant state using the 1996 Hague Child Protection Convention.

## CHILDREN TRAVELLING ABROAD FOR A SHORT TIME

A child in care or those on a child protection plan might request to go abroad to visit family for a short period of time, with the intention of returning to the UK. It is important to consider:

- **Assessing the risk that the child may not return to the UK.** If the local authority does not share parental responsibility for the child, it may be difficult to secure the child's return to the UK through legal proceedings, in the event that they do not return as planned. Depending on the country the child travels to, it can also be difficult to enforce any order for the child's return to the UK.
- **Consider what assessment has been made of the home circumstances** where the child will stay – is it safe and suitable? What checks have been carried out on those who will be in the home? Note that, in CFAB's experience, it can take 12 – 16 weeks to obtain an assessment or checks from abroad, depending on the country. Therefore, any such visits should be planned in advance so that there is time to conduct the necessary home visit and checks. This should be made clear to the family when they start working with the local authority, so that the family is aware that sufficient notice of any travel plans is needed.

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- **Consider how the child will be monitored while away.** We recommend that the local authority maintain contact with the child and make an urgent referral for a child protection alert if any concerns are identified. In some cases, CFAB will be able to arrange a welfare visit whilst the child is abroad.

## COOPERATING WITH FOREIGN AUTHORITIES

It is good practice to collaborate with social service counterparts overseas when a case involves more than one country. This should be done at an early stage as this helps to avoid delays, delivers timely outcomes for the child and means that you have access to a range of local knowledge and resources. Cooperation might be necessary to:

- Request social service record checks from countries of previous residence during a section 47 investigation, when a child is made subject of a child protection plan, or when a child is likely to be taken into care.
- At the earliest opportunity, consider notifying the foreign consulate in the UK when a child has been made subject of a child protection plan, when a child requires immediate protection, or when a child is likely to be taken into care (this is set out in the Vienna Convention on Consular Relations 1963). Be mindful that this might not be appropriate in cases where involving the foreign consulate could put the child or his/her family at risk, for example if a family have claimed asylum.
- Inform the competent foreign authorities of risks to a child in their jurisdiction, for example by sending a child protection alert if the family has fled abroad.
- Request an assessment of family members in another country before a child at risk travels abroad, or to explore if a child can be placed with family abroad.
- Consider with legal advice issues relating to jurisdiction in cases where there is an international element, with reference to relevant international legal instruments (e.g. e.g. 1996 Hague Child Protection Convention)
- For some countries, it is necessary to obtain the consent of the foreign authority before a child is placed abroad This obligation arises from 1996 Hague Child Protection Convention Article 33.

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## Challenges in working with foreign authorities

There can be challenges in working with foreign authorities due to differences in social work practice, child protection systems, unfamiliar laws and processes, and long timeframes in requests for information.

Standards of practice vary from country to country for many reasons, including:

- differing legal systems and interpretations of – for example – what constitutes a public or private law matter
- different thresholds for intervention and different approaches to conducting assessments
- different approaches to social work education and practice

**There are a number of agencies that can help in international child protection cases, please see page 11 for more details.** The Department for Education has also published advice on child protection cases and care orders where the child has links to a foreign country.

In some countries, the foreign authority can assist in seeking orders, or mirroring an order, such as a supervision order, if child is placed in their local area.

### TIPS FOR WORKING TOGETHER:

- Requests to overseas authorities should be made at the earliest opportunity to avoid delays and complications later in the case.
- Requests should be clear and concise with specific details of the collaboration that is requested. Information about the child and situation should be provided in summary format.
- Court bundles and local authority assessment templates should not be sent overseas as these can be confusing for a non-UK social worker.
- Avoid jargon and explain local authority and court processes in the UK.
- Do not include confidential information (for example, historical sexual abuse or a confidential address of the child in foster care) unless it is necessary, in which case it should be clearly marked as confidential with instruction of how the information can be used. Data protection and confidentiality laws vary around the globe which could mean that information might be compromised. Information should be sent via secure means of communication and in keeping with GDPR.
- Translate documents into the language of the recipient.
- Approach referrals to foreign authorities as a request, not a demand. Be as diplomatic, flexible and helpful as possible.

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## HOW CFAB CAN HELP

CFAB is the UK member of the International Social Service (ISS) network and has local partners in around 130 countries. CFAB's partners abroad are qualified social workers or local equivalents. Some partners are non-government organisations, some are independent professionals and others are governmental departments for social services or Central Authorities.

In collaboration with its partners abroad, CFAB can act as a link between local authorities in the UK and their counterparts abroad. This can be for a range of inter-country social work services, including sending a child protection alert abroad, requesting social service record checks, obtaining assessments, or arranging post-placement welfare visits. CFAB also offers training to local authorities and multi-agency professionals on: International Social Work, Child Trafficking, The best interests of Unaccompanied Asylum Seeking Children, and an Introduction to the UK Social Work System.

CFAB's partners abroad are approved and monitored by the ISS network through its General Secretariat in Geneva. CFAB recognises that practice and procedures differ among countries and we cannot guarantee that reports will follow UK assessment frameworks and formats.

CFAB also regularly engages in training and exchanges with its partners overseas to better understand local practice abroad and explain the requirements of UK local authorities and courts.

**For more information about CFAB's services, contact our Advice Line on 020 7735 8941 (Monday to Friday, 10am to 3:30pm) - or email [info@cfab.org.uk](mailto:info@cfab.org.uk)**

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## Important Contacts

**Child Helpline International** holds a directory of Child Helplines around the world. These might be useful in cases where it is necessary to issue a child protection alert but there is no International Social Service partner or Central Authority in the country, and the child is not a British national (for British nationals, alerts can sometimes be made through the British Embassy). However, in many countries the Child Helpline can only be called from within the country. See:

<http://www.childhelplineinternational.org/>

The **Evidence and Enquiry team at the Home Office** provide immigration status checks to government departments and public bodies. Local Authorities can contact the team on [CESSVECWorkflow@homeoffice.gov.uk](mailto:CESSVECWorkflow@homeoffice.gov.uk) for information on how to request these checks.

**Foreign embassies, and specifically their consular sections in the UK**, can be a useful resource to understand local processes, provide support to a foreign-national family, and should be notified when a foreign national child is taken into care. For a list of foreign embassies in the UK, see

<https://www.gov.uk/government/publications/foreign-embassies-in-the-uk>

**The Foreign, Commonwealth and Development Office (FCDO)** maintains a list of lawyers in other countries on their website.<sup>1</sup> British embassies abroad and their consular sections can sometimes assist when a British-national child is abroad. The FCDO switchboard for consular assistance abroad is 020 7008 1500. To help assess if it is safe for a child to travel to a particular country or region, see the **Government's Foreign Travel Advice** - <https://www.gov.uk/foreign-travel-advice>.

**The International Child Abduction and Contact Unit (ICACU)** is the Central Authority in England for the 1996 Hague Convention. ICACU can assist in establishing cooperation with Central Authorities in other countries. ICACU can be contacted by email at [ICACU@ospt.gov.uk](mailto:ICACU@ospt.gov.uk)

Their telephone line is +44 (203) 681 2756 is open Monday to Friday, 10am to 4pm.

**The National Border Targeting Centre (NBTC)** is the Border Force hub where watch-list checks on passengers entering and leaving Britain is carried out. Requests for border alerts can be sent to the NBTC, normally this is a referral from police.

**Police** can liaise with their policing counterparts in other countries through Interpol or Europol. Inquire with your local police department to find out if they can assist.

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## Appendix 1: Key issues that could arise in international children and families cases

The following provides an introductory overview including definitions, resources and basic guidance related to specific types of abuse or neglect which feature in international cases.

The following topics are discussed, in alphabetical order:

- Abuse linked to faith or a belief in witchcraft or spirit possession
- Child trafficking
- Families facing immigration control, enforced removal or detention
- Female Genital Mutilation
- Forced Marriage
- Foreign-national children separated from incarcerated parents
- Honour-based violence
- Privately fostered children from abroad
- Radicalisation and extremism
- Sex offenders travelling overseas
- Unaccompanied and separated children

### Abuse linked to faith or a belief in witchcraft or spirit possession

Child abuse of this kind is perpetrated due to the abuser believing that the child is possessed by evil spirits, demons or the devil. Fear of witchcraft or black magic can also be used to control children who may have been trafficked or sexually abused. The belief that ritual or murder of children or that their body parts can be used for magical practices is also an example of abuse linked to faith or a belief in witchcraft or spirit possession. A child being abused due to faith or a belief in witchcraft or spirit possession must be protected under the provisions of the Children Act 1989 and the appropriate child safeguarding procedures must be followed. The safety and wellbeing of the child are paramount in all cases of abuse but it is also important to understand that the perpetrator may genuinely believe that the child and those they come into contact with are in danger. The victims may also believe that they are possessed or that they are cursed and therefore may be unwilling to disclose abuse and may need specialist support and rehabilitation. If a child at risk has gone abroad, CFAB can issue a child protection alert to the authorities in the other country.

Referrals for emergency protection, and notification of cases, should be made to the **Police on 999 and the relevant local authority**. For more information about support services, see

- **Project Violet in the Metropolitan Police Service:**  
<https://www.met.police.uk/advice/advice-and-information/caa/child-abuse/faith-based-abuse/>

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- **National Schools Safeguarding Guidance (developed by Metropolitan Police Service):** [http://nationalfgmcentre.org.uk/wp-content/uploads/2020/02/Guidance-for-Schools\\_A4\\_Digital.pdf](http://nationalfgmcentre.org.uk/wp-content/uploads/2020/02/Guidance-for-Schools_A4_Digital.pdf)
- **National Action Plan to Tackle Child Abuse Linked to Faith or Belief:** [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/175437/Action\\_Plan\\_-\\_Abuse\\_linked\\_to\\_Faith\\_or\\_Belief.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175437/Action_Plan_-_Abuse_linked_to_Faith_or_Belief.pdf)

## Child trafficking

Children are *trafficked* if they are moved for the purpose of exploitation, even if they appear to consent to their own exploitation. The Modern Slavery Act 2015 also introduced a second offence for “Slavery, Servitude and Forced or Compulsory Labour.” A trafficked child must be protected under the provisions provided in the Children Act – i.e. an emergency assessment, secure accommodation, and care that accounts for their vulnerability as a trafficked child. If a professional suspects that a child has been trafficked, they have a duty to make a referral to the National Referral Mechanism.

Where appropriate, CFAB can help to trace family and assist with obtaining information about how and why the child came to the UK. If a trafficked child wants to return to their country of origin, CFAB can help to obtain assessments and assist with planning to ensure that it is safe and in the child’s best interest. CFAB can also issue a child protection alert if a child at risk has gone abroad although, if a child is trafficked, the first point of contact should be the police.

For more information about the **National Referral Mechanism:**

<https://www.nationalcrimeagency.gov.uk/what-we-do/crime-threats/modern-slavery-and-human-trafficking>

*Relevant national and international legislation:*

**Modern Slavery Act:** <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

**Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children:**

<https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

**Council of Europe Convention on Action against Trafficking in Human Beings:**

[https://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197\\_en.asp](https://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197_en.asp)

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## Families facing immigration control, enforced removal or detention

Section 55 of the Border and Immigration Act requires the Home Office to carry out its functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. In *ZH (Tanzania) v Secretary of State for the Home Department*<sup>4</sup>, the ruling stated that, in making the proportionality assessment under Article 8 (right to private and family life), the best interests of the child must be a primary consideration when a parent's removal from the UK directly affects a child. Children should not be detained in immigration detention, although this does still happen. For more information on this issue see Bail for Immigration Detainees (BID) website: <https://www.biduk.org/pages/58-detention-of-children>

If a family that requires support is forcibly returned, CFAB can share the information with the overseas authorities and request that the family be assessed and supported on arrival. Depending on the level of concerns for the children, we might require the parents' consent to share this information with the overseas authorities.

## Female Genital Mutilation

*Female Genital Mutilation (FGM)* comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons. Although girls may be subjected to FGM in the UK, they may also be taken to a country where they have cultural links and heritage for the procedure. This sometimes occurs during school holidays. FGM can cause serious physical and psychological long term harm to the child. A girl can also be ostracised from her family and community if she is not circumcised. In any case there will be a need for sensitive and specialised support for survivors of FGM as well as work with families to educate on the dangers and improve prevention. A child being subjected to FGM must be protected under the provisions under the Children Act and the standard child safeguarding procedures must be followed in order to provide immediate protection.

If a child at risk has gone abroad, the first point of contact should be the police, however CFAB can also issue a child protection alert. If there are plans for a child at risk to travel abroad, for example during school holidays, CFAB's partners overseas can undertake a home visit to assess the risk of FGM in that family and community.

The Female Genital Mutilation Act 2003 as amended by the Serious Crime Act 2015 S70- 75 includes an **FGM protection order** (S73) which offers preventative measures including prevention of travel. The child themselves can apply or a relevant third party such as a parent or a professional such as a teacher or social worker.

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<sup>4</sup> For more information about *ZH (Tanzania) (FC) (Appellant) v Secretary of State for the Home Department (Respondent)*, see <https://www.supremecourt.uk/cases/uksc-2010-0002.html>

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Email [referral@cfab.org.uk](mailto:referral@cfab.org.uk) or visit [www.cfab.org.uk](http://www.cfab.org.uk)

There is also **Mandatory Reporting** of Female Genital Mutilation. For more information see <https://www.gov.uk/government/publications/mandatory-reporting-of-female-genital-mutilation-procedural-information>

For referrals and further information, visit the **Government's FGM resources page**: <https://www.gov.uk/government/publications/female-genital-mutilation-resource-pack> Or Contact the **Home Office FGM Unit** - email: [FGMEnquiries@homeoffice.gov.uk](mailto:FGMEnquiries@homeoffice.gov.uk).

Contact the **police** if you think that a girl or woman is in immediate danger of FGM. You should also contact the **Foreign and Commonwealth Office** if she has already been taken abroad.

## Forced Marriage

A *forced marriage* is one that is carried out without the consent of both people. A child under 16 cannot consent to a marriage even if they appear willing. It is also illegal for a child to be sent abroad in order to be married. If the child has been in a relationship with an older adult before the age of 16 and there is an intention from the family that this should result in marriage then there should be consideration to the risk that the child has been groomed. Forced marriage is different to an arranged marriage, where both people have agreed. Underage forced marriage can increase the risk of physical and sexual abuse as well as the risk of isolation, limited opportunities and access to education. The Children Act 1989 and the standard child safeguarding procedures must be followed in all cases where the child may be subject to a forced marriage.

If a child at risk has gone abroad the first point of contact should be the police, however CFAB can also issue a child protection alert. The Foreign, Commonwealth & Development Office can also assist when the child is a British national, the Forced Marriage Unit can be contacted on 020 7008 0151 or email: [fmufcdo.gov.uk](mailto:fmufcdo.gov.uk)

A **Forced Marriage Protection Order** can also be applied for under S63A of the Forced Marriage (Civil Protection) Act 2007.

For **further guidance**, see <https://www.gov.uk/guidance/forced-marriage>

## Foreign national children separated from incarcerated parents

According to *UK Prison Population Statistics*, foreign nationals made up 11% of the prison population in England and Wales in 2020. The parental status of prisoners in the UK is not routinely monitored and it can be difficult to identify children who are affected by their parents' incarceration. However, it is estimated that, in England and Wales, more than

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17,240 children were separated from their mothers in 2010 by imprisonment.<sup>5</sup> In the case of foreign national prisoners, these children could have been left behind in the country of origin, in a kinship care arrangement or with family friends. They might also be living in the UK in a private fostering arrangement or in the care of the local authority. The circumstances of these children should be known by professionals and, if there are concerns about the welfare of the children in other countries, the relevant authorities abroad should be notified. If there are concerns for a child in another country, CFAB can issue a child protection alert.

## Honour-based violence

*Honour based violence* is a violent crime or incident which may have been committed to protect or defend the honour of a family or community. Children are at a higher risk of honour based violence if they are female, homosexual or have a disability. Women and girls are the most common victims of honour based violence however it can also affect men and boys, sometimes as a consequence of a relationship which is deemed to be inappropriate, perhaps due to their sexual orientation, if they have a disability or if they have assisted someone else. Crimes of 'honour' do not always include violence. Crimes committed in the name of 'honour' might include: domestic abuse, threats of sexual violence, emotional abuse, forced marriage, or the child being held against their will. If there are concerns for a child who has gone abroad, the first point of contact should be the police and relevant local authority, however CFAB can also assist to issue a child protection alert.

For more information, see <https://www.cps.gov.uk/legal-guidance/so-called-honour-based-abuse-and-forced-marriage>

## Privately fostered children from abroad

A child is in a *private fostering arrangement* if they are under 16 (under 18 for children with disabilities) and are being cared for by someone, who is not a close relative, for more than 28 days (Children Act 1989, Part IX, section 66-70). This is a private arrangement that is made between the parents and the carer. Close relatives are defined as step-parents, grandparents, brothers, sisters, uncles or aunts (whether of full blood, half blood or marriage/affinity). In 2014-15, 63% of children in known private fostering arrangements were born abroad.<sup>6</sup> These children may not have a legal immigration status to remain in the UK and no one with parental responsibility for them in the UK. It can also be difficult to verify the relationship between the child and carer. Where possible, the local authority should speak to the parent to verify their agreement with the arrangement. The child should be advised to seek legal advice about his/her immigration status. Depending on the nature of the arrangement, it might appropriate

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<sup>5</sup> For prison statistics, see <http://www.prisonreformtrust.org.uk/Publications/Factfile>

<sup>6</sup> For statistics on private fostering notifications, see <https://www.gov.uk/government/statistics/notifications-of-private-fostering-arrangements-in-england-2015>

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for the carer to be encouraged to seek legal guardianship for the child, or for the local authority to consider whether the child should be looked-after when it is not possible to confirm parental consent to the arrangement.

CFAB can help to trace and gather information from parents in another country to confirm that they agreed to the arrangement and understand how and why the child has come to the UK.

Relevant Guidance:

- The Children (Private Arrangements for Fostering) Regulations 2005
- The National Minimum Standards for Private Fostering (2005)
- Replacement Children Act 1989 Guidance on Private Fostering (2005) – see Chapter 8: International Aspects

## Radicalisation and Extremism

*Extremism* is defined by the Government as “vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.”

*Radicalisation* refers to “the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.” (Prevent Duty Guidance in England and Wales, 2015)

Section 26 of the Counter-Terrorism and Security Act 2015 places a duty on local authorities, schools and childcare providers, NHS trusts, prisons, probation services and the police, to have “due regard to the need to prevent people from being drawn into terrorism.”

Specific guidance for each authority is provided in the statutory guidance issued under section 29 of the Counter-Terrorism and Security Act 2015

For more information, see the **Prevent Duty Guidance** at:

<https://www.gov.uk/government/publications/prevent-duty-guidance>

If you have concerns about a child relating to extremism, contact *Preventing extremism in schools and children's services* at: email [counter.extremism@education.gsi.gov.uk](mailto:counter.extremism@education.gsi.gov.uk), Telephone 020 7340 7264

## Sex offenders travelling overseas

Offenders who are subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 must notify the police, 7 days in advance, of an intention to travel overseas for a period of 3 days or more. Further guidance on how this applies is given in the Home Office’s **Guidance on Part 2 of the Sexual Offences Act 2003** which is available at

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/442151/2015-07-03\\_FINAL\\_Guidance\\_Part\\_2\\_SOA\\_2003.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442151/2015-07-03_FINAL_Guidance_Part_2_SOA_2003.pdf)

According to Home Office guidance, it is an offence for a British citizen or UK resident to commit an offence against a child in a foreign country. This is intended to cover offences committed abroad when the offence is against a child living in the foreign country, or a child family member. Therefore, a sex offender can be prosecuted even if the crime is committed in another country and goes undetected until the person returns to the UK.

If you are concerned about a sex offender who has or will travel overseas, the first point of contact should always be the local police. If it is of assistance to the police, CFAB can pass on information about a sex offender travelling overseas to its partner agencies, but we are unable to issue urgent alerts (i.e. that will be actioned within 24-48 hours), and some countries might require there to be concerns for a specific child before action can be taken.

## Unaccompanied and separated children

*Unaccompanied children* are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. The international definition of a *separated child* is one who has been separated from their parents or legal guardians, but not from other relatives.<sup>7</sup> The local authority's duties to looked after children under the Children Act 1989 apply equally to unaccompanied and separated children who are looked after, this includes duties to care leavers. Unaccompanied and separated children need access to legal advice to address their immigration and asylum claims. It is also important to ensure that any indicators of trafficking are identified and the child's risk of going missing from care or being trafficking is assessed. Age assessments should not be carried out routinely, but only where there is significant reason to doubt that the claimant is a child.<sup>8</sup>

CFAB can assist in tracing the child's family in other countries, if appropriate, and obtaining reports from abroad to determine if a child can be safely reunited with family when the child wishes to return or join family in a third country.

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<sup>7</sup> Definitions of "unaccompanied" and "separated" child from the United Nations General Comment No. 6 (2005) on the Treatment of unaccompanied and separated children outside their country of origin. See <http://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf>

<sup>8</sup> Department for Education (2014) Care of Unaccompanied and Trafficked Children, see [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/330787/Care\\_of\\_unaccompanied\\_and\\_trafficked\\_children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330787/Care_of_unaccompanied_and_trafficked_children.pdf)

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