



DEPARTMENT OF STATE
STATEMENT
OF
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ASSISTANT SECRETARY FOR CONSULAR AFFAIRS
BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL
HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS
HEARING
ON
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Chairman Smith, Ranking Member Bass, and distinguished Members of the Subcommittee – Thank you for the opportunity to address you regarding international parental child abduction and our implementation of the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014.

The Department of State values the strong interest and support on this issue from Members of Congress. The law has given us an important framework to leverage our diplomatic engagement both with our partners under the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Convention) and with countries with whom we are not yet partners under the Convention. We appreciate the efforts and interest of Chairman Smith and Ranking Member Bass, as well as the many Members who advocate in support of their constituents affected by the heartbreak of abductions. We share with all of you the goals of preventing abductions, of the expeditious return of children to their homes, and of the strengthening and expansion of the Convention.

Testifying before you today, I'd like to put into context the critical role of the Bureau of Consular Affairs in the Department's overall mission of advancing U.S. foreign policy. The Consular Affairs Bureau is among the largest in the Department, and for all of us, there is no higher priority than the safety and protection of U.S. citizens overseas. Every day, we assist thousands of U.S. citizens affected by political crises, natural disasters, abuse, mental illness, and crime abroad. We perform welfare and whereabouts checks, including of U.S. citizen children who are victims of international parental child abduction, issue passports to U.S. citizens, including emergency passports to U.S. citizen children, and issue visas, including to eligible non-U.S. citizen parents in IPCA cases where appropriate.

The Bureau of Consular Affairs' Office of Children's Issues coordinates the many dedicated officials of the Department of State, in Washington, at passport agencies across the United States, and in our diplomatic missions worldwide, who are committed to preventing abductions, safeguarding the welfare of children abducted across international borders, facilitating the return of abducted children to their place of habitual residence, and helping parents resolve these complex cases. The Office of Children's Issues, a team of over 80 dedicated and well-trained professionals, serves as the U.S. Central Authority (USCA) under the Convention and leads U.S. government efforts within the Department and with other U.S. government agencies, to prevent international parental child abduction, to assist children and families involved in abduction cases, and to promote the principles of the Convention.

Prevention of International Parental Child Abduction

From a child's first U.S. passport application, we work to protect children from international parental child abduction. U.S. law and regulation requires the consent of both parents for passport issuance to children under the age of 16. This minimizes the possibility that a passport could be issued to a child without the consent of both parents. In addition, enrolling a child in the Children's Passport Issuance Alert Program (CPIAP) provides an extra notification check to the enrolling parent to ensure they are either aware of or supportive of the passport application. When children are enrolled in the CPIAP the application and all supporting

documents are sent to the Prevention Branch of the Office of Children's Issues for review and clearance. Prevention officers reach out to the requesting parent to notify them of the application and confirm their consent to the passport application.

In addition to administering the CPIAP, prevention officers conduct extensive outreach to judges, law enforcement, and parent groups, among others. They also work closely with non-governmental organizations dedicated to seeking the return of abducted children. When the unthinkable occurs and a parent reports that an abduction is in progress, the Prevention Branch works with parents, legal guardians, or their attorneys, to try to stop the travel of the child out of the United States.

If parents have a court order that prohibits the child's removal from the United States, or can obtain one, the Prevention Branch can contact the Department of Homeland Security (DHS) Customs and Border Protection (CBP) and/or law enforcement to ask them to take action. The child is added to CBP's Prevent Departure list which will notify CBP if international travel reservations are made for the child. If international travel reservations are located for the child, CBP alerts law enforcement and appropriate airport security personnel in an effort to stop the child's travel.

Depending on the circumstances of the child's custody arrangement, other law enforcement tools can be utilized including having Interpol notices activated for the taking parent and child and having the child added to the FBI's National Crime Information Center missing person database.

To strengthen these critical working relationships, the Department of State's Interagency Working Group on Prevention, which includes representatives from State, DHS (Immigration and Customs Enforcement and CBP), and the Department of Justice (Federal Bureau of Investigation), as well as the Department of Defense and other federal entities, meets twice annually to discuss ways to collaborate on abduction prevention measures. The Department of State works closely with CBP to help ensure that parents who have court orders that prohibit the international travel of a child can request assistance from CBP and U.S. law enforcement to prevent outbound abduction attempts. Key to the program's success, and a byproduct of the law's mandated interagency working group, has been streamlined communications and information sharing among agencies on child abduction prevention initiatives. These new measures were instrumental in preventing the more than 140 potential abductions since the law took effect.

How We Work to Resolve Abduction Cases

As we assist U.S. citizens overseas and protect the integrity of our processes and treaty obligations, we are on the front lines of U.S. diplomacy. We coordinate with our colleagues throughout the Department about your constituents' abduction cases using a variety of diplomatic tools to ensure host governments fully appreciate our deep concern for the welfare of our citizens, especially children. We hold our Convention partners responsible for complying

with the Convention, raising concerns with them at the highest levels. In the Bureau of Consular Affairs and throughout the Department of State, U.S. diplomats raise these issues and your constituents' cases at every opportunity with our foreign government counterparts.

When an international parental child abduction does occur, left-behind parents turn to the Office of Children's Issues outgoing abductions divisions for information and assistance. The country officers and case assistants of Children's Issues' two Outgoing Abduction Divisions work to return children who have been wrongfully removed from and/or retained outside their habitual residence in the United States. They also facilitate access requests in countries that are Convention partners and evaluate the compliance of signatory partners to the Convention.

The Convention provides the most effective way to facilitate the prompt return of abducted children. When a child has been abducted to or retained in a country that is one of the U.S.'s 73 partners under the Convention, a country officer helps the left-behind parent file a Convention application for the child's return, explains the parent's civil options under the Convention, works with law enforcement to file reports, and pursues criminal remedies if appropriate. Officers work with U.S. and foreign authorities and resources to facilitate the return of the abducted child. Country officers are the left-behind parent's (LBP) point of contact in the Department of State. In addition, country officers are responsible for sending completed Convention application materials to foreign central authorities, and monitoring the progress of cases, ensuring that they move forward as expeditiously as possible, keeping the LBP apprised of case progress, and advocating for effective implementation of the Convention in the foreign government, courts, and legal system.

Many of the abduction cases handled by the USCA involve abductions to countries not yet parties to the Convention. In these cases, country officers work closely with U.S. embassies and consulates overseas to provide parents with information about foreign legal options, conduct welfare visits to monitor the well-being of the child, and engage foreign government officials to seek the child's return.

In addition to handling cases, the Outgoing Abductions Divisions are responsible for pursuing the Department's objectives to strengthen and expand the Convention worldwide. Officers work with the Department's regional bureaus to engage foreign governments in discussion about why the United States believes the Convention is the best mechanism for protecting a child's best interests when custody disputes cross international borders. When working with countries that are already members of the Convention, officers engage bilaterally to ensure both governments work together to implement the treaty properly so that abducted children may benefit through swift return to the country of habitual residence.

Country officers are specialists within the consular field and function as desk officers in their capacity to apply country-specific expertise to the pursuit of the Department's policies on abduction. Country officers liaise with law enforcement officials (local and federal), foreign authorities, attorneys, and organizations in the United States (such as the National Center for Missing and Exploited Children) in order to assist parents and move cases toward resolution.

Using all of the tools available in abduction cases, we assisted in the return of 374 children to the United States in 2014. Yet, because of the differences in laws, legal systems, and enforcement mechanisms, achieving the return of children, even with the treaty relationship and law enforcement tools, can be difficult. The laws of the country where an abducted child is physically located apply, and although it can be frustrating to endure delays, the U.S. government cannot interfere with the legal system or judiciary of another sovereign nation, just as no other country may interfere with the law enforcement or judicial system of the United States.

The law identifies actions the United States may consider to encourage better alignment with Hague goals and standards. Many of these measures are the same tools the State Department uses in diplomacy with nations around the world on a range of important issues. For those countries that have not yet partnered with us under the Convention, we appeal to the universal interest in safeguarding children, even as we urge countries to turn to the Convention as a reliable way to protect these interests in future abduction cases.

We are committed to fully and successfully implementing the law. The tools it contains reflect the constant balance diplomats seek in advancing the many interests of the United States around the world. Your support and this law underscore the fact that IPCA is a priority for the U.S. government.

The 90-Day Report on International Parental Child Abduction

In compliance with the law which took effect on August 8, 2014, the Department presented an annual report to Congress that provided data and other information about cases around the world and the Department's efforts to resolve them. The 2015 Annual Report covers the period of October 1 to December 31, 2014. It reflected the fact that the law had been in effect only for part of the year. The Department identified 22 countries as demonstrating patterns of noncompliance. Subsequently, the Department reported to Congress (90-Day Report) on the specific actions taken against countries determined to have been engaged in a pattern of noncompliance as reported in the 2015 Annual Report.

Diplomacy and Actions

As noted in the 90-Day Report, which covers actions through July 31, 2015, diplomatic engagement remains one of our most effective tools with all countries to assist in resolving abduction cases. In Convention partner countries, we have reiterated that we expect our partners to implement the Convention effectively. In non-Convention countries, we take every appropriate opportunity to raise abduction cases with foreign government officials at the highest appropriate levels and to ensure host governments understand the high priority the U.S. government attaches to resolution of these cases.

As part of the process of demarching each of the countries cited in the 2015 Annual Report for demonstrating patterns of noncompliance, our embassies held frank conversations with foreign government officials, discussing what actions their countries could take to avoid

being cited in the future. The Department also met with foreign missions in Washington to deliver the same clear message.

For example, we have requested the Government of India's assistance in resolving reported abduction cases. In May, Special Advisor for Children's Issues Ambassador Susan Jacobs pressed India to resolve reported cases. In September, I urged India to make progress on its accession to the Convention and resolve reported cases. In October, Principal Deputy Assistant Secretary for South and Central Asian Affairs Ambassador William Todd encouraged India to resolve reported cases. I again reiterated our strong interest that India make progress on its accession to the Convention and resolve reported cases at the annual U.S.-India Consular Dialogue this month. Officials at the U.S. Embassy in New Delhi are in regular contact with ministry officials on these issues.

We continue to have serious concerns in some countries we could not cite in the annual report as demonstrating a pattern of noncompliance per the criteria established in the law. These include countries with pending abduction cases that do not benefit from the Convention, such as abduction cases in Japan that occurred before Japan became party to the Convention. We are keenly aware of the pre-Convention cases and are as actively engaged on them as we are on all of our non-Convention cases. We continue to engage with Japan intensively through bilateral visits, digital video conferences, and in coordination with the U.S. Embassy in Tokyo and the Department's Bureau of East Asia and Pacific Affairs to resolve these cases.

Beyond the Reports

The diplomatic tools and engagement noted in the 90-Day Report have yielded important results. For example, Slovakia was cited for demonstrating patterns of noncompliance in the 2015 Annual Report. In January 2016, Slovakia will implement legislation that limits the number of court appeals in Convention cases and mandates that Convention cases be adjudicated within 12 weeks. This important step should improve Slovakia's compliance with the Convention and resolution of cases. It also has the potential to make Slovakia a European leader on Convention compliance.

As we continue to coordinate and interact with our partner central authorities in foreign countries to monitor individual cases, we are obtaining critical information to assess countries' compliance with the Convention. At the same time, we are developing the personal contacts and relationships with our counterparts that build trust and make our interactions more productive over time.

In addition, the USCA and other Department officials regularly engage with non-Convention countries in Washington and overseas, to encourage them to ratify or accede to the Convention. In September 2015, the U.S. Embassy in Abu Dhabi hosted a symposium on the Convention to follow up on an October 2014 regional symposium held in Amman, Jordan. The event educated government officials about the Convention and how it can be implemented in countries with Islamic law traditions. An official from the Moroccan Central Authority joined presenters from the Department, the Hague Conference on Private International Law, and the

Canadian Ministry of Foreign Affairs to discuss the Convention and its implementation. We continue to press countries such as Egypt, Tunisia, and the United Arab Emirates to follow in the footsteps of Morocco, with which we partnered in 2012, to become party to the Convention.

In the 2015 Annual Report, we cited Brazil for demonstrating patterns of non-compliance in the area of judicial performance. As a result of the citation and follow-up meetings, the U.S. Embassy in Brasilia coordinated an International Visitor Leadership Program that brought Brazilian judges and federal prosecutors to the United States to see and experience firsthand how the United States implements the Convention. These exchange programs are a prime opportunity to share best practices and Convention obligations with the same judges who will decide abduction cases. They met the judges who handle abduction cases in the United States. We also used the opportunity to discuss significant delays we have observed in pending abduction cases.

During my discussions with Brazilian officials in Brasilia last month, we agreed that their slow, deliberate judicial process does not align well with the Convention's emphasis on a narrowly-focused and rapid judicial decision. Brazil is working to increase judges' familiarity with the Hague Convention, and to develop a network of expert judges to whom family court judges can turn for guidance. I was also informed Brazil is drafting legislation intended to address shortcomings in its performance to date. I note that we have seen positive developments in our Hague cooperation with Brazil, notably with respect to communication and cooperation with the Brazilian Central Authority. During my visit to Brasilia I learned of an additional resource, mediation, which may enable some parents to resolve their situations outside the judicial process.

On November 14, I returned to Washington following bilateral discussions with the Russian government which included examination of the status of our cooperation on abduction. Russia has acceded to the Hague Convention but has not yet been accepted by the U.S. as a partner; we seek additional information to determine whether they have laws and procedures in place to enable full compliance with Convention requirements. Both countries expressed strong interest in partnering under the Convention and I will work to accelerate realization of that goal. Meanwhile we also seek agreement on how to resolve outstanding cases which at the time of my meetings involved 39 families and 47 children since the Convention does not apply retroactively.

Conclusion

Mr. Chairman, Ranking Member Bass, distinguished Members of the subcommittee, this law represents a joint effort by Congress and the executive branch to resolve difficult abduction cases and to prevent future abductions. The law is central to our diplomatic efforts, which extend far beyond our annual reports. It significantly reinforces our work to address the complex problem of international parental child abduction. The law calls for sustained, purposeful engagement with countries that do not meet their obligations to their Convention partners, and to children and parents involved in these cases.

My Bureau leads the effort to engage governments on Convention implementation, encourage governments to become party to the Convention, and provide assistance to families who are victims of abduction in Convention and non-Convention countries. My colleagues throughout the Department, including those at the highest levels, regularly raise international parental abductions as a bilateral policy issue in meetings with foreign government officials, and where appropriate, discuss pending abduction cases. The Department remains committed to preventing abduction, safeguarding and returning abducted children to their places of habitual residence, and working to ensure that parents have effective tools in Convention and in non-Convention countries to resolve these cases.

Thank you.