



DEPARTMENT OF STATE
STATEMENT
OF
KAREN L. CHRISTENSEN
DEPUTY ASSISTANT SECRETARY FOR OVERSEAS CITIZENS SERVICES
BUREAU OF 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
JULY 14, 2016

Chairman Smith, Ranking Member Bass, and distinguished Members of the Subcommittee – Thank you for the opportunity to address you today.

We appreciate your continued interest in the work we do to prevent and resolve international parental child abductions and your efforts to advocate on behalf of the parents affected by the heartbreak of abductions. We share with you the goals of preventing international parental child abductions, of the expeditious return of children to their countries of habitual residence, and of the strengthening and expansion of our partnerships under the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Convention). We use the tools you gave us in the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (the Act) to continue to leverage our diplomatic engagement with countries and we are getting results.

Every day, my colleagues in the Bureau of Consular Affairs advance the foreign policy goals of the Department by assisting thousands of U.S. citizens affected by political crises, natural disasters, abuse, mental illness, and crime in all parts of the world. One of our priorities is international parental child abduction. In 2015, more than 600 children were reportedly abducted by a parent from the United States to another country. The State Department's Bureau of Consular Affairs leads the U.S. government's work in attempting to prevent and aid in the resolution of international abductions.

In these heartbreaking cases and in others, we work consistently and tirelessly attempting to perform welfare and whereabouts checks when we have concerns for the well-being of U.S. citizens, issuing passports to U.S. citizens, including to children returning to the United States, and issuing visas, including to parents traveling to the United States to attend custody hearings in their child's habitual residence, where appropriate.

As we undertake long-term efforts to elicit cooperation from foreign governments on abduction cases, we actively encourage countries to become party to the Convention, which, in addition to being one of the best options for parents seeking the return of their children, is also the best means of ensuring other countries adhere to the same standards we do when addressing abduction and access cases.

We work with parents, with counterparts in foreign governments, and with other U.S. government agencies to help resolve individual international parental child abduction cases. Each country, like our own, has its own judicial system, law enforcement entities, and cultural and family traditions. We tailor our strategy to deploy the most effective approach toward resolving each abduction case, including securing a child's return to the place of habitual residence or parental access to children.

Much of the day-to-day diplomatic engagement on abduction matters is handled by the Country Officers in the Office of Children's Issues. Our team of experts, based in Washington, is continuously in direct touch with counterparts in foreign government central authorities. On a regular basis, they also work with foreign governments through foreign embassies in Washington and our U.S. diplomatic missions overseas.

Senior U.S. officials often engage with their foreign counterparts to press for a prompt resolution to abduction cases. In the 2016 Annual Report on International Parental Child

Abduction, Secretary Kerry emphasizes the U.S. commitment to combating international parental child abduction.

In 2015, Assistant Secretary for Consular Affairs Ambassador Michele Thoren Bond pressed foreign governments on abduction issues in Washington and overseas. She made public statements, delivered protests to foreign ambassadors, and held meetings in foreign capitals and in Washington to voice U.S. concerns over international parental child abduction.

Ambassador Susan Jacobs, the Secretary's Special Advisor for Children's Issues, visited more than 15 countries and attended multilateral conferences to discuss abduction issues. She promoted accession to or ratification of the Convention, and other arrangements to promote the return of and access to abducted children, such as Memoranda of Understanding, including one between the United States and Egypt. Ambassador Jacobs also encouraged countries for which the Convention is already in force with respect to the United States, also known as "partner" countries, to improve their treaty implementation.

And our embassies and consulates around the world play an important role in the Department's campaign to address international parental child abduction. U.S. ambassadors raise concerns to host governments, and U.S. consular and political officers regularly work on abduction matters, through liaising with local officials and by providing consular services, such as checking on the welfare of children who were abducted overseas.

The Annual Report on International Parental Child Abduction 2016

We have prepared Congressional reports on our international parental child abduction work since at least 2007. Our 2015 report was the first report issued under the new requirements of the Act. That report was a solid response to the call for data and information about the Department's work on international parental child abduction. In preparing this year's report, we integrated feedback from Congress, parents, judges, and such partners as the National Center for Missing and Exploited Children, and incorporated more country specific narrative and fewer tables of data. Building on last year's work since the Act became law, we believe that the 2016 Report is significantly more responsive and a helpful tool for all stakeholders.

The 2016 Annual Report reflects the number of cases reported to our office and how the Office of Children's Issues and our counterparts in foreign countries work together to resolve them. This information is challenging to compile and to present but can serve as a valuable resource for those affected by international parental child abduction.

However, each abduction case is unique. To reflect the complexities, this year we have included narratives in our report that offer context to the statistics on international parental child abduction throughout the world. We also included supplemental data in order to give additional context to the statistics that the Act requires.

For example, the report provides statistical information about each country for which there were five or more pending abduction cases reported during 2015. The report also provides information about our bilateral relationship with that country on abduction matters,

recommendations for improved work to resolve abductions, and comments on the country's compliance with the Convention if applicable.

In the data pages we have added statistics beyond those required by the Act when we believed including them may be useful for the reader. For example, we provided the number of abductions and access requests reported to the Department, reflecting the overall caseload for that country, regardless of whether a particular case meets the definition of abduction under the Convention or under the Act.

Throughout the report, we have discussed topics that relate to our work on international parental child abduction cases. For example, we explained the International Visitor Leadership Program, which gives decision-makers and practitioners in other countries a first-hand view of how we work to resolve international parental child abduction cases, and we included information on our training and outreach to U.S. judges and U.S. Armed Forces legal assistance personnel, military chaplains, and military family support.

In 2015, we continued our diplomatic engagement with countries that have become party to the Convention but for whom the Convention is not yet in force with respect to the United States. As a result of those efforts, in early 2016, we welcomed Thailand as our 74th partner under the Convention, and we began reviewing the Philippines for potential partnership after the country acceded to the Convention.

In the report, we noted that, in 2015, 299 abducted children whose habitual residence was the United States were returned to the United States. The majority, 213 children, returned from Convention countries, while 86 were returned from countries adhering to no protocols with respect to international parental child abduction, as defined in the Act.

Last year, we worked on 136 abduction cases that were resolved without the abducted children being returned to the United States. These included cases that were sent to the Foreign Central Authority and were later closed for the following reasons: the judicial or administrative authority complied with the Convention; the parents reached a voluntary arrangement; the left-behind parent withdrew the application for return; the left-behind parent could not be located for greater than one year; or the left-behind parent or child passed away.

Of the 136 cases, 134 involved Convention countries, and two involved non-Convention countries.

Cited Countries

Despite this good news, there are families that continue to suffer as their children remain across an international border. In the 2016 report, we cited 13 Convention partner countries that either demonstrated a pattern of noncompliance, or failed to comply with one or more of their obligations under the Convention in 2015, as defined by the Act: Argentina, Austria, The Bahamas, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Japan, Peru, and Romania; and eight non-Convention countries that demonstrated a pattern of noncompliance in 2015 as defined by the Act: Egypt, India, Jordan, Lebanon, Nicaragua, Oman, Pakistan, and Tunisia.

Of particular interest to this subcommittee will be the citations for Brazil, India, and Japan based on activity in 2015. Brazil demonstrated a pattern of noncompliance because 30 percent or more of the total abduction cases were unresolved abduction cases as defined by the Act. In addition, the Brazilian judicial authority failed to regularly implement and comply with the provisions of the Convention. India demonstrated a pattern of noncompliance by persistently failing to work with the United States to resolve abduction cases. Japan failed to comply with its obligations under the Convention in the area of enforcement of return orders. In the case of Japan, we are pleased to report that in 2016 there have been two successfully enforced returns under the Convention. In the first case, four U.S. citizen children were returned to their mother. In a second case, a U.S. citizen child was returned to his father. We are optimistic that the successful resolution of these cases signals a turning point in Japan's ability to comply with its obligations under the Convention.

We have provided a narrative analysis of the state of Convention compliance in each country we cite, in addition to the information provided in the country data pages for countries with five or more cases. It is our hope that the fuller picture of international parental child abduction in individual countries in the 2016 Annual Report will serve as a guide for traveling parents, judges, and family law attorneys. But more than that, we believe, as you do, that citing a country in the report can be a powerful tool for resolving cases in the future.

Our Engagement with Partners

Strategically, a key focus for us is to prevent abductions. From a child's first U.S. passport application, we work to protect children from international parental child abduction. U.S. law and regulation generally 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 Department's Children's Passport Issuance Alert Program (CPIAP) provides notification to the enrolling parent to ensure they are aware of the passport application. When a child is enrolled in CPIAP, the Prevention Branch of the Office of Children's Issues reviews the passport application and all supporting documents prior to any passport issuance. Prevention officers reach out to the requesting parent to notify them of the application and confirm their consent to the passport application. The Department will only issue a passport to a minor if we have the consent of both parents or the documents submitted with the passport application demonstrate the legal authority to issue without such consent.

In 2015 we enrolled 4,064 children in CPIAP and helped enroll 127 children in the Department of Homeland Security's program aimed at preventing international parental child abduction. We work with U.S. and foreign law enforcement agencies, airlines, and others to prevent children from being unlawfully removed from the United States. Our prevention officers are available 24/7 and through our broad public affairs campaign we encourage parents to reach out to us for information that can help avoid abductions before they happen. We fielded 1,560 inquiries in 2015 from parents, attorneys, support organizations, and foreign governments seeking prevention information.

The Department of State works closely with U.S. Customs and Border Protection (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 Act'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 more than 140 potential abductions since the law took effect.

In April and October of 2015, we hosted Prevention of International Parental Child Abduction Interagency Working Group meetings to discuss strategies to enhance international parental child abduction prevention measures. Special Advisor for Children's Issues Susan Jacobs chaired both meetings; officials from the U.S. Central Authority, the Department of Homeland Security, the Department of Justice, the Federal Bureau of Investigation, and the Department of Defense participated. Participants discussed ways to enhance current interagency abduction prevention strategies. At the October meeting, the U.S. Central Authority provided English- and Spanish-language Preventing International Parental Child Abduction brochures to all participants to distribute within their agencies. The working group will continue to meet regularly to streamline and improve interagency cooperation when working to prevent international parental child abduction cases originating from the United States.

Conclusion

Mr. Chairman, Ranking Member Bass, distinguished Members of the subcommittee, the Act has reinforced significantly our work to address the complex problem of international parental child abduction.

In our efforts to return abducted children to their places of habitual residence we are using all effective means available to us under the law. This is our mission. The Department of State weaves our concerns about international parental child abduction into our diplomatic discourse with nations around the globe. We want to set the Convention's framework as a standard around the world for addressing and resolving abduction cases. Where that may not be an option, we can work toward bilateral and other arrangements to resolve abductions that take children from their homes and families in the United States. We can advance this through persistent diplomatic engagement, an approach that has produced results with many countries around the world. The Act specifies actions that include tactics and strategies that already figure into how the Department wields diplomacy, persuasion, and negotiation to advance U.S. interests throughout the world.

We take actions based on the Annual Report and on the Act, and take action any time we consider it to be timely and effective. We frequently deliver demarches and discuss cases with senior government officials in countries that are not complying. These are very frank conversations, and we are adamant that each country is aware of the importance of this issue. The Act directs us to raise with the governments of the countries we cite in our report the reasons why we think they are not living up to their obligations with regard to international parental child abduction. We will report on those approaches and our continuing engagement with foreign countries in the follow up Action Report.

We constantly strive to increase our effectiveness and our compliance and always look for ways to collaborate with our partners, including you, members of Congress who've committed so much time and energy to addressing this very important and urgent issue.

Thank you.