

The Seventh Meeting of the Special Commission on the Practical Operation of the 1980 Hague Child Abduction Convention and the 1996 Hague Child Protection Convention – October 2017

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Author	Professor Nigel Lowe and Victoria Stephens	
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Annexes	—	
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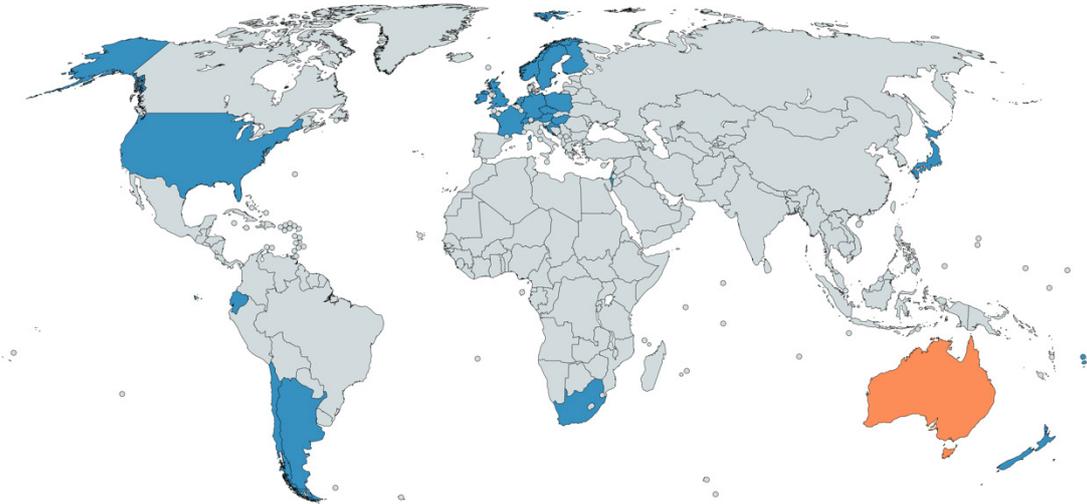
TABLE OF CONTENTS

TABLE OF CONTENTS	2
AUSTRALIA	3
BELGIUM	13
CANADA	23
COLOMBIA	33
GERMANY.....	53
IRELAND	66
ITALY	76
MEXICO	86
THE NETHERLANDS	96
POLAND	103
SPAIN.....	114
TURKEY	123
UNITED KINGDOM - ENGLAND AND WALES.....	130
UNITED STATES OF AMERICA	142

AUSTRALIA

A. Executive summary

Return and access applications received by Australia in 2015



1. In 2015 Australia received 45 return and 11 access applications from 23 States. The map above highlights the States which sent these applications to Australia.
2. This was a 40% decrease in return applications and a 31% decrease in access applications from the 75 return and 16 access applications received in 2008. In total the Central Authority dealt with 125 applications, a 38% decrease on the 202 dealt with in 2008.
3. Of the return applications received, 62% ended in the child's return. This is an increase on the 51% return rate in 2008, 42% 2003 and 52% in 1999.
4. Overall, 45% of applications globally ended in the return of the children involved. Compared with these global figures, more applications received by Australia ended in judicial orders for return or refusing return but fewer were withdrawn or pending.
5. In general, applications took more time to resolve than in previous years, at an average of 176 days compared with 140 in 2008. However, when looking at the average timings for each outcome the Australian averages were in line with those globally: taking an average of 164 days to conclude a judicial order for return and 228 days for a judicial refusal, compared with the global averages of 158 and 245 days, respectively.
6. Of the 11 access applications received, only two ended in judicial orders for access (18%) compared with the global rate at which access was agreed or ordered of 27%.

B. The number of applications received and sent in 2015

The number of applications received and sent by Australia in 2015 compared with previous surveys

	1999	2003	2008	2015
Incoming Return	64	43	75	45
Incoming Access	14	19	16	11
Outgoing Return	81	91	91	63
Outgoing Access	13	14	20	6
Total	172	167	202	125

7. In 2015 the Australian Central Authority dealt with a total of 125 applications. A 38% decrease on the 202 dealt with in 2008 and a 25% increase on the 162 in 2003. It was the tenth busiest Authority.

C. Incoming return applications

1. The Contracting States which made the application

8. In 2015, Australia received 45 return applications from 18 different States. This can be compared with 75 applications from 16 States in 2008, 43 applications from 13 States in 2003 and 64 applications from 14 States in 1999.

The Contracting States which made return applications to Australia

State	Number of applications	%	State	Number of applications	%
New Zealand	15	33%	Ecuador	1	2%
United Kingdom	8	18%	Finland	1	2%
United States	4	9%	France	1	2%
Germany	2	4%	Ireland	1	2%
Hungary	2	4%	Israel	1	2%
South Africa	2	4%	Netherlands	1	2%
Argentina	1	2%	Norway	1	2%
Croatia	1	2%	Poland	1	2%
Czech Republic	1	2%	Sweden	1	2%
Total				45	100%

9. As in previous surveys, the highest proportion of applications came from New Zealand, 33% compared with 55% in 2008, 35% in 2003 and 34% in 1999.

2. The taking person

a. The relationship of the taking person to the child

10. In 2015, a majority, 77%, of taking persons were mothers (34 applications), and 20% were fathers (9 applications). In one additional application the taking person was recorded as being an 'other relative'.

11. In 2008 68% of taking persons were mothers, 81% in 2003 and 70% in 1999.¹

¹ In 1999 the relationship between the taking person and the child was not recorded but, as the vast majority of taking persons are parents, the gender of the taking person gives a good indication. In 1999, 70% of taking persons in applications received by Australia were female and so probably mothers.

12. This can be compared with the 2015 global average of 73% of applications involving taking mothers and 24% fathers.

b. The status of the taking person as carer to the child

13. The Australian Central Authority was unable to provide information on the status of the taking person as carer to the child for the applications received in 2015. In 2008, 68% of taking persons were the primary carer.

14. Globally 20% of taking persons were the child's primary carer, 60% a joint-primary carer and 20% a non-primary carer.

c. The nationality of the taking person

15. In 56% of the applications received by Australia the taking person was an Australian citizen, compared with the global 58% of taking persons who went to a State of which they were a national.

16. This is higher than in previous surveys. In 2008 only 31% of taking persons going to Australia were Australian citizens, 47% in 2003 and 22% in 1999.

17. In 2015, a lower proportion of mothers taking children to Australia were found to be Australian citizens (53%, 18 applications) compared with fathers (78%, 7 applications).

18. This was also the case globally, with 56% of taking mothers found to have gone to a State of which they were a national and 64% of fathers.

19. In 2008 exactly the same proportion of taking mothers and taking fathers were Australian citizens (69%), and in 2003 the respective percentages were: 52% of taking mothers and 20% of taking fathers.

3. The children

20. In 2015, 64 children were involved in the 45 applications received by Australia. This makes an average of 1.4 children per application which is slightly higher than the global average of 1.3 children.

21. The average age of the children was 6.2 years compared with the global average of 6.8 years. In 2008 the average age of a child taken to Australia was 6.8 years and 5.2 years in 2003.

22. In 2015, 58% of the children involved were female and 42% male. Globally, the proportions of male and female children in 2015 were 53% and 47%, respectively.

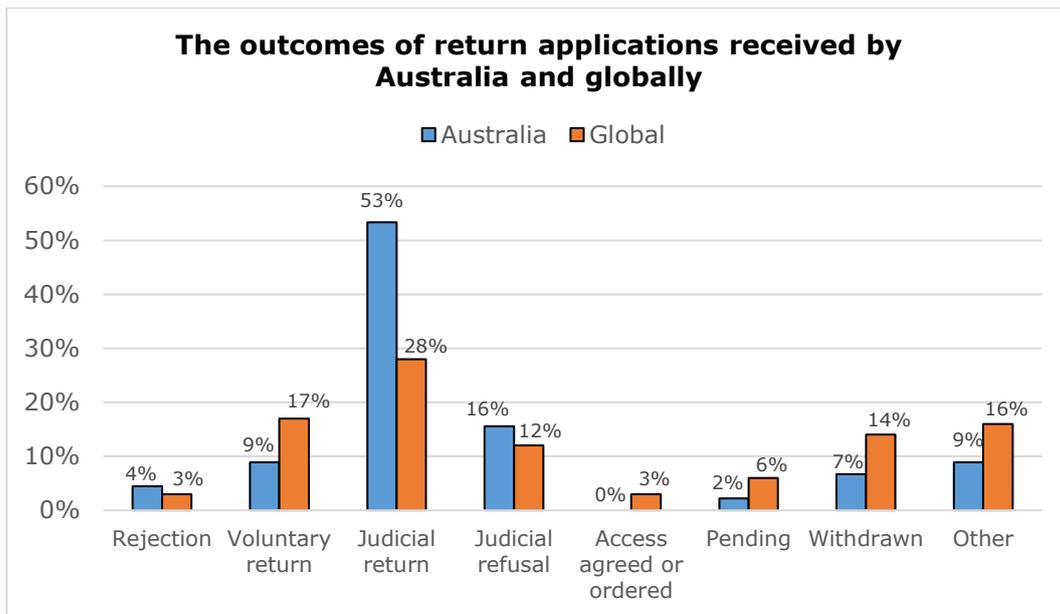
23. In 2008 the proportions of male to female children were 52%:48%, 60%:40% in 2003 and 49%:51% in 1999.

4. Outcomes

The outcomes of return applications received by Australia in 2015

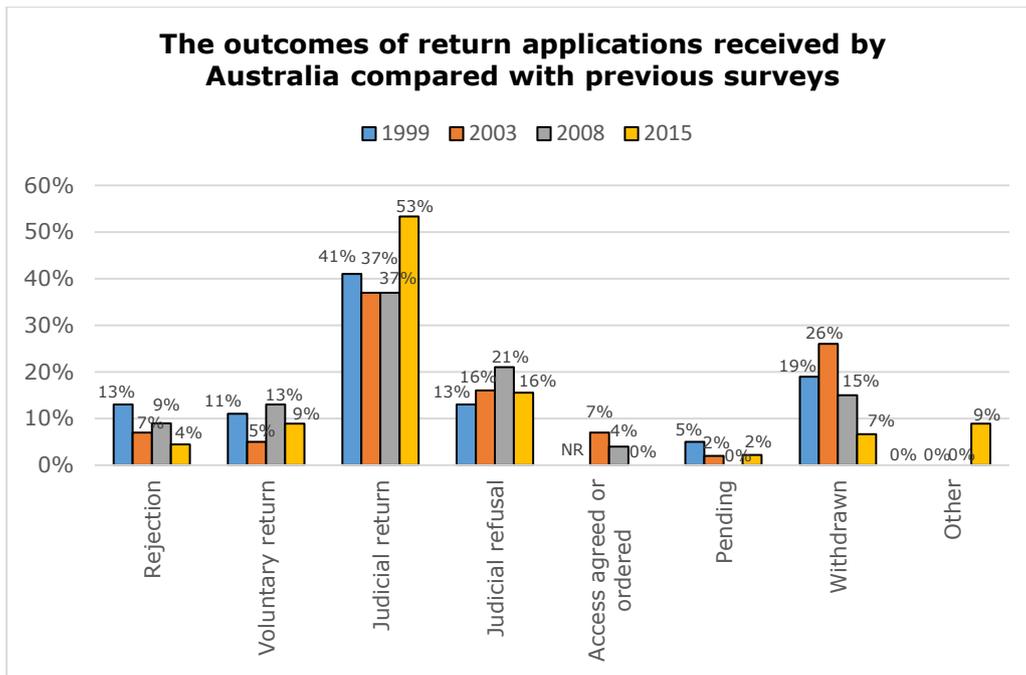
	Australia	Global
Rejection	2 (4%)	3%
Voluntary return	4 (9%)	17%
Judicial return	24 (53%)	28%
Judicial refusal	7 (16%)	12%
Access agreed or ordered	0 (0%)	3%
Pending	1 (2%)	6%
Withdrawn	3 (7%)	14%
Other	4 (9%)	16%
Total	45 (100%)	≈100%

24. The graph below shows more clearly how the results in applications received by Australia compare with those globally. In 2015, 62% of applications received by Australia ended with a return, significantly higher than the global average of 45%. Most of these ended in a judicial order for return (53%, 24 applications).



a. Outcomes of return applications received by Australia in previous years

25. The table below shows the outcomes of applications received by Australia compared with previous surveys. In 2015 there was a large increase in the proportion of applications ending in a judicial order for return while withdrawals and rejections by the Central Authority decreased.



b. Returns

26. In 2015 the overall return rate in Australia was 62% comprising four (9%) voluntary returns and 24 (53%) judicial returns. Of the 31 cases that were decided in court, 77% ended in a return, compared with 65% globally. Of the judicial returns in which the consent of the parties was known, 11 were ordered with consent of the taking person (69%) and five without (31%).

27. In 2008, 62% of applications that went to court ended in a return.

c. Judicial refusals

28. Out of the 31 cases that went to court, seven (23%) were refused, compared with 28% globally.

29. This can be compared with 36% of the applications that went to court in Australia in 2008, 30% in 2003 and 24% in 1999.

30. The reasons for refusal were known in two of the seven refused applications. One refusal was based on the child not being habitually resident in the requesting State and the other on Article 12. Globally, 25% and 17% of refused applications were based on these reasons, respectively.

31. The table below compares these findings with those of previous surveys.

Reasons for refusal in applications received by Australia and globally in 2015

Outcome	1999	2003	2008	2015
Child not habitually resident in requesting state	3 (38%)	1 (14%)	4 (22%)	1 (50%)
Applicant had no rights of custody	0 (0%)	0 (0%)	2 (11%)	0 (0%)
Art 12	2 (25%)	1 (14%)	0 (0%)	1 (50%)
Art 13(1)a) not exercising rights of custody	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Art 13(1)a) consent	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Art 13(1)a) acquiescence	2 (25%)	3 (43%)	5 (28%)	0 (0%)
Art 13(1)b)	1 (13%)	2 (29%)	4 (22%)	0 (0%)
Child's objections	0 (0%)	0 (0%)	3 (17%)	0 (0%)
Art 20	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Number of reasons	8 (100%)	7 (100%)	18 (100%)	2 (100%)

5. Timing

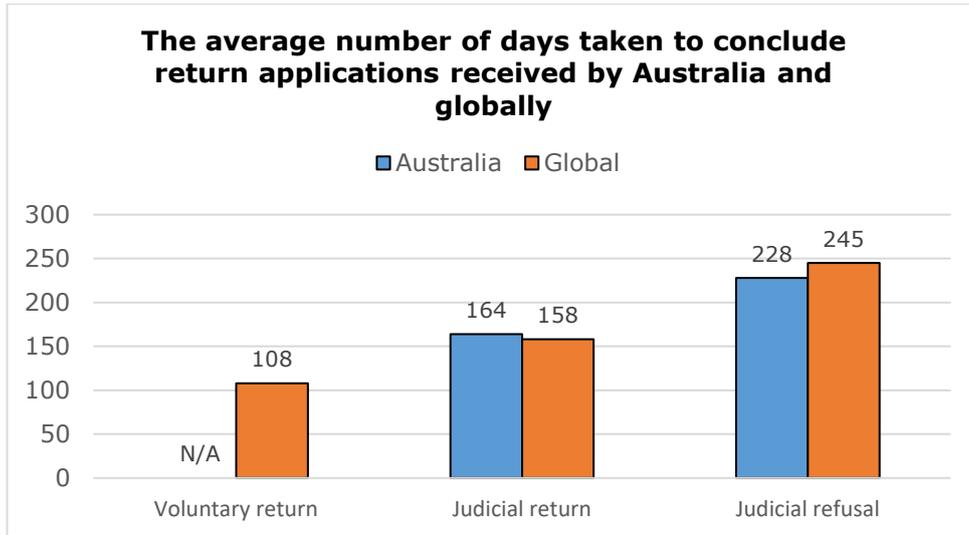
32. The average time taken to reach a final settlement in the return applications from the date they were received by the Australian Central Authority was 176 days, longer than the 140 days recorded in 2008. This can also be compared with the global average of 164 days.

33. The average time depended heavily on the outcome which was reached, as can be seen in the table and graph below. No information was available on the timing of applications ending in a voluntary return.

The number of days taken to reach a final outcome in applications received by Australia

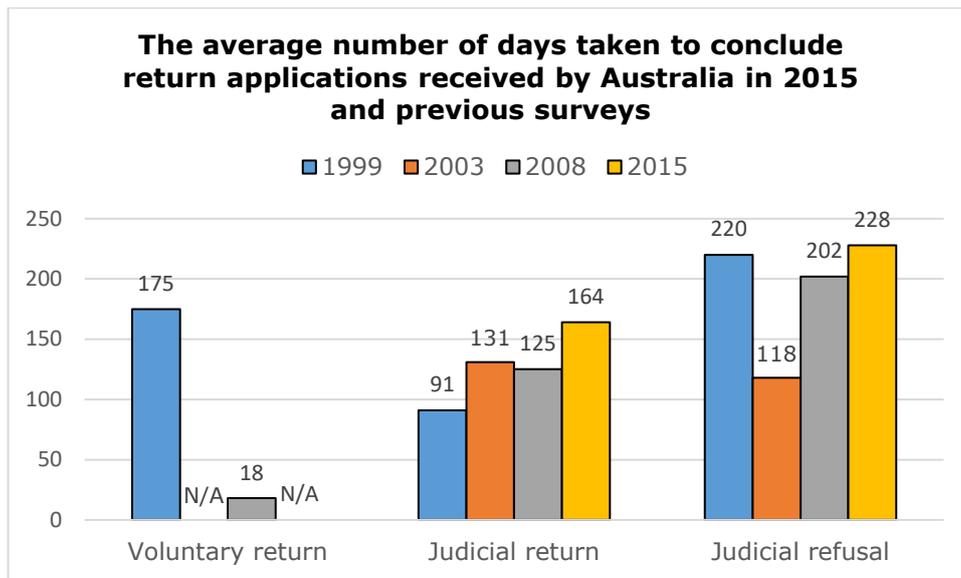
	Judicial return	Judicial refusal
Average (mean)	164	228
Minimum	44	83
Maximum	376	450
<i>Number of cases</i>	24	7

34. As can be seen from the graph below, these average times were in line with the global averages. Additionally, judicial returns ordered with the consent of the parties were concluded more quickly, in an average of 134 days, compared with 183 days for returns without consent.



a. *Timing in previous years*

35. The graph below compares the time take to reach a final outcome in applications received by Australia in 2015, 2008, 2003 and 1999. It shows clearly that the time taken to conclude judicial returns is steadily increasing, while the time for judicial refusals was in line with the findings in 2008 and 1999.



b. *Time taken to send application to court*

36. In Australia it took an average of 54 days before the application was sent to court and the court then took an average 123 days to reach a final outcome. This can be compared with the global averages of 93 days to send the application to court and a further 125 days to reach a final outcome.

37. In 2008 it took an average of 35 days for the Australian Central Authority to send the application to court and the court then took 128 days to reach a final conclusion.

c. *Appeals*

38. In 2015, of the 31 applications that went to court in Australia, four involved an appeal (13 %), lower] than the global average of 31%.

39. In 2015 the average time taken to reach a first instance decision was 109 days, from the date it as received by the Central Authority, compared with 170 days to finalise a case that was

appealed. The global averages were 179 days for a first instance decision and 266 days to conclude an appeal.

40. In 2008 only 2% of court decisions were appealed. The average time to reach a first instance decision was 137 days, compared with 207 days for an appealed decision.

D. Incoming access applications

1. The Contracting States which made the application

41. In 2015, Australia received 11 access applications from nine different Central Authorities. As in 2008, a high proportion of applications came from the United Kingdom (27%, compared with 38% in 2008, 21% in 2003 and 7% in 1999). Surprisingly, no access applications were received from New Zealand (compared with 19% in 2008, 42% in 2003 and 21% in 1999).

The Contracting States which made access applications to Australia

State	Number of applications	%	State	Number of applications	%
United Kingdom	3	27%	Germany	1	9%
Austria	1	9%	Japan	1	9%
Chile	1	9%	South Africa	1	9%
Fiji	1	9%	Switzerland	1	9%
France	1	9%			
Total				11	100%

2. The respondent

a. The relationship of the respondent to the child

42. In 2015, a majority, 80%, of respondents were mothers (eight of the 10 applications in which information was available), and 20% were fathers (two applications). In 2008, 75% of respondents were mothers, 74% in 2003 and 79% in 1999.

43. This can be compared with the global figures of 73% of applications involving respondent mothers and 26% involving respondent fathers.

b. The status of the respondent as carer to the child

44. The Australian Central Authority was unable to provide information on the status of the taking person as carer to the child. Globally, 71% of access applications involving respondents who were the primary carer, 21% the joint-primary carer and 8% a non-primary carer.

c. The nationality of the respondent

45. In 36% of the applications received in 2015 the respondent was an Australian citizen, compared with the global 58% of respondents who were a national of the Requested State.

46. In 2008 this proportion was 22%, 50% in 2003 and only 7% in 1999.

3. The children

47. In 2015, at least 12 children were involved in the 11 access applications², an average of 1.1 children per application compared with the global average of 1.3 children per application. In previous surveys these averages were 1.4 children in 2008, 1.3 children in 2003 and 1.3 children in 1999.

² Information on the number of children was unavailable for one application.

48. The average age of the children was 6.5 years compared with the global average of 8.0 years. In 2008 the average age was 8.9 years and 9 years in 2003.

49. In 2015, 73% of the children involved were female and 27% male. Globally, the proportions of male and female children in 2015 were 49% and 51%, respectively.

50. In 2008, 65% of children were male and 35% female, 71%:29% in 2003 and 44%:56% in 1999.

4. Outcomes

51. Two of the 11 access applications received by Australia ended in agreements or orders for access, compared with 27% globally. A relatively high proportion of applications ended in a judicial refusal (18% compared with 2% globally), though it should be noted that these figures are based on relatively low numbers of applications.

The outcomes in applications received by Australia in 2015 compared with the global averages

	Australia	Global
Rejection	0 (0%)	4%
Access agreed outside of court	0 (0%)	11%
Access judicially granted	2 (18%)	16%
Access judicially refused	2 (18%)	2%
Pending	2 (18%)	17%
Withdrawn	0 (0%)	19%
Other	5 (45%)	31%
Total	≈100%	100%

52. A high proportion of applications ended in 'other' outcomes (45%, 5 applications). The

53. The table below compares the outcomes of access applications with previous surveys. One of these ended because the child could not be traced, in two the applicant declined mediation and chose not to proceed and the remaining two ended for unspecified reasons.

The outcomes in applications received by Australia in 2015, 2008, 2003 and 1999

	1999	2003	2008	2015
Rejection	0%	26%	38%	0%
Access agreed outside of court	29%	21%	19%	0%
Access judicially granted	21%	26%	19%	18%
Access judicially refused	29%	0%	0%	18%
Pending	0%	11%	0%	18%
Withdrawn	22%	16%	25%	0%
Other	0%	0%	0%	45%
Total	100%	100%	100%	≈100%

54. Compared with previous surveys a lower proportion of applications ended in rejections by the Central Authority, voluntary returns or withdrawals. By contrast, more ended in judicial refusals, were pending or ended in other outcomes. However, it should be noted that these findings are based on low numbers of applications.

a. *The reasons for judicial refusal*

55. Two applications ended in a refusal to order access in 2015 (18% compared with 2% globally). The reasons for refusal were available in one of these applications which was refused as rights of access had not been breached.

5. Timing

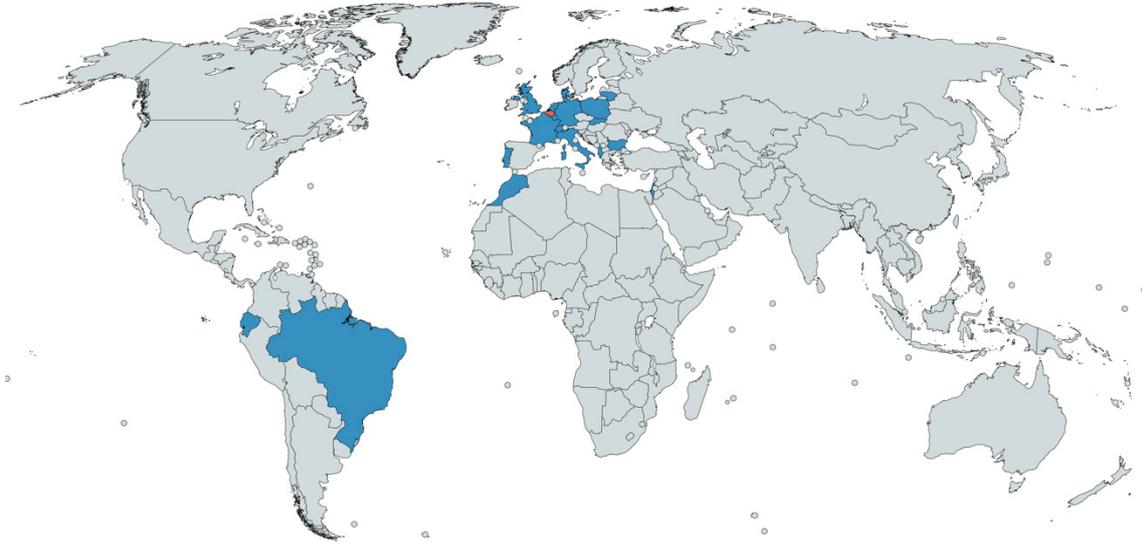
56. Information on timing was only available for one application which took 446 days and ended in an order for access. It took 89 days for this application to be sent to court and the court then took 357 days to reach a final decision.

57. Globally, it took an average of 254 days to conclude access applications and 291 days for a judicial order for access.

BELGIUM

A. Executive summary

Return and access applications received by Belgium in 2015



58. In 2015 Belgium received 27 return and 8 access applications from 18 States. The map above highlights the States which sent these applications to Belgium.

59. This was a 33% decrease in return applications and a 14% increase in access applications from the 40 return and 7 access applications received in 2008. In total the Belgium Central Authority dealt with 136 applications, a 37% increase on the 99 dealt with in 2008.

60. Of the return applications received, 43% ended in the child's return. This is a slight decrease on the 48% return rate in 2008, 48% 2003 and 88% in 1999.

61. Overall, 45% of applications globally ended in the return of the children involved. Compared with these global figures, more applications received by Belgium ended in a voluntary return or were withdrawn. By contrast, no applications were rejected or pending and a lower proportion ended in a judicial order for return or refusal to return.

62. The average time taken to reach a final settlement in the return applications from the date they were received by the Belgium Central Authority was 211 days, compared with the global average of 164 days.

63. Of the six access applications in which information on the outcomes was available, only one ended in an order for access (17%), compared with the global rate of 27% of applications ending in access being agreed or ordered.

B. The number of applications received and sent in 2015

The number of applications received and sent by Belgium in 2015 compared with previous surveys

	1999	2003	2008	2015
Incoming Return	9	25	40	27
Incoming Access	0	2	7	8
Outgoing Return	6	44	43	91
Outgoing Access	0	9	9	10
Total	15	80	99	136

64. In 2015 the Belgium Central Authority dealt with a total of 136 applications. A 37% increase on the 99 dealt with in 2008 and a 70% increase on the 80 in 2003. The Belgian Central Authority was the ninth busiest Authority.

C. Incoming return applications

1. The Contracting States which made the application

65. In 2015, Belgium received 27 return applications from 13 different States. This can be compared with 40 applications from 19 States in 2008, 25 applications from 14 States in 2003 and nine applications from seven States in 1999.

The Contracting States which made return applications to Belgium

State	Number of applications	%	State	Number of applications	%
France	7	26%	Ecuador	1	4%
Germany	3	11%	Israel	1	4%
Luxembourg	3	11%	Morocco	1	4%
Netherlands	3	11%	Slovakia	1	4%
Italy	2	7%	Switzerland	1	4%
Poland	2	7%	United Kingdom	1	4%
Denmark	1	4%			
Total				27	100%

66. In 2015, 85% of return applications to Belgium came from EU States, compared with 88% in 2008.

67. As in 2008 As in 2008, the highest proportion of applications came from France (in 2008 there were eight applications amounting to 20% of the total).

2. The taking person

a. The relationship of the taking person to the child

68. In 2015, a majority, 63%, of taking persons were mothers (17 applications), and 30% were fathers (8 applications). The remaining two applications involved taking grandparents. In 2008 70% of taking persons were mothers, 72% in 2003 and 44% in 1999.³

³ In 1999 the relationship between the taking person and the child was not recorded but, as the vast majority of taking persons are parents, the gender of the taking person gives a good indication. In 1999, 44% of taking persons in applications received by Belgium were female and so probably mothers.

69. This can be compared with the global average of 73% of applications involving taking mothers and 24% fathers.

b. The status of the taking person as carer to the child

70. Of the 26 applications in which the status as carer of the taking person was recorded, in six the taking person was the primary carer of the child (23%), in 12 a joint-primary carer (46%) and in eight a non-primary carer (31%). Therefore 69% were a primary or joint-primary carer, in line with the 68% recorded in 2008.

71. Globally 20% of taking persons were the child's primary carer, 60% a joint-primary carer and 20% a non-primary carer.

c. The nationality of the taking person

72. In 35% of the applications received in 2015 the taking person was a Belgian citizen, lower than the global average of 58% of taking persons who went to a State of which they were a national.

73. In 2008, 40% of taking persons in applications to Belgium were Belgian citizens, 44% in 2003 and 56% in 1999.

74. In 2015, a lower proportion of mothers taking children to Belgium were found to be Belgium citizens (35%, six applications) compared with fathers (43%, three applications). However, this was not the case in 2008 when 43% of taking mothers were Belgian citizens and 33% of taking fathers.

75. Globally, 56% of taking mothers were found to have gone to a State of which they were a national and 64% of fathers.

3. The children

76. In 2015, 33 children were involved in the 27 applications received by Belgium. This makes an average of 1.2 children per application compared with the global average of 1.3 children. In past surveys, each application to Belgium involved an average of 1.4 children in 2008, 1.6 in 2003 and 1.3 in 1999.

77. The average age of the children was 6.8 years, which was the same as the global average. This can be compared with 7.3 years in Belgium in 2008 and 6 years in 2003.

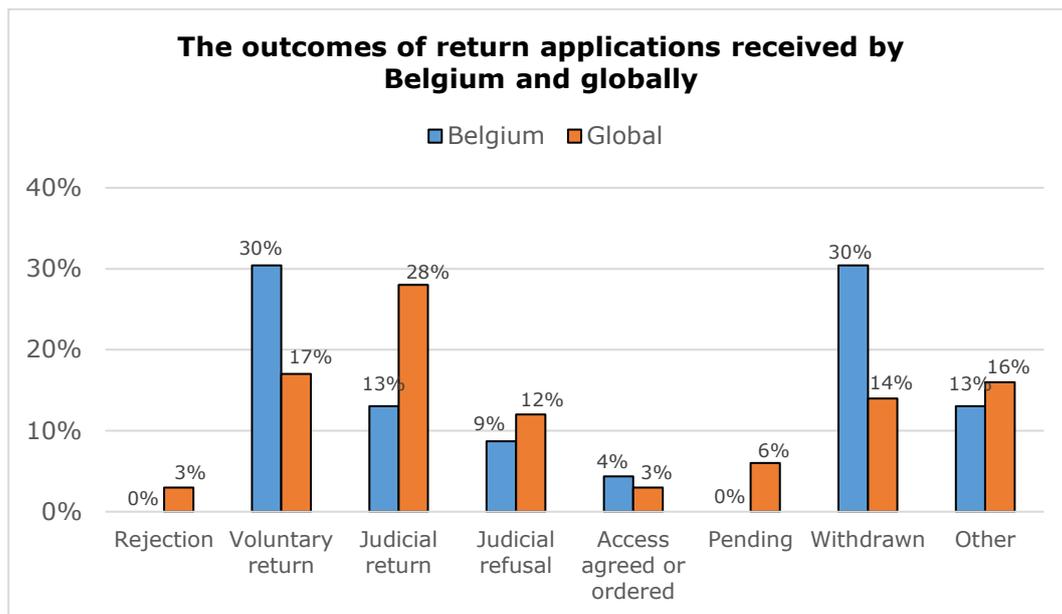
78. In 2015, 42% of the children involved were female and 58% male. Globally, the proportions of male and female children in 2015 were 53% and 47%, respectively. In 2008, 54% of the children involved in applications to Belgium were female, 47% in 2003 and 40% in 1999.

4. Outcomes

The outcomes of return applications received by Belgium in 2015

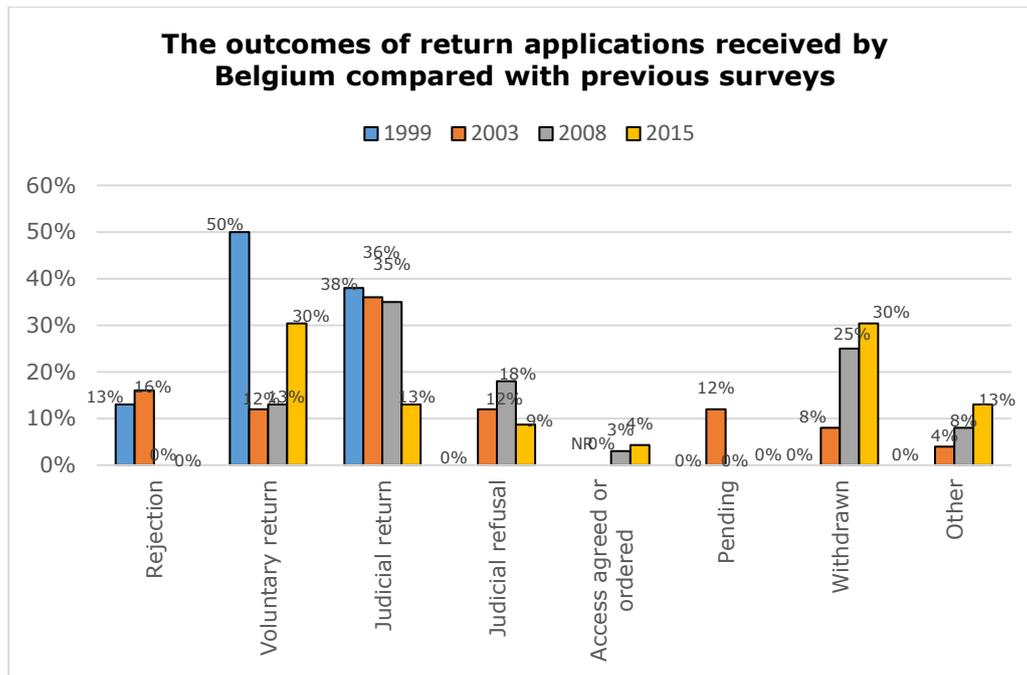
	Belgium	Global
Rejection	0 (0%)	3%
Voluntary return	7 (30%)	17%
Judicial return	3 (13%)	28%
Judicial refusal	2 (9%)	12%
Access agreed or ordered	1 (4%)	3%
Pending	0 (0%)	6%
Withdrawn	7 (30%)	14%
Other	3 (13%)	16%
Total	23 (100%)	≈100%

79. The graph below shows more clearly how the results in applications received by Belgium compare with those globally. In 2015, 43% of applications received by Belgium ended with a return compared with the global return rate of 45%. A particularly high proportion of applications ended in a voluntary return or were withdrawn. By contrast, no applications were rejected or pending and a lower proportion ended in a judicial order for return or refusal to return when compared with the global average.



a. Outcomes of return applications received by Belgium in previous years

80. The table below shows the outcomes of return applications received by Belgium in 2015, compared with the outcomes recorded in previous surveys. There is a decreasing trend of applications ending in judicial orders for return, but an increase in applications being withdrawn or ending in other outcomes. In 2015, as in 1999, a high proportion of applications ended in a voluntary agreement for return.



b. Returns

81. In 2015 the overall return rate in Belgium was 43% comprising seven voluntary returns and three judicial returns.

82. Only five of the 27 applications received were decided in court (19%) compared with 23 of the 40 applications received in 2008 (58%).

83. Of the five cases that were decided in court, 60% ended in a return, compared with 65% globally. All three of the judicial orders for return were made without the consent of the parties.

c. Judicial refusals

84. Out of the applications that went to court, two (40%) were refused, compared with 28% globally.

85. This can be compared with 30% of the applications that went to court in Belgium in 2008.

86. Of the two applications that ended in a judicial order for refusal, one refusal was based on the child not being habitually resident in the requesting State (compared with 25% globally) and the other refusal was based on Article 13(1) a) consent (compared with 15% globally).

87. In 2008 the reasons for refusal were available for 10 applications. Three were refused based on the applicant having no rights of custody (30%), three based on the child's objections (30%), two based on Article 13(1) b) (20%), one based on the child not being habitually resident on the requesting State (10%) and one based on Article 12 (10%).

88. In 2003 the reasons for refusal were only available in two out of the three applications refused. One application was refused based on Article 13(1) b) and one because the applicant had no rights of custody. In 1999 no applications were judicially refused.

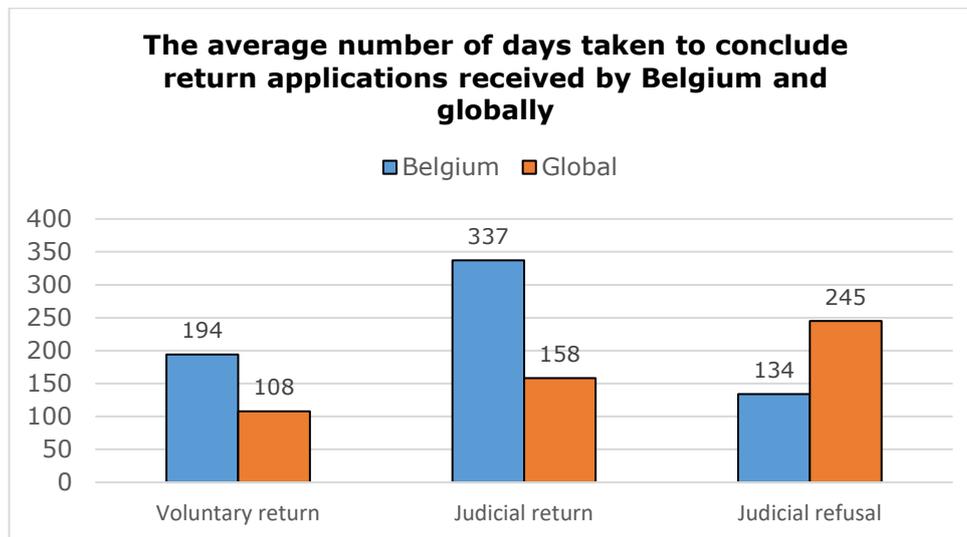
5. Timing

89. The average time taken to reach a final settlement in the return applications from the date they were received by the Belgian Central Authority was 211 days, compared with the global average of 164 days.

90. The average time depended on the outcome which was reached, as can be seen in the table and graph below. Surprisingly, when compared with the global averages, judicial orders for refusal were resolved most quickly, though it must be noted that these figures are based on low numbers of applications.

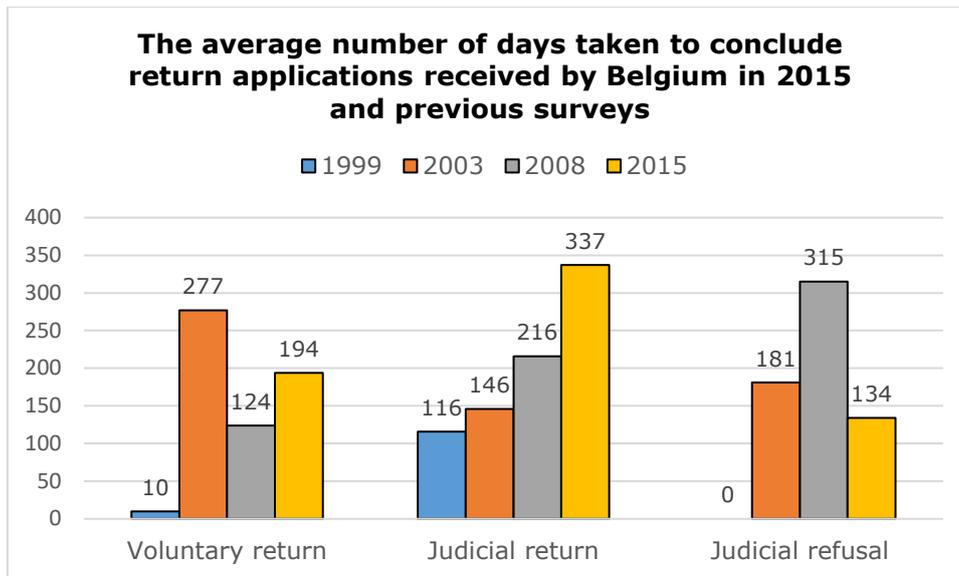
The number of days taken to reach a final outcome in applications received by Belgium

	Voluntary return	Judicial return	Judicial refusal
Average (mean)	194	337	134
Minimum	42	285	134
Maximum	439	388	134
Number of cases	3	2	1



a. Timing in previous years

91. The graph below compares the time take to reach a final outcome in applications received by Belgium in 2015, 2008, 2003 and 1999. There is a clear trend in judicial returns taking longer to conclude while judicial refusals were resolved more quickly. Though again, it should be noted that the average figures are based on low numbers of applications.



b. Time taken to send application to court

92. In Belgium it took an average of 126 days before the application was sent to court and the court then took an average 177 days to reach a final outcome. This can be compared with the global averages of 93 days to send the application to court and a further 125 days to reach a final outcome.

93. In 2008 it took an average of 98 days before applications were sent to court in Belgium and the court then took 141 days to conclude them.

c. Appeals

94. In 2015, three of the five applications that went to court in Belgium involved an appeal (60 %). Compared with the global average of 31%.

95. In these three cases, a first instance decision was reached in an average of 159 days and the appealed decision was finalised in 269 days, from the date the applications were received by the Central Authority. The global averages were 179 days for a first instance decision and 266 days to conclude an appeal.

96. In 2008, six of the 23 court decisions were appealed (26%). The average time taken to reach a first instance decision was 188 days and 404 days for a case that was appealed.

D. The Impact of the Revised Brussels II a Regulation

1. Applications between BIIa States

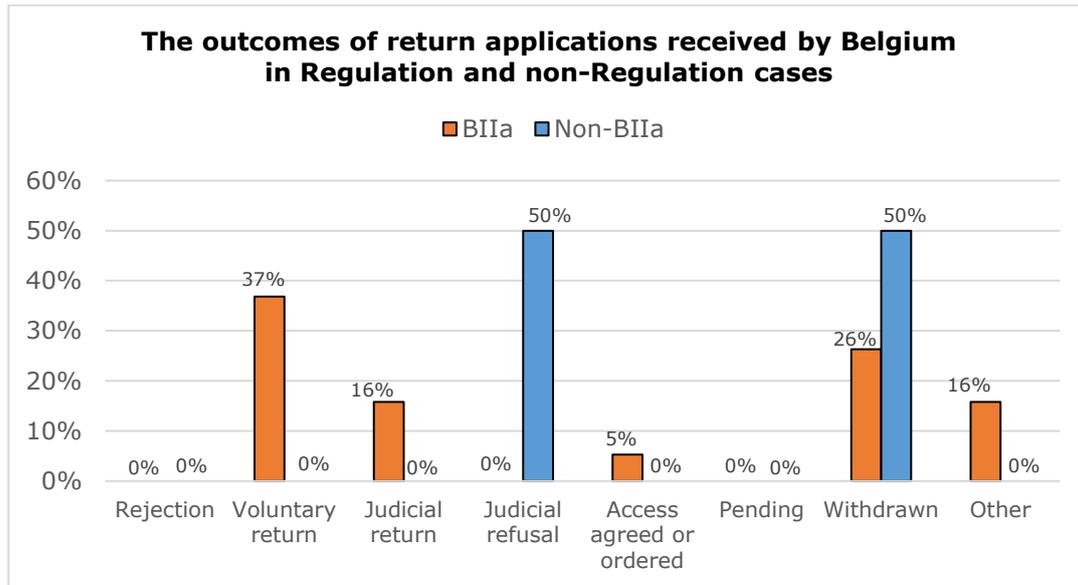
97. The revised Brussels II Regulation (the Regulation) applies to 27 EU Member States ('BIIa States') i.e. all such States except for Denmark. In 2015 BIIa States received a total of 1,161 return applications. Of these, 830 applications came from fellow BIIa States (71%) and the remaining 331 applications came from what will be termed 'non-BIIa States' (29%).

98. 22 of the 27 return applications received by Belgium in 2015 came from other BIIa States (82%). This compares with 80% in 2008 and 68% in 2003, of what would not be BIIa States.

2. The Regulation and outcomes

99. For convenience, in the following analysis we will refer to those applications made to Belgium by BIIa States as 'Regulation cases' and to those received from non-BIIa States as 'non-Regulation cases'.

100. The graph below shows the outcomes of return applications received by Belgium in Regulation cases and in non-Regulation cases. Of the four non-Regulation cases, two ended in a refusal and two were withdrawn. By contrast, no Regulation cases were refused. This is similar to the 2008 where 15% of Regulation cases ended in a judicial refusal compared with 33% of non-Regulation cases.



3. Refusals and reasons for refusal

101. Both refused applications were non-Regulation cases. One refusal was based on the child not being habitually resident in the requesting State and the other was based on Article 13(1) a) consent.

4. The Regulation and timing

102. Where information was available, six Regulation cases were resolved in an average of 223 days, with only one case being resolved within six weeks, compared with one non-Regulation case which took 134 days to conclude.

103. In 2008, Regulation cases were resolved more quickly, in an average of 195 days, compared with non-Regulation cases which took 360 days.

E. Incoming access applications

1. The Contracting States which made the application

104. In 2015, Belgium received eight access applications from seven different Central Authorities. This can be compared with seven applications from five States in 2008 and two applications from two States in 2003.

The Contracting States which made access applications to Belgium

State	Number of applications	%	State	Number of applications	%
France	2	25%	Germany	1	13%
Albania	1	13%	Lithuania	1	13%
Brazil	1	13%	Portugal	1	13%
Bulgaria	1	13%			
Total				8	≈100%

2. The respondent

a. The relationship of the respondent to the child

105. In 2015, a majority, 63%, of respondents were mothers (five applications), and 38% were fathers (three applications).

106. This can be compared with the global figures of 73% of applications involving respondent mothers and 26% involving respondent fathers.

107. In 2008, 86% of respondents were mothers and in 2003 Belgium received two access applications with one respondent being the mother of the child and the other the step-mother.

b. The status of the respondent as carer to the child

108. All of the respondents in applications to Belgium were the sole primary carer of the child. This was also the case in 2008.

109. This can be compared with the global proportions of 71% of access applications involving respondents who were the primary carer, 21% the joint-primary carer and 8% a non-primary carer.

c. The nationality of the respondent

110. The respondent was a Belgian citizen in only one of the seven applications in which information was available, 14%, lower than the global 58% of respondents who were a national of the Requested State.

111. Similarly, low number of respondents were Belgian citizens in 2008 at 29%, though the figure was 50% in 2003.

3. The children

112. One child was involved in each of the eight access applications received by Belgium, compared with 1.6 children per application in 2008 and the 2015 global average of 1.3 children.

113. The average age of the children was 7.5 years compared with the global average of 8.0 years and 50% of the children were female and 50% male, compared with 49% and 51%, globally.

114. In 2008, the average age of children involved in access applications to Belgium was 6.6 years and 8 years in 2003.

4. Outcomes

115. Outcomes were known for six of the access applications received by Belgium. Three of these were withdrawn, one was rejected by the Central Authority, one ended in an order for access and the final application ended in an 'other' outcome.

The outcomes in applications received by Belgium in 2015 compared with the global averages

	Belgium	Global
Rejection	1 (17%)	4%
Access agreed outside of court	0 (0%)	11%
Access judicially granted	1 (17%)	16%
Access judicially refused	0 (0%)	2%
Pending	0 (0%)	17%
Withdrawn	3 (50%)	19%
Other	1 (17%)	31%
Total	6 (100%)	100%

116. The table below compares the outcomes of access applications with previous surveys. Again, it should be noted that these figures are based on low numbers of applications.

The outcomes in applications received by Belgium in 2015, 2008 and 2003

	2003	2008	2015
Rejection	50%	14%	17%
Access agreed outside of court	0%	14%	0%
Access judicially granted	50%	14%	17%
Access judicially refused	0%	0%	0%
Pending	0%	29%	0%
Withdrawn	0%	0%	50%
Other	0%	29%	17%
Total	100%	100%	≈100%

a. The reasons for judicial refusal

117. No applications were judicially refused in 2008, 2003 or 1999. Globally only six applications were judicially refused (2%) in 2015.

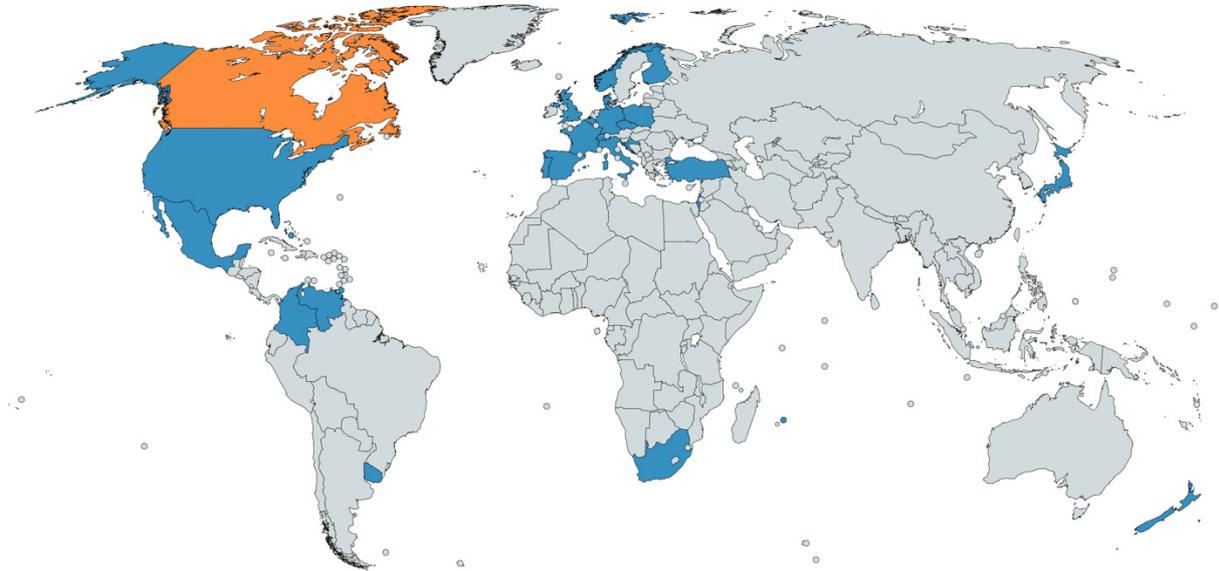
5. Timing

118. Information on timing was available for only one access application which took 352 days and ended in a judicial order for access. Globally, it took an average of 291 days to conclude a judicial order for access.

CANADA

A. Executive summary

Return and access applications received by Canada in 2015



119. In 2015 Canada received 43 return and 12 access applications from 27 States. The map above highlights the States which sent these applications to Canada.

120. This was a 12% decrease in return applications and an 8% decrease in access applications from the 49 return and 13 access applications received in 2008. In total the Canada Central Authority dealt with 102 applications, a 10% decrease on the 113 dealt with in 2008 and a 25% increase on the 136 in 2003.

121. Of the return applications received, 47% ended in the child's return compared with 59% in 2008, 42% in 2003 and 60% in 1999.

122. Overall, 45% of applications globally ended in the return of the children involved. Compared with these global figures, proportionally more applications received by Canada were rejected or withdrawn and fewer ended in access or 'other' outcomes.

123. In general, applications took less time to resolve than in previous years, at an average of 129 days compared with 145 in 2008.

124. Globally, applications took an average of 164 days to conclude. Compared with these global figures, applications ending in a voluntary return or judicial refusal were concluded more quickly in Canada, whereas judicial orders for return took longer to conclude

125. Canada also received 12 access applications. The overall rate at which access was agreed or ordered was 38%, compared with 27% globally.

B. The number of applications received and sent in 2015

The number of applications received and sent by Canada in 2015 compared with previous surveys

	1999	2003	2008	2015
Incoming Return	36	56	49	43
Incoming Access	8	11	13	12
Outgoing Return	49	55	44	35
Outgoing Access	10	14	7	12
Total	103	136	113	102

126. Canada is a Federal nation and each Province or Territory has its own Central Authority (Alberta has designated two Authorities).⁴ In 2015 the Canadian Central Authorities dealt with a total of 102 applications. A 10% decrease on the 113 dealt with in 2008 and a 25% increase on the 136 in 2003.

127. The table below shows the number of applications received by each Province and Territory within Canada. No applications were received by the Central Authorities of Alberta/Calgary, Newfoundland, Northwest Territories, Nova Scotia, Nunavut, Prince Edward Island or Yukon.

The Provinces and Territories which received the applications

	Return applications	Access applications
Ontario	22	4
Quebec	10	5
British Columbia	8	1
Saskatchewan	2	0
New Brunswick	1	0
Alberta/Edmonton	0	1
Manitoba	0	1
Total	43	12

128. As in previous surveys, most applications were received by British Columbia, Ontario and Quebec. In 2015, Ontario received the most applications (26 in total, compared with 18 in 2008 and 24 in 2003) followed by Quebec (15 applications compared with 23 in 2008, 19 in 2003 and 14 in 1999) and British Columbia (nine applications compared with 15 in 2008).

C. Incoming return applications

1. The Contracting States which made the application

129. In 2015, Canada received 43 return applications from 20 different States. This can be compared with 49 applications from 17 States in 2008, 56 applications from 16 States in 2003 and 36 applications from 14 States in 1999.

⁴ In addition, there is a Federal Central Authority which provides assistance to the Provincial Authorities.

The Contracting States which made return applications to Canada

State	Number of applications	%	State	Number of applications	%
USA	15	35%	Denmark	1	2%
Israel	4	9%	Germany	1	2%
United Kingdom	3	7%	Italy	1	2%
France	2	5%	Japan	1	2%
Norway	2	5%	Mexico	1	2%
Spain	2	5%	New Zealand	1	2%
Trinidad and Tobago	2	5%	Poland	1	2%
Bahamas	1	2%	Portugal	1	2%
Croatia	1	2%	South Africa	1	2%
Czech Republic	1	2%	Venezuela	1	2%
Total				43	100%

130. As in previous surveys, the most applications came from the USA: 15 applications (35%) in 2015, 22 applications (45%) in 2008, 26 applications (46%) in 2003 and 11 applications (31%) in 1999.

131. The second highest number of applications came from Israel (four applications, 9%). No such applications were received from Israel in the three previous surveys. Only three applications (7%) were received from the United Kingdom compared with five applications in each of the previous surveys (amounting to 10% of all applications in 2008, 9% in 2003 and 14% in 1999).

132. The proportion of applications from France has dropped steadily from 14% in 1999 (five applications) to 13% in 2003 (seven applications), 6% in 2008 (three applications) and 5% in 2015 (two applications).

2. The taking person

a. *The relationship of the taking person to the child*

133. Information on the relationship between the taking person and the child was available in 40 applications. Of these, a majority, 85%, were mothers (34 applications), and 15% were fathers (six applications). In 2008 69% of taking persons were mothers, 71% in 2003 and 75% in 1999.⁵

134. This can be compared with the global average of 73% of applications involving taking mothers and 24% fathers.

b. *The status of the taking person as carer to the child*

135. 15% of taking persons going to Canada were the primary carer of the child, 72% a joint-primary carer and 13% a non-primary carer. In 2008, 74% of taking persons were a primary or joint primary carer and 26% a non-primary carer.

136. Where the taking person was the mother of the child a higher proportion were primary carers. In six applications the mother was the sole primary carer (17%), in 25 a joint-primary carer (74%) and in three a non-primary carer (9%). This can be compared with applications in which the taking person was the father of the child, in three applications they were a joint primary carer (60%) and in two a non-primary carer (40%).

⁵ In 1999 the relationship between the taking person and the child was not recorded but, as the vast majority of taking persons are parents, the gender of the taking person gives a good indication. In 1999, [75%] of taking persons in applications received by Canada were female and so probably mothers.

137. Globally 20% of taking persons were the child's primary carer, 60% a joint-primary carer and 20% a non-primary carer.

c. The nationality of the taking person

138. In 63% of the applications received in 2015 the taking person was a Canadian citizen. This can be compared with 65% in 2008, 58% in 2003 and 44% in 1999.

139. Globally, 58% of taking persons who went to a State of which they were a national.

3. The children

140. In 2015, 65 children were involved in the 43 applications received by Canada. This makes an average of 1.5 children per application, slightly higher than the global average of 1.3 children.

141. The average age of the children was 7.1 years, the same as in 2008 and higher than the 6.4 years recorded in 2003. Globally, the average age of a child involved in a return application was 6.8 years.

142. In 2015, 44% of the children involved were female and 56% male. In 2008 48% of children involved in applications to Canada were female, 54% in 2003 and 44% in 1999.

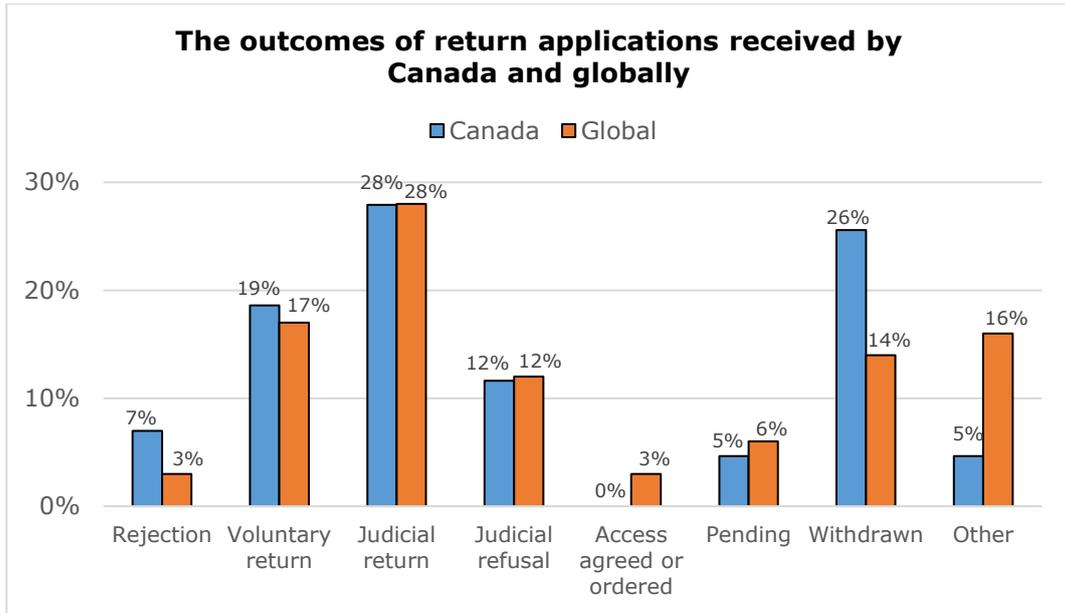
143. Globally, the proportions of male and female children in 2015 were 53% and 47%, respectively.

4. Outcomes

The outcomes of return applications received by Canada in 2015

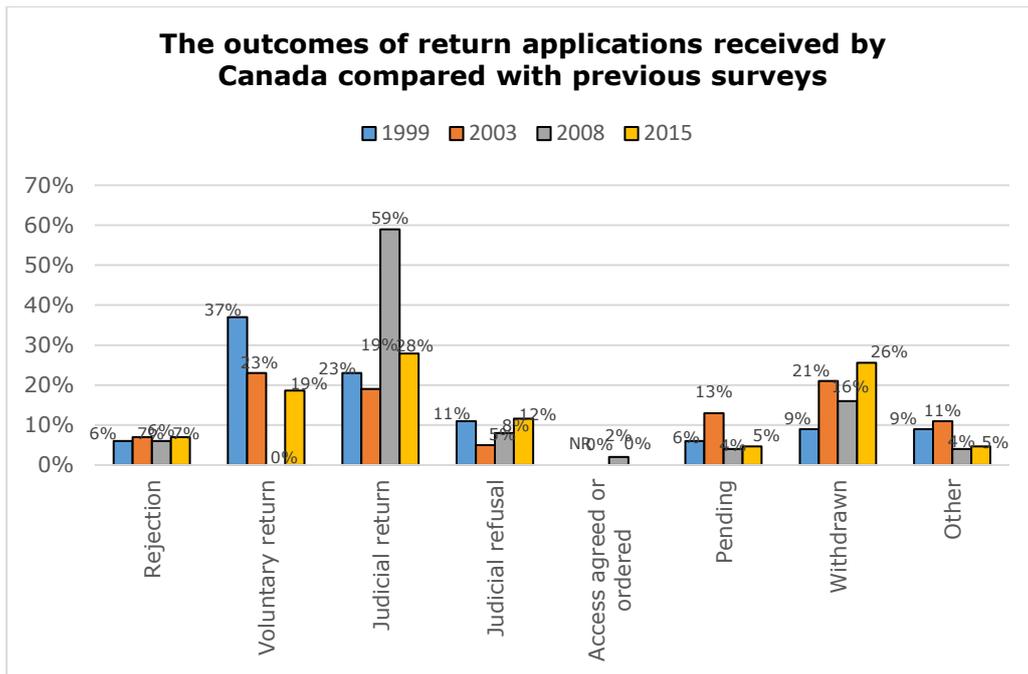
	Canada	Global
Rejection	3 (7%)	3%
Voluntary return	8 (19%)	17%
Judicial return	12 (28%)	28%
Judicial refusal	5 (12%)	12%
Access agreed or ordered	0 (0%)	3%
Pending	2 (5%)	6%
Withdrawn	11 (26%)	14%
Other	2 (5%)	16%
Total	43 (100%)	≈100%

144. The graph below shows more clearly how the results in applications received by Canada compare with those globally. In 2015, 47% of applications received by Canada ended with a return compared with the global return rate of 45%. Overall, the results are roughly in line with the global figures, though proportionally more applications received by Canada were rejected or withdrawn and fewer ended in access or 'other' outcomes.



a. Outcomes of return applications received by Canada in previous years

145. The graph below shows the outcomes of applications received by Canada in 2015, compared with previous surveys. The return rate of 47% can be compared with 59% in 2008, 42% in 2003 and 60% in 1999.



b. Outcomes by Province and Territory

146. The table below shows the outcomes of applications according to the Province or Territory that received them.

The outcomes of return applications by Province and Territory

	Rejected	Voluntary return	Judicial return	Judicial refusal	Access	Pending	Withdrawn	Other	Total
British Columbia		1	1	2		1	2	1	8
New Brunswick			1						1
Ontario	3	2	9	3			4	1	22
Quebec		4	1				5		10
Saskatchewan		1				1			2
Total	3	8	12	5	0	2	11	2	43

c. Returns

147. The 47% return rate comprised eight voluntary returns and 12 judicial orders for return. Of the 17 cases that were decided in court, 71% ended in a return, compared with 65% globally. Of the judicial returns in which the consent of the parties was known, three were ordered with consent of the taking person (27%) and 8 without (73%).

d. Judicial refusals

148. Out of the 17 cases that went to court, five were refused (29%, compared with 28% globally).

149. This can be compared with 11% of the applications that went to court in Canada in 2008.

150. The table below shows the reasons for refusal compared with the global figures.

Reasons for refusal in applications received by Canada and globally in 2015

Outcome	Canada	Global
Child not habitually resident in requesting state	2 (40%)	25%
Applicant had no rights of custody	1 (20%)	7%
Art 12	0 (0%)	17%
Art 13(1)a) not exercising rights of custody	0 (0%)	6%
Art 13(1)a) consent	0 (0%)	15%
Art 13(1)a) acquiescence	0 (0%)	9%
Art 13(1)b)	1 (20%)	25%
Child's objections	1 (20%)	15%
Art 20	0 (0%)	1%
Number of reasons	5 (100%)	222 (120%)
Number of applications	5	185

5. Timing

151. The average time taken to reach a final settlement in the return applications from the date they were received by the Canada Central Authority was 129 days, compared with the global average of 164 days.

152. The table below shows the average time taken in each Province or Territory.

The average number of days taken to reach a final outcome from the date the application was received by each Central Authority

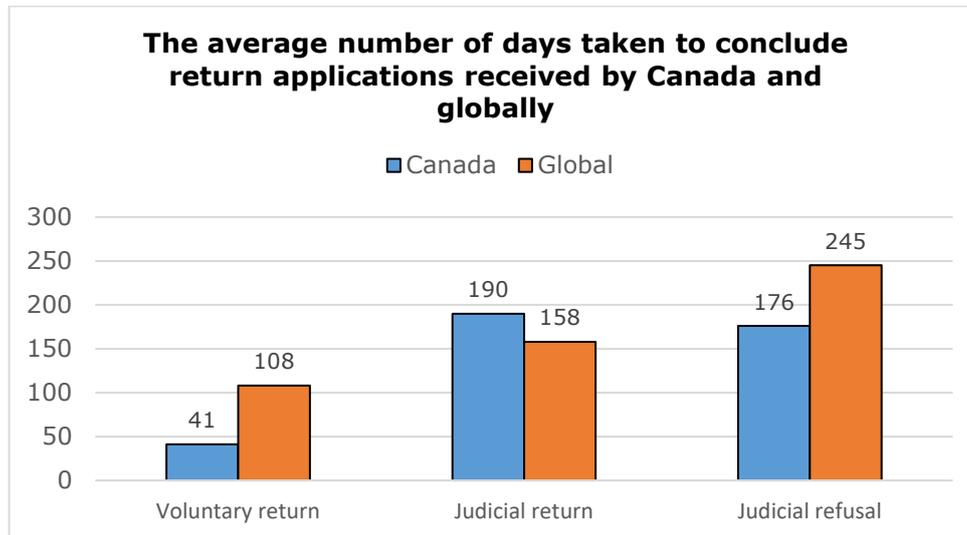
	Average number of days	Number of applications
British Columbia	175	7
New Brunswick	71	1
Ontario	139	17
Quebec	96	9
Saskatchewan	11	1
Total	129	35

153. The average time also depended heavily on the outcome which was reached, as can be seen in the table and graph below.

The number of days taken to reach a final outcome in applications received by Canada

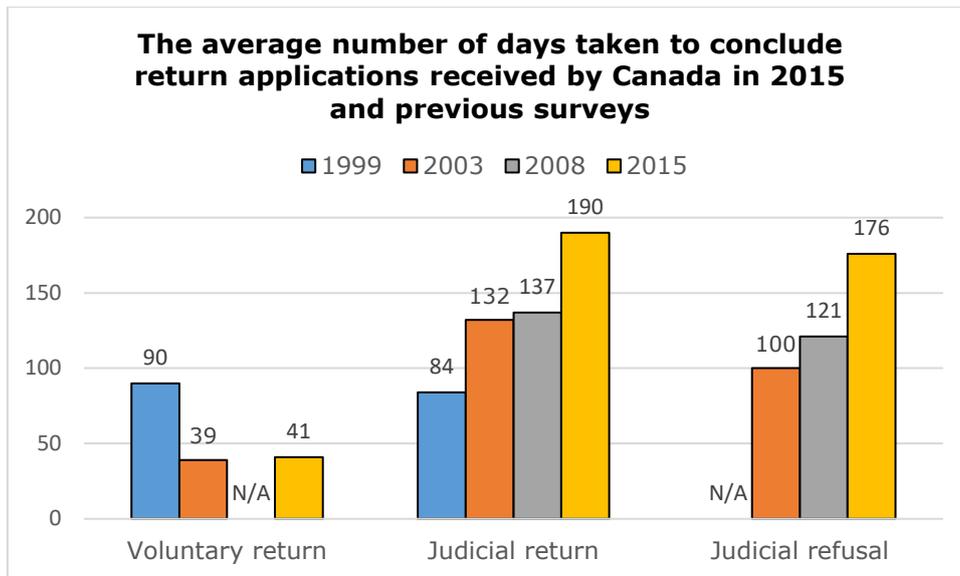
	Voluntary return	Judicial return	Judicial refusal
Average (mean)	41	190	176
Minimum	9	71	101
Maximum	142	551	320
Number of cases	7	10	5

154. Applications ending in a voluntary return or judicial refusal were, on average, concluded more quickly compared with the global figures, whereas judicial orders for return took longer to conclude.



a. Timing in previous years

155. The overall average time taken to conclude applications 129 days in 2015 compared with 145 days in 2008. However, as we have seen, the time taken to conclude applications varied depending on the outcome reached. The graph below compares the time take to reach a final outcome in applications received by Canada in 2015, 2008, 2003 and 1999. There has been a gradual increase in the time taken to conclude applications ending in court orders but voluntary returns were resolved in around the same time as 2003 and more quickly than in 1999.



b. Time taken to send application to court

156. In Canada it took an average of 69 days before the application was sent to court and the court then took an average 107 days to reach a final outcome. In 2008 these figures were 54 days and 69 days, respectively.

157. This can be compared with the global averages of 93 days to send the application to court and a further 125 days to reach a final outcome.

158. The table below shows the average timings according to the Province or Territory which received the application.

The average number of days taken to send applications to court and for the court to conclude them in each Province and Territory

	Average number of days taken to send to court	Number of applications	Average number of days taken from receipt by the court to final decision	Number of applications
British Columbia	77	5	164	4
New Brunswick	54	1	17	1
Ontario	64	6	45	4
Quebec	9	3	59	5
Saskatchewan	244	1	451	1
Total	69	16	107	15

c. Appeals

159. In 2015, of the 17 applications that went to court in Canada, 2 involved an appeal (12%), compared with 8% in 2008. This is lower than the global average of 31%.

160. The first of these applications ended in an order for return without consent at first instance which was later confirmed on appeal. It took 95 days to reach the first instance decision and a further 72 days to finalise the appeal. The second application ended in an order for return without consent at first instance and was pending an appeal.

161. The global averages were 179 days for a first instance decision and 266 days to conclude an appeal.

D. Incoming access applications

1. The Contracting States which made the application

162. In 2015, Canada received 12 access applications from 10 different Central Authorities.

The Contracting States which made access applications to Canada

State	Number of applications	%	State	Number of applications	%
Japan	2	17%	France	1	8%
United Kingdom	2	17%	Mauritius	1	8%
Belgium	1	8%	Switzerland	1	8%
Colombia	1	8%	Turkey	1	8%
Finland	1	8%	Uruguay	1	8%
Total				12	100%

2. The respondent

a. The relationship of the respondent to the child

163. In 2015, a majority, 92%, of respondents were mothers (11 applications), and 8% were fathers (one application). In 2008, 69% of respondents were mothers, 73% in 2003 and 75% in 1999.

164. This can be compared with the global figures of 73% of applications involving respondent mothers and 26% involving respondent fathers.

b. The status of the respondent as carer to the child

165. Ten of the 12 applications involved a taking person who was the sole-primary carer of the child (83%) and the remaining applications involved a joint-primary carer (17%). In 2008 all of the applications received involved a taking person who was the primary carer of the child.

166. This can be compared with the global proportions of 71% of access applications involving respondents who were the primary carer, 21% the joint-primary carer and 8% a non-primary carer.

c. The nationality of the respondent

167. In 67% of the applications received in 2015 the respondent was a Canadian citizen, compared with 69% in 2008, 54% in 2003 and 63% in 1999. Globally, 58% of respondents were a national of the Requested State.

3. The children

168. In 2015, 16 children were involved in the 12 access applications, an average of 1.3 children per application, the same as the global average.

169. The average age of the children was 8.5 years compared with 9.0 years in 2008 and 9.5 years in 2003. Globally, the average age of a child involved in access applications in 2015 was 8.0 years.

170. In 2015, 56% of the children involved were female and 44% male. In 2008 68% of the children involved in access applications to Canada were female, 27% in 2003 and 29% in 1999.

171. Globally, the proportions of male and female children in 2015 were 49% and 51%, respectively.

4. Outcomes

172. Information on the outcome was available for eight of the access applications. The table below shows these outcomes compared with the global figures. Though based on a low number of applications, a relatively high proportion of the access applications received by Canada were withdrawn or ended in agreements for access. The overall rate at which access was agreed or ordered was 38% in Canada compared with 27% globally.

The outcomes in applications received by Canada in 2015 compared with the global averages

	Canada	Global
Rejection	0 (0%)	4%
Access agreed outside of court	3 (38%)	11%
Access judicially granted	0 (0%)	16%
Access judicially refused	0 (0%)	2%
Pending	1 (13%)	17%
Withdrawn	4 (50%)	19%
Other	0 (0%)	31%
Total	8 (100%)	100%

173. The table below compares the outcomes of access applications with previous surveys. Again, it should be noted that these figures are based on relatively low numbers of applications.

The outcomes in applications received by Canada in 2015, 2008, 2003 and 1999

	1999	2003	2008	2015
Rejection	0%	0%	8%	0%
Access agreed outside of court	25%	9%	17%	38%
Access judicially granted	25%	27%	25%	0%
Access judicially refused	13%	0%	0%	0%
Pending	13%	45%	8%	13%
Withdrawn	13%	9%	42%	50%
Other	13%	9%	0%	0%
Total	100%	100%	100%	101%

174. The overall rate at which access was agreed or ordered (38%) can be compared with 42% in 2008, 36% in 2003 and 50% in 1999.

a. The reasons for judicial refusal

175. No applications were judicially refused in 2015, 2008 or 2003. In 1999 one application was refused.

176. Globally only six applications were judicially refused in 2015 (2%).

5. Timing

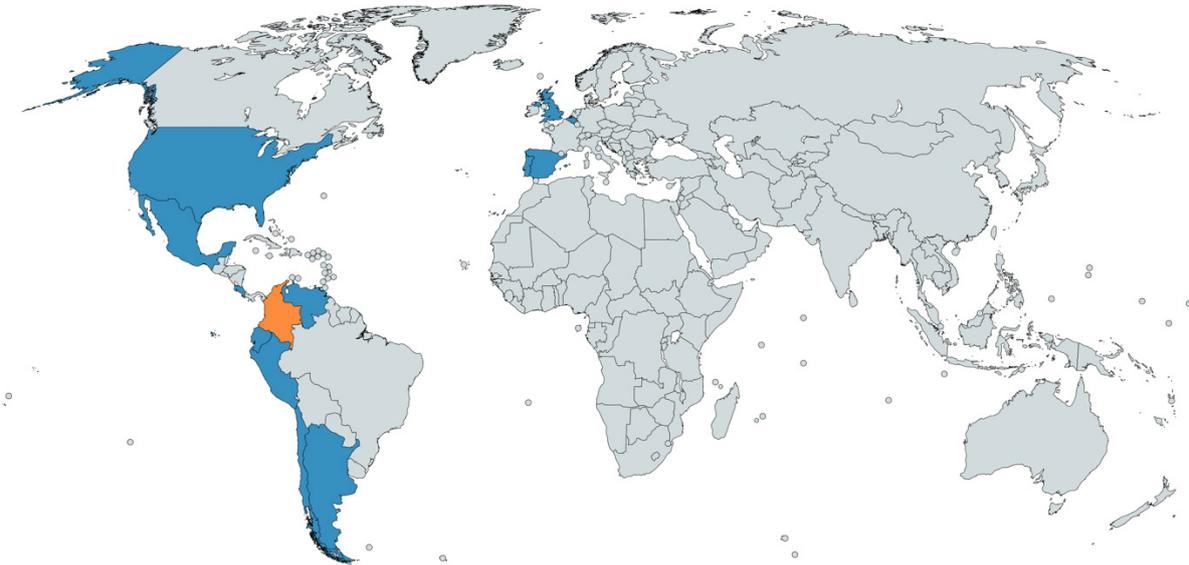
177. Information was unavailable for the time taken to reach a final outcome in access applications. In 2008 information was available for five applications which took an average of 406 days to conclude.

178. Globally, access applications took an average of 254 days to conclude.

COLOMBIA

A. Executive summary

Return and access applications received by Colombia in 2015



179. In 2015 Colombia received 55 return and 9 access applications from 12 States. The map above highlights the States which sent these applications to Colombia.

180. This was a 67% increase in return applications and a 125% increase in access applications from the 33 return and 4 access applications received in 2008. In total the Colombian Central Authority dealt with 121 applications, 26% increase on the 95 dealt with in 2008.

181. Of the return applications received, 21% ended in the child's return. This is a decrease on the 61% return rate in 2008.

182. Overall, 45% of applications globally ended in the return of the children involved. Compared with these global figures, more applications received by Colombia were pending (44% compared with 6% globally).

183. Applications were resolved in an average of 231 days, longer than the global average of 164 days. However, when looking at individual outcomes, the average time taken to conclude voluntary returns and judicial refusals was in line with those globally, at 106 days compared with 108 days for voluntary returns and 281 days compared with 245 days for judicial refusals.

184. The Colombian Central Authority also received 9 access applications. Information was only available on the outcome of one application received in 2015, this application remained pending at the cut-off date of 15 June 2017. This can be compared with 17% of applications pending globally.

B. The number of applications received and sent in 2015

185. The table below compared the number of applications received and sent by Colombia in 2015 and previous surveys. Colombia did not respond to the 2003 survey.

The number of applications received and sent by Colombia in 2015 compared with previous surveys

	1999	2003	2008	2015
Incoming Return	4		33	55
Incoming Access	0		4	9
Outgoing Return	7		41	44
Outgoing Access	0		17	13
Total	11	N/A	95	121

186. In 2015 the Colombian Central Authority dealt with a total of 121 applications. A 26% increase on the 95 dealt with in 2008. It was the eleventh busiest Authority.

C. Incoming return applications

1. The Contracting States which made the application

187. In 2015, Colombia received 55 return applications from 11 different States. This can be compared with 33 applications from 11 States in 2008 and 4 applications from 4 States in 1999.

The Contracting States which made return applications to Colombia

State	Number of applications	%	State	Number of applications	%
Venezuela	25	45%	Belgium	1	2%
Ecuador	7	13%	Costa Rica	1	2%
Spain	7	13%	Peru	1	2%
United States	6	11%	Portugal	1	2%
Argentina	3	5%	United Kingdom	1	2%
Mexico	2	4%			
Total				55	100%

188. Nearly half of all applications received in 2015 came from Venezuela (25 applications, 45%), compared with 21% (seven applications) in 2008.

2. The taking person

a. The relationship of the taking person to the child

189. In 2015, a majority, 70%, of taking persons were mothers (38 applications), and 28% were fathers (15 applications). One remaining application involved children taken to Colombia by their grandparents. In 2008 the Colombian Central Authority was unable to provide information on the relationship between the taking person.

190. This can be compared with the global average of 73% of applications involving taking mothers and 24% fathers.

b. The status of the taking person as carer to the child

191. The status as carer of the taking person was available for 54 of the applications received by Colombia. In 14 of these the taking person was the sole primary carer (26%), in 32 a joint primary carer (59%) and in eight a non-primary carer (15%). This information was unavailable for the applications received in 2008.

192. Globally 20% of taking persons were the child's primary carer, 60% a joint-primary carer and 20% a non-primary carer.

c. *The nationality of the taking person*

193. In 73% of the applications received in 2015 the taking person was a Colombia citizen, compared with the global 58% of taking persons who went to a State of which they were a national.

194. In 2008 only 31% of taking persons were Colombian citizens.

3. The children

195. In 2015, 68 children were involved in the 55 applications received by Colombia. This makes an average of 1.2 children per application compared with the global average of 1.3 children.

196. The average age of the children was 5.8 years compared with the global average of 6.8 years. In 2008 the average age of a child involved in a return application to Colombia was 5.9 years.

197. In 2015, 59% of the children involved were female and 41% male. Globally, the proportions of male and female children in 2015 were 53% and 47%, respectively. In 2008, 58% of the children involved in applications to Colombia were female and 67% in 1999.

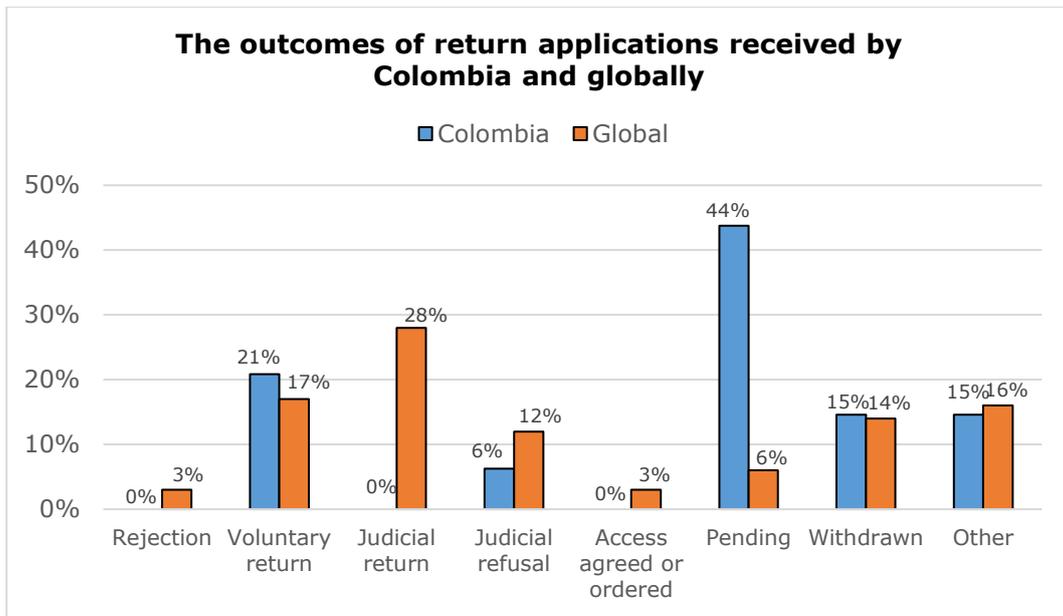
4. Outcomes

The outcomes of return applications received by Colombia in 2015

	Colombia	Global
Rejection	0 (0%)	3%
Voluntary return	10 (21%)	17%
Judicial return	0 (0%)	28%
Judicial refusal	3 (6%)	12%
Access agreed or ordered	0 (0%)	3%
Pending	21 (44%)	6%
Withdrawn	7 (15%)	14%
Other	7 (15%)	16%
Total	48 (100%)	≈100%

198. The graph below shows more clearly how the results in applications received by Colombia compare with those globally. In 2015, 21% of applications received by Colombia ended with a return compared with the global return rate of 45%.

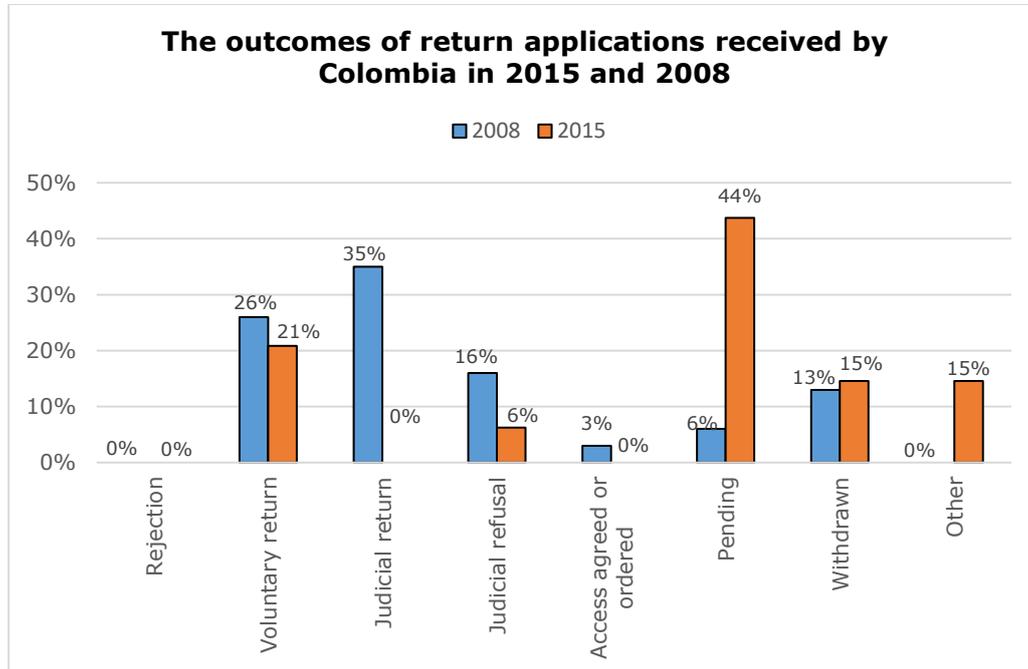
199. No applications decided in court ended in a return and a significantly high proportion of applications remained pending at the cut-off date of 30 June 2017 (44% compared with 6% globally).



a. *Outcomes of return applications received by Colombia in previous years*

200. The graph below shows the outcomes of applications received by Colombia in 2015 compared with those received in 2008. In 2015, 21% of applications ended in the return of the child, much lower than the 61% recorded in 2008. Furthermore, a much higher proportion of applications were pending (44% compared with 6% in 2008).

201. In 1999 three applications were rejected by the Colombian Central Authority (75%) and a fourth was pending (25%).



b. *Returns*

202. In 2015, 10 applications received by Colombia ended in the return of the child (21%), all of which were voluntary agreements to return.

203. Of the applications decided in court, none ended in a judicial order for return compared with 65% globally and 65% in 2008. The first instance decisions were recorded in 10

applications (seven of these were later withdrawn or remained pending an appeal). Of these, two ended in a judicial order for return and eight were refused.

c. Judicial refusals

204. Out of the three cases that reached a final decision in court, all were refused compared with 29% in 2008.

205. The reasons for refusal were known in two of these cases, one of which was refused on the basis of Article 12 and the other was based on Article 13(1) b). Globally, 25% of applications were refused based on Article 12 and 15% based on Article 13(1) b).

206. In 2008 the reasons for refusal were known for six applications, three were refused based on Article 12, two based on the applicant not having rights of custody and one based on the child's objections.

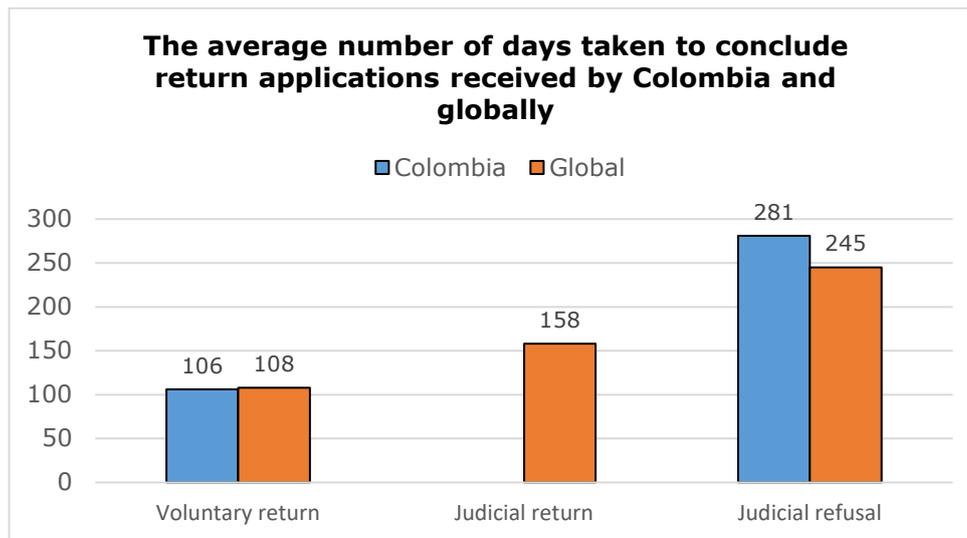
5. Timing

207. The average time taken to reach a final settlement in the return applications from the date they were received by the Colombian Central Authority was 231 days, compared with the global average of 164 days.

208. The average time depended heavily on the outcome which was reached, as can be seen in the table and graph below. Although the overall average time taken to resolve applications in Columbia was longer, when looking at individual outcomes, the average time taken to conclude voluntary returns and judicial refusals was in line with those globally.

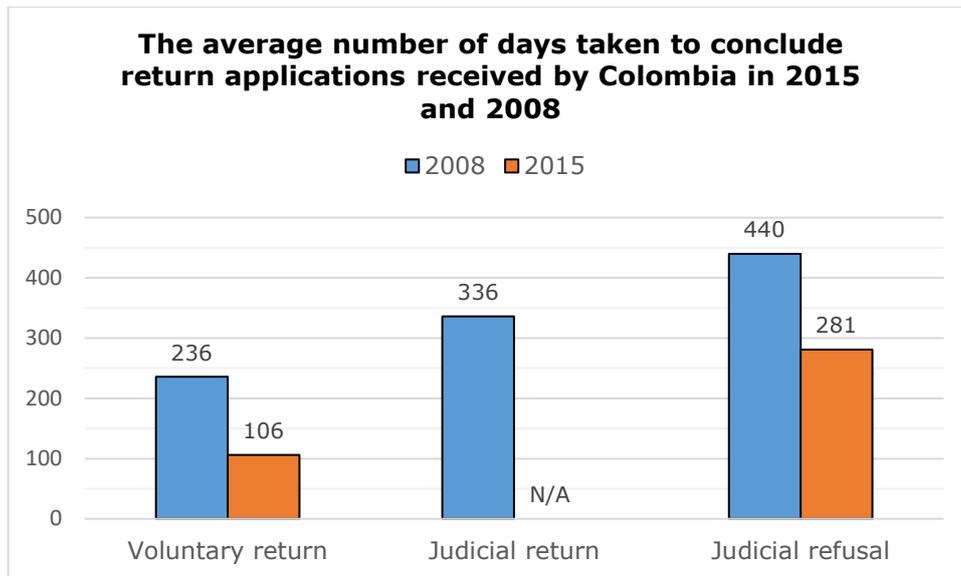
The number of days taken to reach a final outcome in applications received by Colombia

	Voluntary return	Judicial return	Judicial refusal
Average (mean)	106		281
Minimum	7		109
Maximum	378		447
Number of cases	6	N/A	3



a. Timing in previous years

209. The graph below shows that, in 2015, both voluntary returns and judicial refusals were resolved more quickly compared with 2008.



b. Time taken to send application to court

210. In Colombia it took an average of 235 days before the application was sent to court and the court then took an average 224 days to reach a final outcome.⁶ This can be compared with the global averages of 93 days to send the application to court and a further 125 days to reach a final outcome.

c. Appeals

211. In 2015, of the 6 applications that went to court in Colombia, 5 involved an appeal (83%), compared with the global average of 31%.

212. In the two applications in which information on timing and appeals were known, it took an average of 413 days to reach a first instance decision and 494 days to finalise the case on appeal. The global averages were 179 days for a first instance decision and 266 days to conclude an appeal.

D. Incoming access applications

1. The Contracting States which made the application

213. In 2015, Colombia received nine access applications from five different Central Authorities.

The Contracting States which made access applications to Colombia

State	Number of applications	%
Venezuela	5	56%
Chile	1	11%
Mexico	1	11%
Portugal	1	11%
USA	1	11%
Total	9	100%

⁶ Based 13 applications in which information on the time taken to send an application to court was known and 7 applications in which the court time was known.

2. The respondent

a. The relationship of the respondent to the child

214. Information on the relationship between the respondent and the child was only known for three applications. In two of these the respondent was the father of the child and in one the mother. This information was not available for the access applications received in 2008.

215. This can be compared with the global figures of 73% of applications involving respondent mothers and 26% involving respondent fathers.

b. The status of the respondent as carer to the child

216. In two applications the respondent was the non-primary carer of the child and in one a shared primary carer. This can be compared with the global proportions of 71% of access applications involving respondents who were the primary carer, 21% the joint-primary carer and 8% a non-primary carer.

c. The nationality of the respondent

217. In each of the three applications in which information was available, the respondent was a Colombian citizen, compared with the global 58% of respondents who were a national of the Requested State.

218. Similarly, in 2008 all four respondents were Colombian citizens.

3. The children

219. No information was available on the children involved in access applications to Colombia.

4. Outcomes

220. Information was only available on the outcome of one application received in 2015, this application remained pending at the cut-off date of 30 June 2017. This can be compared with 17% of applications pending globally.

221. In 2008 one application was rejected by the Central Authority, one was pending and one ended in a voluntary agreement for access.

a. The reasons for judicial refusal

222. No applications were judicially refused in 2015 or 2008. Globally, 4% of access applications ended in a judicial refusal.

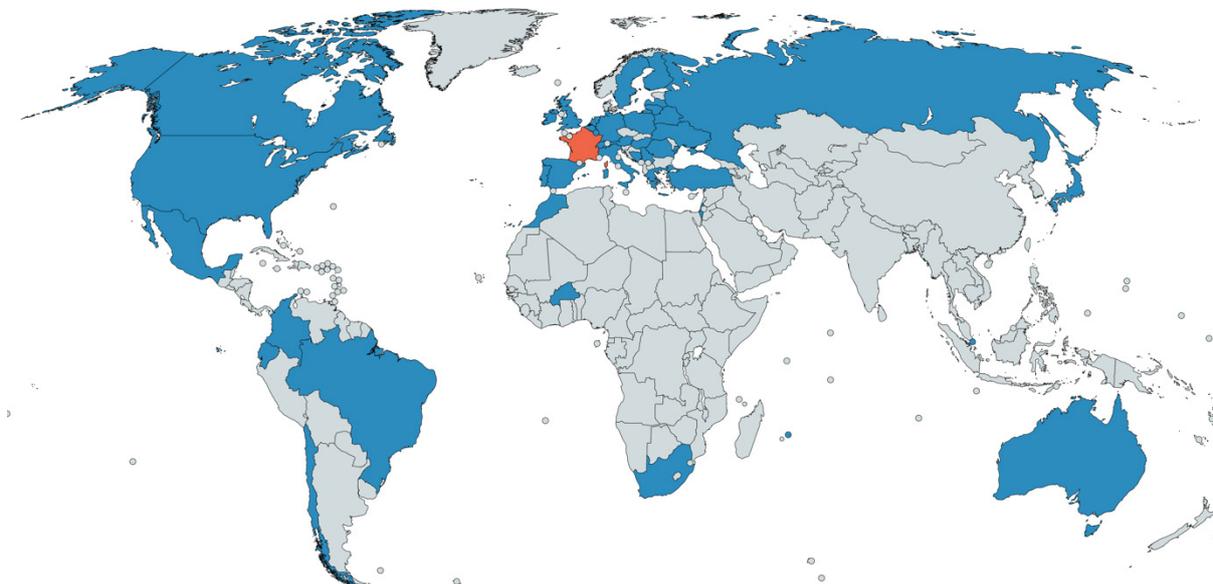
5. Timing

223. No information was available on the time taken to conclude access applications in 2015 or 2008.

FRANCE

A. Executive summary

Return and access applications received by France in 2015



224. In 2015 France received 105 return and 29 access applications from 40 States, highlighted in the map above.

225. This was a 38% increase in return applications and a 32% increase in access applications from the 76 return and 22 access applications received in 2008. In total the French Central Authority dealt with 294 applications, a 38% increase on the 213 dealt with in 2008.

226. 46% of applications received by France in 2015 ended in the voluntary return of the child or a judicial order for return, slightly higher than 45% recorded globally. This is a decrease on the return rate recorded in France in previous surveys and can be compared with 56% in 2008, 66% in 2003 and 50% in 1999. On the other hand, 5% of return applications ended in access being agreed or ordered. This compares with 3% globally and none at all in France in 2008. There has also been a steady increase in the proportion of applications which ended in a judicial order refusing the return of the child: 22% in 2015 compared with 16% in 2008, 10% in 2003 and 7% in 1999.

227. 49% of return applications went to court (compared with the global average of 42%) and of these 46% ended in a return compared with 68% globally. 27% of court orders were appealed (compared with 67% in 2008) which was below the global average of 31%.

228. Overall, applications received by France were resolved in an average of 177 days, compared with the global average of 164 days. The applications received in 2015 were resolved more quickly compared with the 2008 findings: 67 days for a voluntary return, compared with 89 days in 2008; 200 days for a judicial return, compared with 254 days; and 226 days for a judicial refusal, compared with 419 days.

229. With regard to access applications, access was agreed or ordered in 17% of applications received by France, compared with 27% globally. A high proportion of applications ended in 'other' outcomes (17 applications, 71%). These applications ended for a variety of reasons, including: due to the inaction of the applicant, based on Article 4, the mother proving that the right of access had always been respected or the parties starting mediation.

230. Dates were only available for the one application which ended in a judicial order for access. This application took a total of 486 days. Globally in 2015, it took an average of 291 days to conclude an application ending in a judicial order for access.

B. The number of applications received and sent in 2015

The number of applications received and sent by France in 2015 compared with previous surveys

	1999	2003	2008	2015
Incoming Return	42	42	76	105
Incoming Access	15	13	22	29
Outgoing Return	43	57	78	122
Outgoing Access	7	15	37	38
Total	107	127	213	294

231. In 2015 the French Central Authority dealt with a total of 294 applications which was 38% increase on the 213 dealt with in 2008 and a 131% increase on the 127 in 2003. It was the fifth busiest Central Authority.

C. Incoming return applications

1. The Contracting States which made the application

232. In 2015, France received 105 return applications from 35 different States. This can be compared with 76 applications from 26 States in 2008, 42 applications from 17 States in 2003 and 42 applications from 16 States in 1999.

The Contracting States which made return applications to France

State	Number of applications	%	State	Number of applications	%
Belgium	17	16%	Turkey	2	2%
United Kingdom	12	11%	Australia	1	1%
Germany	9	9%	Austria	1	1%
Italy	7	7%	Belarus	1	1%
United States	5	5%	Chile	1	1%
Portugal	4	4%	Colombia	1	1%
Spain	4	4%	Ecuador	1	1%
Switzerland	4	4%	Finland	1	1%
Canada	3	3%	Greece	1	1%
Morocco	3	3%	Hungary	1	1%
Poland	3	3%	Israel	1	1%
Serbia	3	3%	Japan	1	1%
Ukraine	3	3%	Latvia	1	1%
Brazil	2	2%	Lithuania	1	1%
Burkina Faso	2	2%	Mexico	1	1%
Ireland	2	2%	South Africa	1	1%
Luxembourg	2	2%	Sweden	1	1%
Mauritius	2	2%			
			Total	105	≈100%

233. The greatest number of applications from a single State came from Belgium (17 applications, 16%) an increase on the nine applications received in 2008 (21%).

234. In 2008 the greatest number of applications from a single State came from the UK-England and Wales (12 applications, 16%) and in 2003 it was the USA (9 applications, 21%).

235. In 2015, 64% of return applications to France came from EU Member States bound by the revised Brussels II Regulation (that is, all such States except for Denmark),⁷ This can be compared with 66% in 2008, 47% in 2003 and 57% in 1999 (received from what are now EU Member States).

2. The taking person

a. *The relationship of the taking person to the child*

236. In 2015, a majority, 74%, of taking persons were mothers (62 applications), and 26% were fathers (22 applications).⁸ In 2008, 81% of taking persons were mothers, 71% in 2003 and 64% in 1999.⁹

237. This can be compared with the global average of 73% of applications involving taking mothers and 24% fathers.

b. *The status of the taking person as carer to the child*

238. Information on the status as carer of the taking person was available in 79 applications. Of these, 32 taking persons were the primary carer of the child (41%), 29 were a joint-primary carer (37%) and 18 were non-primary carers (23%). This can be compared with the global averages of 20% primary carers, 63% joint-primary carers and 16% non-primary carers.

239. In 2008, information on the status as carer of the taking person was only available for four applications: in each of these the taking person was the primary carer, two were mothers and two were fathers.

c. *The nationality of the taking person*

240. In 45% of the applications received in 2015 the taking person was a French citizen, compared with the global 58% of taking persons who went to a State of which they were a national.¹⁰

241. In 2008, 50% of taking persons in applications received by France were French citizens, 74% in 2003 and 49% in 1999.

242. Whether the taking person was the mother or the father of the child made a big difference as to whether they were found to be a French national. 33% of taking mothers were found to be French citizens compared with 77% of taking fathers. Globally it was also found that a slightly higher proportion of taking fathers went to a State of which they were a national (64% compared with 56% of mothers) but this was not the case in France in past surveys. In 2008 a higher proportion of mothers taking children to France were found to be French citizens (55% compared with 42% of taking fathers) and especially so in 2003 (83% compared with 70%).

3. The children

243. In 2015, at least 140 children were involved in the 105 applications received by France. This makes an average of 1.3 children per application, the same as the global average and the average in France in 2008.

244. The average age of the children was 5.8 years compared with the global average of 6.8 years.

245. In 2008 the average age of a child involved in a return application to France was 6.2 years and 7.0 years in 2003.

⁷ The Regulation is discussed in Section D below.

⁸ Based on information available for 84 applications.

⁹ In 1999 the relationship between the taking person and the child was not recorded but, as the vast majority of taking persons are parents, the gender of the taking person gives a good indication. In 1999 64% of taking person in return applications received by France were female and so probably mothers.

¹⁰ Information was available for 83 applications, 37 of which involved a taking person who was a French national or who had dual nationality, one of which was French.

246. In 2015, 49% of the children involved were female and 51% male. Globally, the proportions of male and female children in 2015 were 53% and 47%, respectively.

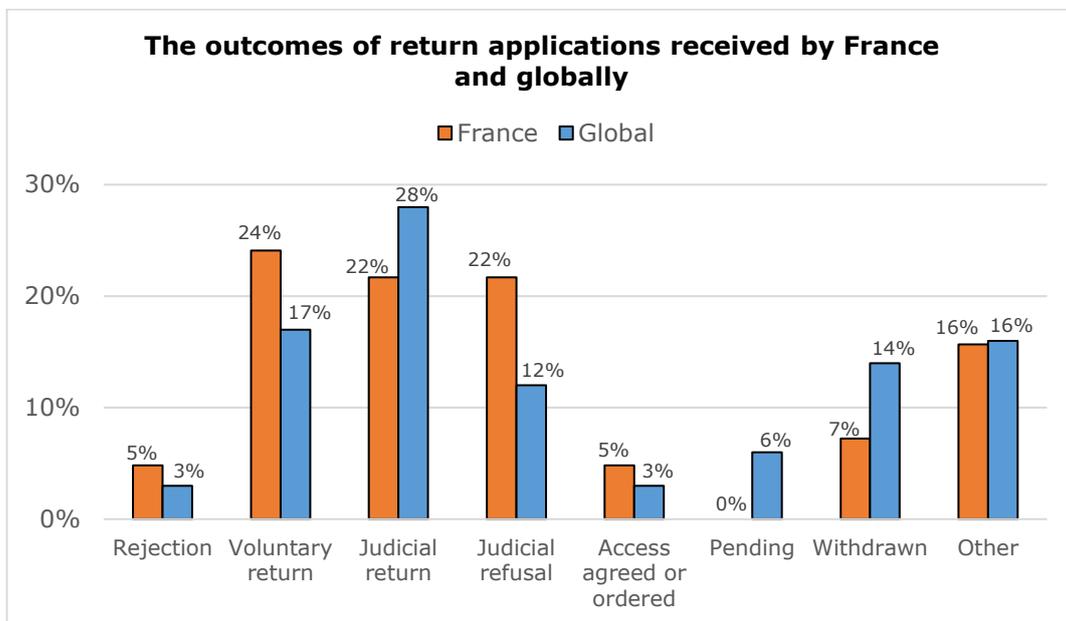
4. Outcomes

The outcomes of return applications received by France in 2015

	France	Global
Rejection	4 (5%)	3%
Voluntary return	20 (24%)	17%
Judicial return	18 (22%)	28%
Judicial refusal	18 (22%)	12%
Access agreed or ordered	4 (5%)	3%
Pending	0 (0%)	6%
Withdrawn	6 (7%)	14%
Other	13 (16%)	16%
Total	83 (100%)	≈100%

247. The graph below shows more clearly how the results in applications received by France compare with those globally. In 2015, 46% of applications received by France ended with a return, close to the 45% recorded globally, though the French figure comprised proportionally more voluntary agreements to return and fewer judicial orders for return.

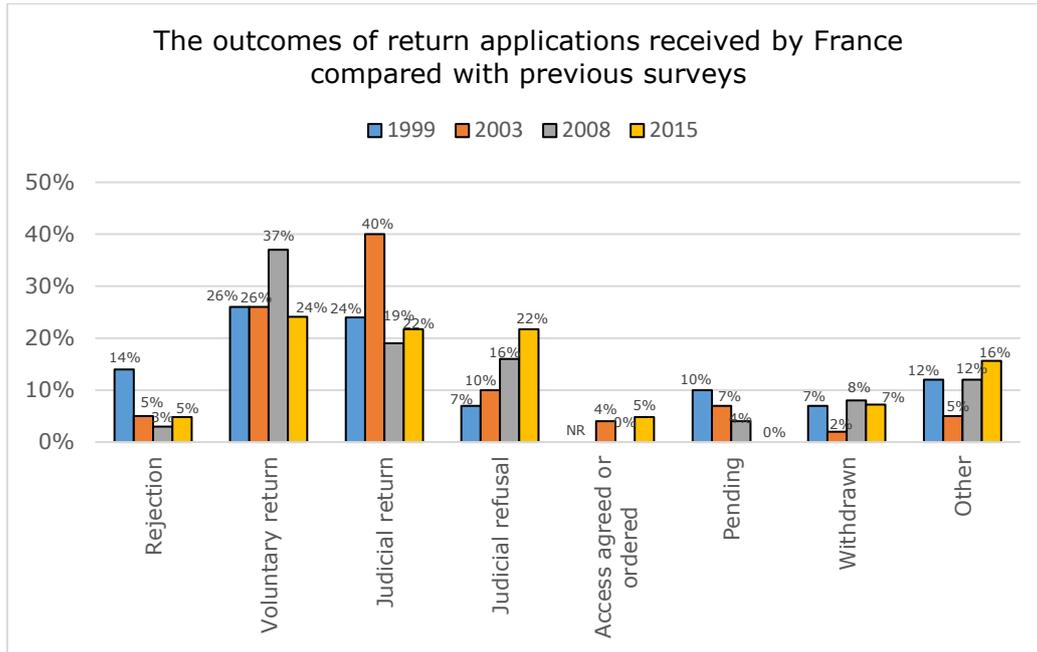
248. Proportionally more applications ended in agreements or orders for access (5% compared with 3% globally), were rejected by the Central Authority (5% compared with 3%) or refused by the courts (22% compared with 12%). By contrast, proportionally fewer applications were withdrawn (7% compared with 14% globally) or pending (no applications compared with 6%).



a. Outcomes of return applications received by France in previous years

249. The overall return rate of 46% in 2015 is lower than the 56% in 2008, 66% in 2003 and 50% in 1999.

250. The graph below compares all outcomes from 2015 with those from previous surveys, showing a steady increase in the proportion of applications refused by the courts and a decline in the number of pending cases.



b. The applications that went to court

251. Of the 83 applications in which information was available, 41 (49%) went to court. 39 of these ended in a final court decision (in the remaining two, one ended in a voluntary return and for the other the outcome was unknown).

252. Of the 39 cases that were decided in court, 18 (46%) ended in a return, compared with 65% globally. 18 applications ended in a refusal (46%) and 3 in other court orders (8%), each following the decision of the court in the Requesting State the child's habitual residence should be fixed with the taking person in France. Of the 18 judicial returns, 11 were made without the consent of the parties and in the remaining seven their consent was unknown

253. 46% of the applications decided in court were refused, compared with 28% globally.

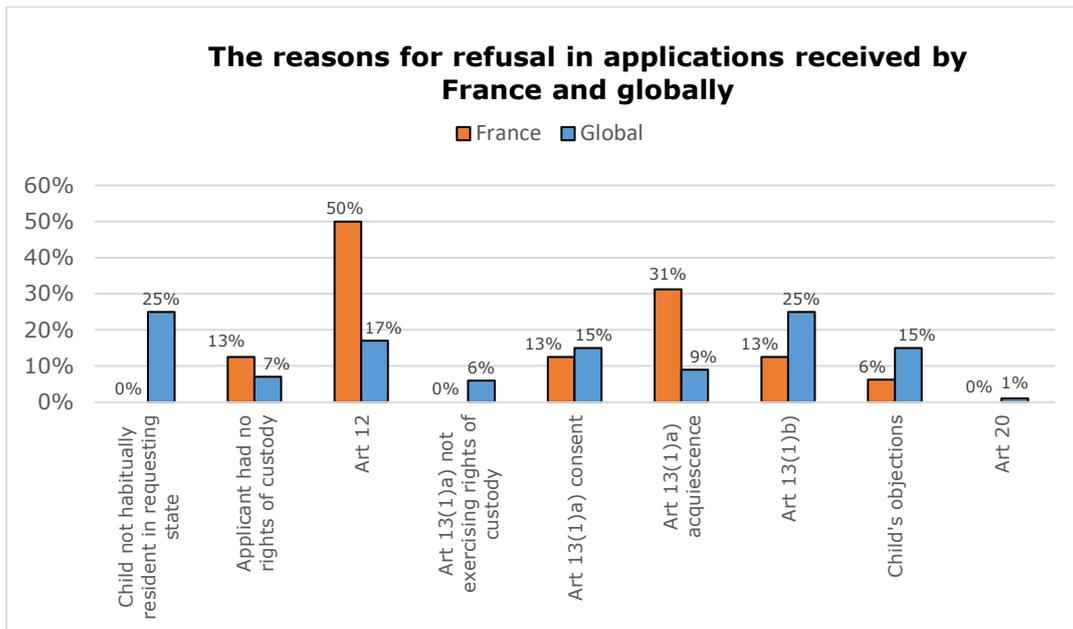
254. This can also be compared with 48% of the applications that went to court in France in 2008, 19% in 2003 and 23% in 1999.

255. The reasons for refusal were known in 16 of the 18 refused applications. Three of these applications were refused based on multiple reasons. All of the 20 reasons are combined in the table below to show the number of applications in which each ground was cited.

Reasons for refusal in applications received by France and globally in 2015

Outcome	France	Global
Child not habitually resident in requesting state	0 (0%)	46 (25)%
Applicant had no rights of custody	2 (13%)	13 (7%)
Art 12	8 (50%)	32 (17%)
Art 13(1)a) not exercising rights of custody	0 (0%)	11 (6%)
Art 13(1)a) consent	2 (13%)	28 (15%)
Art 13(1)a) acquiescence	5 (31%)	16 (9%)
Art 13(1)b)	2 (13%)	47 (25%)
Child's objections	1 (6%)	27 (15%)
Art 20	0 (0%)	2 (1%)
Number of reasons	20 (125%)	222 (120%)
Number of applications	16	185

256. The table above and the graph below show that a proportionately large number of applications were refused based on Article 12 and Article 13(1) a) acquiescence. By contrast, fewer were refused based on Article 13(1) b) and none were refused based on the child not being habitually resident in the Requesting State.



5. Timing

257. The average time taken to reach a final settlement in the return applications from the date they were received by the French Central Authority was 177 days,¹¹ compared with the global average of 164 days.

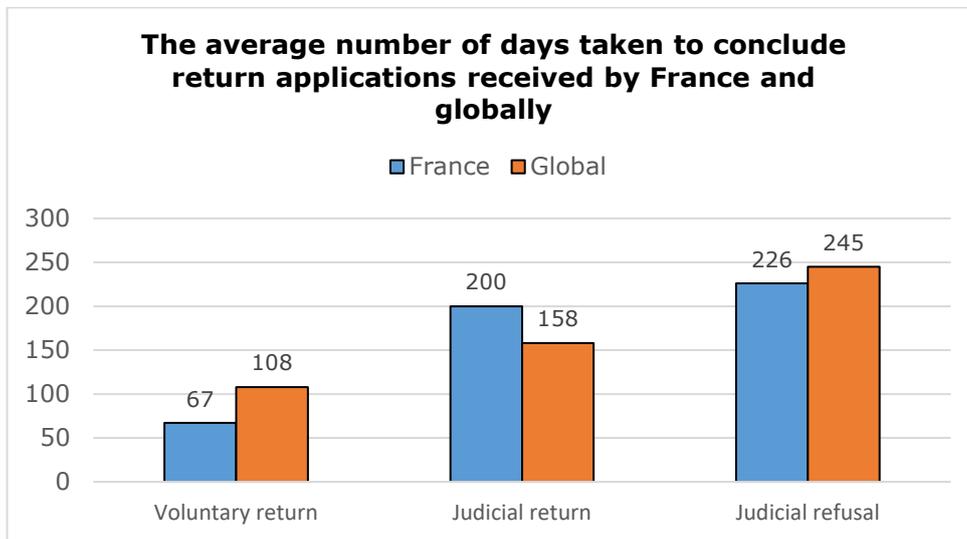
258. The average time depended heavily on the outcome which was reached, as can be seen in the table and graph below.

¹¹ Based on 55 applications in which dates were available.

The number of days taken to reach a final outcome in applications received by France

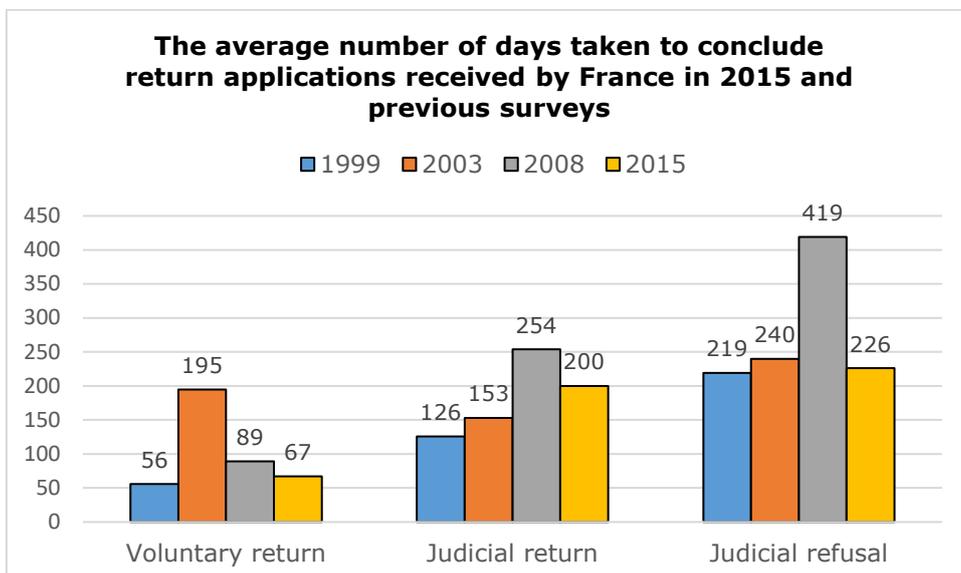
	Voluntary return	Judicial return	Judicial refusal
Average (mean)	67	200	226
Minimum	4	34	51
Maximum	169	808	518
Number of cases	11	17	17

259. Compared with the global figures, voluntary returns and judicial refusals were concluded more quickly on average. Judicial return orders took longer than the global average at 200 days compared with 158 days globally, but this figure included one application which took 808 days to conclude. If this outlying application was excluded then the average fell to 162 days, in line with the global average.



a. Timing in previous years

260. The graph below compares the time take to reach a final outcome in applications received by France in 2015, 2008, 2003 and 1999. Applications received in 2015 were, on average, resolved more quickly compared with the 2008 survey.



b. Time taken to send application to court

261. In France it took an average of 61 days before the application was sent to court and the court then took an average 125 days to reach a final outcome.¹² This can be compared with the global averages of 93 days to send the application to court and a further 125 days to reach a final outcome.

c. Appeals

262. In 2015, of the 41 applications that went to court in France, 11 involved an appeal (27%), compared with the global average of 31%. In 2008 this figure was much higher with 67% of the applications decided by the courts in France involving an appeal.

263. In 2015 the average time taken to reach a first instance decision was 191 days compared with 337 days to finalise a case that was appealed. The global averages were 179 days for a first instance decision and 266 days to conclude an appeal.

264. Of these 11 appeals, three were appealed twice. These three applications all ended in a return order and took an average of 501 days to conclude from the date the application was received by the Central Authority. This can be compared with an average of 266 days for the applications which were appealed only once.¹³ Globally it took an average of 260 days to conclude an application that was appealed once and 282 days to conclude an application that was appealed twice.

D. The Impact of the Revised Brussels II a Regulation

1. Applications between BIIa States

265. The revised Brussels II Regulation (the Regulation) applies to 27 EU Member States ('BIIa States') i.e. all such States except for Denmark. In 2015 BIIa States received a total of 1,161 return applications. Of these, 830 applications came from fellow BIIa States (71%) and the remaining 331 applications came from what will be termed 'non-BIIa States' (29%) and 62% in 1999.

266. 66 of the 105 return applications received by France in 2015 came from other Brussels IIa States (63%). This compares with 66% in 2008.

2. The Regulation and outcomes

267. For convenience, in the following analysis we will refer to those applications made to France by BIIa States as 'Regulation cases' and to those from non BIIa States as 'non-Regulation cases'.

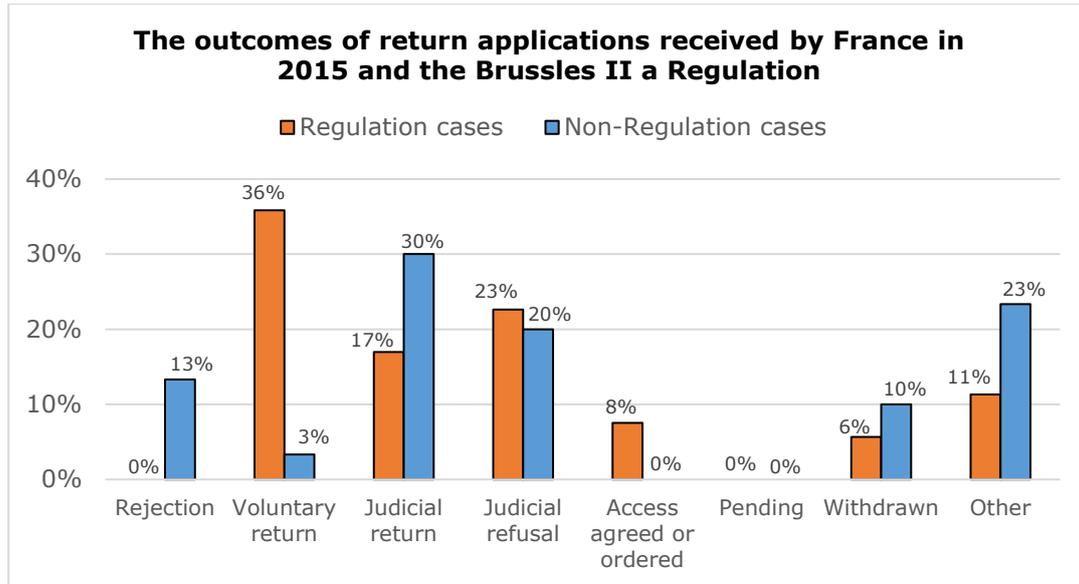
268. The graph below shows the outcomes of return applications received by France in Regulation and non-Regulation cases.¹⁴

269. There were proportionally more returns in Regulation cases (53%) than non-Regulation cases (33%). This return rate comprised a much higher proportion of voluntary returns (36% compared with 3% in non-Regulation cases) and a lower proportion of judicial orders for return (17% compared with 30%).

¹² Based on 62 applications in which the date the application was sent to court was available and 45 applications where the dates of the final court decisions were also known.

¹³ Based on 5 applications in which dates were available.

¹⁴ Information on outcomes was available in 53 Regulation cases and 30 non-Regulation cases.



270. In 2008, there was also a higher return rate in Regulation cases received by France - 58% compared with 52% in non-Regulation cases.

271. No Regulation case in 2015 were rejected by the Central Authority compared with 13% in non-Regulation cases (4 applications). In 2008 the respective proportions were 2% as against 4%.

272. A slightly higher proportion of Regulation cases ended in a judicial order refusing the return of the child compared with non-Regulation cases (23% compared with 20%). This was not the case in 2008 when 12% of Regulation cases were refused compared with 24% of non-Regulation cases.

3. Refusals and reasons for refusal

273. The table below compares the reasons for refusal in Regulation cases and non-Regulation cases. Of the six Regulation cases, the most commonly cited reason for refusal was Article 12 (four applications, 67%) whereas in non-Regulation cases the most common reason was Article 13(1) a) acquiescence (four applications, 40%).

The combined reasons for refusal (sole and multiple reasons) and the Regulation

	Regulation cases		Non-Regulation cases	
	Frequency	Percentage	Frequency	Percentage
Child not habitually resident in Requesting State	0	0%	0	0%
Applicant had no rights of custody	0	0%	2	20%
Art 12	4	67%	4	40%
Art 13(1) a) not exercising rights of custody	0	0%	0	0%
Art 13(1) a) consent	1	17%	1	10%
Art 13(1) a) acquiescence	1	17%	4	40%
Art 13(1) b)	0	0%	2	20%
Child's objections	1	17%	0	0%
Art 20	0	0%	0	0%
Number of reasons	7	117%	13	130%
Number of applications	6		10	

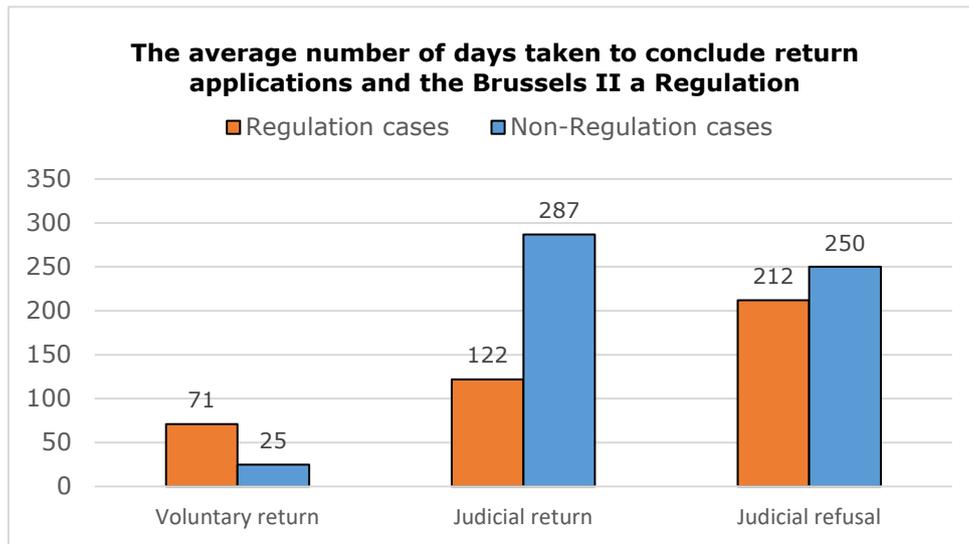
4. The Regulation and timing

274. Overall, Regulation cases were resolved more quickly, in an average of 156 days from the date at which they were received by the French Central Authority compared with 208 days in non-Regulation cases.¹⁵ This was also the case in 2008 when the figures were 245 days and 327 days, respectively.

275. The table and graph below analyse the average time taken to conclude applications according to the final outcome.

The number of days taken to reach a final outcome and the Regulation

	Voluntary Return		Judicial return		Judicial Refusal	
	Regulation cases	Non-Regulation cases	Regulation cases	Non-Regulation cases	Regulation cases	Non-Regulation cases
Mean	71	25	122	287	212	250
Minimum	4	25	34	57	51	85
Maximum	169	25	223	57	518	437
<i>No. of applications</i>	<i>10</i>	<i>1</i>	<i>9</i>	<i>8</i>	<i>11</i>	<i>6</i>



276. Regulation cases took an average of 50 days to send to court and a further 100 days for the court to reach a final decision. For non-Regulation cases it took 81 days for the Central Authority to send the application to court and a further 170 days to reach a final decision.

E. Incoming access applications

1. The Contracting States which made the application

277. In 2015, France received 29 access applications from 15 different States. This can be compared with 22 applications from 10 States in 2008.

278. A relatively high proportion of applications came from Germany and the United Kingdom (each five applications, 17%).¹⁶ This was not the case in 2008 when the most applications from a single State came from Switzerland and the Netherlands (each three applications, 14%). 21 applications (72%) came from other EU Member States. In 2008 only 41% of access applications came from other EU Member States.

¹⁵ Based on 33 Regulation cases for which information was available and 22 non Regulation cases.

¹⁶ Information was not available on which UK Central Authority sent these applications.

The Contracting States which made access applications to France

State	Number of applications	%	State	Number of applications	%
Germany	5	17%	Canada	1	3%
United Kingdom	5	17%	Netherlands	1	3%
Italy	3	10%	Portugal	1	3%
Morocco	3	10%	Romania	1	3%
Israel	2	7%	Russian Federation	1	3%
Spain	2	7%	Singapore	1	3%
Bosnia and Herzegovina	1	3%	Turkey	1	3%
Brazil	1	3%			
			Total	29	≈100%

2. The respondent

a. The relationship of the respondent to the child

279. In 2015, a majority, 81%, of respondents were mothers, and 19% were fathers.¹⁷ This can be compared with the global figures of 73% of applications involving respondent mothers and 26% involving respondent fathers.¹⁸

280. In 2008 77% of respondents in access applications received by France were mothers, 71% in 2003 and 87% in 1999.

b. The status of the respondent as carer to the child

281. Information on the status as carer of the respondent was available in 26 applications. In 22 of these the respondent was the primary carer (85%), in one a joint-primary carer (4%) and in three a non-primary carer (12%). This can be compared with the global proportions of 71% of access applications involving respondents who were primary carers, 21% the joint primary carer and 8% a non-primary carer.

282. This information was not available for the 2008 survey.

c. The nationality of the respondent

283. In 55% of the applications received in 2015, the respondent was a French citizen (including 5 respondents with dual nationality). This can be compared with the global 58% of respondents who were a national of the Requested State.

284. In 2008, 50% of applications involved respondents who were French nationals, 69% in 2003 and 40% in 1999.

285. In 2015, a lower proportion of mothers taking children to France were found to be French citizens (57%, 12 applications) compared with fathers (80%, 4 applications). This was also the case in 2008 (47% compared with 60%) and 1999 (46% compared with 53%). However, in 2003, more respondent mothers were found to be French citizens (78% compared with 53% of fathers).

286. Globally, 51% of taking mothers were found to have the same nationality as the requested State and 60% of fathers.

¹⁷ Based on 26 applications in which information on the taking person was available: 21 of which were mothers and 5 were fathers.

¹⁸ The remaining 1% involved grandparents, institutions or other relatives.

3. The children

287. In 2015, 32 children were involved in the 29 access applications, an average of 1.1 children per application compared with the global average of 1.3 children per application.

288. The average age of the children in applications received by France was 7.8 years compared with 7.7 years in 2008, and 8.3 years in 2003. The global average in 2015 was 8.0 years.

289. In 2015, 55% of the children involved were female and 45% male. Globally, the proportions of male and female children in 2015 were 49% and 51%, respectively.

4. Outcomes

290. Of the 29 access applications received by France, the outcomes were known in 24. These are compared with the global findings in the table below. Overall, access was agreed or ordered in 17% of applications received, compared with 27% globally.

291. A high proportion (71%) of applications ended in 'other' outcomes. These 17 applications comprised: seven which were closed due to the inaction of the applicant, two based on Article 4 and eight for other outcomes such as the mother proving that the right of access had always been respected or the parties starting mediation.

The outcomes in applications received by France in 2015 compared with the global averages

	France	Global
Rejection	1 (4%)	4%
Access agreed outside of court	3 (13%)	11%
Access judicially granted	1 (4%)	16%
Access judicially refused	0 (0%)	2%
Pending	0 (0%)	17%
Withdrawn	2 (8%)	19%
Other	17 (71%)	31%
Total	100%	100%

292. The table below compares the outcomes of access applications with previous surveys. It should be noted that these figures are based on relatively low numbers of applications.

The outcomes in applications received by France in 2015, 2008, 2003 and 1999

	1999	2003	2008	2015
Rejection	0%	8%	9%	4%
Access agreed outside of court	20%	15%	5%	13%
Access judicially granted	7%	16%	5%	4%
Access judicially refused	0%	0%	0%	0%
Pending	20%	31%	32%	0%
Withdrawn	33%	31%	32%	8%
Other	20%	0%	14%	71%
More than one outcome	0%	0%	5%	0%
Total	100%	101%	102%	100%

293. Compared with the 2008 survey, a higher proportion of applications ended in access being agreed or ordered (17% compared with 10%) though this was lower than the 31% recorded in 2003 and 27% in 1999.

294. In 2015 a high proportion (71%) of applications ended in 'other' outcomes. By contrast, fewer applications were withdrawn (8%, compared with 32% in 2008) and none were pending (compared with 32% in 2008).

a. The reasons for rejection by the Central Authority

295. One application was rejected by the French Central Authority in 2015 based on Article 27. In 2008, 3 applications were rejected based on the applicant having no rights of custody. In 2003, 1 application was rejected as the access order was to be enforced under the Luxembourg Convention rather than the Hague Convention.

b. The reasons for judicial refusal

296. No applications were judicially refused in 2015 nor in previous surveys. Globally 2% of applications were judicially refused.

5. Timing

297. Dates were only available for the one application which ended in a judicial order for access. This application took a total of 486 days: 21 days to send to court and a further 465 days to be concluded.

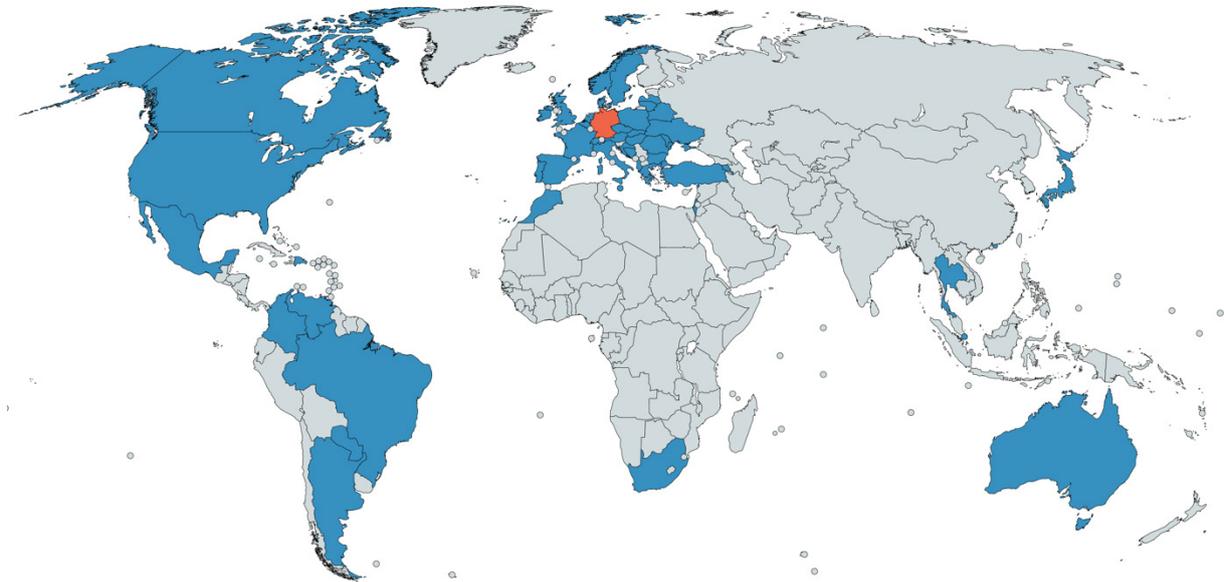
298. In 2008, one application in which access was agreed outside court took 212 days to conclude and one in which access was judicially granted took 344 days. In 2003 one access agreement was reached in 46 days.

299. Globally in 2015, it took an average of 291 days to conclude an application ending in a judicial order for access. It took an average of 119 days for an access application to be sent to court and 173 days for the court to come to a conclusion.

GERMANY

A. Executive summary

Return and access applications received by Germany in 2015



300. In 2015 Germany received 172 return and 29 access applications from the 48 States highlighted in the map above.

301. This was a 50% increase in return applications and a 6% decrease in access applications from the 115 return and 31 access applications received in 2008. In total, the German Central Authority dealt with 457 applications, a 19% increase on the 383 dealt with in 2008. The German Central Authority was the third busiest Authority in 2015.

302. In 2015, 35% of applications received by Germany ended with a return compared with the global return rate of 45%. The proportion of outcomes ending in a voluntary return (17%) was the same as the global rate but a lower proportion of applications ended in a judicial return (19%). This can also be compared with the 37% return rate in Germany in 2008, 39% in 2003 and 35% in 1999.

303. A high proportion of applications ended in 'other' outcomes (28%). Of these 41 applications, 20 applications ended due to the inaction of the applicant, 14 ended in an unspecified voluntary agreement or court-approved settlement between the parties and in the remaining seven the outcome was simply recorded as 'other'.

304. The average time taken to reach a final settlement in the return applications was 161 days from the date they were received by the Central Authority, in line with the global average of 163 days.

305. Of the 29 access applications received by Germany, the outcomes were known in 18. The rate at which access was agreed or ordered was 11%, compared with 27% globally. A high proportion of applications ended in 'other' outcomes (14 applications, 78%). Of these, 12 applications were closed due to the 'inaction' of the applicant and in the remaining 2 the outcome was not specified.

B. The number of applications received and sent in 2015

306. As can be seen in the table below, in 2015 the German Central Authority dealt with a total of 457 applications. A 19% increase on the 383 received in 2008 and 79% increase on the 255 received in 2003.

The number of applications received and sent by Germany in 2015 compared with previous surveys

	1999	2003	2008	2015
Incoming Return	70	80	115	172
Incoming Access	24	18	31	29
Outgoing Return	103	138	199	219
Outgoing Access	13	19	38	38
Total	210	255	383	457

C. Incoming return applications

1. The Contracting States which made the application

307. In 2015, Germany received 172 return applications from 44 different States.

The Contracting States which made the return applications to Germany

State	Number of applications	%	State	Number of applications	%
Poland	26	15%	Canada	2	1%
Italy	11	6%	Sweden	2	1%
Belgium	10	6%	Albania	2	1%
Netherlands	9	5%	Argentina	2	1%
Switzerland	9	5%	Argentina	2	1%
United States	9	5%	Australia	2	1%
United Kingdom	8	5%	Belarus	2	1%
Austria	7	4%	Bosnia and Herzegovina	2	1%
Czech Republic	6	3%	China	1	0%
Croatia	5	3%	Colombia	1	0%
Hungary	5	3%	Denmark	1	0%
Romania	5	3%	Dominican Republic	1	0%
Spain	5	3%	Ireland	1	0%
Turkey	5	3%	Japan	1	0%
Ukraine	5	3%	Lithuania	1	0%
France	4	2%	Malta	1	0%
Latvia	4	2%	Morocco	1	0%
Slovakia	4	2%	Norway	1	0%
Greece	3	2%	Paraguay	1	0%
Israel	3	2%	Singapore	1	0%
Portugal	3	2%	South Africa	1	0%
Bulgaria	2	1%	Thailand	1	0%
Total				172	100%

308. As in 2008, the two States which made the most applications to Germany were Poland and Italy. The number of applications from Poland has continually increased from 1% in 1999, to 6% in 2003, 13% in 2008 and 15% in 2015.

309. By contrast, the proportion of applications from the USA and the UK – England and Wales has decreased. In 1999, 34% of incoming return applications to Germany came from the USA. This dropped from 11% in 2003 and 13% in 2008 to only 5% in 2015. Similarly, 16% of applications came from the UK – England and Wales in 1999, 16% in 2003 but only 5% in 2008 and 2015.

310. In 2015, 71% of return applications to Germany came from EU States. This can be compared with 66% in 2008, 68% in 2003 and 44% in 1999 (considering what would now be EU States).

2. The taking person

a. The relationship of the taking person to the child

311. In 2015, a majority, 83%, of taking persons were mothers (142 applications), and 17% were fathers (29 applications). This is a higher proportion of taking mothers than in previous surveys and can be compared with 74% in 2008, 78% in 2003 and 77% in 1999.¹⁹

312. This can also be compared with the global average of 73% of taking persons being mothers and 24% fathers.

b. The status of the taking person as carer to the child

313. The German Central Authority was unable to provide information on the status of the taking person as carer to the child.

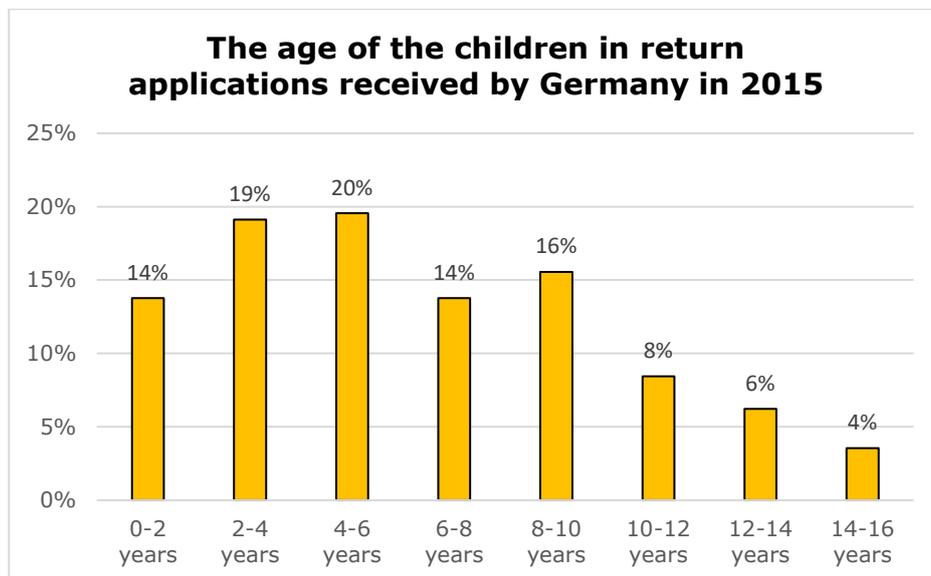
c. The nationality of the taking person

314. The German Central Authority was unable to provide information on the nationality of the taking person.

3. The children

315. In 2015, 230 children were involved in the 172 applications received by Germany. This makes an average of 1.3 children per application, the same as in 2008 and also the global average.

316. The graph below shows the ages of children involved in return applications to Germany. The data was recorded in time bands of two years. We can estimate the average age was around 6.3 years, compared with the global average of 6.8 years.



317. In 2015, 48% of the children involved were female and 52% male. Globally, the proportions of male and female children in 2015 were 53% and 47%, respectively.

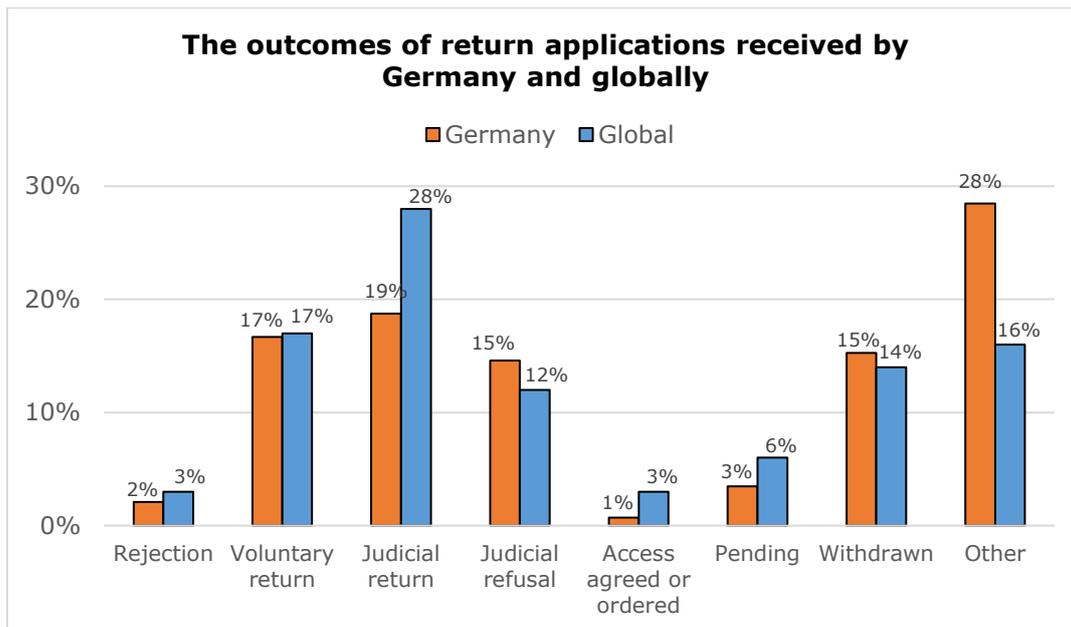
¹⁹ In 1999 the relationship between the taking person and the child was not recorded but, as the vast majority of taking persons are parents, the gender of the taking person gives a good indication. In 1999, 77% of taking persons in applications received by Germany were female and so probably mothers.

4. Outcomes

The outcomes of return applications received by Germany in 2015

	Germany	Global
Rejection	3 (2%)	3%
Voluntary return	24 (17%)	17%
Judicial return	27 (19%)	28%
Judicial refusal	21 (15%)	12%
Access agreed or ordered	1 (1%)	3%
Pending	5 (3%)	6%
Withdrawn	22 (15%)	14%
Other	41 (28%)	16%
Total	144 (100%)	≈100%

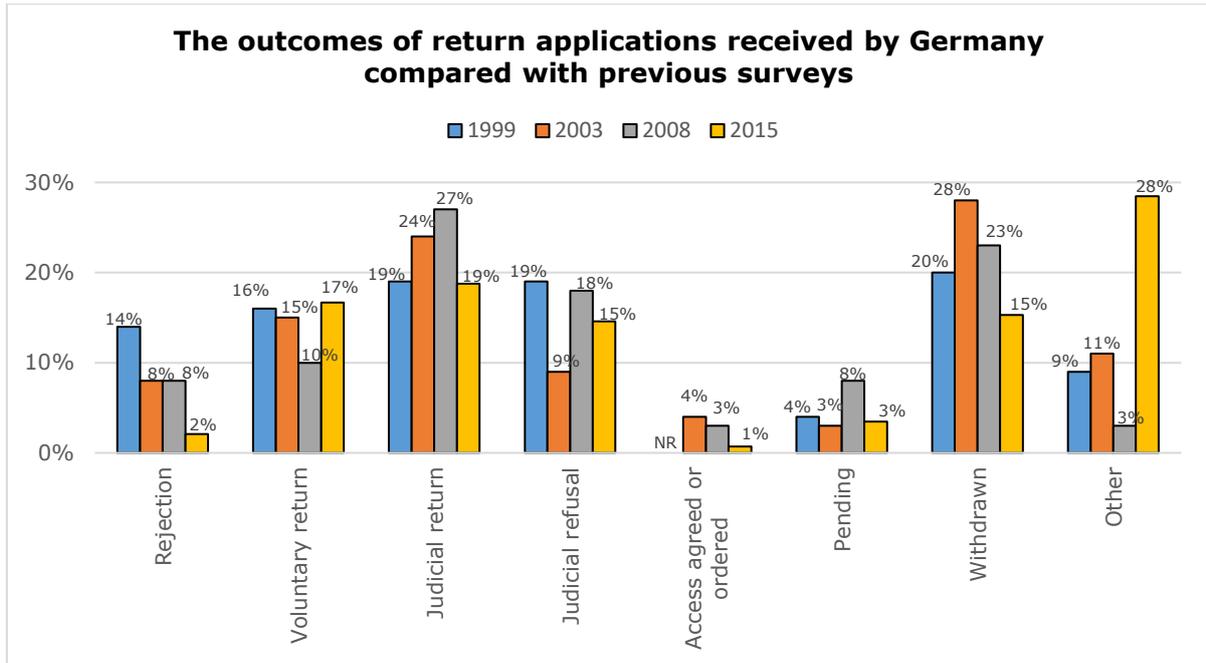
318. The graph below shows more clearly how the results in applications received by Germany compare with those globally. In 2015, 35% of applications received by Germany ended with a return compared with the global return rate of 45%. The proportion of outcomes ending in a voluntary return was the same as the global rate but a lower proportion of applications ended in a judicial return, 19% as against 28%.



319. A high proportion of applications ended in 'other outcomes (28%). Of these 41 applications, 20 applications ended due to the inaction of the applicant, 14 ended in an unspecified voluntary agreement or court-approved settlement between the parties and in the remaining seven the outcome was simply recorded as 'other'

a. *Outcomes of return applications received by Germany in previous years*

320. The graph below compares the outcomes of applications received by Germany in 2015 with those received in 2008 and 2003.



321. The overall rate of return decreased from 39% in 2003 and 37% in 2008 to 35% in 2015, the same proportion as in 1999. By contrast the proportion of applications rejected by the Central Authority, withdrawn by the parties and refused by the court decreased.

322. There was a large increase in the number of applications recorded as ending in 'other' outcomes. As noted above, these included where the parties reached an unspecified voluntary settlement or did not pursue proceedings.

b. Returns

323. The overall return rate of 35% in 2015 comprised: 17% voluntary returns and 19% judicial returns. Of the 60 cases that were decided in court, 45% ended in a return and 22% in the approval of a settlement made by the parties. This can be compared with 65% of applications decided in court, globally, which ended in a return and 6% in orders for access or another court-approved settlement.

324. Of the 27 judicial returns, the consent of the parties was known in only eight cases. Of these, in seven the return was ordered with the consent of the taking person and one without.

c. Judicial refusals

325. Out of the 60 cases that went to court, 21 (35%) were refused, compared with 28% globally.

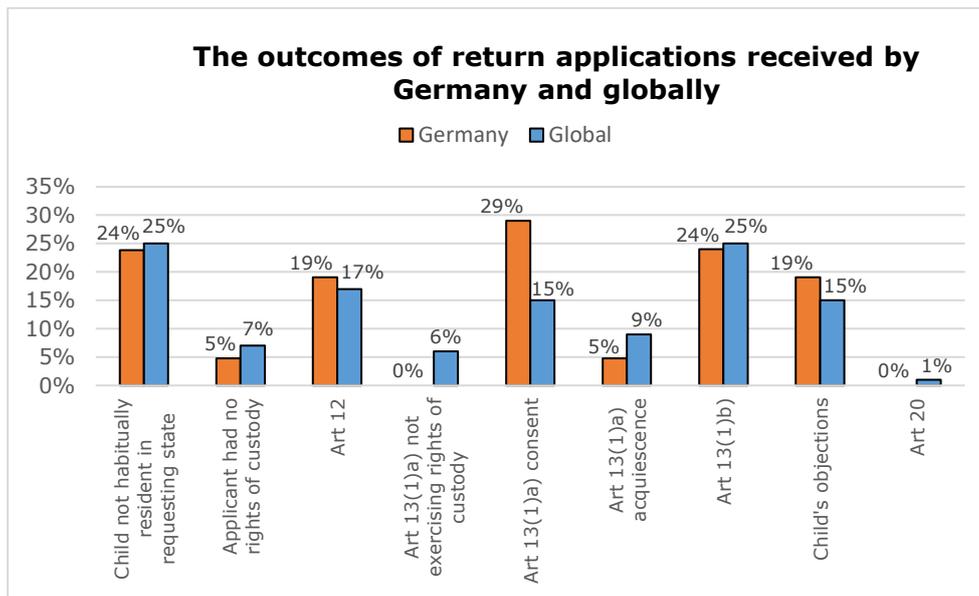
326. This can be compared with 38% of the applications that went to court in Germany in 2008, 27% in 2003 and 50% in 1999.

327. Of the 21 refused applications, three were refused based on multiple reasons (for eight reasons in total). All of the 26 reasons are combined in the table below to show the number of applications in which each exception was cited.

Reasons for refusal in applications received by Germany and globally in 2015

	Germany	Global
Child not habitually resident in requesting state	5 (24%)	46 (25)%
Applicant had no rights of custody	1 (5%)	13 (7%)
Art 12	4 (19%)	32 (17%)
Art 13(1)a) not exercising rights of custody	0 (0%)	11 (6%)
Art 13(1)a) consent	6 (29%)	28 (15%)
Art 13(1)a) acquiescence	1 (5%)	16 (9%)
Art 13(1)b)	5 (24%)	47 (25%)
Child's objections	4 (19%)	27 (15%)
Art 20	0 (0%)	2 (1%)
Number of reasons	26 (124%)	222 (120%)
Number of applications	21	185

328. The table above and the graph below, show that the reasons for refusals in the applications received by Germany were roughly in line with the global figures. However, a slightly lower proportion were refused based on the child not being habitually resident in the Requesting State, the applicant having no rights of custody or Article 13(1) a) acquiescence, and proportionally more based on Article 13(1) a) consent, Article 13(1) b), Article 12 and the child's objections.



329. The table below compares the German findings with those of previous surveys.

The combined reasons for refusal in Germany in 2015 and previous surveys

Outcome	1999	2003	2008	2015
Child not habitually resident in requesting state	1 (8%)	2 (29%)	1 (5%)	5 (24%)
Applicant had no rights of custody	1 (8%)	1 (14%)	3 (14%)	1 (5%)
Art 12	4 (31%)	0 (0%)	3 (14%)	4 (19%)
Art 13(1)a) not exercising rights of custody	2 (15%)	1 (14%)	0 (0%)	0 (0%)
Art 13(1)a) consent	1 (8%)	1 (14%)	1 (5%)	5 (24%)
Art 13(1)a) acquiescence	1 (8%)	0 (0%)	2 (2%)	1 (5%)
Art 13(1)b)	3 (23%)	2 (29%)	4 (19%)	6 (29%)
Child's objections	1 (8%)	0 (0%)	5 (24%)	4 (19%)
Art 20	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Other	0 (0%)	1 (14%)	4 (19%)	0 (0%)
Number of reasons	14 (108%)	8 (114%)	23 (110%)	26 (124%)
Number of applications	13	7	21	21

5. Timing

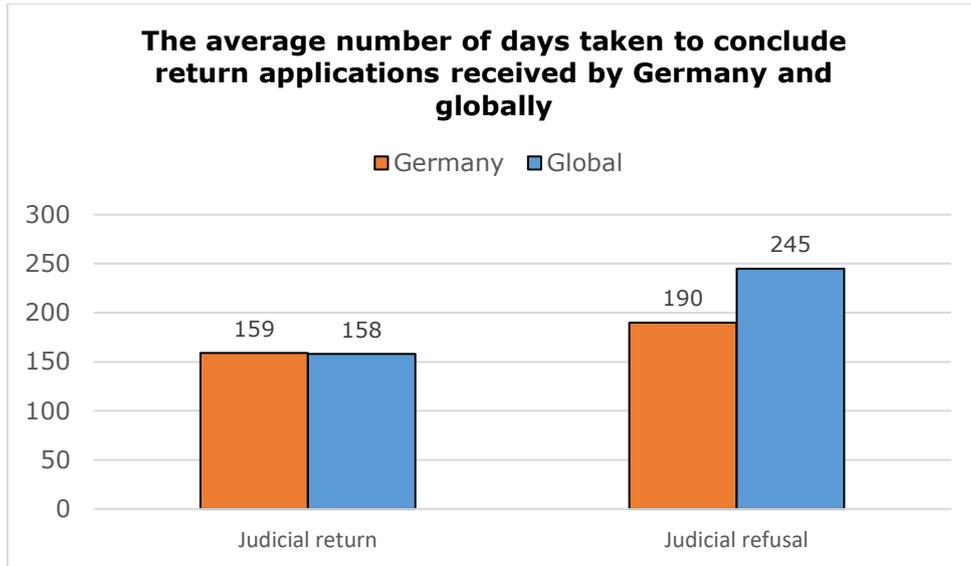
330. The average time taken to reach a final settlement in the return applications from the date they were received by the German Central Authority was 163 days compared with the global average of 164 days.

331. The average time depended heavily on the outcome which was reached, as can be seen in the table and graph below.

The number of days taken to reach a final outcome in applications received by Germany

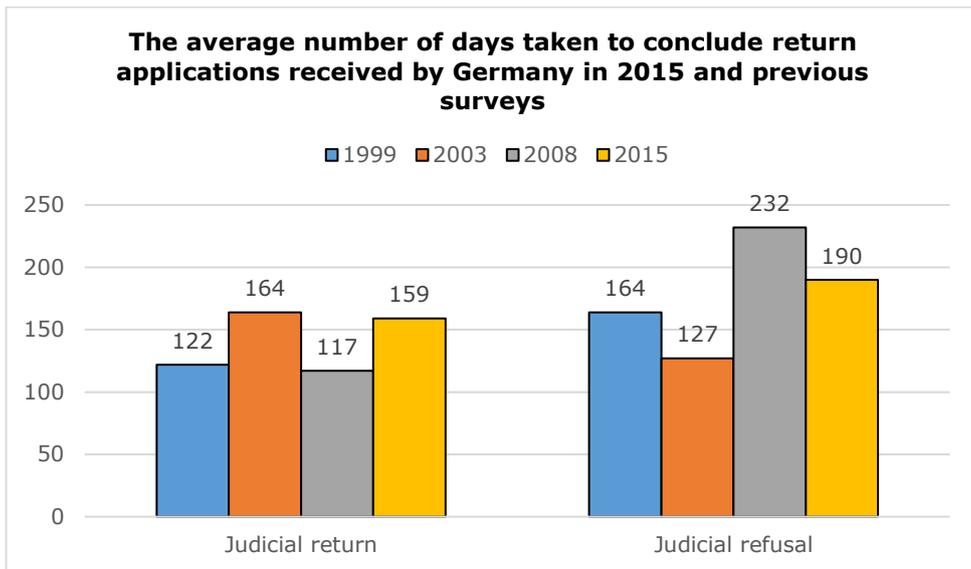
	Judicial return	Judicial refusal
Mean	159	190
Minimum	33	13
Maximum	307	341
Number of cases	27	19

332. The time taken to reach a judicial decision to return was 159 days, almost exactly the same as the global average of 158 days, and judicial refusals were concluded more quickly in Germany at an average of 190 days compared with 245 days globally.



a. *Timing in previous years*

333. The graph below compares the time take to reach a final outcome in applications received by Germany in 2015, 2008, 2003 and 1999.



b. *Time taken to send application to court*

334. In Germany it took an average of 93 days before the application was sent to court and the court then took an average 82 days to reach a final outcome. In 2008 the average times taken were 72 days and 89 days, respectively.

335. This can be compared with the global averages of 93 days to send the application to court and a further 125 days to reach a final outcome. From this it can be seen that court proceedings were concluded considerably quicker than those globally.

c. *Appeals*

336. In 2015, of the 60 applications that went to court in Germany, 20 involved an appeal (33%). This is in line with the global average of 31%.

337. In 2015 the average time taken to reach a first instance decision was 115 days compared with 211 days to finalise a case that was appealed. This can be compared with 119 days and 219 days in 2008.

338. The global averages were 179 days for a first instance decision and 266 days to conclude an appeal.

D. The Impact of the Revised Brussels II a Regulation

1. Applications between BIIa States

339. The revised Brussels II Regulation (the Regulation) applies to 27 EU Member States ('BIIa States') i.e. all such States except for Denmark. In 2015, BIIa States received a total of 1,161 return applications. Of these, 830 applications came from fellow BIIa States (71%) and the remaining 331 applications came from what will be termed 'non-BIIa States' (29%).

340. 122 of the 172 return applications received by Germany in 2015 came from other BIIa States (71%). This compares with 66% in 2008.

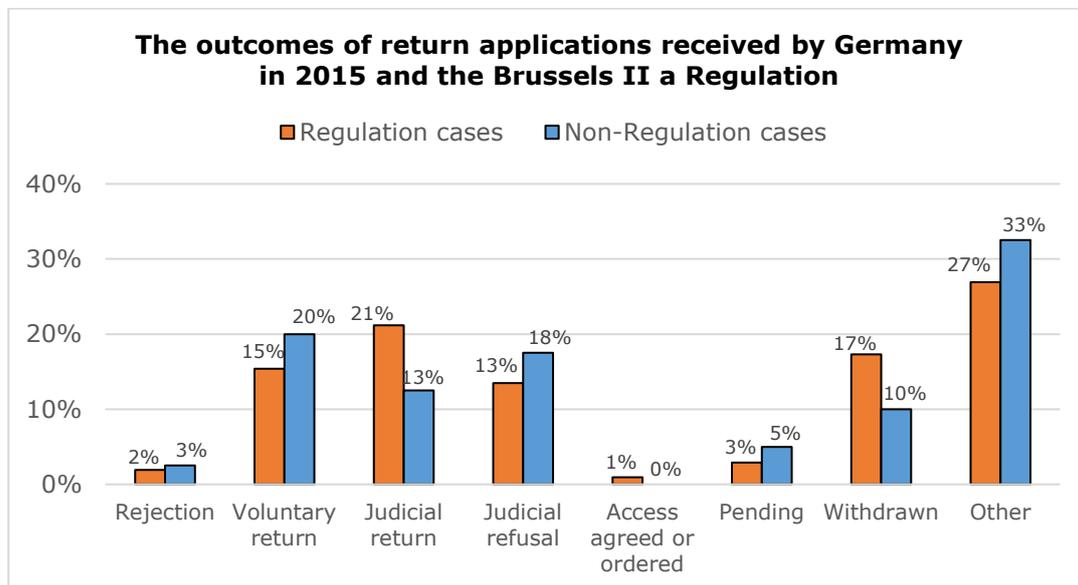
2. The Regulation and outcomes

341. For convenience, in the following analysis we will refer to those applications made to Germany by BIIa States as 'Regulation cases' and to those from non-BIIa States as 'non-Regulation cases'.

342. The graph below shows the outcomes of return applications received by Germany in Regulation cases and in non-Regulation cases.²⁰

343. The overall return rate in Regulation cases was 37%, slightly higher than 33% in non-Regulation cases.

344. Where the Regulation applied, a higher proportion of applications ended in a judicial return or were withdrawn but fewer were judicially refused, pending or ended in a voluntary return or other outcomes.



345. This is in line with the 2008 findings where 37% of Regulation cases ended in a return compared with 35% of non-Regulation cases.

3. Refusals and reasons for refusal

346. The table below compares the reasons for refusal in Regulation cases and non-Regulation cases. In the 14 refused Regulation cases, the most commonly cited reason was Article 13 the consent of the applicant, followed by Article 13(1) b) and Article 12. In non-Regulation cases

²⁰ Information on outcomes was available in 104 Regulation cases and 40 non-Regulation cases.

the most cited reason was the child not being habitually resident in the Requesting State followed by the child's objections.

**The combined reasons for refusal (sole and multiple reasons)
and the Regulation**

	Regulation cases		Non-Regulation cases-	
	Frequency	Percentage	Frequency	Percentage
Child not habitually resident in Requesting State	1	7%	4	57%
Applicant had no rights of custody	1	7%	0	0%
Art 12	3	21%	1	14%
Art 13(1) a) not exercising rights of custody	0	0%	0	0%
Art 13(1) a) consent	5	36%	1	14%
Art 13(1) a) acquiescence	1	7%	0	0%
Art 13(1) b)	4	29%	1	14%
Child's objections	2	14%	2	29%
Art 20	0	0%	0	0%
Number of reasons	17	121%	9	129%
Number of applications	14		7	

4. The Regulation and timing

347. Overall, Regulation cases were resolved slightly more quickly, in an average of 161 days from the date at which they were received by the Central Authority compared with 167 days in non-Regulation cases.²¹ By contrast, in 2008 it took slightly longer to conclude Regulation cases, in an average of 166 days compared with 156 days for non-Regulation cases.

348. 18% of Regulation cases were resolved within 12 weeks of their received by the German Central Authority compared with 7% of non-Regulation cases.²²

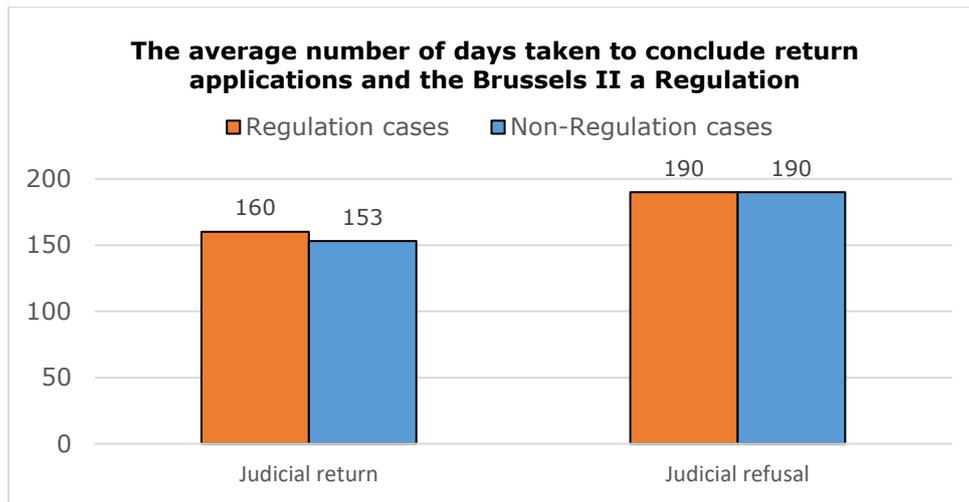
349. The table and graph below analyse the average time taken to conclude applications according to the final outcome.

The number of days taken to reach a final outcome and the Regulation

	Judicial return		Judicial Refusal	
	Regulation cases	Non-Regulation cases	Regulation cases	Non-Regulation cases
Mean	160	153	190	190
Minimum	33	130	13	86
Maximum	146	180	341	319
<i>No. of applications</i>	22	5	12	7

²¹ Based on 40 Regulation cases for which information was available and 15 non-Regulation cases.

²² 7 out of 40 Regulation cases and 1 out of 15 non-Regulation cases.



a. *Court disposal times*

350. It took an average of 100 days for the German Central Authority to send Regulation cases to court as against 64 days in non-Regulation cases.²³

351. Once received by the court, Regulation cases were resolved in an average of 73 days and 46% were resolved in six-weeks or less (17 of the 37 applications in which information was available). On average, non-Regulation cases were resolved more slowly by the courts in 110 days and with 33% being resolved in six weeks with 4 of the 12 applications in which information was available).

E. Incoming access applications

1. The Contracting States which made the application

352. In 2015, Germany received 29 access applications from 19 different Central Authorities.

The Contracting States which made the access applications to Germany

State	Number of applications	%	State	Number of applications	%
United States	6	21%	France	1	3%
Belgium	2	7%	Hungary	1	3%
Croatia	2	7%	Mexico	1	3%
Italy	2	7%	Moldova, Republic of	1	3%
Japan	2	7%	Netherlands	1	3%
United Kingdom	2	7%	Singapore	1	3%
Albania	1	3%	Turkey	1	3%
Australia	1	3%	Ukraine	1	3%
Austria	1	3%	Venezuela	1	3%
Brazil	1	3%			
Total				29	≈100%

2. The respondent

a. *The relationship of the respondent to the child*

353. In 2015, a majority, 66%, of respondents were mothers (19 applications), and 54% were fathers (10 applications). This is a decrease in the proportion of respondent mothers compared with 87% in 2008, 83% in 2003 and 96% in 1999.

²³ Based on information on 44 Regulation cases and 11 non-Regulation cases.

354. This can be compared with the global average of 73% of applications involving respondent mothers and 25% fathers.

b. The status of the respondent as carer to the child

355. The German Central Authority was unable to provide information on the status of the respondent as carer to the child.

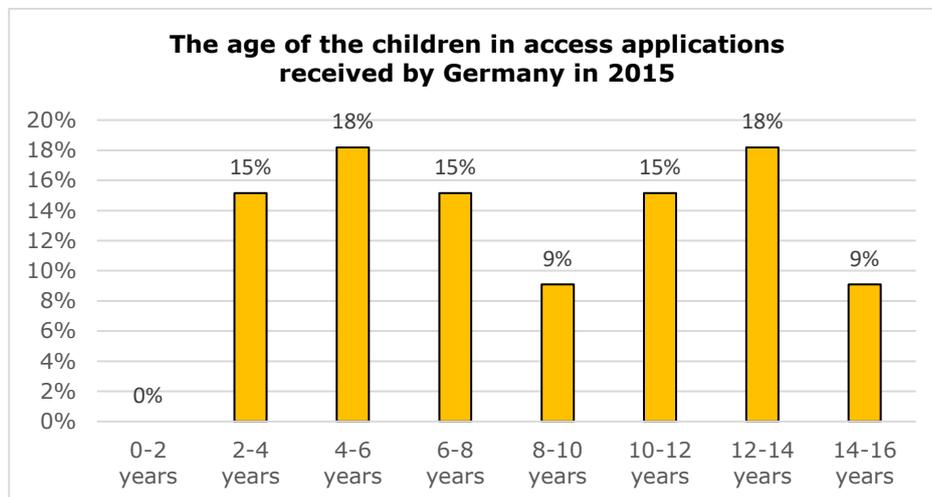
c. The nationality of the respondent

356. The German Central Authority was unable to provide information on the nationality of the respondent.

3. The children

357. In 2015, 1.2 children child was involved in each access application to Germany compared with the global average of 1.3 children per application.

358. The average age of the children was recorded in time bands of 2 years. As can be seen in the table below. The estimated average age was 8.6 years compared with 8.0 years globally



359. In 2015, 52% of the children involved were female and 49% male. Globally, the proportions were 51% and 49%, respectively.

4. Outcomes

360. Of the 29 access applications received by Germany, the outcomes were known in 18. The rate at which access was agreed or ordered was 11%, compared with 27% globally. As shown in the table below, a high proportion of applications ended in 'other' outcomes (14 applications, 78%). Of these, 12 applications were closed due to the 'inaction' of the applicant and in the remaining two the outcome was not specified.

The outcomes in applications received by Germany in 2015 compared with the global averages

	Germany	Global
Rejection	0 (0%)	4%
Access agreed outside of court	1 (6%)	11%
Access judicially granted	1 (6%)	16%
Access judicially refused	0 (0%)	2%
Pending	0 (0%)	17%
Withdrawn	2 (11%)	19%
Other	14 (78%)	31%
Total	18 (100%)	100%

361. The table below compares the outcomes of access applications with previous surveys. It should be noted that these figures are based on relatively low numbers of applications.²⁴

The outcomes in applications received by Germany in 2015, 2008, 2003 and 1999

	1999	2003	2008	2015
Rejection	8%	33%	10%	0%
Access agreed outside of court	11%	28%	0%	6%
Access judicially granted	17%	17%	6%	6%
Access judicially refused	8%	0%	0%	0%
Pending	8%	11%	42%	0%
Withdrawn	46%	0%	16%	11%
Other	4%	11%	26%	78%
Total	102%	100%	100%	100%

5. The reasons for rejection by the Central Authority

362. No applications were rejected by the German Central Authority, compared with 4% globally.

363. Three applications were rejected in 2008 and one in 2003.

6. The reasons for judicial refusal

364. No applications were judicially refused in 2015, 2008, 2003 or 1999.

7. Timing

365. Dates were available in only two applications. One, ending in a judicial order for access took 251 days to conclude, compared with the global average of 291 days to conclude a judicial order for access. The second application took 451 days and ended in the application being withdrawn.

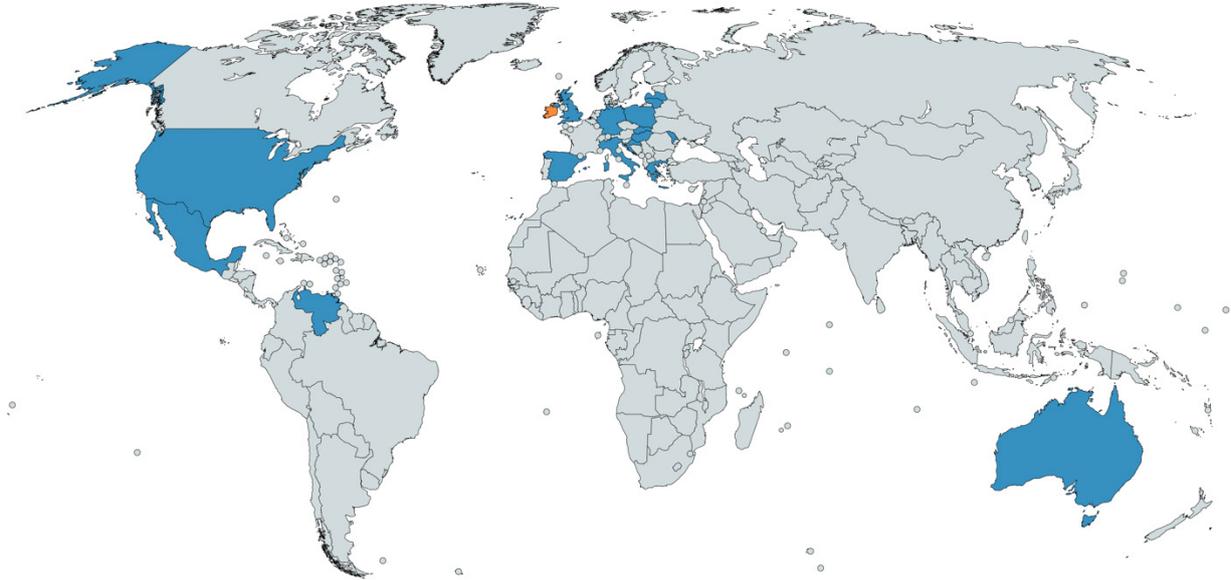
366. In 2008, dates were available for three applications. Two, ending in orders for access took 255 and 617 days to conclude. The third took 336 days to reach a court-approved settlement. In 2003 one application ending in a judicial order for access took 280 days and another took three days and was said to end in a return 'following direct compulsion/coercion'.

²⁴ The figures are based on 31 applications received in 2008, 18 applications in 2003 and 24 applications in 1999.

IRELAND

A. Executive summary

Return and access applications received by Ireland in 2015



367. In 2015 Ireland received 40 return and six access applications from 16 States. The map above highlights the States which sent these applications to Ireland.

368. This was a 17% decrease in return applications and a 54% decrease in access applications from the 48 return and 13 access applications received in 2008. In total the Irish Central Authority dealt with 100 applications, 22% decrease on the 129 dealt with in 2008.

369. Of the return applications received, 38% ended in the child's return. This is a decrease on the return rates of 61% in 2008, 66% in 2003 and 60% in 1999.

370. Overall, 45% of applications globally ended in the return of the children involved. Compared with these global figures, more applications received by Ireland ended in voluntary agreements for return, access, 'other' outcomes or remained pending. By contrast, fewer applications ended in judicial returns, judicial refusals, or were withdrawn.

371. The average time taken to conclude an application from the date it was received by the Irish Central Authority was 180 days, compared with the global average of 164 days. Judicial orders for return took an average of 179 days, compared with 204 days in 2008 and judicial refusals took 350 days compared with 140 days in 2008.

372. Ireland also received six access applications in 2015. Information on the outcome was known for five of the six applications and each of these ended in 'other' outcomes, compared with 31% globally. Three of the cases were closed due to no communication from the applicant and two because the applicant did not qualify for legal aid.

B. The number of applications received and sent in 2015

The number of applications received and sent by Ireland in 2015 compared with previous surveys

	1999	2003	2008	2015
Incoming Return	38	33	48	40
Incoming Access	1	2	13	6
Outgoing Return	21	23	57	50
Outgoing Access	0	0	11	4
Total	60	58	129	100

373. In 2015 the Irish Central Authority dealt with a total of 100 applications. A 22% decrease on the 129 dealt with in 2008 and a 72% increase on the 58 in 2003. It was the fifteenth busiest Central Authority.

C. Incoming return applications

1. The Contracting States which made the application

374. In 2015, Ireland received 40 return applications from 14 different States. This can be compared with 48 applications from 26 States in 2008, 33 applications from 17 States in 2003 and 38 applications from 16 States in 1999.

The Contracting States which made return applications to Ireland

State	Number of applications	%	State	Number of applications	%
United Kingdom	18	45%	Croatia	1	3%
Poland	5	13%	Greece	1	3%
Lithuania	3	8%	Latvia	1	3%
Germany	2	5%	Mexico	1	3%
Slovakia	2	5%	Moldova, Republic of	1	3%
United States	2	5%	Spain	1	3%
Australia	1	3%	Venezuela	1	3%
Total				40	100%

375. In 2015, 85% of return applications to Ireland came from EU States bound by the revised Brussels II Regulation (that is, all such States, except for Denmark).²⁵ Compared with 83% in 2008, 70% in 2003 and 74% in 1999, from what would now be EU States.

376. As in previous surveys, most applications came from the United Kingdom. This can be compared with 19 applications, 40%, in 2008 (16 of which came from England and Wales and three from Northern Ireland); 17 applications, 52%, in 2003; and 23 applications, 61%, in 1999 (all of which came from England and Wales).

²⁵ The Regulation is discussed in Section D below.

2. The taking person

a. *The relationship of the taking person to the child*

377. In 2015, a majority, 85%, of taking persons were mothers (34 applications), and 15% were fathers (6 applications). In 2008 77% of taking persons were mothers, 69% in 2003 and 82% in 1999.²⁶

378. This can be compared with the global average of 73% of applications involving taking mothers and 24% fathers.

b. *The status of the taking person as carer to the child*

379. Information on the status of the taking person as carer to the child was available for 39 applications. In 21 of these the taking person was the sole primary carer of the child (54%), in 9 they were a joint primary carer (23%) and in 9 a non-primary carer (23%).

380. Where the taking person was the mother of the child, in 20 applications they were also the sole primary carer (61%), in eight a joint primary carer (24%) and in five a non-primary carer (15%). In the 6 cases in which the taking person was the father, one was the sole primary carer of the child (17%), one a joint primary carer (17%) and four were non-primary carers (67%).

381. Globally 20% of taking persons were the child's primary carer, 60% a joint-primary carer and 20% a non-primary carer.

c. *The nationality of the taking person*

382. In 41% of the applications received in 2015 the taking person was an Irish citizen, compared with the global finding that 58% of taking persons who went to a State of which they were a national.

383. In 2008, 25% of taking persons were Irish citizens, 48% in 2003 and 50% in 1999.

3. The children

384. In 2015, 56 children were involved in the 40 applications received by Ireland. This makes an average of 1.4 children per application compared with the global average of 1.3 children.

385. The average age of the children was 7.0 years, the same as in 2003 and slightly higher than the average of 6.3 years in 2008. This is also in line with the global average of 6.8 years in 2015.

386. In 2015, 45% of the children involved were female and 55% male. Globally, the proportions of male and female children in 2015 were 53% and 47%, respectively.

387. This is consistent with previous surveys as 44% of children involved in applications to Ireland were found to be female in 2008, 44% in 2003 and 43% in 1999.

²⁶ In 1999 the relationship between the taking person and the child was not recorded but, as the vast majority of taking persons are parents, the gender of the taking person gives a good indication. In 1999, [82%] of taking persons in applications received by Ireland were female and so probably mothers.

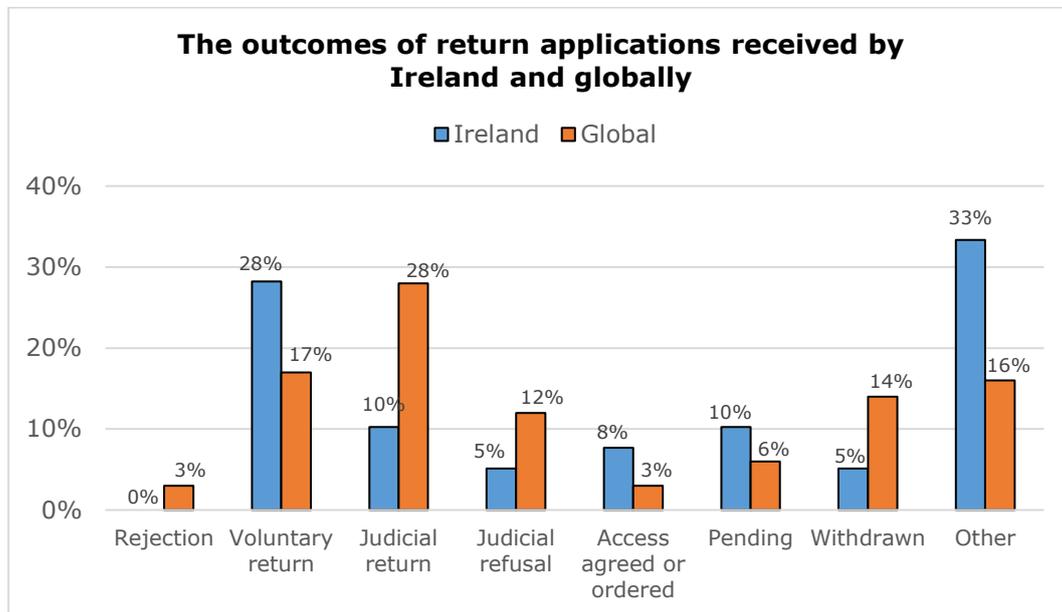
4. Outcomes

The outcomes of return applications received by Ireland in 2015

	Ireland	Global
Rejection	0 (0%)	3%
Voluntary return	11 (28%)	17%
Judicial return	4 (10%)	28%
Judicial refusal	2 (5%)	12%
Access agreed or ordered	3 (8%)	3%
Pending	4 (10%)	6%
Withdrawn	2 (5%)	14%
Other	13 (33%)	16%
Total	39 (100%)	≈100%

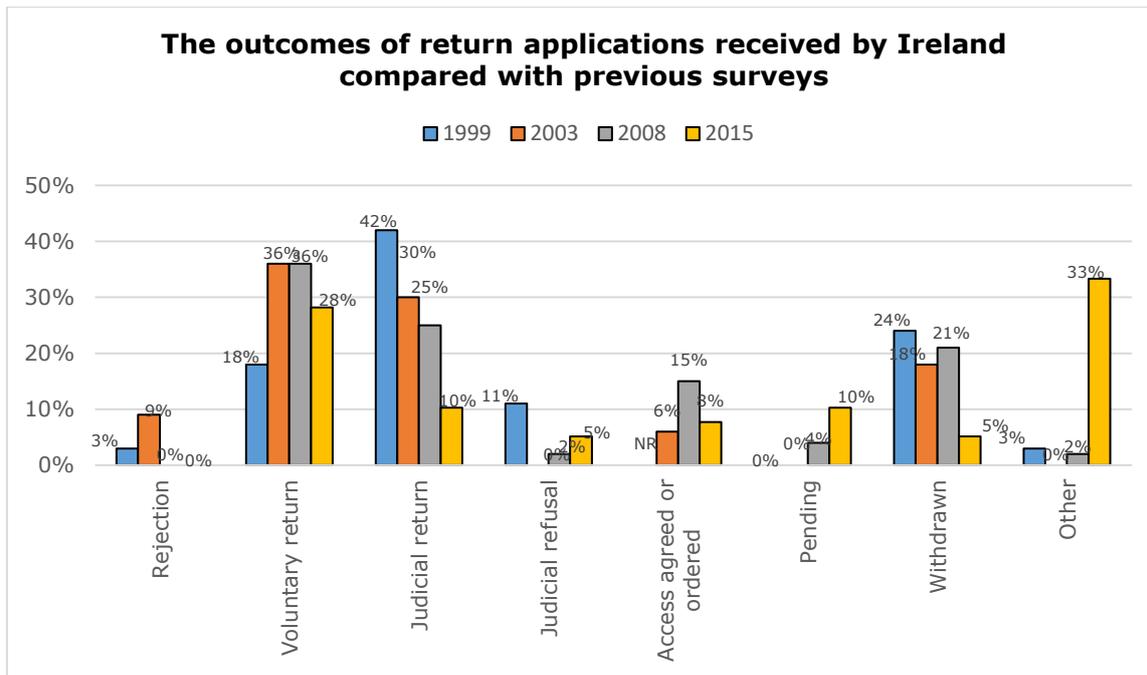
388. The graph below shows more clearly how the results in applications received by Ireland compare with those globally. In 2015, 38% of applications received by Ireland ended with a return compared with the global return rate of 45%. A higher proportion ended in a voluntary agreement to return but fewer were returned by court order, although in the latter case very few cases (nine out of 39, 23%) went to court at all.

389. Furthermore, proportionally fewer applications received by Ireland were refused or withdrawn but more ended in agreements or orders for access, were pending or ended in 'other' outcomes. These 13 'other' outcomes included seven voluntary agreements for the child to remain in Ireland and six other cases ending in various outcomes such as the child not being traced, the applicant ending contact with the Central Authority and the case being rejected by the Legal Aid Board.



a. Outcomes of return applications received by Ireland in previous years

390. The graph below shows the outcomes of applications received by Ireland in 2015 and previous Surveys. There is a clear decline in the proportion of applications ending in judicial orders for return and an increase in applications which ended in 'other' outcomes or which remained pending.



b. Returns

391. In 2015 the overall return rate in Ireland was 38% comprising 11 voluntary returns and four judicial returns. This is lower than the return rates of 61% in 2008, 66% in 2003 and 60% in 1999.

392. Of the nine cases that were decided in court in 2015, four (44%) ended in a judicial order for return, one with the consent of the parties and three without. Of the remaining five applications decided in court, two ended in a refusal to return, two in an unspecified voluntary agreement and one in a voluntary return. Globally, 65% of cases decided in court ended with a judicial return.

c. Judicial refusals

393. Out of the nine cases that went to court, two (22%) were refused, compared with 28% globally. This can be compared with 5% of the applications that went to court in Ireland in 2008.

394. In 2015 both applications were refused based on Article 13(1) b) compared with 25% globally.

395. In 2008 only one application was judicially refused. This refusal was based on a finding that the child was not habitually resident in the requesting State. No applications were refused in 2003 and, in 1999, four applications were refused: one because the applicant had no rights of custody and two because the court ordered retention with agreement. No information was available for the reasons in the fourth refusal.

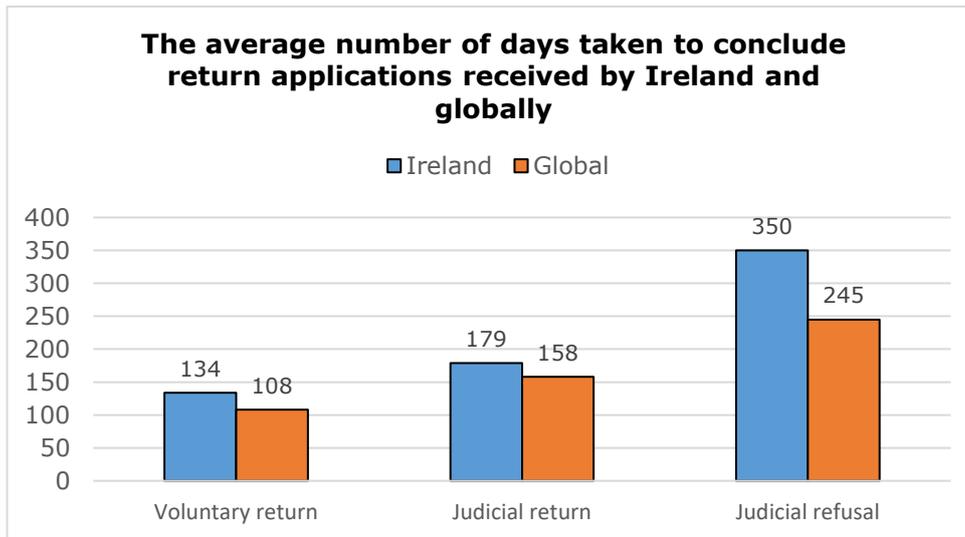
5. Timing

396. The average time taken to reach a final settlement in the return applications from the date they were received by the Irish Central Authority was 180 days, compared with the global average of 164 days.

397. The average time depended heavily on the outcome which was reached, as can be seen in the table and graph below. For each outcome, applications took longer to conclude in Ireland, compared with the global average.

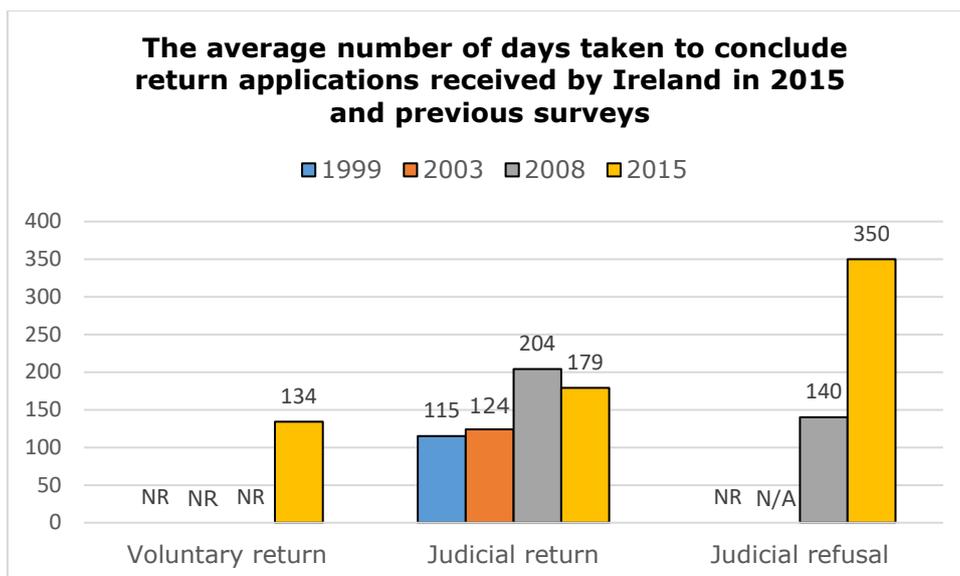
The number of days taken to reach a final outcome in applications received by Ireland

	Voluntary return	Judicial return	Judicial refusal
Average (mean)	134	179	350
Minimum	29	109	249
Maximum	359	309	451
Number of cases	11	4	2



a. Timing in previous years

398. The graph below compares the time take to reach a final outcome in applications received by Ireland in 2015, 2008, 2003 and 1999. Although, on average, judicial returns were resolved more quickly than in 2008, judicial refusals (albeit based on only two cases) took significantly longer to conclude.



b. Time taken to send application to court

399. In Ireland it took an average of 49 days before the application was sent to court and the court then took an average 140 days to reach a final outcome. This can be compared with the

global averages of 93 days to send the application to court and a further 125 days to reach a final outcome.

400. In 2008 it took 66 days before the application was sent to court in Ireland and a further 149 days to conclude.

c. Appeals

401. In 2015, of the nine applications that went to court in Ireland, four involved an appeal (44%). This is higher than the global average of 31%.

402. In 2015 the average time taken to reach a first instance decision was 101 days compared with 215 days to finalise a case that was appealed. The global averages were 179 days for a first instance decision and 266 days to conclude an appeal.

403. In 2008, 20 return applications were decided in court and two of these decisions (10%) were appealed. One of the appealed applications was decided at first instance in 88 days and took an overall 93 days to conclude and the other was decided at first instance in 522 days and took 526 days to conclude overall on appeal.

D. The Impact of the Revised Brussels II a Regulation

1. Applications between BIIa States

404. The revised Brussels II Regulation (BIIa) applies to 27 EU Member States ('Brussels II a States') i.e. all such States except for Denmark. In 2015 Brussels II a States received a total of 1,161 return applications. Of these, 830 applications came from fellow Brussels II a States (71%) and the remaining 331 applications came from what will be termed 'non-Brussels II a States' (29%).

405. 34 of the 40 return applications received by Ireland in 2015 came from other Brussels II a States (85%). This compares with 83% in 2008, 67% in 2003 and 74% in 1999 from what would now be Brussels II a States.

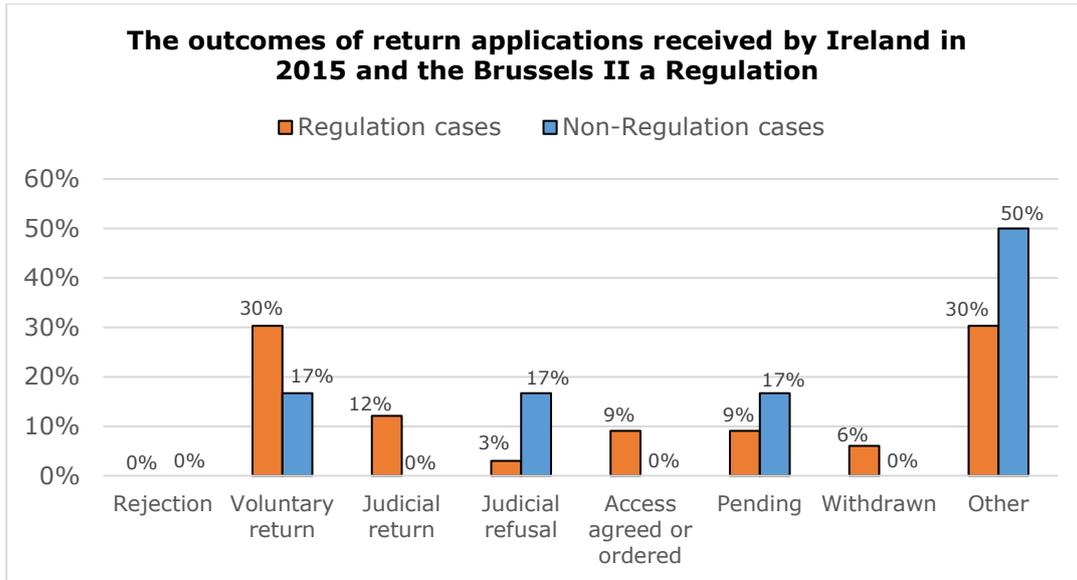
2. Brussels II a Regulation and outcomes

406. For convenience, in the following analysis we will refer to those applications made to Ireland by BIIa States as 'Regulation cases' and to those received from non-BIIa States as 'non-Regulation cases'.

407. The graph below shows the outcomes of return applications received by Ireland from Brussels II a States and non-Brussels II a States.²⁷ As only six applications were received from non-Brussels II a States, the proportions are based on a relatively low number of applications.

408. Proportionally more Regulation Cases ended in a voluntary or judicial return (42%, compared with 17%) and proportionally fewer were judicially refused, pending or ended in 'other' outcomes.

²⁷ Information on outcomes was available in 39 applications received from Brussels II a States and 6 applications from non-Brussels II a States.



3. Refusals and reasons for refusal

409. Two of the applications received in 2015 were refused by the Irish courts. One was a Regulation case and one a non-Regulation case. Both refusals were based on Article 13(1) b).

4. Brussels II a and timing

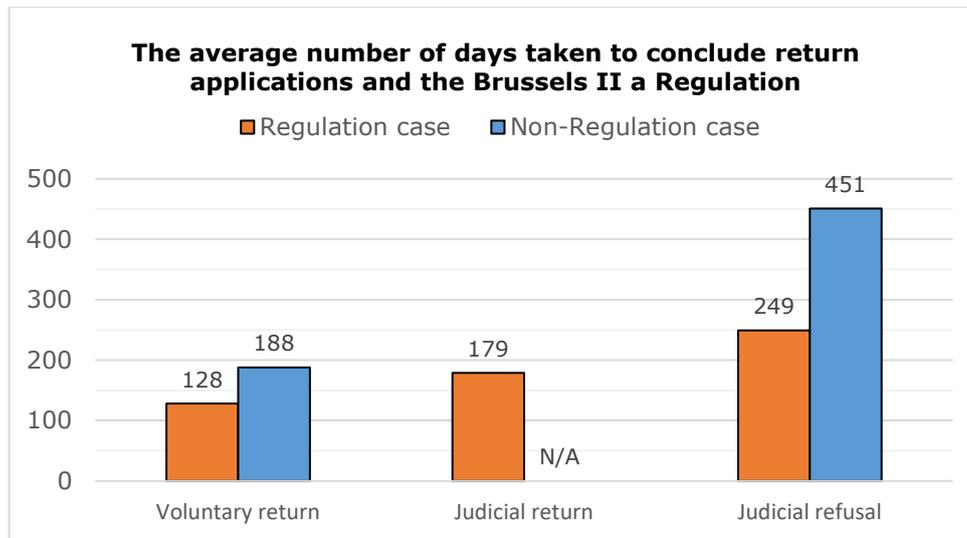
410. Overall, Regulation cases were resolved more quickly, in an average of 170 days from the date at which they were received by the Irish Central Authority compared with 253 days for non-Regulation cases.²⁸ This was not the case in 2008 when the figures were 204 days and 138 days, respectively.

411. The table below compares the time taken to reach different outcomes in Regulation and non-Regulation cases. Overall Regulation cases were resolved more quickly, though the averages are based on the timing for only two non-Regulation cases.

The number of days taken to reach a final outcome and the Brussels II a Regulation

	Voluntary Return		Judicial return		Judicial Refusal	
	Brussels II a State	Non-Brussels II a State	Brussels II a State	Non-Brussels II a State	Brussels II a State	Non-Brussels II a State
Mean	128	188	179	N/A	249	451
Minimum	29	188	109		249	451
Maximum	359	188	309		249	451
<i>No. of applications</i>	<i>10</i>	<i>1</i>	<i>4</i>	<i>0</i>	<i>1</i>	<i>1</i>

²⁸ Based on 22 applications from Brussels II a States for which information was available and 3 applications from non-Brussels II a States.



E. Incoming access applications

1. The Contracting States which made the application

412. In 2015, Ireland received six access applications from five different Central Authorities.

The Contracting States which made access applications to Ireland

State	Number of applications	%
USA	2	33%
Hungary	1	17%
Italy	1	17%
Lithuania	1	17%
United Kingdom	1	17%
Total	6	100%

2. The respondent

a. The relationship of the respondent to the child

413. In 2015, all of the respondents in the six access applications were mothers, this was also the case in 2003 and 1999 and can be compared with 85% in 2008.

414. Globally, in 2015 73% of applications involving respondent mothers and 26% involving respondent fathers.

b. The status of the respondent as carer to the child

415. In all of the applications the respondent was the sole primary carer of the child. This information was unavailable for previous surveys but can be compared with the global proportions of 71% of access applications involving respondents who were the primary carer, 21% the joint-primary carer and 8% a non-primary carer.

c. The nationality of the respondent

416. The respondent was an Irish citizen in only two of the applications (33%), compared with the global average of 58% of respondents who were a national of the Requested State.

417. In 2008, 82% of respondents in access applications were Irish citizens (10 applications). In 2003, one of the two respondents was an Irish citizen and in 1999 the respondent was not Irish.

3. The children

418. In 2015, eight children were involved in the six access applications, an average of 1.3 children per application, the same as the global average.

419. The average age of the children was 7.8 years compared with 5.7 years in 2008 and 7.3 years in 2003. The global average age was 8.0 years.

420. In 2015, 38% of the children involved were female and 63% male. Globally, the proportions of male and female children in 2015 were 49% and 51%, respectively.

421. In 2008 29% of the children involved in access applications to Ireland were female, in 2003, 2 out of the 3 children were female and in 1999 the one child involved was female.

4. Outcomes

422. Information on the outcome was known for five of the six applications and each of these ended in 'other' outcomes, compared with 31% globally. Three of the cases were closed due to no communication from the applicant and two because the applicant did not qualify for legal aid.

423. The table below compares the outcomes of access applications in 2015 with those in previous surveys. In 2008 the overall rate at which access was agreed or ordered was 31% (4 applications). Two applications ended in 'other' outcomes and in both instances the child was returned to the requesting State.

424. In 1999 the access application was forwarded to the legal board to be pursued under domestic legislation.

The outcomes in applications received by Ireland in 2015, 2008, 2003 and 1999

	1999	2003	2008	2015
Rejection	0%	0%	0%	0%
Access agreed outside of court	0%	0%	8%	0%
Access judicially granted	0%	50%	23%	0%
Access judicially refused	0%	0%	0%	0%
Pending	0%	50%	31%	0%
Withdrawn	0%	0%	23%	0%
Other	100%	0%	15%	100%
Total	100%	100%	100%	100%

a. The reasons for judicial refusal

425. No applications were judicially refused in 2015, 2008, 2003 or 1999. Globally only six access applications were judicially refused (2%).

5. Timing

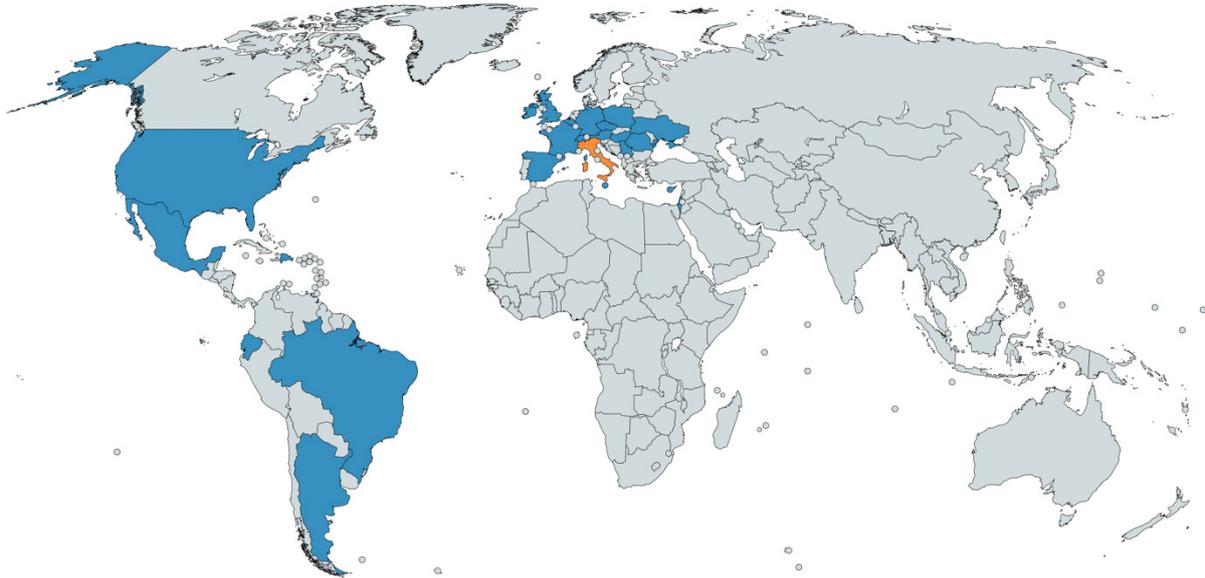
426. Information was not available on the time it took to conclude access applications in 2015, 2003 or 1999. Globally, it took an average of 254 days to reach a final outcome.

427. . In 2008 information was available for three applications. Two of these applications ended with access being judicially granted; one took 10 days and the other 638 days. The other application ended in an agreement for access which took 240 days to conclude.

ITALY

A. Executive summary

Return and access applications received by Italy in 2015



428. In 2015 Italy received 55 return and 13 access applications from 23 States. The map above highlights the States that sent these applications to Italy.

429. This was a 4% increase in return applications and a 43% decrease in access applications from the 53 return and 23 access applications received in 2008. In total the Italy Central Authority dealt with 243 applications, an 2% increase on the 238 dealt with in 2008. The Italian Central Authority was the sixth busiest Authority in 2015.

430. Of the return applications received, 38% ended in the child's return, compared with 45% globally. This is a decrease on the 46% return rate in 2008, 50% in 2003 and 59% in 1999. This is largely due to the steady decrease in judicial returns from 44% in 1999 to 17% in 2015.

431. The average time taken to reach a final settlement in the return applications received by Italy was 88 days, compared with the global average of 164 days.

432. Of the 10 access applications in which information on the outcomes was available, 2 ended in a judicial order for access (20%). Globally, 27% of applications ended in access being agreed or ordered.

433. The Brussels II a Regulation did not appear to have an impact on the return rate in applications received by Italy, with 38 of Regulation cases and 39% of non-Regulation cases ending in the return of the child. However, proportionally more Regulation cases ended in a voluntary return and fewer ended in a judicial refusal to return.

434. Overall, Regulation cases were resolved more quickly in an average of 60 days from the date at which they were received by the Italian Central Authority compared with 116 days for non-Regulation cases. This was also the case in 2008 when the figures were 108 days and 152 days, respectively.

B. The number of applications received and sent in 2015

The number of applications received and sent by Italy in 2015 compared with previous surveys

	1999	2003	2008	2015
Incoming Return	41	46	53	55
Incoming Access	4	3	23	13
Outgoing Return	48	52	144	156
Outgoing Access	21	22	18	19
Total	114	123	238	243

435. In 2015 the Italy Central Authority dealt with a total of 243 applications. A 2% increase/decrease on the 238 dealt with in 2008 and a 98% increase on the 123 in 2003.

436. As in 2008, Italy made a large number of outgoing applications: 175 outgoing applications compared with 68 incoming applications.

C. Incoming return applications

1. The Contracting States which made the application

437. In 2015, Italy received 55 return applications from 23 different States. This can be compared with 53 applications from 25 States in 2008, 46 applications from 18 States in 2003 and 41 applications from 16 States in 1999.

The Contracting States which made return applications to Italy

State	Number of applications	%	State	Number of applications	%
Argentina	1	2%	Israel	1	2%
Austria	1	2%	Malta	5	9%
Belgium	3	5%	Mexico	1	2%
Brazil	3	5%	Poland	3	5%
Cyprus	1	2%	Romania	1	2%
Czech Republic	2	4%	Serbia	1	2%
Dominican Republic	1	2%	Spain	3	5%
Ecuador	1	2%	Switzerland	3	5%
France	1	2%	Ukraine	4	7%
Germany	4	7%	United Kingdom	6	11%
Hungary	1	2%	United States	6	11%
Ireland	2	4%			
Total				55	100%

2. The taking person

a. The relationship of the taking person to the child

438. Information was not available on the relationship between the taking person and the child. In 2008 a majority, 66%, of the taking persons were mothers and 52% in 2003.

b. The status of the taking person as carer to the child

439. Information was not available on the status as the taking person as carer to the child. In 2008, 87% of applications involved a taking person who was a primary carer of the child (8% were a sole primary carer and 79% a joint primary carer.

c. The nationality of the taking person

440. Information was not available on the nationality of the taking person.

3. The children

441. Information was not available on the children involved in return applications in 2015.

442. In 2008, 76 children were involved in the 53 applications received by Italy, making an average of 1.4 children per application. In 2003 an average of 1.3 children were involved in each application to Italy and, in 1999, 1.4 children.

443. In 2008 the average age of a child involved in a return application to Italy was 6.5 years compared with 7.0 years in 2003.

444. In 2008, 55% of the children involved were female and 45% male compared with 52% and 48%, respectively, in 2003 and 46% and 54% in 1999.

4. Outcomes

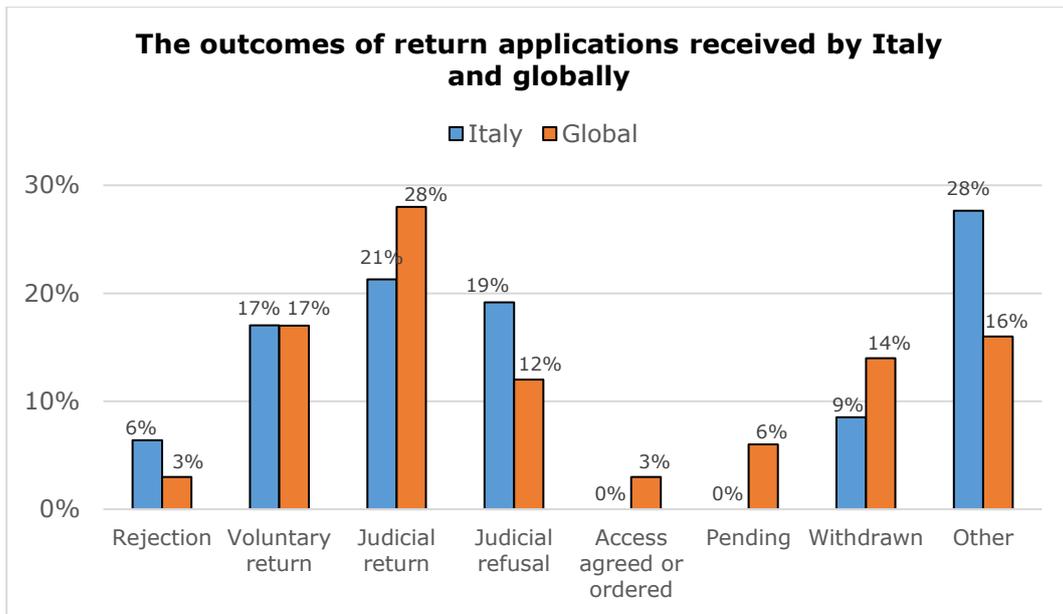
The outcomes of return applications received by Italy in 2015

	Italy	Global
Rejection	3 (6%)	3%
Voluntary return	8 (17%)	17%
Judicial return	10 (21%)	28%
Judicial refusal	9 (19%)	12%
Access agreed or ordered	0 (0%)	3%
Pending	0 (0%)	6%
Withdrawn	4 (9%)	14%
Other	13 (28%)	16%
Total	47 (100%)	≈100%

445. The graph below shows more clearly how the results in applications received by Italy compare with those globally. In 2015, 38% of applications received by Italy ended with a return compared with the global return rate of 45%.

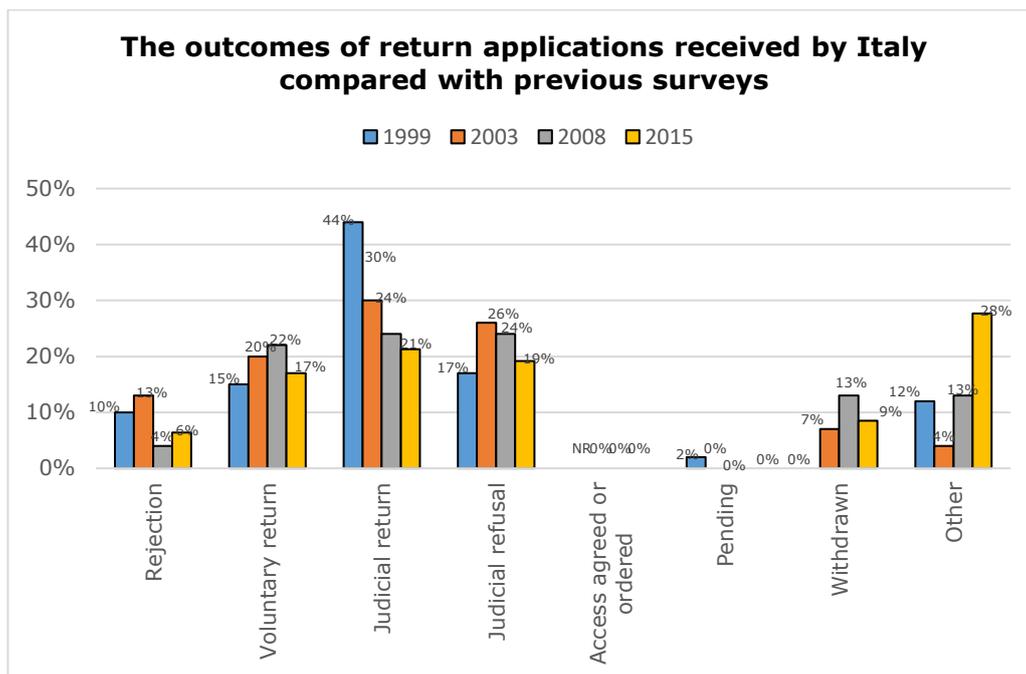
446. A high proportion of applications ended in 'other' outcomes: 28% compared with 16% globally. Of these 13 applications, six were closed due to the inaction of the applicant, three after an unspecified voluntary agreement, one because the child was traced to another Convention country and three for other reasons.

447. Furthermore, no applications were pending at the cut-off date of 30 June 2017.



a. *Outcomes of return applications received by Italy in previous years*

448. The graph below compares the outcomes of applications received by Italy in 2015 with previous surveys.



b. *Returns*

449. The overall return rate of 38% in 2015 has decreased from 46% in 2008 (21 applications), 50% in 2003 (23 applications) and 59% in 1999 (24 applications). This is largely due to the steady decrease in judicial returns from 44% in 1999 to 17% in 2015.

450. Of the 19 cases that were decided in court, 53% ended in a return, compared with 50% in 2008. Globally in 2015, 65% of applications decided in court ended in an order for return.

c. *Judicial refusals*

451. Out of the 19 cases that went to court, nine (47%) were refused, compared with 28% globally.

452. Overall, 19% of applications received by Italy were refused, compared with 24% in 2008, 26% in 2003 and 17% in 1999. Each refusal was based on just one ground.

453. The reasons for refusal are shown in the table below

Reasons for refusal in applications received by Italy and globally in 2015

Outcome	Italy	Global
Child not habitually resident in requesting state	0 (0%)	46 (25%)
Applicant had no rights of custody	0 (0%)	13 (7%)
Art 12	2 (22%)	32 (17%)
Art 13(1) a) not exercising rights of custody	2 (22%)	11 (6%)
Art 13(1) a) consent	0 (0%)	28 (15%)
Art 13(1) a) acquiescence	3 (33%)	16 (9%)
Art 13(1) b)	2 (22%)	47 (25%)
Child's objections	0 (0%)	27 (15%)
Art 20	0 (0%)	2 (1%)
Number of reasons	9 (100%)	222 (120%)
Number of applications	9	185

454. Compared with the global figures, a higher proportion of applications refused by the Italian courts were based on Article 13(1) a) acquiescence, Article 12 or the applicant not exercising rights of custody. By contrast, slightly fewer applications were refused based on Article 13(1) b) and no applications were refused based on the child not being resident in the requesting State or the child's objections, each of which comprised a larger proportion of the global figures. It should be noted, however, that these proportions are based on a relatively small number of applications.

5. Timing

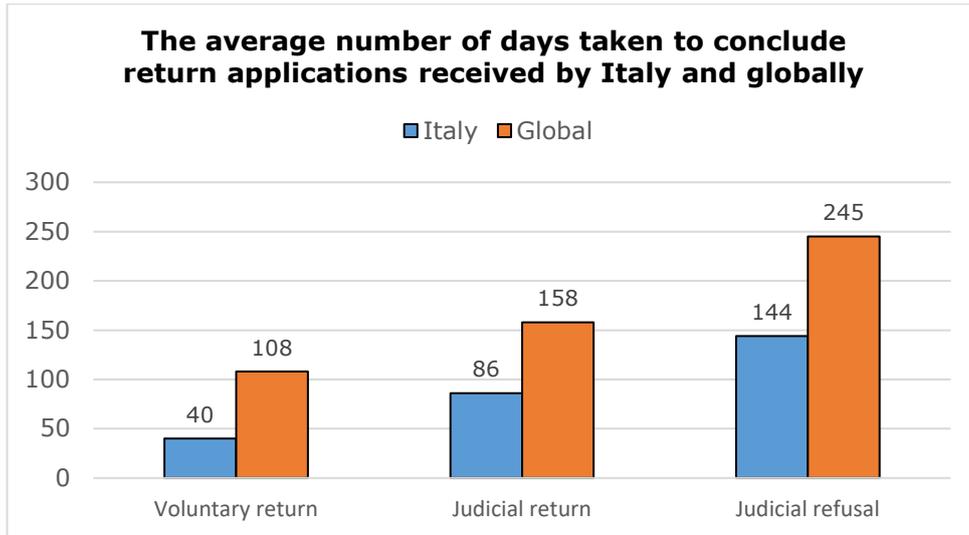
455. The average time taken to reach a final settlement in the return applications from the date they were received by the Italian Central Authority was 88 days, compared with the global average of 164 days.

456. The average time depended heavily on the outcome which was reached, as can be seen in the table below.

The number of days taken to reach a final outcome in applications received by Italy

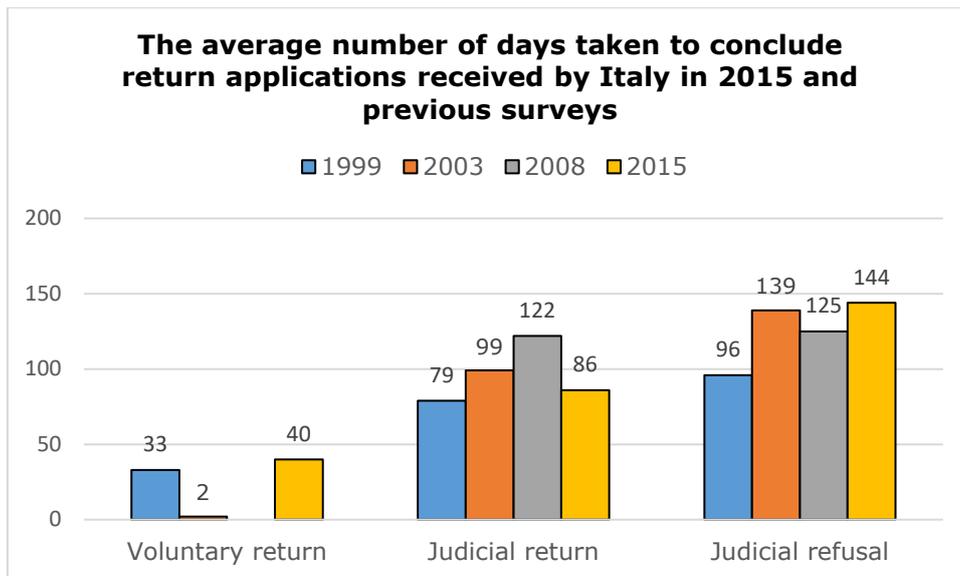
	Voluntary return	Judicial return	Judicial refusal
Average (mean)	40	86	144
Minimum	40	23	144
Maximum	40	168	144
Number of cases	1	6	1

457. Overall, as the graph below shows, applications received by Italy were resolved more quickly compared with the global averages in 2015.



a. *Timing in previous years*

458. The graph below compares the time take to reach a final outcome in applications received by Italy in 2015, 2008, 2003 and 1999. Information was only available for one application ending in a judicial refusal. This case took longer to conclude compared with previous surveys whereas the six applications ending in judicial orders for return were concluded more quickly, on average.



b. *Time taken to send application to court*

459. The Italian Central Authority was unable to provide information on the date the application was sent to court.

c. *Appeals*

460. In 2015, and 2008 information was not available on the number of appeals in applications received by Italy.

D. The Impact of the Revised Brussels II a Regulation

1. Applications between BIIa States

461. The revised Brussels II Regulation (BIIa) applies to 27 EU Member States ('Brussels II a States') i.e. all such States except for Denmark. In 2015 Brussels II a States received a total of 1,161 return applications. Of these, 830 applications came from fellow Brussels II a States (71%) and the remaining 331 applications came from what will be termed 'non-Brussels II a States' (29%).

462. In 2015, 60% of return applications to Italy came from EU States compared with 64% in 2008. In 2003, 50% of applications came from what would now be EU states and 78% in 1999.

2. Brussels II a Regulation and outcomes

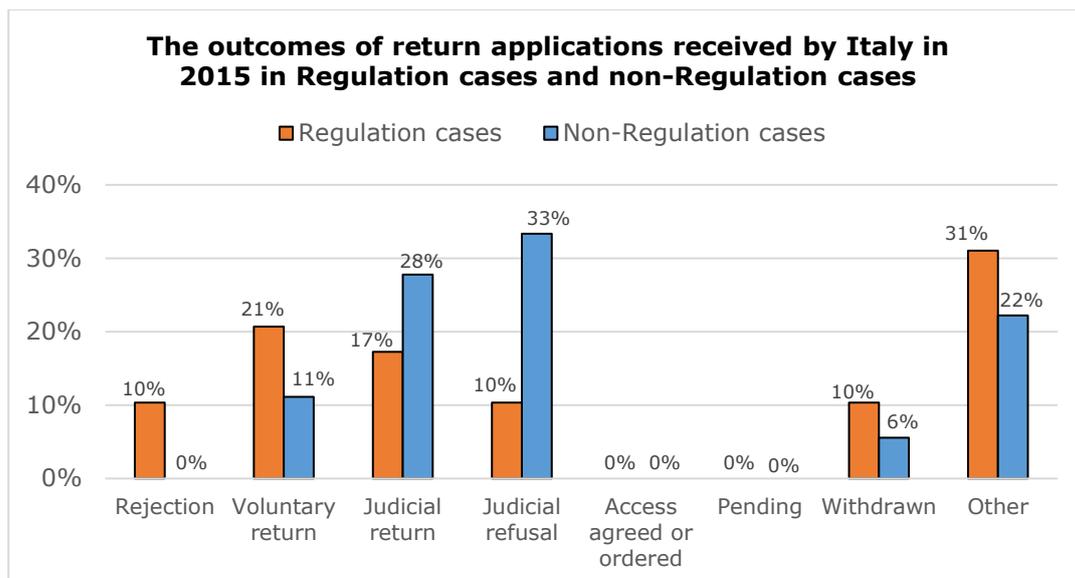
463. For convenience, in the following analysis we will refer to those applications made to Italy by BIIa States as 'Regulation cases' and to those received from non-BIIa States as 'non-Regulation cases'.

464. The graph below shows the outcomes of return applications received by Italy in Regulation cases and non-Regulation cases.²⁹

465. The return rate was similar regardless of whether or not the Regulation applied: at 38% in Regulation cases and 39% in non-Regulation cases. However, there were proportionally more voluntary returns in Regulation cases and more judicial orders for return in non-Regulation cases. This was also the case in 2008 where 53% of Regulation cases ended in a return (30% in a voluntary return and 18% in a judicial return) and 38% of non-Regulation cases (0% in a voluntary return and 38% in a judicial return).

466. A significantly higher proportion of non-Regulation cases ended in an order refusing return: 33% (6 applications) compared with 10% (3 applications) in Regulation cases. This was not the case in 2008 where 24% of Regulation cases and 23% of non-Regulation cases ended in a judicial refusal.

467. Finally, 10% of Regulation cases were rejected by the Central Authority (3 applications) compared with no non-Regulation cases. In 2008 the inverse was true with 3% of Regulation cases being rejected compared with only 8% of non-Regulation cases.



²⁹ Information on outcomes was available in 29 applications received from Brussels II a States and 18 applications from non-Brussels II a States.

3. Refusals and reasons for refusal

468. Information on the reasons for refusal was provided for nine applications. Three of these were Regulation cases and six were non-Regulation Cases. The table below compares the reasons for refusal in these applications. Bearing in mind the small number of cases, proportionally more Regulation cases were refused based on Article 13(1) b), the same proportion were refused based on Article 13(1) a) and fewer based on Article 12 or the applicant not exercising rights of custody (Article 13(1) a)). Strikingly, there were no refusals based upon the child's non-habitual residence in the Requesting State nor upon the child's objections.

The combined reasons for refusal (sole and multiple reasons) and the Brussels II a Regulation

	Regulation cases		Non-Regulation cases	
	Frequency	Percentage	Frequency	Percentage
Child not habitually resident in Requesting State	0	0%	0	0%
Applicant had no rights of custody	0	0%	0	0%
Art 12	0	0%	2	33%
Art 13(1) a) not exercising rights of custody	0	0%	2	33%
Art 13(1) a) consent	1	33%	2	33%
Art 13(1) a) acquiescence	0	0%	0	0%
Art 13(1) b)	2	67%	0	0%
Child's objections	0	0%	0	0%
Art 20	0	0%	0	0%
Number of applications	3	100%	6	≈ 100%

4. Brussels II a and timing

469. Information on the time taken to conclude applications was provided for four Regulation cases and four non-Regulation cases. Overall, Regulation cases were resolved more quickly in an average of 60 days from the date at which they were received by the Italian Central Authority compared with 116 days for non-Regulation cases. This was also the case in 2008 when the figures were 108 days and 152 days, respectively.

470. The table below analyses the average time taken to conclude applications according to the final outcome.

The number of days taken to reach a final outcome and the Brussels II a Regulation

	Voluntary Return		Judicial return		Judicial Refusal	
	Regulation cases	Non-Regulation cases	Regulation cases	Non-Regulation cases	Regulation cases	Non-Regulation cases
Mean	40	0	66	106	0	114
Minimum	40	0	23	30	0	114
Maximum	40	0	121	168	0	114
<i>No. of applications</i>	<i>1</i>	<i>0</i>	<i>3</i>	<i>3</i>	<i>0</i>	<i>1</i>

E. Incoming access applications

1. The Contracting States which made the application

471. In 2015, Italy received 13 access applications from 12 different Central Authorities.

The Contracting States which made access applications to Italy

State	Number of applications	%	State	Number of applications	%
Belarus	1	8%	Latvia	1	8%
Belgium	1	8%	Malta	1	8%
Canada	1	8%	Monaco	1	8%
Croatia	1	8%	Switzerland	1	8%
Dominican Republic	1	8%	Thailand	1	8%
Germany	2	15%	United Kingdom	1	8%
Total				13	100%

2. The respondent

a. *The relationship of the respondent to the child*

472. Information was not available on the relationship between the respondent and the child. In 2008 74% of respondents were mothers (17 applications), in 2003 200% (3 applications) and in 1999 50% (2 applications).

b. *The status of the respondent as carer to the child*

473. Information was not available on the status of the respondent as carer to the child.

c. *The nationality of the respondent*

474. Information was not available on the nationality of the respondent.

3. The children

475. Information was not available on the children involved in access applications..

4. Outcomes

476. Of the 10 applications for which information was available, two ended in a judicial order for access (20%). Globally, 27% of applications ended in access being agreed or ordered.

The outcomes in applications received by Italy in 2015 compared with the global averages

	Italy	Global
Rejection	0 (0%)	4%
Access agreed outside of court	0 (0%)	11%
Access judicially granted	2 (20%)	16%
Access judicially refused	2 (20%)	2%
Pending	0 (0%)	17%
Withdrawn	2 (20%)	19%
Other	4 (40%)	31%
Total	10 (100%)	100%

477. As can be seen in the table above, a high proportion of applications ended in other outcomes (four applications, 40%). Three of these ended due to the inaction of the applicant and one due to Article 4.

478. The table below compares the outcomes of access applications with previous surveys.

The outcomes in applications received by Italy in 2015, 2008, 2003 and 1999

	1999	2003	2008	2015
Rejection	0%	0%	0%	0%
Access agreed outside of court	0%	0%	9%	0%
Access judicially granted	50%	100%	36%	20%
Access judicially refused	25%	0%	0%	20%
Pending	0%	0%	0%	0%
Withdrawn	0%	0%	45%	20%
Other	25%	0%	9%	40%
More than one outcome	0%	0%	0%	0%
Total	100%	100%	100%	100%

479. Compared with the 2008 survey, a lower proportion of applications ended in access being agreed or ordered (20% compared with 45% and proportionally more applications were judicially refused: 20% compared with none in 2008. As with return applications, it is striking that there were no 'pending' cases.

a. The reasons for judicial refusal

480. Two access applications were refused by the Italian Central Authority, amounting to 33% of the 6 applications refused globally in 2015. Information was not available on the reasons for refusal in these applications.

5. Timing

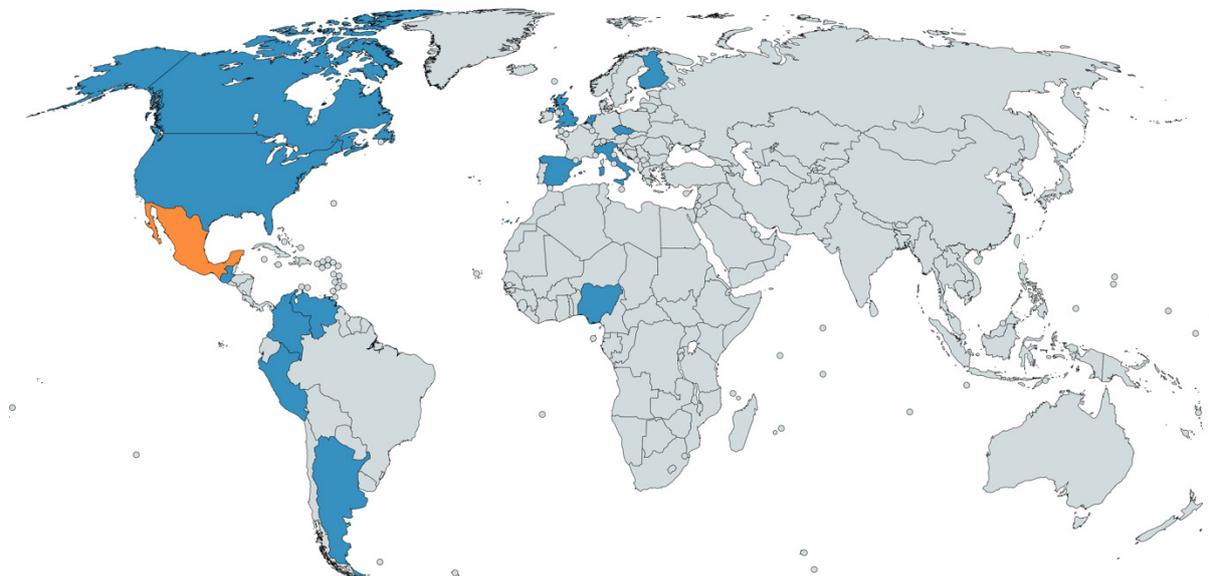
481. Information was not available on the time taken to conclude access applications. Globally, it took an average of 254 days to conclude access applications.

482. In 2008, dates were available for three of the access applications received by Italy. These applications took 113 days, 269 days and 276 days. Each of them ended in access being judicially granted.

MEXICO

A. Executive summary

Return and access applications received by Mexico in 2015



483. In 2015 Mexico received 83 return and 21 access applications from the 16 States highlighted in the map above.

484. This was a 51% decrease in return applications and a 250% increase in access applications from the 168 return and 6 access applications received in 2008. In total the Mexico Central Authority dealt with 306 applications, a 13% increase on the 272 dealt with in 2008.

485. Of the return applications received, 53% ended in the child's return. This can be compared with the previous return rates of 39% in 2008, 63% in 2003 and 15% in 1999.

486. Overall, 45% of applications globally ended in the return of the children involved. Compared with these global figures, more applications received by Mexico ended in a judicial order for return or were rejected. By contrast, proportionally fewer applications were pending, withdrawn or ended in a voluntary return or 'other' outcomes.

487. In general, return applications were resolved more quickly than in 2008 but less quickly than in 2003. The overall average time was 170 days. Voluntary returns took 192 days compared with 108 days globally, judicial returns took 163 days compared with 158 days globally and judicial refusals took 246 days compared with 244 days globally.

488. The Mexican Central Authority also received 21 access applications. A high proportion of these ended in judicial orders for access: 62% compared with the global average of 16%. They were also resolved more quickly in an average of 204 days compared with 254 days globally.

B. The number of applications received and sent in 2015

The number of applications received and sent by Mexico in 2015 compared with previous surveys

	1999	2003	2008	2015
Incoming Return	41	27	168	83
Incoming Access	0	0	6	21
Outgoing Return	55	91	93	169
Outgoing Access	0	5	5	33
Total	96	123	272	306

489. In 2015 the Mexico Central Authority dealt with a total of 306 applications. A 13% increase on the 272 dealt with in 2008 and a 149% increase on the 123 in 2003. It was the fourth busiest Central Authority.

C. Incoming return applications

1. The Contracting States which made the application

490. In 2015, Mexico received 83 return applications from 14 different States. This is a decrease on the 168 return applications from 16 States in 2008 but an increase on the 27 applications from four States in 2003 and 41 applications from seven States in 1999.

The Contracting States which made return applications to Mexico

State	Number of applications	%	State	Number of applications	%
United States	65	78%	Czech Republic	1	1%
Venezuela	3	4%	Finland	1	1%
Argentina	2	2%	France	1	1%
Spain	2	2%	Guatemala	1	1%
United Kingdom	2	2%	Italy	1	1%
Canada	1	1%	Netherlands	1	1%
Colombia	1	1%	Peru	1	1%
Total				83	100%

491. As in previous surveys, the highest number of applications from a single State came from the USA: 65 applications (78%) compared with 144 applications (86%) in 2008, 23 applications (85%) in 2003 and 35 applications (85%) in 1999.

2. The taking person

a. The relationship of the taking person to the child

492. In 2015, a majority, 66%, of taking persons were mothers (55 applications), and 34% were fathers (28 applications). In 2008, 47% of taking persons were mothers, 52% in 2003 and 48% in 1999.³⁰

493. This can be compared with the global average of 73% of applications involving taking mothers and 24% fathers.

³⁰ In 1999 the relationship between the taking person and the child was not recorded but, as the vast majority of taking persons are parents, the gender of the taking person gives a good indication. In 1999, [%] of taking persons in applications received by Mexico were female and so probably mothers.

b. The status of the taking person as carer to the child

494. Information on the status of the taking person as carer to the child was available in 82 applications. Of these, 21 taking persons were the primary carer of the child (26%), 40 a joint primary carer (49%) and 19 a non-primary carer (23%). In an additional case involving three children, the taking parent was the primary carer of two of the children and a non-primary carer of the third.

495. Globally, on average 20% of taking persons were found to be primary carers, 63% joint-primary carers and 16% non-primary carers.

496. No information was available on the status as carer of the taking person in previous surveys.

c. The nationality of the taking person

497. In 83% of the applications received in 2015 the taking person was a Mexican citizen, compared with the global 58% of taking persons who went to a State of which they were a national.

498. In 2008, 90% of applications received involved a taking person who was a Mexican citizen, 89% in 2003 and 69% in 1999.

499. In 2015, a higher proportion of fathers taking children to Mexico were found to be Mexican citizens (89%, 25 applications) compared with mothers (76%, 42 applications). This was also the case in 2008 when 94% of taking fathers in applications to Mexico and 87% of taking mothers were found to be Mexican citizens.

500. Globally in 2015, 64% of taking fathers were found to have gone to a State of which they were a national and 56% of mothers.

3. The children

501. In 2015, 119 children were involved in the 83 applications received by Mexico. This makes an average of 1.4 children per application, which is in line with the global average of 1.3 children.

502. In 2008 an average of 1.6 children were involved in each application to Mexico, 1.3 children in 2003 and 1.4 in 1999.

503. The average age of the children was 6.6 years compared with the global average of 6.8 years.

504. In 2003 and 2008 the average age of a child involved in a return application to Mexico was 6.5 years.

505. In 2015, 41% of the children involved were female and 59% male. Globally, the proportions of male and female children in 2015 were 53% and 47%, respectively.

506. In past surveys, the proportion of female and male children was 49% and 51%, respectively in 2008, 64% and 36% in 2003 and 47% and 53% in 1999.

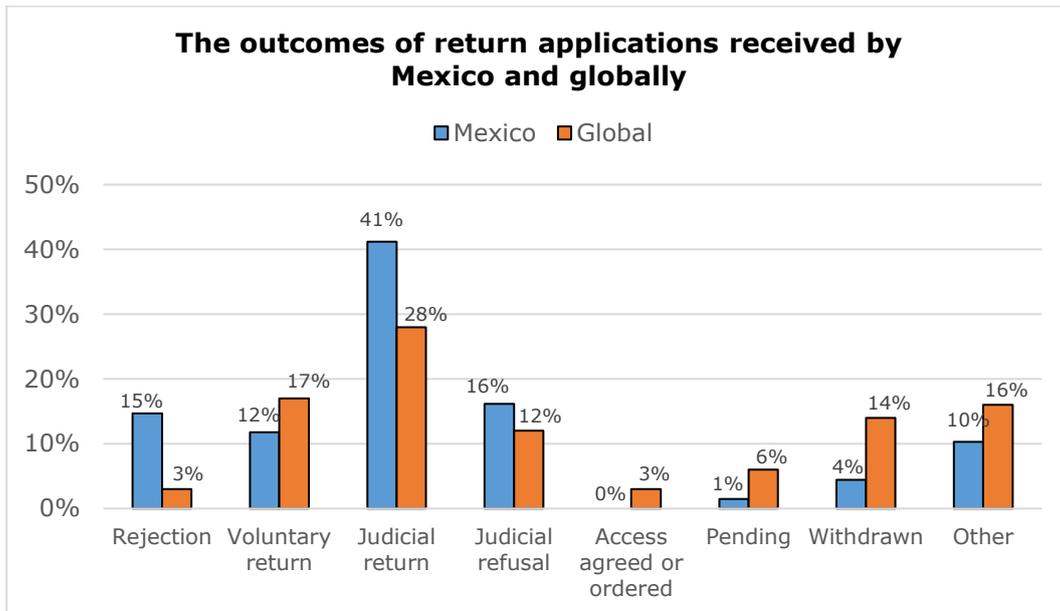
4. Outcomes

507. Information on the outcomes was available in 68 applications received by Mexico in 2015

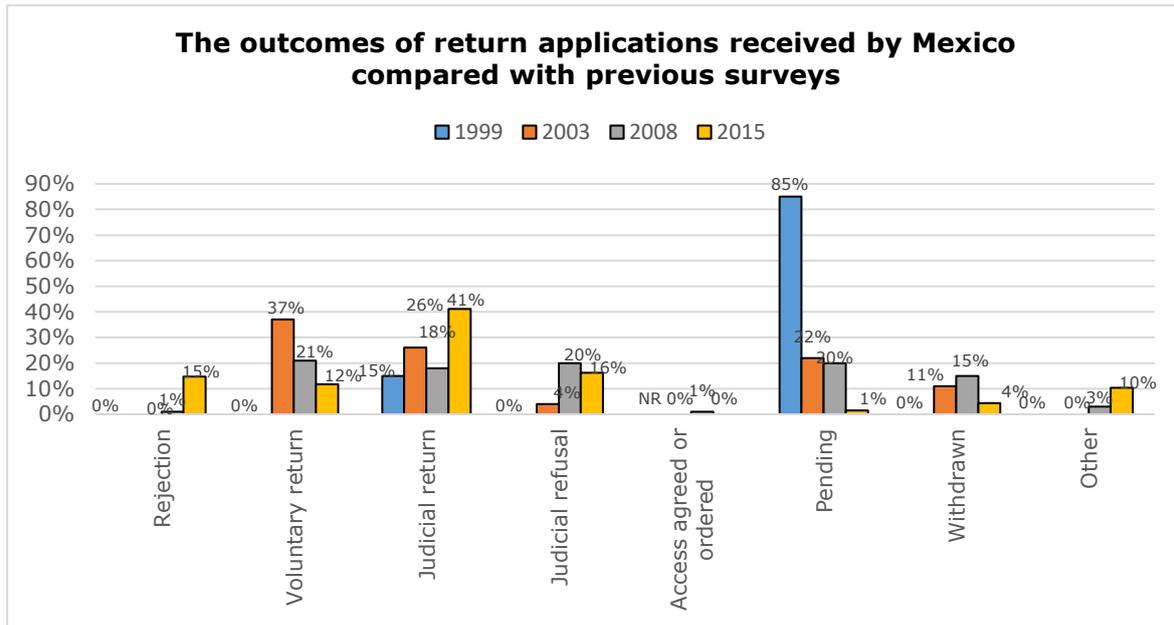
The outcomes of return applications received by Mexico in 2015

	Mexico	Global
Rejection	10 (15%)	3%
Voluntary return	8 (12%)	17%
Judicial return	28 (41%)	28%
Judicial refusal	11 (16%)	12%
Access agreed or ordered	0 (0%)	3%
Pending	1 (1%)	6%
Withdrawn	3 (4%)	14%
Other	7 (10%)	16%
Total	68 (100%)	≈100%

508. The graph below shows more clearly how the results in applications received by Mexico compare with those globally. In 2015, 53% of applications received by Mexico ended with a return compared with the global return rate of 45%. A significantly high proportion of applications ended in a judicial order for return or were rejected. By contrast, proportionally fewer applications were pending, withdrawn or ended in a voluntary return or 'other' outcomes.



a. *Outcomes of return applications received by Mexico in previous years*



509. The graph above compares the outcomes in applications received by Mexico in 2015 with previous surveys. The decrease in pending applications is striking from 85% in 1999 to no applications in 2015. There has also been a decrease in voluntary agreements for return since the 37% recorded in 2003.

b. *Returns*

510. In 2015 the overall return rate in Mexico was 53% comprising 12% voluntary returns and 41% judicial returns. Of the 39 cases that were decided in court, 72% ended in a return, compared with 65% globally. Of the 28 judicial returns, 13 were made with the consent of the taking person (46%) and 15 without consent (54%).

c. *Judicial refusals*

511. Out of the 39 cases that went to court, 11 (28%) were refused, the same proportion as globally. This can be compared with 52% of the applications that went to court in Mexico in 2008.

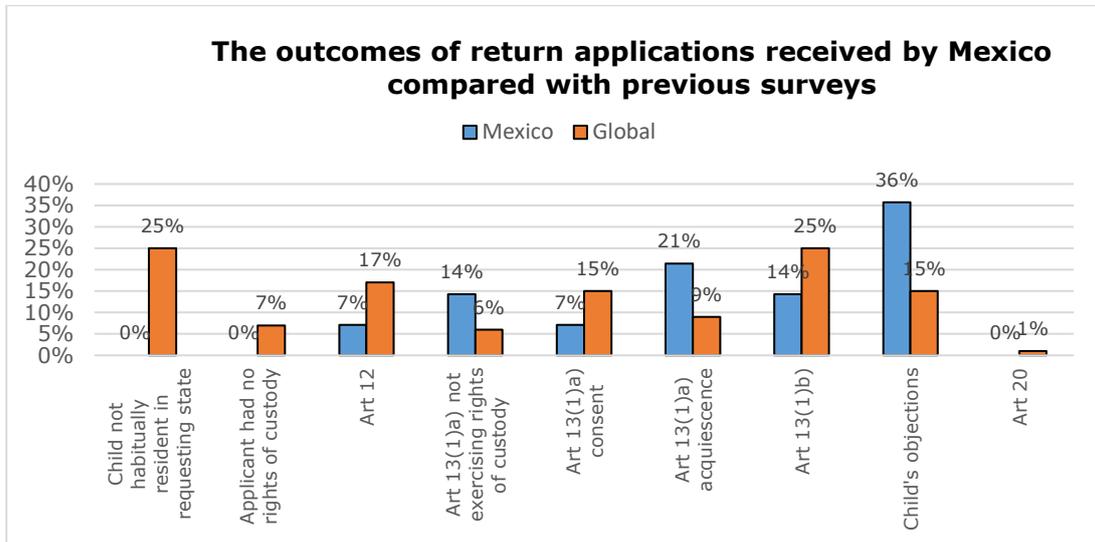
512. Of these applications, three were refused based on multiple reasons. All of the 14 reasons are combined in the table below to show the number of applications in which each was cited.

Reasons for refusal in applications received by Mexico and globally in 2015

Outcome	Mexico	Global
Child not habitually resident in requesting state	0 (0%)	26%
Applicant had no rights of custody	0 (0%)	8%
Art 12	1 (7%)	16%
Art 13(1)a) not exercising rights of custody	2 (14%)	4%
Art 13(1)a) consent	1 (7%)	14%
Art 13(1)a) acquiescence	3 (21%)	10%
Art 13(1)b)	2 (14%)	26%
Child's objections	5 (36%)	15%
Art 20	0 (0%)	1%
Number of reasons	14 (127%)	222 (120%)
Number of applications	11	185

513. The table above and the graph below show, compared to the global averages, a relatively high proportion of applications in which the Mexican courts refused to order the return of the child were based on the child's objections or Article 13(1) a) due to the applicant not exercising rights of custody or acquiescing to the removal of the child.

514. By contrast, a lower proportion of applications were refused based on the child not being habitually resident in the requesting State, the applicant having no rights of custody, Article 12, Article 14(1) a) consent and Article 13(1) b).



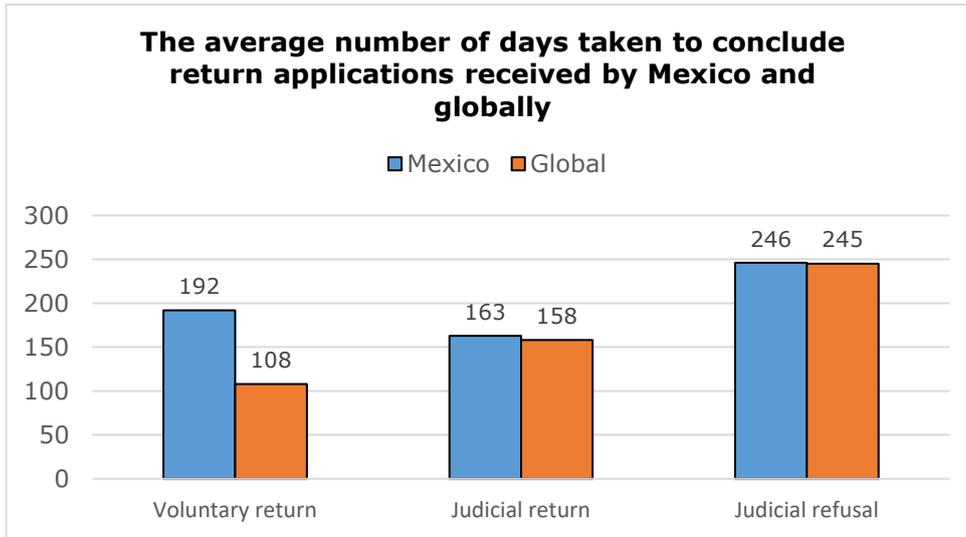
5. Timing

515. The average time taken to reach a final settlement in the return applications from the date they were received by the Mexican Central Authority was 170 days, compared with the global average of 163 days.

516. The average time depended heavily on the outcome which was reached, as can be seen in the table and graph below. The time taken to conclude judicial orders was in line with the global average, while voluntary returns took considerably longer.

The number of days taken to reach a final outcome in applications received by Mexico

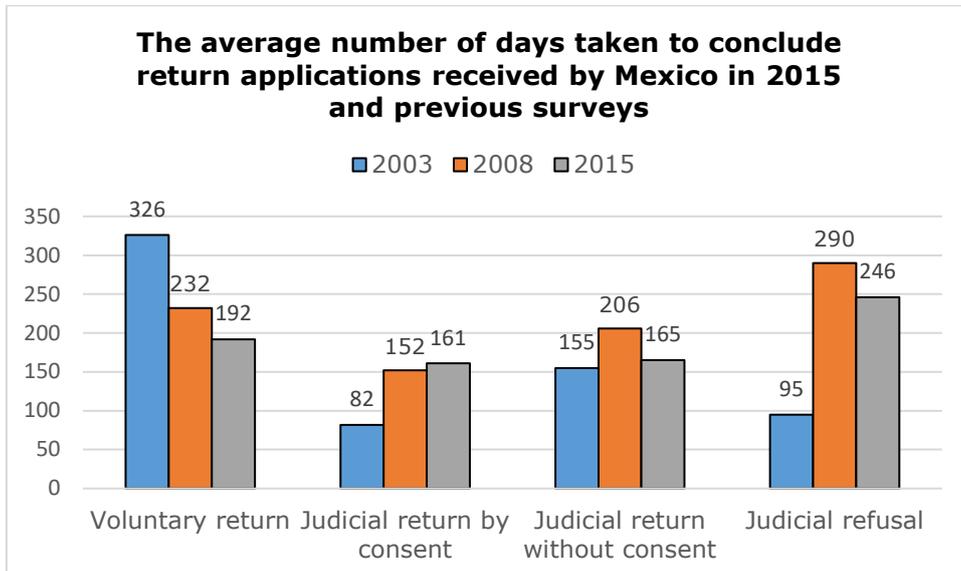
	Voluntary return	Judicial return	Judicial refusal
Average (mean)	192	163	246
Minimum	26	51	77
Maximum	516	393	488
Number of cases	8	28	11



a. Timing in previous years

517. The graph below compares the time take to reach a final outcome in applications received by Mexico in 2015, 2008, 2003 and 1999. In general, applications were resolved more quickly than in 2008. This was notably so with regard to voluntary returns. Although judicial returns with the consent of the parties took slightly longer, overall, judicial returns with or without consent, took 163 days compared with 189 days in 2008.

518. Voluntary returns were also concluded more quickly than in 2003 but applications decided in court were resolved more slowly.



b. Time taken to send application to court

519. In Mexico it took an average of 61 days before the application was sent to court and the court then took an average 137 days to reach a final outcome. This can be compared with the global averages of 76 days to send the application to court and a further 153 days to reach a final outcome.

520. In 2008 it took an average of 47 days for applications received by the Mexican Central Authority to be sent to court and a further 211 days for the court to conclude the application. It can be seen, therefore, that in 2015 while it took a little longer to send applications to court, court disposal times were notably faster.

c. Appeals

521. In 2015, of the 43 applications that went to court in Mexico, six involved an appeal (14 %). This is lower than the global average of 32%. Of these, two applications were appealed once, one was appealed twice and three reached three levels of appeal.

522. The average time taken to reach a first instance decision was 180 days, compared with 236 days for appealed applications. The global averages were 177 days for a first instance decision and 262 days to conclude an appeal.

523. In 2008 it took an average of 251 days to reach a first instance decision and the two appeals were resolved in 257 days and 291 days, respectively.

D. Incoming access applications

1. The Contracting States which made the application

524. In 2015, Mexico received 21 access applications from nine different States. This can be compared with six applications from five States in 2008.

525. No applications were received by Mexico in 2003 nor 1999.

The Contracting States which made access applications to Mexico

State	Number of applications	%	State	Number of applications	%
USA	6	29%	Spain	1	5%
Argentina	6	29%	Netherlands	1	5%
France	2	10%	Estonia	1	5%
Canada	2	10%	Ecuador	1	5%
United Kingdom	1	5%			
Total				21	≈100%

2. The respondent

a. The relationship of the respondent to the child

526. In 2015, a majority, 70%, of respondents were mothers (14 out of 20 applications in which the relationship between the respondent and the child was known), and 30% were fathers (six applications). By contrast, in 2008 33% of respondents were mothers.

527. This can be compared with the global figures of 74% of applications involving respondent mothers and 25% involving respondent fathers.

b. The status of the respondent as carer to the child

528. Information on the status as carer of the respondent was available in 20 applications. In 14 of these the respondent was the primary carer (70%), in three a joint-primary carer (15%) and in three a non-primary carer (15%). This can be compared with the global proportions of 72% of access applications involving respondents who were the primary carer, 21% the joint primary carer and 7% a non-primary carer.

c. The nationality of the respondent

529. In 76% of the applications received in 2015 the respondent was a Mexican citizen, compared with the global 58% of respondents who were a national of the Requested State.

530. In 2008 all respondents in the six applications received by the Mexican Central Authority were Mexican citizens.

531. In 2015, a slightly lower proportion of mothers taking children to Mexico were found to be Mexican citizens (79%, 11 applications) compared with fathers (83%, 5 applications).

532. Globally, 51% of taking mothers were found to have the same nationality as the requested State and 49% of fathers.

3. The children

533. In 2015, 23 children were involved in the 21 access applications, an average of 1.1 children per application compared with the global average of 1.3 children.

534. The average age of the children was 7.6 years compared with the global average of 8.0 years.

535. In 2008 the average child involved in an access application to Mexico was aged 6.8 years.

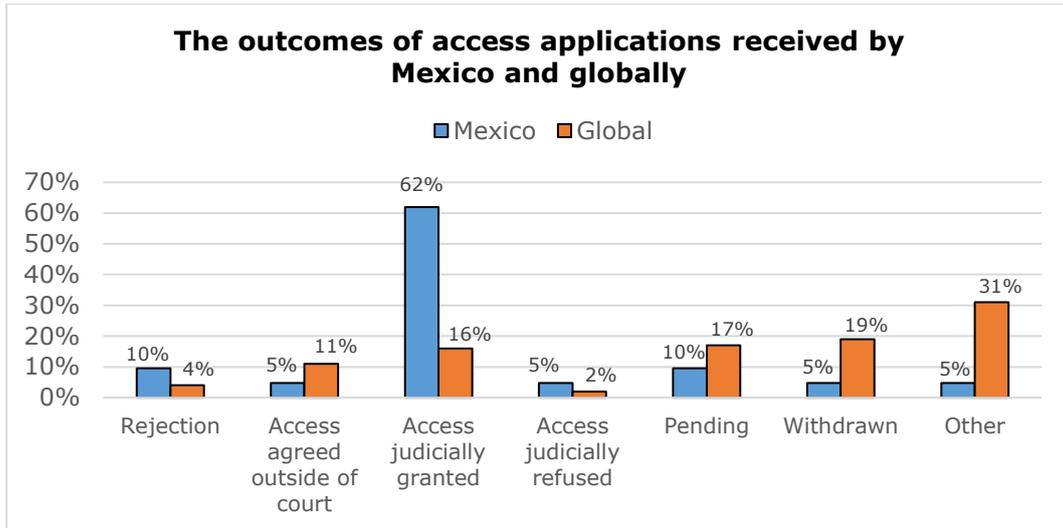
536. In 2015, 43% of the children involved were female and 57% male, compared with 3 female and 3 male children in 2008. Globally, the proportions of male and female children in 2015 were 49% and 51%, respectively.

4. Outcomes

537. As can be seen in the table and graph below, a high proportion of access applications received by Mexico ended in a judicial order for access: 62% compared with 17% globally.

The outcomes in applications received by Mexico in 2015 compared with the global averages

	Mexico	Global
Rejection	2 (10%)	4%
Access agreed outside of court	1 (5%)	11%
Access judicially granted	13 (62%)	17%
Access judicially refused	1 (5%)	2%
Pending	2 (10%)	17%
Withdrawn	1 (5%)	20%
Other	1 (5%)	31%
Total	≈100%	100%



538. The table below compares the outcomes of access applications with those from 2008. The increase in judicial orders for return is striking and there was also a decrease in applications which were withdrawn or remained pending.

The outcomes in applications received by Mexico in 2015 and 2008

	2008	2015
Rejection	9%	10%
Access agreed outside of court	5%	5%
Access judicially granted	5%	62%
Access judicially refused	0%	5%
Pending	32%	10%
Withdrawn	32%	5%
Other	14%	5%
Total	102%	103%

a. The reasons for judicial refusal

539. Only one application was refused in 2015 (5%) but the reasons for refusal were not recorded. Globally only 2% of applications were judicially refused.

5. Timing

540. Information on timing was available for 20 access applications, which were resolved in an average of 204 days from the date at which they were received by the Central Authority compared with the global average of 254 days.

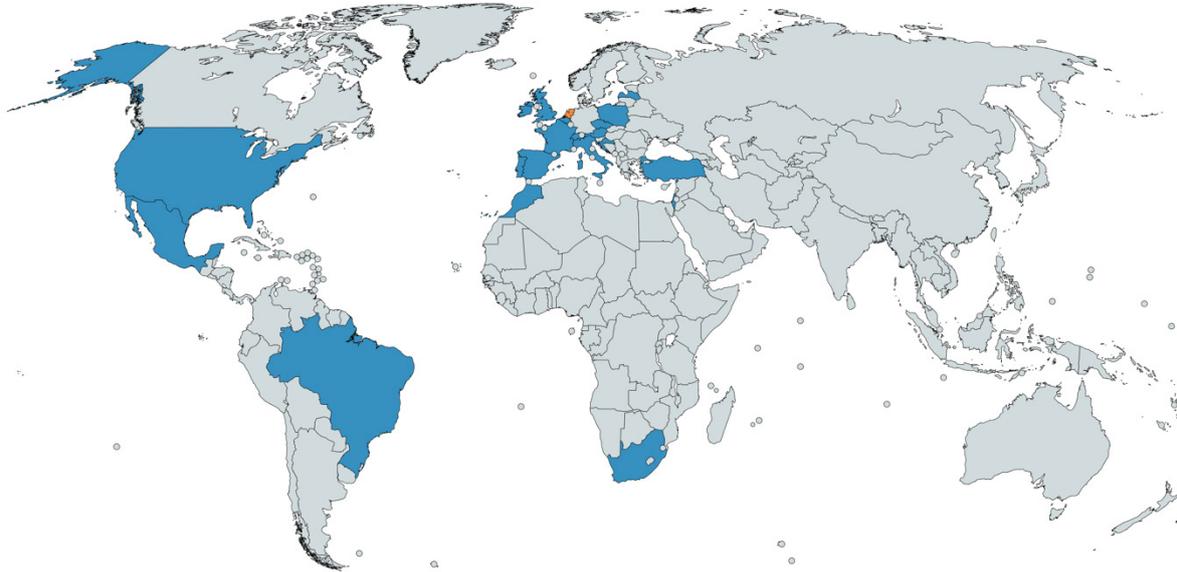
541. The application in which access was agreed was resolved in 132 days, compared with the global average of 97 days, the 14 applications in which access was judicially granted were resolved in an average of 218 days, compared with 291 days globally, and the application in which access was refused took 139 days, compared with 266 globally.

542. In 2008 dates were available for two of the access applications received by Mexico. One application, ending in a judicial refusal, was resolved in 50 days and the other, in an order for access, took 111 days to conclude.

THE NETHERLANDS

A. Executive summary

Return and access applications received by the Netherlands in 2015



543. In 2015 the Netherlands received 31 return and 6 access applications from 20 States. The map above highlights the States which sent these applications to the Netherlands.

544. This was a 23% decrease in return applications and a 54% decrease in access applications from the 40 return and 13 access applications received in 2008. In total the Dutch Central Authority dealt with 118 applications, a 17% decrease on the 142 dealt with in 2008 and a 4% increase on the 114 in 2003.

545. Of the return applications received, information on the outcomes was only available in nine. Three of these ended in a voluntary return (33%). This is a decrease on the 48% return rate in 2008 and also lower than the global return rate of 45% in 2015.

546. In general, applications took less time to resolve than in previous years, at an average of 157 days compared with 210 days in 2008.

547. The Dutch Central Authority also received four access applications. Information on outcomes was only available for one of these cases which ended in an unspecified 'other' outcome.

B. The number of applications received and sent in 2015

The number of applications received and sent by the Netherlands in 2015 compared with previous surveys

	1999	2003	2008	2015
Incoming Return	26	26	40	31
Incoming Access	8	6	13	6
Outgoing Return	21	71	64	69
Outgoing Access	3	11	25	12
Total	58	114	142	118

548. In 2015 the Dutch Central Authority dealt with a total of 118 applications. A 17% decrease on the 142 dealt with in 2008 and a 4% increase on the 114 in 2003. It was the twelfth busiest Authority

C. Incoming return applications

1. The Contracting States which made the application

549. In 2015, the Netherlands received 31 return applications from 19 different States. This can be compared with 40 applications from 18 States in 2008, 26 applications from 13 States in 2003 and 26 applications from 17 States in 1999.

The Contracting States which made return applications to the Netherlands

State	Number of applications	%	State	Number of applications	%
Belgium	4	13%	Israel	1	3%
Poland	4	13%	Italy	1	3%
United Kingdom	3	10%	Latvia	1	3%
Brazil	2	6%	Mexico	1	3%
France	2	6%	Morocco	1	3%
Spain	2	6%	Portugal	1	3%
Turkey	2	6%	South Africa	1	3%
Austria	1	3%	Switzerland	1	3%
Croatia	1	3%	United States	1	3%
Czech Republic	1	3%			
Total				31	100%

550. In 2015, 68% of return applications to the Netherlands came from EU States. This can be compared with 80% of applications in 2008, 62% in 2003 and 65% in 1999 from what would now be EU States.

2. The taking person

a. The relationship of the taking person to the child

551. Information on the taking person was available for 30 applications. In 2015, a majority, 83%, of taking persons were mothers (25 applications), and 13% were fathers (four applications). The remaining application involved a taking person who was another relative of the child. In 2008, 88% of taking persons were mothers, 77% in 2003 and 73% in 1999.³¹

552. This can be compared with the global average of 73% of applications involving taking mothers and 24% fathers.

b. The status of the taking person as carer to the child

553. Information on the status of the taking person as carer to the child was available in 29 applications and in each of these the taking person was a joint-primary carer of the child. This was the first time the Dutch Central Authority was able to provide this information.

554. Globally, 20% of taking persons were the child's primary carer, 60% a joint-primary carer and 20% a non-primary carer.

³¹ In 1999 the relationship between the taking person and the child was not recorded but, as the vast majority of taking persons are parents, the gender of the taking person gives a good indication. In 1999, 73% of taking persons in applications received by The Netherlands were female and so probably mothers.

c. *The nationality of the taking person*

555. In 42% of the applications received in 2015 the taking person was a Dutch citizen, compared with the global 58% of taking persons who went to a State of which they were a national.

556. In 2008 67% of application received by the Netherlands involved a taking person who was a Dutch national, 78% in 2003 and 46% in 1999.

3. The children

557. In 2015, 47 children were involved in the 31 applications received by the Netherlands. This makes an average of 1.5 children per application which is slightly higher than the global average of 1.3 children.

558. The average age of the children was 7.1 years compared with the global average of 6.8 years.

559. In 2015, 38% of the children involved were female and 62% male. Globally, the proportions of male and female children in 2015 were 53% and 47%, respectively.

560. In 2008, 53% of the children involved in applications to the Netherlands were female, 56% in 2003 and 42% in 1999.

4. Outcomes

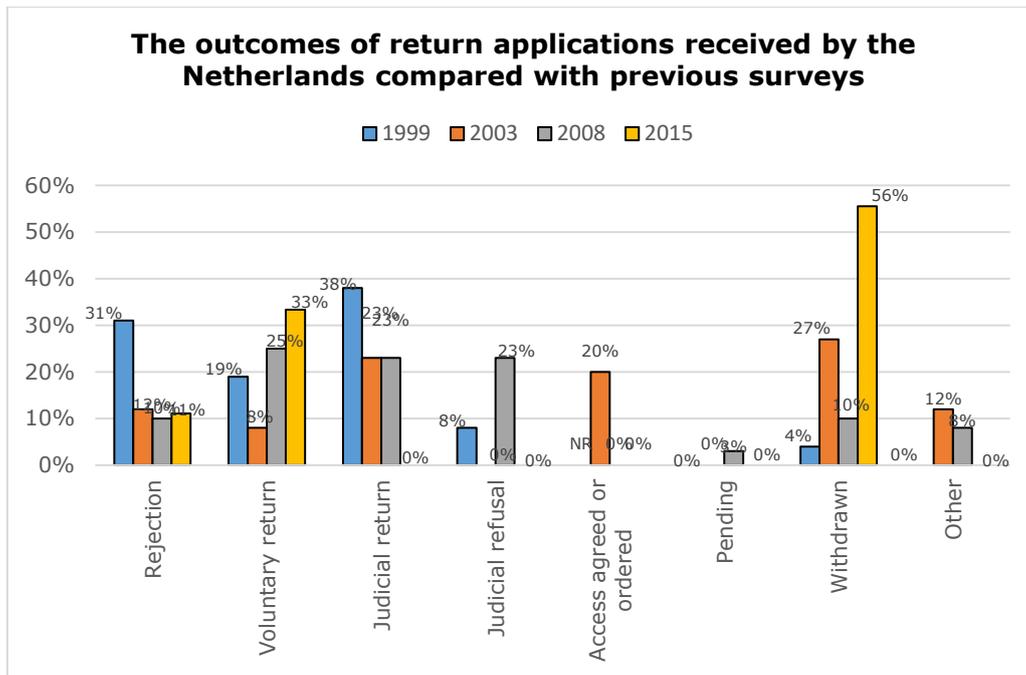
561. Information on the outcome was available for only nine of the 31 applications received by the Netherlands. Over half of these (five applications) were withdrawn, three ended in a voluntary return and one was rejected by the Central Authority.

The outcomes of return applications received by The Netherlands in 2015

	The Netherlands	Global
Rejection	1 (11%)	3%
Voluntary return	3 (33%)	17%
Judicial return	0 (0%)	28%
Judicial refusal	0 (0%)	12%
Access agreed or ordered	0 (0%)	3%
Pending	0 (0%)	6%
Withdrawn	5 (56%)	14%
Other	0 (0%)	16%
Total	9 (100%)	≈100%

a. *Outcomes of return applications received by the Netherlands in previous years*

562. The graph below compares these outcomes with the applications received by the Netherlands in previous surveys. Though based on a relatively low number of applications, it is clear that a much higher proportion of applications were withdrawn in 2015 and none were decided in court.



b. Returns

563. Based upon the limited information given,³² in 2015 the overall return rate in the Netherlands was 17% comprising 3 voluntary returns. Of the nine applications for which information was available, none were decided in court.

564. In 2008, 50% of applications were decided in court and 45% of these ended in a judicial return.

c. Judicial refusals

565. Of the nine applications for which information was available, none were decided in court and so none were judicially refused, compared with 12% globally. In 2008, 23% of all applications ended in a judicial refusal and 45% of those that went to court.

5. Timing

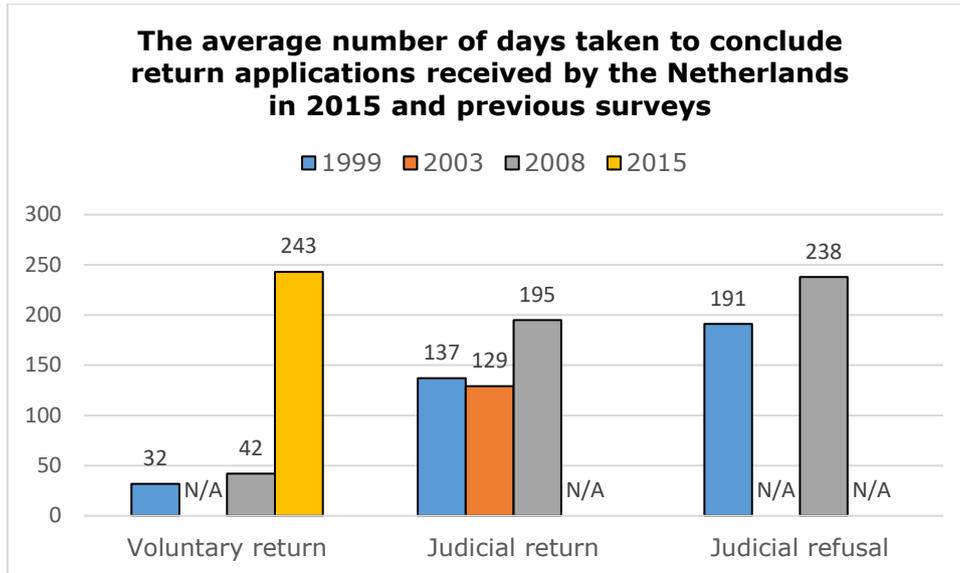
566. The average time taken to reach a final settlement in the return applications from the date they were received by the Dutch Central Authority was 157 days, compared with the global average of 164 days.

567. Two applications ending in a voluntary return were resolved in an average of 243 days, compared with the global average of 108 days.

a. Timing in previous years

568. In 2008 the average time taken to resolve applications was 210 days. The graph below compares the time take to reach a final outcome in applications received by the Netherlands in 2015, 2008, 2003 and 1999.

³² That is, in less than one third of the applications.



b. Time taken to send application to court

569. In the Netherlands it took an average of 72 days before the application was sent to court and the court then took an average 85 days to reach a final outcome. This can be compared with the global averages of 93 days to send the application to court and a further 125 days to reach a final outcome.

570. In 2008 it took an average of 123 days before the application was sent to court and the court then took a further 108 days to conclude the case.

c. Appeals

571. None of the applications received in 2015 were appealed compared with the global average of 31%.

572. In 2008, nine of the 20 applications which went to court were appealed (45%), 20% in 2003 and 33% in 1999.

D. The impact of the Revised Brussels II a Regulation

1. Applications between BIIa States

573. The revised Brussels II Regulation (the Regulation) applies to 27 EU Member States ('BIIa States') i.e. all such States except for Denmark. In 2015 BIIa States received a total of 1,161 return applications. Of these, 830 applications came from fellow BIIa States (71%) and the remaining 331 applications came from what will be termed 'non-BIIa States' (29%).

574. 21 of the 31 return applications received by the Netherlands in 2015 came from other BIIa States (68%). This compares with 80% in 2008.

2. The Regulation and outcomes

575. For convenience, in the following analysis we will refer to those applications made to the Netherlands by BIIa States as 'Regulation cases' and to those received from non-BIIa States as 'non-Regulation cases'.

576. As noted above, information on outcomes was only recorded for nine of the applications received by the Netherlands in 2015. Five of these were Regulation cases and four were non-Regulation cases.

577. Of the five Regulation cases, four were withdrawn and one ended in a voluntary agreement for return.

578. Of the four non-Regulation cases, two ended in a voluntary agreement for return, one was rejected by the Dutch Central Authority and the other was withdrawn.

3. Refusals and reasons for refusal

579. No applications received by the Netherlands in 2015 ended in a judicial refusal.

4. The Regulation and timing

580. Information on timing was available for three Regulation cases and three non-Regulation cases. Overall, Regulation cases were resolved more slowly, in an average of 214 days from the date at which they were received by the Central Authority compared with 99 days in non-Regulation cases. This was also the case in 2008 when Regulation cases took an average of 221 days compared with 160 days for non-Regulation cases.

E. Incoming access applications

1. The Contracting States which made the application

581. In 2015, the Netherlands received six access applications from five different Central Authorities.

The Contracting States which made access applications to the Netherlands

State	Number of applications	%
Germany	2	33%
France	1	17%
Ireland	1	17%
Morocco	1	17%
Turkey	1	17%
Total	6	100%

2. The respondent

a. The relationship of the respondent to the child

582. In 2015, 50% of respondents were mothers (three applications), and 50% were fathers (three applications). In 2008, 77% of respondents were mothers, 67% in 2003 and 100% in 1999.

583. This can be compared with the global figures of 73% of applications involving respondent mothers and 26% involving respondent fathers.

b. The status of the respondent as carer to the child

584. In five of the applications the respondent was a joint-primary carer of the child. The sixth application involved two children and the respondent was the joint primary carer of one of the children and a non-primary carer of the other.

585. This can be compared with the global proportions of 71% of access applications involving respondents who were the primary carer, 21% the joint-primary carer and 8% a non-primary carer.

c. The nationality of the respondent

586. In 67% of the applications received in 2015 the respondent was a Dutch citizen, compared with the global 58% of respondents who were a national of the Requested State.

587. In 2008, 52% of respondents were Dutch nationals, 20% in 2003 and 25% in 1999.

3. The children

588. In 2015, eight children were involved in the six access applications, an average of 1.3 children per application, the same as the global average.

589. The average age of the children was 6.6 years compared with the global average of 8.0 years.

590. In 2015, four of the children involved were female and four were male. Globally, the proportions of male and female children in 2015 were 49% and 51%, respectively.

4. Outcomes

591. Information was only available for one application and this ended in an outcome described as 'other'. Globally, 31% of access applications ended in various forms of 'other' outcomes.

592. The table below compares this finding with those in previous surveys, though it should be noted that the percentages are based on very low numbers of applications.

The outcomes in applications received by the Netherlands in 2015, 2008, 2003 and 1999

	1999	2003	2008	2015
Rejection	13%	33%	23%	0%
Access agreed outside of court	13%	33%	0%	0%
Access judicially granted	38%	17%	15%	0%
Access judicially refused	25%	0%	0%	0%
Pending	13%	0%	15%	0%
Withdrawn	0%	0%	31%	0%
Other	0%	17%	15%	100%
Total	100%	100%	100%	100%

a. The reasons for judicial refusal

593. No applications ended in a judicial order refusing access in 2015, 2008 or 2003. In 1999 two applications were refused. Globally in 2015 only six applications were judicially refused (2%).

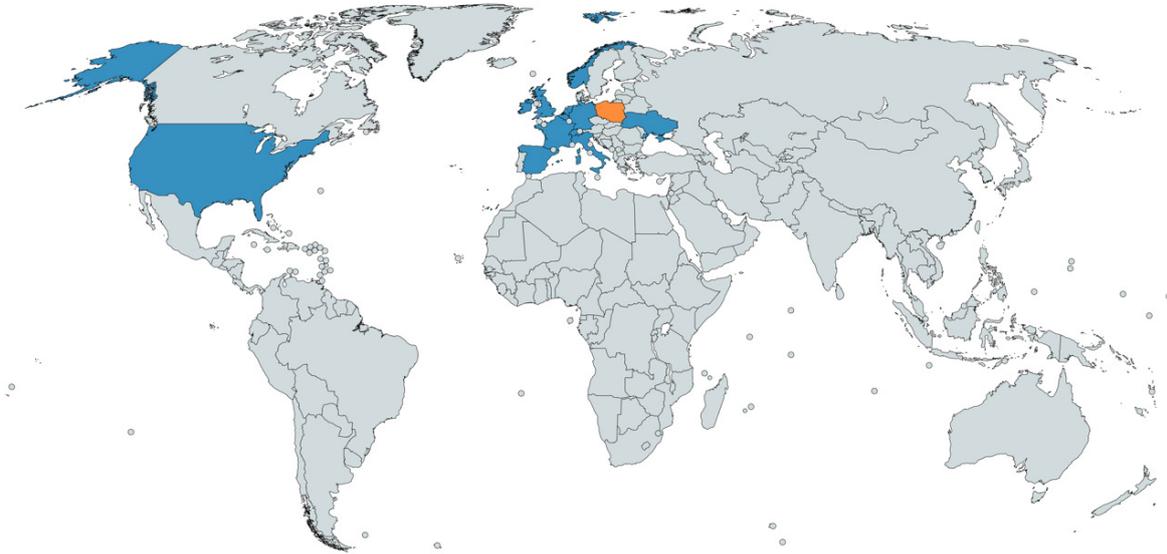
5. Timing

594. No information was available on the time taken to conclude applications in 2015. In 2008, dates were only available for 2 of the access applications received by the Netherlands, one took 105 days to conclude and the other took 144 days. In 2003, an application in which access was judicially granted took 293 days to conclude.

POLAND

A. Executive summary

Return and access applications received by Poland in 2015



595. In 2015 Poland received 49 return and 3 access applications from 12 States. The map above highlights the States which sent these applications to Poland.

596. This was a 27% decrease in return applications and a 50% increase in access applications from the 67 return and 2 access applications received in 2008. In total the Polish Central Authority dealt with 142 applications, a 6% increase on the 134 dealt with in 2008.

597. Of the return applications received, 31% ended in the child's return. This is an increase on the 28% return rate in 2008, but lower than the global average of 45%. A significantly high proportion of applications ended in a judicial refusal to return (35% compared with 12% globally).

598. The average time taken to reach a final settlement in the return applications from the date they were received by the Polish Central Authority was 151 days, compared with the global average of 164 days.

599. Two of the three access applications received by Poland ended in an agreement between the parties and the final cases was discontinued in court for other reasons. Dates were available for one application, which took 122 days to conclude compared with the global average of 254 days to conclude access applications in 2015.

B. The number of applications received and sent in 2015

The number of applications received and sent by Poland in 2015 compared with previous surveys

	2003	2008	2015
Incoming Return	18	67	49
Incoming Access	8	2	3
Outgoing Return	12	62	85
Outgoing Access	4	3	5
Total	42	134	142

600. In 2015 the Poland Central Authority dealt with a total of 142 applications. A 6% increase on the 134 dealt with in 2008 and a 238% increase on the 42 received in 2003. It was the eighth busiest Authority.

601. Poland did not participate in the 1999 survey so it is not possible to compare the findings with this year.

C. Incoming return applications

1. The Contracting States which made the application

602. In 2015, Poland received 49 return applications from 12 different States. This can be compared with 67 applications from 16 States in 2008 and 18 applications from 5 States in 2003.

603. The proportion of applications received from the United Kingdom has increased significantly – from no applications in 2003, to 16% (11 applications) in 2008 and 31% (15 applications) in 2015.

604. Poland has consistently received a high proportion of applications from Germany: 61% (11 applications) in 2003, 22% (15 applications) in 2008 and 27% (13 applications) in 2015.

The Contracting States which made return applications to Poland

State	Number of applications	%	State	Number of applications	%
United Kingdom	15	31%	Spain	2	4%
Germany	13	27%	Belgium	1	2%
Ireland	4	8%	France	1	2%
Italy	4	8%	Norway	1	2%
Netherlands	3	6%	Switzerland	1	2%
United States	3	6%	Ukraine	1	2%
Total				49	100%

605. In 2015, 88% of return applications to Poland came from EU States, compared with 85% in 2008. In 2003 all of the 18 return applications received by Poland came from EU States.

2. The taking person

a. The relationship of the taking person to the child

606. In 2015, the Polish Central Authority was unable to provide information on the relationship between the taking person and the child however, it was recorded that 37 taking persons (76%) were female, and so probably mothers, and 12 (24%) were male, and so probably fathers.

607. This can be compared with the 2015 global average of 73% of applications involving taking mothers and 24% fathers.

608. In 2008 and 2003 a large majority of the taking persons were mothers, 76% and 89%, respectively.

b. The status of the taking person as carer to the child

609. The Polish Central Authority was unable to provide information on the status of the taking person as carer to the child.

610. Globally 20% of taking persons were the child's primary carer, 60% a joint-primary carer and 20% a non-primary carer.

c. The nationality of the taking person

611. The Polish Central Authority was unable to provide information on the nationality of the taking person.

612. In 2008, 97% of applications received involved a taking person who was a Polish citizen and in 2003, all 18 taking persons were Polish citizens.

613. Globally in 2015, 58% of taking persons were found to have gone to a State of which they were a national.

3. The children

614. The Polish Central Authority was unable to provide information on the children involved in the return applications.

615. Globally, an average of 1.3 children were involved in each application and the average age was 6.8 years. 53% of children were male and 47% female.

616. An average of 1.2 children were involved in each application in 2003 and 2008 and the average age was 4.8 years in 2008 and 5.4 years in 2003, lower than the respective global averages. The proportion of male to female children was 53%:48% in 2008 but 14%:86% in 2003.

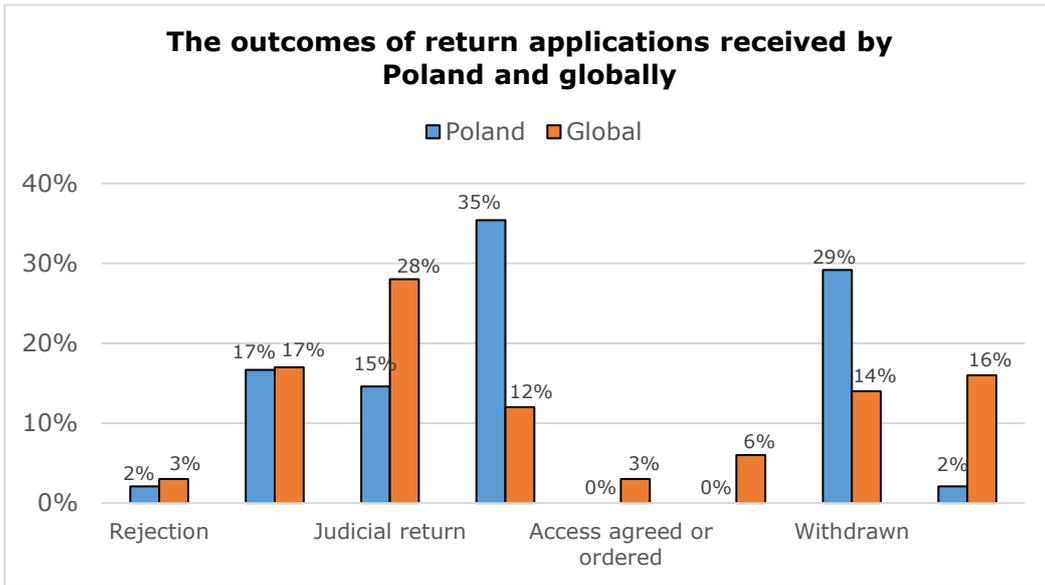
4. Outcomes

The outcomes of return applications received by Poland in 2015

	Poland	Global
Rejection	1 (2%)	3%
Voluntary return	8 (17%)	17%
Judicial return	7 (15%)	28%
Judicial refusal	17 (35%)	12%
Access agreed or ordered	0 (0%)	3%
Pending	0 (0%)	6%
Withdrawn	14 (29%)	14%
Other	1 (2%)	16%
Total	48 (100%)	≈100%

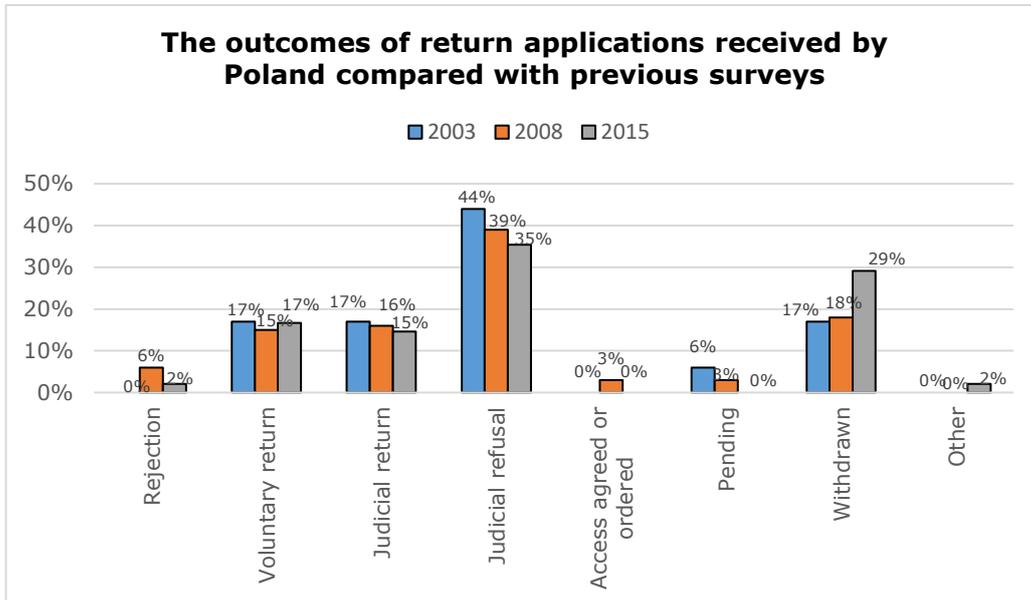
617. The graph below shows more clearly how the results in applications received by Poland compare with those globally. In 2015, 31% of applications received by Poland ended with a

return, lower than the global return rate of 45%. By contrast, a high proportion of applications were pending (35%) or withdrawn (29%).



a. Outcomes of return applications received by Poland in previous years

618. The graph below shows the outcomes of applications compared with previous surveys. It shows a consistently high level of judicial refusals, though decreasing, and an increasing number of withdrawn applications.



b. Returns

619. In 2015 the overall return rate in Poland was 31% comprising 17% voluntary returns (eight applications) and 15% (seven applications) judicial returns. Of the 24 cases that were decided in court, 29% ended in a return, compared with 65% globally.

620. In 2008, 28% of court orders in applications to Poland were for the return of the child.

c. Judicial refusals

621. Out of the 24 cases that went to court, 17 (71%) were refused, compared with 28% globally.

622. In 2008, 67% of the applications decided in court ended in a judicial refusal to return.

623. The reasons for refusal were known in seven of the 17 refused applications, as shown in the table below. Though based on low numbers, a high proportion of applications were refused based on the applicant having no rights of custody.

Reasons for refusal in applications received by Poland and globally in 2015

Outcome	Poland	Global
Child not habitually resident in requesting state	1 (14%)	25%
Applicant had no rights of custody	3 (43%)	7%
Art 12	1 (14%)	17%
Art 13(1)a) not exercising rights of custody	0 (0%)	6%
Art 13(1)a) consent	0 (0%)	15%
Art 13(1)a) acquiescence	0 (0%)	9%
Art 13(1)b)	2 (29%)	25%
Child's objections	0 (0%)	15%
Art 20	0 (0%)	1%
Number of reasons	7 (100%)	222 (120%)
Number of applications	7	185

624. In 2008, information was available on the reasons for refusal in 25 applications. A high proportion of these (64%, 16 applications) were refused based on Article 13(1) b). This was also the case in 2003 where 38% (3 applications) were based upon Art 13 (1) b).

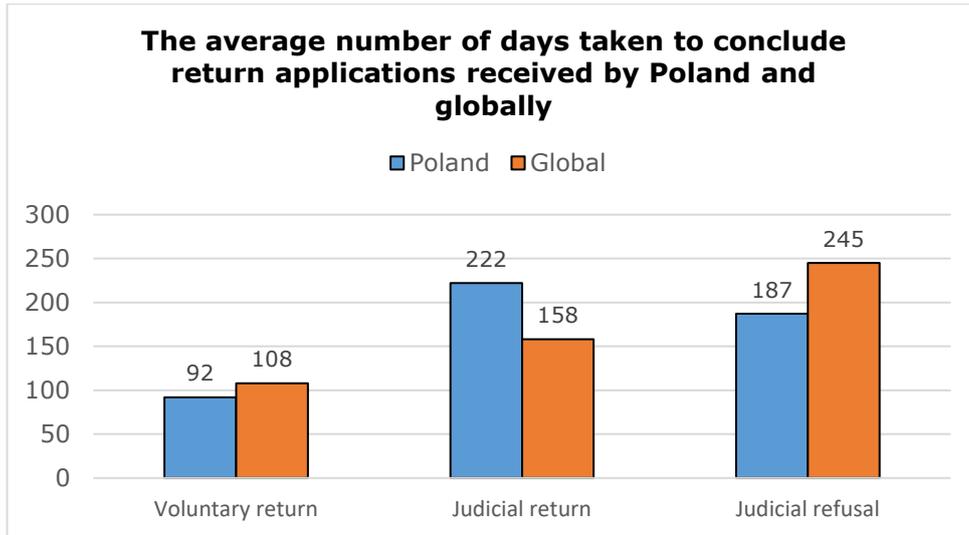
5. Timing

625. The average time taken to reach a final settlement in the return applications from the date that they were received by the Polish Central Authority was 151 days, compared with the global average of 164 days.

626. The average time depended heavily on the outcome which was reached, as can be seen in the table and graph below. Voluntary returns and judicial returns were concluded more quickly than the global average but, by contrast, judicial returns took longer.

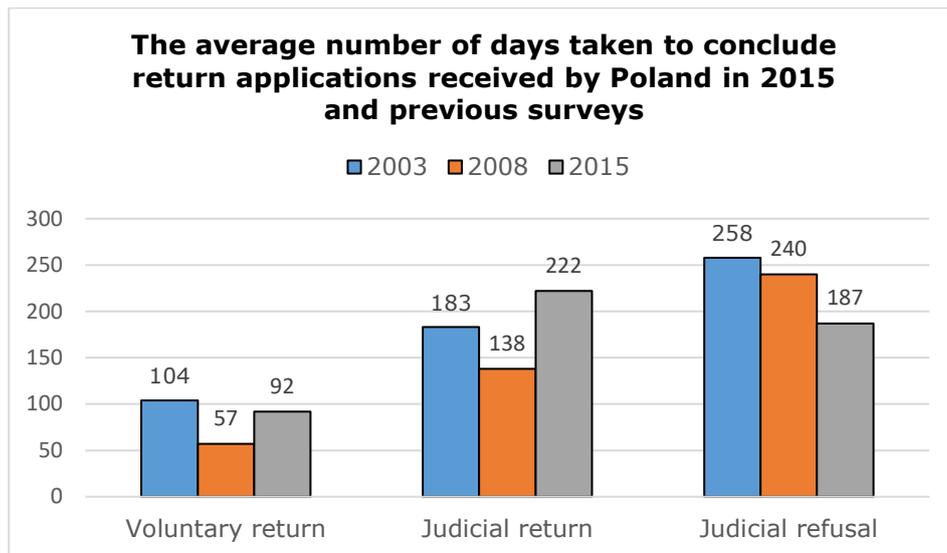
The number of days taken to reach a final outcome in applications received by Poland

	Voluntary return	Judicial return	Judicial refusal
Average (mean)	92	222	187
Minimum	21	81	12
Maximum	306	347	313
Number of cases	8	7	16



a. *Timing in previous years*

627. The graph below compares the time take to reach a final outcome in applications received by Poland in 2015, 2008 and 2003. The average time taken to conclude an order refusing the return of the child has gradually decreased since 2003. By contrast, judicial returns took longer in 2015 than in previous years and voluntary returns took longer than in 2008.



b. *Time taken to send application to court*

628. The Polish Central Authority was unable to provide information on the date the applications received in 2015 were sent to court. In 2008 it took an average 15 days before the application was sent to court and the court then took an average of 206 days to conclude the case.

629. Globally, in 2015, it took an average of 93 days to send the application to court and a further 125 days to reach a final outcome.

c. *Appeals*

630. The Polish Central Authority was unable to provide information on whether the applications received in 2015 were appealed. In 2008, 46% of the 39 applications decided in court were appealed.

631. Globally in 2015, 31% of return applications decided in court were appealed.

D. The impact of the Revised Brussels II a Regulation

1. Applications between BIIa States

632. The revised Brussels II Regulation (BIIa) applies to 27 EU Member States ('Brussels II a States') i.e. all such States except for Denmark. In 2015 Brussels II a States received a total of 1,161 return applications. Of these, 830 applications came from fellow Brussels II a States (71%) and the remaining 331 applications came from what will be termed 'non-Brussels II a States' (29%).

633. 43 of the 49 return applications received by Poland in 2015 came from other Brussels II a States (88%). This compares with 81% in 2008 and 94% from what would now be Brussels II a States in 2003.

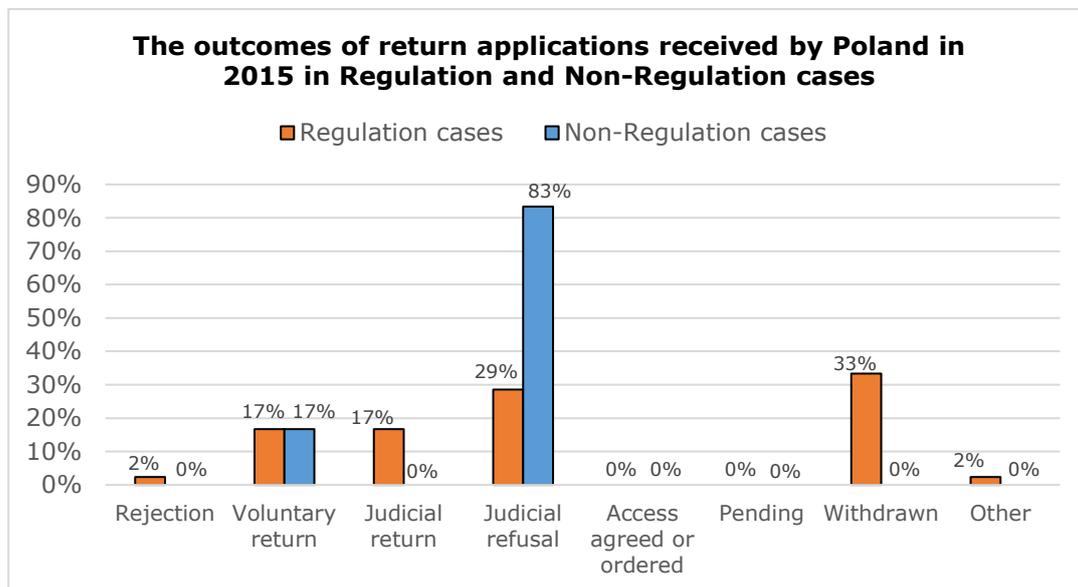
2. The Regulation and outcomes

634. For convenience, in the following analysis we will refer to those applications made to Poland from BIIa States as 'Regulation cases' and to those received from non-BIIa States as 'non-Regulation cases'.

635. The graph below shows the outcomes of return applications received by Poland in Regulation cases and in non-Regulation cases.

636. The overall return rate in Regulation cases was 33%, higher than the 17% in non-Regulation cases.

637. Furthermore, a significantly higher proportion of non-Regulation cases ended in a judicial refusal (38% compared with 29%). This is in line with the findings in 2008 where 69% of non-Regulation cases were refused compared with 31% of Regulation cases.



3. Refusals and reasons for refusal

638. The table below compares the reasons for refusal in Regulation and non-Regulation cases though information was only available for seven applications.

**The combined reasons for refusal (sole and multiple reasons)
and the Regulation**

	Regulation cases		Non-Regulation cases-	
	Frequency	Percentage	Frequency	Percentage
Child not habitually resident in Requesting State	0	0%	1	17%
Applicant had no rights of custody	0	0%	3	50%
Art 12	0	0%	1	17%
Art 13(1) a) not exercising rights of custody	0	0%	0	0%
Art 13(1) a) consent	0	0%	0	0%
Art 13(1) a) acquiescence	0	0%	0	0%
Art 13(1) b)	1	100%	1	17%
Child's objections	0	0%	0	0%
Art 20	0	0%	0	0%
Number of applications	1	100%	6	≈100%

4. The Regulation and timing

639. Overall, Regulation cases were resolved more quickly, in an average of 145 days from the date at which they were received by the Central Authority compared with 190 days in non-Regulation cases.³³ This was also the case in 2008 with Regulation cases resolved in an average of 190 days compared with 214 days for non-Regulation cases.

640. 11% of Regulation cases were resolved within 12 weeks of their received by the German Central Authority compared with 17% of non-Regulation cases.³⁴

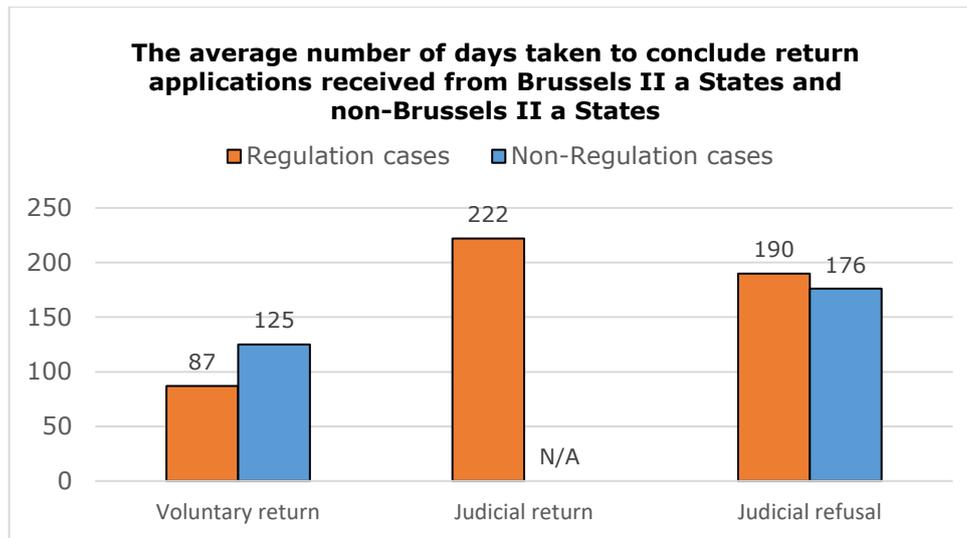
641. The table and graph below analyse the average time taken to conclude applications according to the final outcome.

The number of days taken to reach a final outcome and the Regulation

	Voluntary Return		Judicial return		Judicial Refusal	
	Regulation cases	Non-Regulation cases	Regulation cases	Non-Regulation cases	Regulation cases	Non-Regulation cases
Mean	87	125	222	N/A	190	176
Minimum	21	125	81	N/A	78	12
Maximum	306	125	347	N/A	313	280
<i>No. of applications</i>	7	1	7	0	12	4

³³ Based on 38 Regulation cases and 6 non-Regulation cases.

³⁴ 4 out of 38 Regulation cases and 1 out of 6 non-Regulation cases.



a. *Court disposal times*

642. The Polish Central Authority was unable to provide information on the date the applications were sent to court.

E. Incoming access applications

1. The Contracting States which made the application

643. In 2015, Poland received three access applications from two different States. This can be compared with two applications from two States in 2008 and eight applications from five States in 2003.

The Contracting States which made access applications to Poland

State	Number of applications	%
United Kingdom	2	66%
Germany	1	33%
Total	3	100%

2. The respondent

a. *The relationship of the respondent to the child*

644. In all three of the access applications the respondent was female and so likely to be the mother of the child. Similarly, in all of the applications received in 2008 and 2003 the respondent was the mother of the child.

645. This can be compared with the global figures of 73% of applications involving respondent mothers and 26% involving respondent fathers.

b. *The status of the respondent as carer to the child*

646. The Polish Central Authority was unable to provide information on the status of the taking person as carer to the child. Globally, 71% of access applications involving respondents who were the primary carer, 21% the joint-primary carer and 8% a non-primary carer.

c. *The nationality of the respondent*

647. The Polish Central Authority was unable to provide information on the nationality of the taking person. In previous surveys all of the respondents were Polish citizens.

648. Globally in 2015, 58% of respondents who were a national of the Requested State.

3. The children

649. The Polish Central Authority was unable to provide information on the children involved in the access applications.

650. Globally, an average of 1.3 children were involved in each application and the average age was 8.0 years. 49% were male and 51% were female.

651. In 2008, one child was involved in each of the applications (one male and one female) and an average of 1.3 children in 2003 (3 female and 7 male). The average age was 7.5 years in 2008 and 7.3 years in 2003.

4. Outcomes

652. Of the three applications received in 2015, two ended in an agreement between the parents and the third was discontinued in court for other reasons.

The outcomes in applications received by Poland in 2015 compared with the global averages

	Poland	Global
Rejection	0 (0%)	4%
Access agreed outside of court	2 (66%)	11%
Access judicially granted	0 (0%)	16%
Access judicially refused	0 (0%)	2%
Pending	0 (0%)	17%
Withdrawn	0 (0%)	19%
Other	1 (33%)	31%
Total	≈100%	100%

653. The table below compares the outcomes of access applications with previous surveys. However, it should be noted that the percentages are based on low numbers of applications (three in 2015, two in 2008 and eight in 2003).

The outcomes in applications received by Poland in 2015, 2008, 2003 and 1999

	2003	2008	2015
Rejection	0%	0%	0%
Access agreed outside of court	0%	0%	66%
Access judicially granted	38%	50%	0%
Access judicially refused	13%	0%	0%
Pending	25%	0%	0%
Withdrawn	0%	50%	0%
Other	13%	0%	33%
Total	≈100%	100%	≈100%

a. *The reasons for judicial refusal*

654. No applications were judicially refused in 2015 or 2008. In 2003 one application was refused in Poland but no information was available on the reasons for refusal.

655. Globally only 6 applications (2%) were judicially refused in 2015.

5. Timing

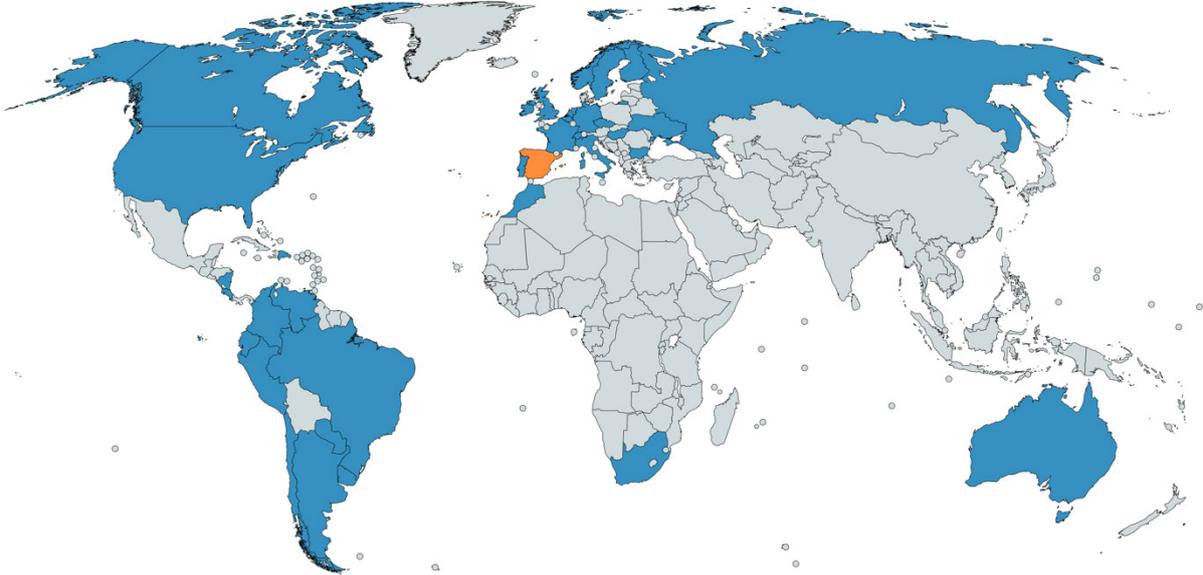
656. Dates were available for one application which took 122 days to conclude from the date it was received by the Central Authority. In 2008, one application in which access was granted was concluded in 537 days and in 2003 dates were available for three applications which took an average of 317 days to conclude.

657. Globally, it took an average of 254 days to conclude access applications in 2015.

SPAIN

A. Executive summary

Return and access applications received by Spain in 2015



658. In 2015 Spain received 92 return applications from the 34 States highlighted in the map above. This was a 5% increase on the 88 received in 2008. No access applications were received, compared with 25 in 2008.

659. In 2015, 49% of applications received by Spain ended with a return being agreed or ordered compared with the global return rate of 45%. Proportionally more applications were rejected or withdrawn but fewer ended in an agreement or order for access or 'other' outcomes. No applications remained pending at the cut-off date of 30 June 2017.

660. 37% of return applications were decided in court (compared with the global average of 43%) and of these 71% ended in a return order compared with 65% globally.

661. 53% of court orders were appealed compared with 36% in 2008 and 31% globally.

662. The average time taken to reach a final settlement was 180 days, compared with the global average of 164 days.

663. Spain did not receive any access applications in 2015 compared with 24 in 2008, 19 in 2003 and six in 1999.

B. The number of applications received and sent in 2015

The number of applications received and sent by Spain in 2015 compared with previous surveys

	1999	2003	2008	2015
Incoming Return	36	87	88	92
Incoming Access	6	19	25	0
Outgoing Return	27	38	79	112
Outgoing Access	9	9	12	0
Total	78	153	204	204

664. In 2015 the Spanish Central Authority dealt with a total of 204 applications, the same number as in 2008, a 33% increase on the 153 dealt with in 2003 and a 162% increase on the 78 received in 1999. It was the seventh busiest Authority overall and the fifth busiest in terms of handling incoming return applications.

C. Incoming return applications

1. The Contracting States which made the application

665. In 2015, Spain received 92 return applications from 34 different States. This can be compared with 88 applications from 25 States in 2008, 87 applications from 24 States in 2003 and 36 applications from 14 States in 1999.

666. In 2015, 10% of return applications to Spain came from the United Kingdom, this is a decrease from the 20% received in 2008 (18 applications), 24% in 2003 (21 applications) and 25% in 1999 (nine applications).

The Contracting States which made return applications to Spain

State	Number of applications	%	State	Number of applications	%
United Kingdom	9	10%	Colombia	2	2%
Netherlands	7	8%	Czech Republic	2	2%
France	6	7%	Norway	2	2%
Venezuela	6	7%	Uruguay	2	2%
Germany	5	5%	Australia	1	1%
Argentina	4	4%	Brazil	1	1%
Italy	4	4%	Bulgaria	1	1%
Belgium	3	3%	Canada	1	1%
Ecuador	3	3%	Chile	1	1%
Finland	3	3%	Costa Rica	1	1%
Ireland	3	3%	Dominican Republic	1	1%
Paraguay	3	3%	Hungary	1	1%
Portugal	3	3%	Morocco	1	1%
Russian Federation	3	3%	Nicaragua	1	1%
Sweden	3	3%	Peru	1	1%
Ukraine	3	3%	South Africa	1	1%
United States	3	3%	Switzerland	1	1%
Total				92	100%

667. In 2015, 54% of return applications to Spain came from a fellow EU Member State governed by the revised Brussels II Regulation (ie all Member States excluding Denmark).³⁵ This was the lowest proportion received by any such State, the overall average being 71% . This can also be compared with previous proportions of applications received from other Member States, namely, 60% in 2008, 66% in 2003 and 61% in 1999 (from what would now be considered EU Member States).

³⁵ Discussed at Section D below.

2. The taking person

a. *The relationship of the taking person to the child*

668. The Spanish Central Authority was unable to provide information on the relationship between the taking person and the child. In past surveys the majority of taking persons were mothers, making up 67% in 2008, 71% in 2003 and 61% in 1999.³⁶

669. This can be compared with the global average of 73% of applications involving taking mothers and 24% fathers.

b. *The status of the taking person as carer to the child*

670. The Spanish Central Authority was unable to provide information on the status of the taking person as carer to the child.

c. *The nationality of the taking person*

671. In 34% of the applications received in 2015 the taking person was a Spanish citizen This can be compared with 20% in 2008, 28% in 2003 and 43% in 1999.

672. Globally in 2015, 58% of taking persons who went to a State of which they were a national.

3. The children

673. The Spanish Central Authority was unable to provide information on the children involved in return applications in 2015.

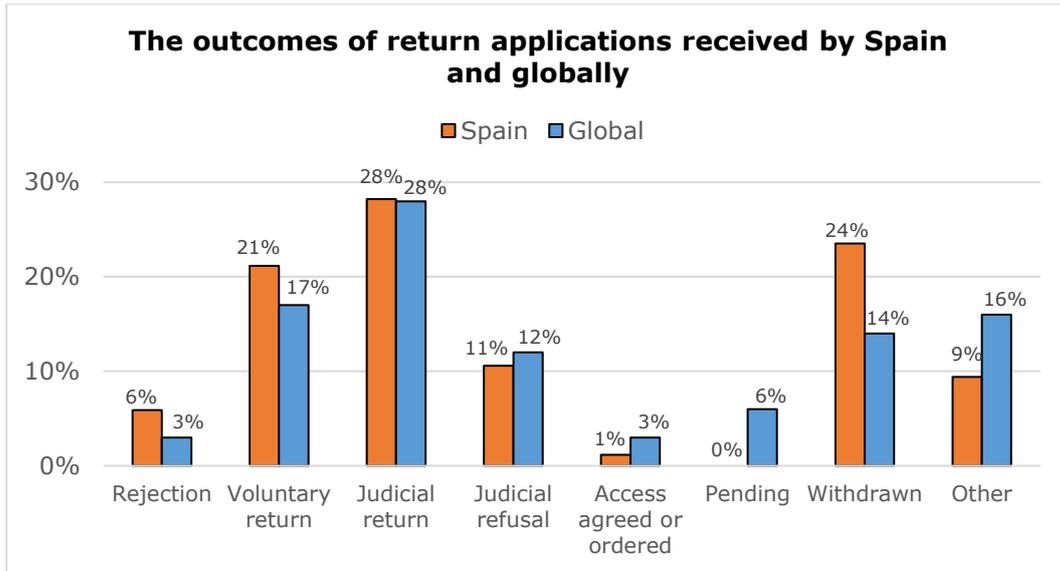
4. Outcomes

The outcomes of return applications received by Spain in 2015

	Spain	Global
Rejection	5 (6%)	3%
Voluntary return	18 (21%)	17%
Judicial return	24 (28%)	28%
Judicial refusal	9 (11%)	12%
Access agreed or ordered	1 (1%)	3%
Pending	0 (0%)	6%
Withdrawn	20 (24%)	14%
Other	8 (10%)	16%
Total	85 (100%)	≈100%

674. The graph below shows more clearly how the results in applications received by Spain compare with those globally. In 2015, 49% of applications received by Spain ended with a return compared with the global return rate of 45%. Proportionally more applications were rejected or withdrawn but fewer ended in an agreement or order for access or 'other' outcomes. No applications remained pending at the cut-off date of 30 June 2017.

³⁶ In 1999 the relationship between the taking person and the child was not recorded but, as the vast majority of taking persons are parents, the gender of the taking person gives a good indication. In 1999, 61% of taking persons in applications received by Spain were female and so probably mothers.

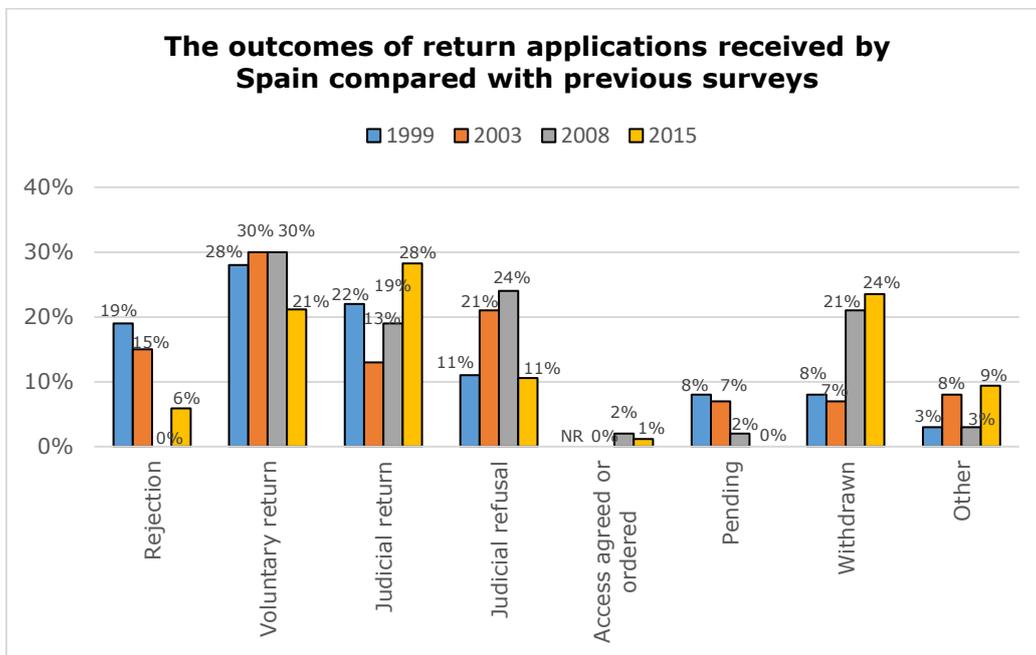


a. Outcomes of return applications received by Spain in previous years

675. The graph below shows the outcomes of return applications in Spain compared with previous surveys. The overall return rate in 2015 was 49%, the same proportion as in 2008, higher than the 43% recorded in 2003 and close to the 50% in 1999.

676. The proportion of applications ending on a judicial refusal was 11%, the same figure as in 1999 but a decrease from the 24% recorded in 2008 and 21% in 2003.

677. The proportion of applications pending has decreased steadily from 1999 whereas the proportion of withdrawn applications has increased.



b. Returns

678. In 2015 the overall return rate in Spain was 49% comprising 18 voluntary returns and 24 judicial returns. Of the 34 cases that were decided in court, 71% ended in a return, compared with 68% globally.

c. *Judicial refusals*

679. Of the 34 applications decided in court, 9 (26%) ended in an order refusing to return the child,³⁷ much lower than the 54% recorded in 2008, 62% in 2003 and 33% in 1999.

680. This can also be compared with the global figure of 28%.

681. The reasons for refusal were recorded for 6 of these applications, 3 of which were decided based on multiple reasons. The reasons were diverse and are compared with the global averages below.

Reasons for refusal in applications received by Spain and globally in 2015

Outcome	Spain	Global
Child not habitually resident in requesting state	1 (17%)	46 (25)%
Applicant had no rights of custody	0 (0%)	13 (7%)
Art 12	2 (33%)	32 (17%)
Art 13(1)a) not exercising rights of custody	1 (17%)	11 (6%)
Art 13(1) a) consent	2 (33%)	28 (15%)
Art 13(1) a) acquiescence	0 (0%)	16 (9%)
Art 13(1) b)	1 (17%)	47 (25%)
Child's objections	1 (17%)	27 (15%)
Art 20	1 (17%)	2 (1%)
Number of reasons	9(150%)	222 (120%)
Number of applications	6	185

5. Timing

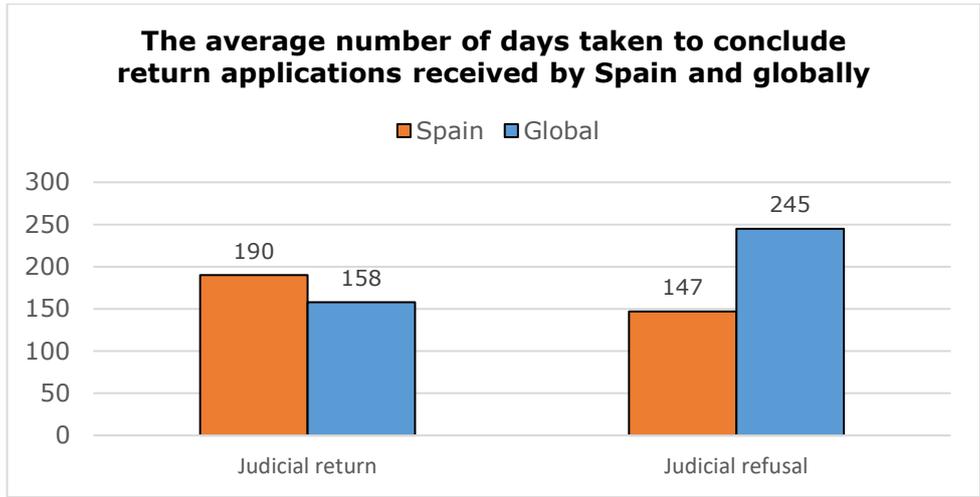
682. The average time taken to reach a final settlement was 180 days from the date the application was received by the Spanish Central Authority. This can be compared with the global average of 164 days.

683. The average time depended heavily on the outcome which was reached, as can be seen in the table and graph below. No dates were available for applications ending in a voluntary return. Applications ending in a judicial order for return took longer to conclude in Spain when compared with the global average but judicial refusals were resolved more quickly. Information was not available on the time taken to conclude voluntary returns.

The number of days taken to reach a final outcome in applications received by Spain

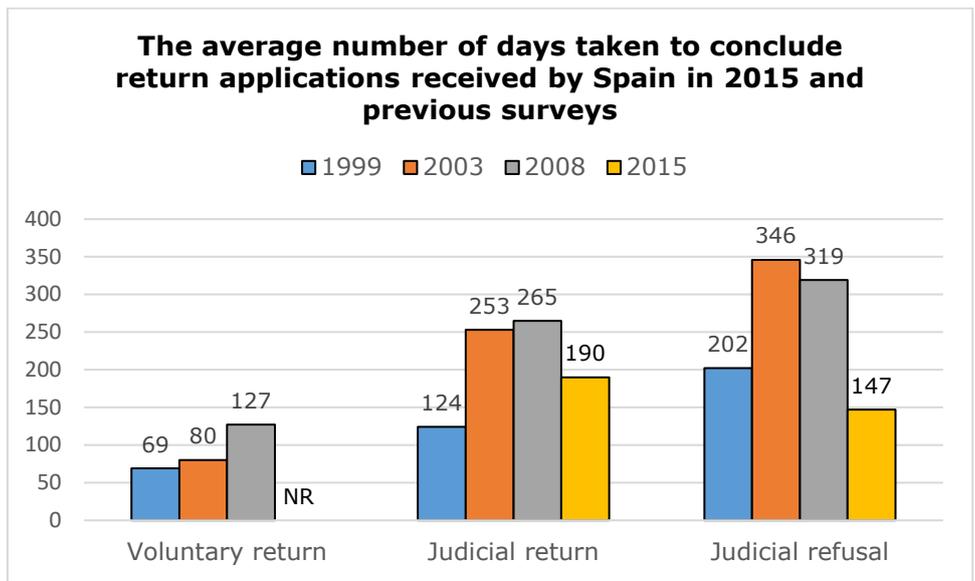
	Judicial return	Judicial refusal
Average (mean)	190	147
Minimum	55	76
Maximum	482	206
Number of cases	24	8

³⁷ A further application decided in court (making up 3%) ended in an 'other' outcome.



a. *Timing in previous years*

684. The 2015 data shows that applications received by Spain in that year were resolved more quickly, on average, at 180 days compared with 265 days in 2008. The graph below compares the time take to reach a final outcome in applications received by Spain in 2015 with each of the past surveys.



b. *Time taken to send application to court*

685. The Spanish Central Authority was unable to provide information on the date applications were sent to court.

c. *Appeals*

686. In 2015, of the 36 applications that went to court, 19 involved an appeal (53%), higher than the 36% recorded in Spain in 2008 and also the 2015 global average of 32%.

687. Seventeen of these applications ended in a return at first instance, which was confirmed in 14 on appeal (82% compared with 71% globally). In the two applications which ended in a refusal to return at first instance, both ended in an order for return on appeal.

688. The average time taken to reach a first instance decision was 158 days compared with 223 days to finalise a case that was appealed. The global averages were 179 days for a first instance decision and 262 days to conclude an appeal.

689. It took an average of 216 days to conclude the 9 applications that were appealed once and 233 days to conclude the 10 applications that were appealed twice. This can be compared with the global averages of 260 days and 282 days, respectively.

690. Of the 19 appeals, nine were appealed once and 10 were appealed twice (47% and 53%, respectively). This is a high proportion of applications reaching two levels of appeal when compared with the global proportion of 81% of appeals which were appealed only once, 16% which were appealed twice and 2% reaching three levels of appeal.

D. The impact of the Revised Brussels II a Regulation

1. Applications between BIIa States

691. The revised Brussels II Regulation (the Regulation) applies to 27 EU Member States ('BIIa States') i.e. all such States except for Denmark. In 2015 BIIa States received a total of 1,161 return applications. Of these, 830 applications came from fellow BIIa States (71%) and the remaining 331 applications came from what will be termed 'non-BIIa States' (29%).

692. 50 of the 92 return applications received by Spain in 2015 came from other BIIa States (54%). This compares with 60% in 2008.

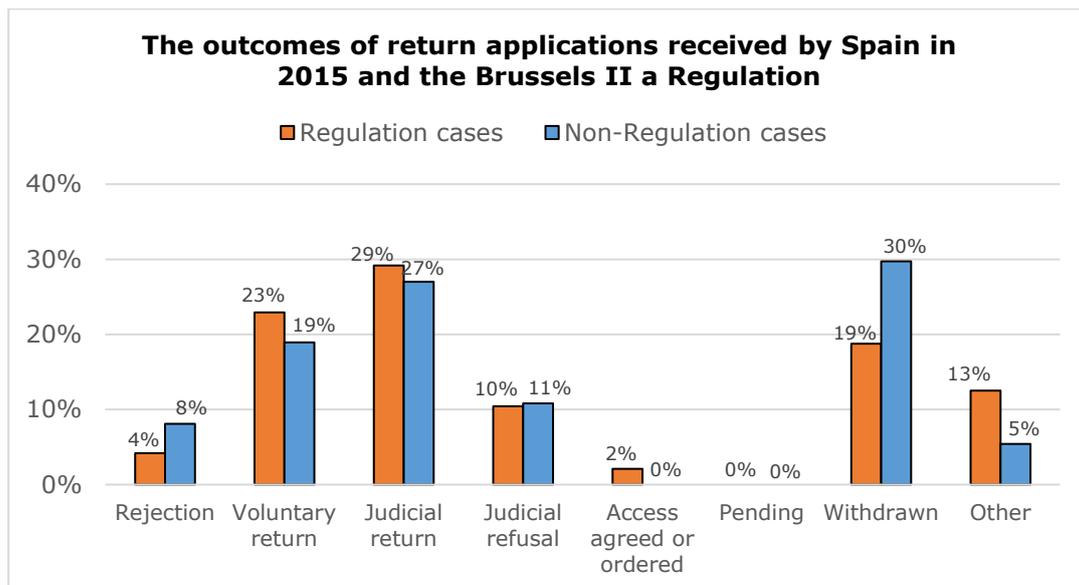
2. The Regulation and outcomes

693. For convenience, in the following analysis we will refer to those applications made to Spain by BIIa State as 'Regulation cases' and to those received from non-BIIa States as 'non-Regulation cases'.

694. The graph below shows the outcomes of return applications received by Spain in Regulation cases and in non-Regulation cases.³⁸

695. The overall return rate in Regulation cases was 52%, higher than 46% in non-Regulation cases.

696. Where the Regulation applied, a higher proportion of applications ended in a voluntary or judicial return but fewer were rejected or withdrawn. The rate of judicial refusal was roughly the same.



697. This is in line with the 2008 findings where 58% of Regulation cases ended in a voluntary return or a return order compared with 34% of non-Regulation cases.

³⁸ Information on outcomes was available in 48 Regulation cases and 37 non-Regulation cases.

3. Refusals and reasons for refusal

698. In 2015, nine applications were refused by the Spanish courts. Of these, the reasons for refusal were known in six – three Regulation cases and three non-Regulation cases, as shown in the table below. Though based on very low numbers of applications, the most common reason for refusal in Regulation cases was Article 12, compared with the consent of the applicant in non-Regulation cases.

The combined reasons for refusal (sole and multiple reasons) and the Regulation

	Regulation cases		Non-Regulation cases	
	Frequency	Percentage	Frequency	Percentage
Child not habitually resident in Requesting State	0	0%	1	33%
Applicant had no rights of custody	0	0%	0	0%
Art 12	2	67%	0	0%
Art 13(1) a) not exercising rights of custody	1	33%	0	0%
Art 13(1) a) consent	0	0%	2	67%
Art 13(1) a) acquiescence	0	0%	0	0%
Art 13(1) b)	0	0%	1	33%
Child's objections	1	33%	0	0%
Art 20	1	33%	0	0%
Number of reasons	5	167%	4	133%
Number of applications	3		3	

4. The Regulation and timing

699. Overall, Regulation cases were resolved more quickly, in an average of 166 days from the date at which they were received by the Central Authority compared with 196 days in non-Regulation cases.³⁹ By contrast, in 2008 it took longer to conclude Regulation cases, in an average of 255 days compared with 282 days for non-Regulation cases.

700. However, despite a faster average overall, a lower proportion of Regulation cases were resolved within 12 weeks of their receipt by the Spanish Central Authority: 23% compared with 25% of non-Regulation cases.⁴⁰

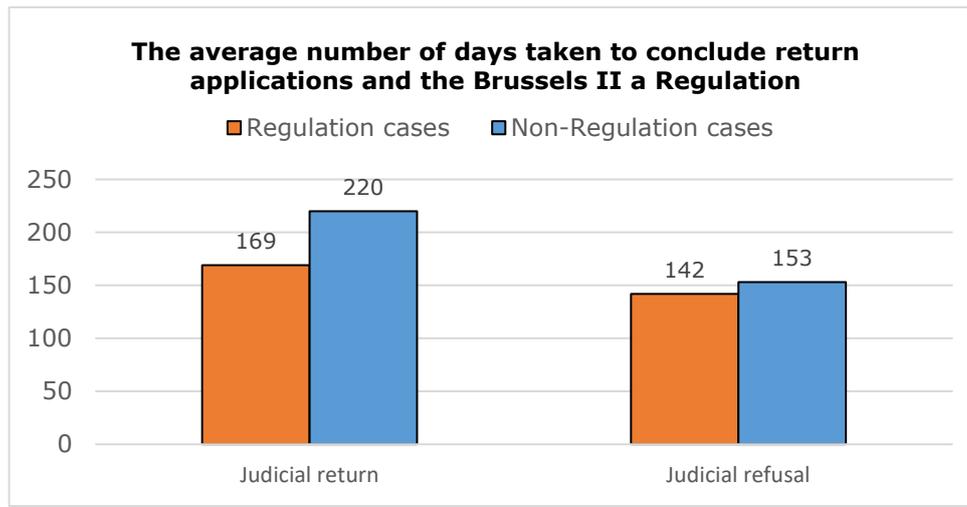
701. The table and graph below analyse the average time taken to conclude applications according to the final outcome. Regulation cases too slightly longer to conclude if they were decided in court.

³⁹ Based on 22 Regulation cases for which information was available and 22 non-Regulation cases.

⁴⁰ 5 out of 22 Regulation cases and 5 out of 20 non-Regulation cases.

The number of days taken to reach a final outcome and the Regulation

	Judicial return		Judicial Refusal	
	Regulation cases	Non-Regulation cases	Regulation cases	Non-Regulation cases
Mean	169	142	220	153
Minimum	55	76	60	105
Maximum	283	204	482	206
<i>No. of applications</i>	14	4	10	4



a. *Court disposal times*

702. Information was not available on the time taken to send applications to court.

b. *Appeals*

703. Of the 21 Regulation cases that went to court, 48% were appealed (10 applications) lower than the 60% of non-Regulation cases (9 of 15 applications that went to court).

704. In Regulation cases only four applications reached two levels of appeal (40% of the 10 appealed cases) compared with 8 in non-Regulation cases (89% of the 9 appealed cases).

705. Unsurprisingly, applications ending in appeal took longer to conclude on average. In Regulation cases it took an average of 158 days for a first instance decision, 185 days to finalise a case that was appealed once and 193 days for a case that was appealed twice. In non-Regulation cases these figures were even higher at 158 days, 227 days and 249 days, respectively.

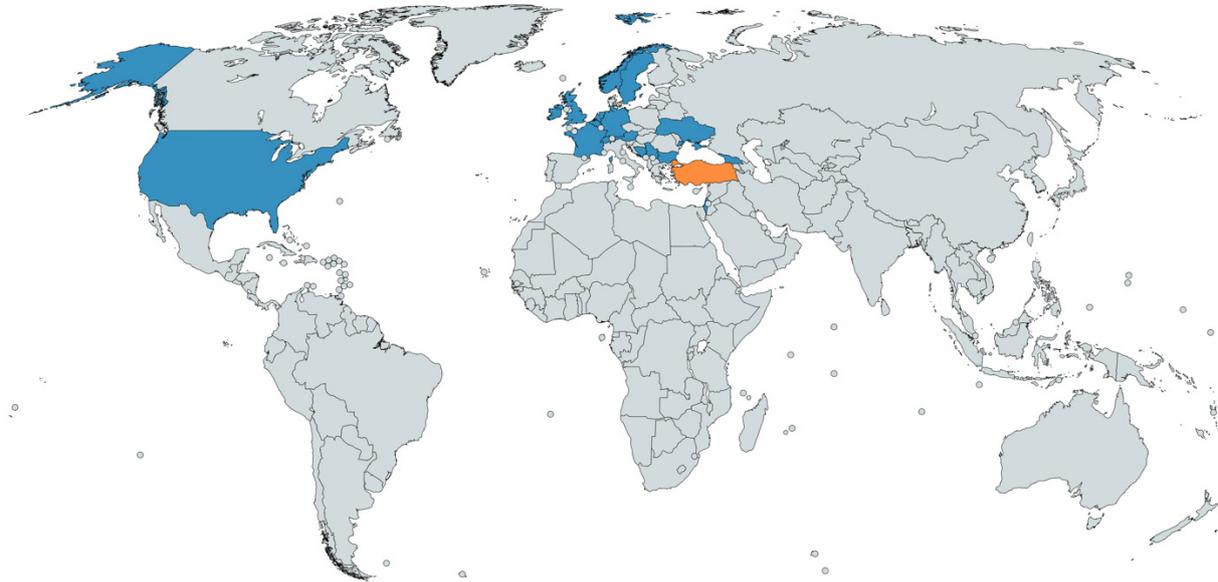
E. Incoming access applications

706. Spain did not receive any access applications in 2015.

TURKEY

A. Executive summary

Return and access applications received by Turkey in 2015



707. In 2015 Turkey received 82 return and two access applications from 19 States. The map above highlights the States that sent these applications to Turkey.

708. This was a 30% increase in return applications and a 50% decrease in access applications from the 63 return and three access applications received in 2008. In total the Turkish Central Authority dealt with 104 applications, a 35% increase on the 77 dealt with in 2008 and a 154% increase on the 41 in 2003.

709. Information on final outcomes was only available in 42 of the 82 applications received by the Turkish Central Authority. Of the return applications received, 60% ended in the child's return. This is an increase on the 51% return rate in 2008 and 57% in 2003, however, an additional 14 applications had reached a first instance decision but had no recorded final outcome. It is likely that these applications were still pending which would reduce the overall return rate to 45%.

710. Overall, 45% of applications globally ended in the return of the children involved. Compared with these global figures, more applications received by Turkey ended in voluntary agreements to return, were pending or withdrawn but fewer ended in judicial orders for return or refusals to return.

711. In general, applications took less time to resolve than in previous years, at an average of 153 days compared with 314 in 2008.

712. Turkey received only two access applications in 2015. One of these ended in an agreement between the parties for access and in the other, access was judicially granted.

B. The number of applications received and sent in 2015

The number of applications received and sent by Turkey in 2015 compared with previous surveys

	2003	2008	2015
Incoming Return	35	63	82
Incoming Access	0	3	2
Outgoing Return	6	7	15
Outgoing Access	0	4	5
Total	41	77	104

713. In 2015 the Turkey Central Authority dealt with a total of 104 applications. A 35% increase on the 77 dealt with in 2008 and a 154% increase on the 41 in 2003. It was the thirteenth busiest Authority.

714. Turkey was not included in the 1999 survey as the Convention came into force in 2000.

C. Incoming return applications

1. The Contracting States which made the application

715. In 2015, Turkey received 82 return applications from 19 different States. This can be compared with 63 applications from 12 States in 2008 and 35 applications from 11 States in 2003.

The Contracting States which made return applications to Turkey

State	Number of applications	%	State	Number of applications	%
Germany	27	33%	Bosnia and Herzegovina	1	1%
United Kingdom	8	10%	Bulgaria	1	1%
Austria	7	9%	Denmark	1	1%
Netherlands	7	9%	Georgia	1	1%
France	6	7%	Ireland	1	1%
Belgium	5	6%	Israel	1	1%
Switzerland	5	6%	Moldova, Republic of	1	1%
Norway	3	4%	Serbia	1	1%
Sweden	3	4%	Ukraine	1	1%
United States	2	2%			
Total				82	100%

716. As in previous surveys, a very high proportion of applications to Turkey came from Germany: 33% (27 applications) in 2015 compared with 57% (36 applications) in 2008 and 46% (16 applications).

2. The taking person

a. The relationship of the taking person to the child

717. In 2015, 58%, of taking persons were mothers (46 applications), and 39% were fathers (31 applications). This was a lower proportion of taking mothers when compared to the global average of 73%.

718. In three additional applications the taking person was, respectively, a grandparent, an 'other relative' or recorded as 'other'.

719. In 2008 the proportion of taking mothers was also below the global average at 54% and in 2003 more than half of the taking persons coming to Turkey were fathers (60%).

b. The status of the taking person as carer to the child

720. In 2008, only 1% of taking persons were the sole primary carer of the child whilst 81% were the joint primary carer. The remaining 18% were a non-primary carer.

721. Globally 20% of taking persons were the child's primary carer, 60% a joint-primary carer and 20% a non-primary carer.

c. The nationality of the taking person

722. In 80% of the applications received in 2015 the taking person was a Turkish citizen, compared with the global 58% of taking persons who went to a State of which they were a national.

723. The proportion of taking persons who were Turkish citizens was also high in previous surveys at 90% in 2008 and 88% in 2003.

3. The children

724. In 2015, 121 children were involved in the 82 applications received by Turkey. This makes an average of 1.5 children per application which is higher than the global average of 1.3 children.

725. The average age of the children was 6.9 years, in line with the global average of 6.8 years. In previous surveys the average age of a child involved in a return application to Turkey was slightly lower at 5.8 years in 2008 and 5.1 years in 2003.

726. In 2015, 52% of the children involved were female and 48% male. Globally, the proportions of male and female children in 2015 were 53% and 47%, respectively.

727. In 2008, exactly 50% of the children involved in applications to Turkey were female and 50% male, and in 2003, 62% of the children were female and 38% male.

4. Outcomes

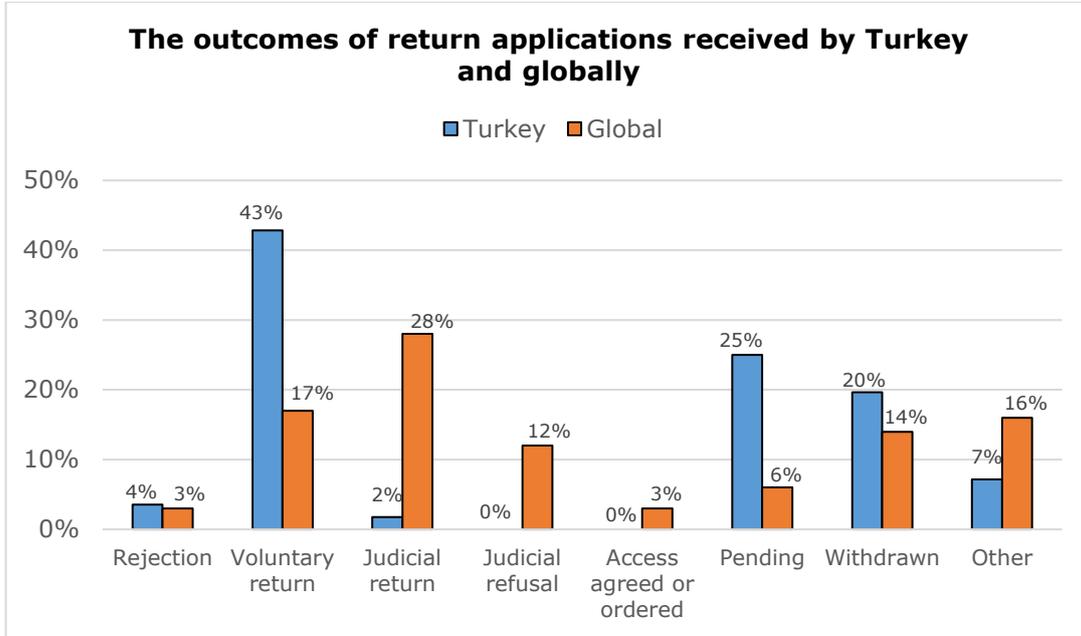
728. Information on outcomes was available for 42 of the 82 applications received by Turkey in 2015. The table below shows these outcomes compared with the global findings.

The outcomes of return applications received by Turkey in 2015

	Turkey	Global
Rejection	2 (5%)	3%
Voluntary return	24 (57%)	17%
Judicial return	1 (2%)	28%
Judicial refusal	0 (0%)	12%
Access agreed or ordered	0 (0%)	3%
Pending	0 (0%)	6%
Withdrawn	11 (26%)	14%
Other	4 (10%)	16%
Total	42 (100%)	≈100%

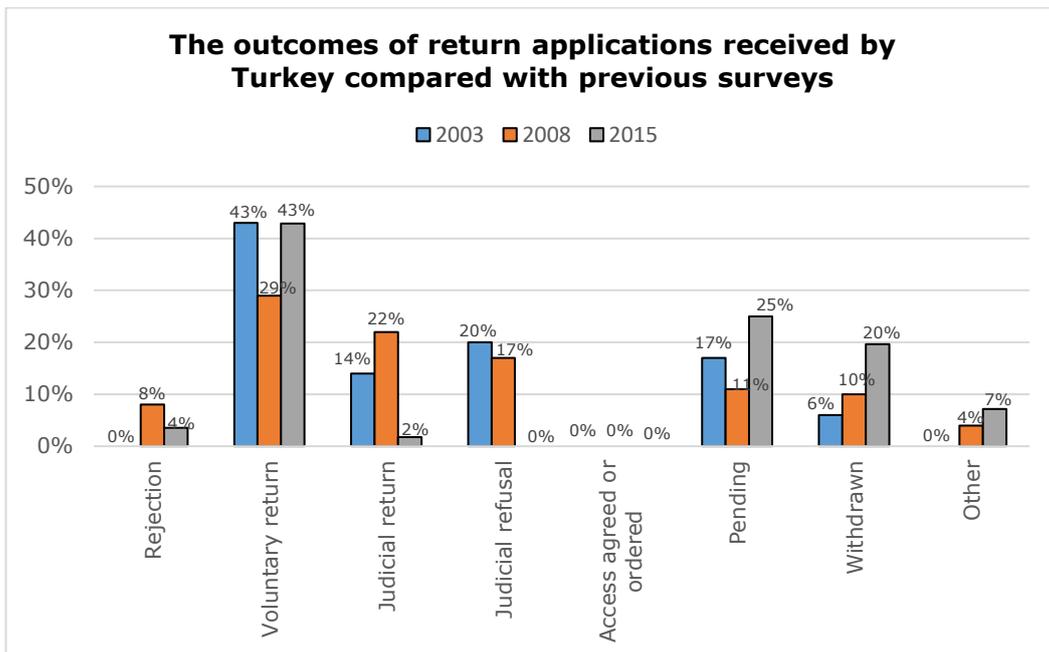
729. Of the 60 applications in which information on the final outcome was not known, 14 had previously reached first instance decision and so appeared to be pending an appeal. In the graph below these applications have been recorded as pending and compared with the global averages.

730. With the addition of these pending cases, the overall return rate falls from 60% to 45%, the same as the global average. A significantly high proportion of these applications ended in agreements outside of court (24 applications) and only one application ended in a final order for return.



a. Outcomes of return applications received by Turkey in previous years

731. The graph below compares the outcomes of applications received by Turkey in 2015 with those in 2008 and 2003. In each year a high proportion of applications ended in a voluntary agreement for return. However, it is striking that only 2% ended in a judicial return in 2015 (compared with 22% in 2008 and 14% in 2003) and no applications were refused (compared with 17% in 2008 and 20% in 2003).



b. Returns

732. In 2015 the overall return rate in Turkey was 45% comprising 24 voluntary returns and one judicial return. Only one case reached a final decision in court and this ended in an order for return, compared with 65% of court cases globally.

733. Overall, 16 applications went to court, one of these ended in a judicial return order as described above, the other was withdrawn and the final outcome was not known for the other 14 which may have been pending a final outcome. Looking at the first instance decisions, five ended in a return order (31%) and 11 in a judicial refusal (69%).

c. Judicial refusals

734. No applications ended in a final order for refusal, compared with 28% globally. However, 69% of first instance decisions were an order refusing return.

735. In 2008 17% of applications were judicially refused and 20% in 2003.

736. The reasons for refusal were known in 10 of the 11 applications refused at first instance. Eight of these were refused based on Article 13(1) b) (one combined with the child's objections) one was refused as the child was not habitually resident in the requesting State and one based on Article 13(1) a) consent.

737. In 2008, there was a similar pattern in the reasons for refusal. Eleven applications were refused based on 12 reasons: eight based on Article 13 (1) b), two based on Article 13(1) a) acquiescence and two based on the child's objections.

738. In 2003 the reasons for refusal were known in three applications and each of these was refused based on Article 13(1) b).

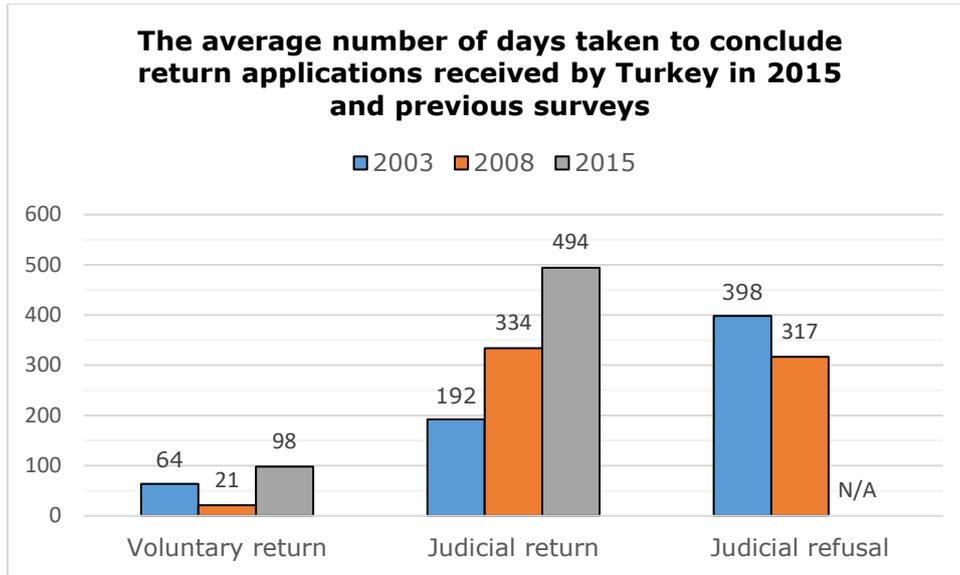
5. Timing

739. The average time taken to reach a final settlement in the return applications from the date they were received by the Turkish Central Authority was 153 days, compared with 314 days in 2008 and the global average of 164 days.

740. The average time depended heavily on the outcome which was reached. Voluntary returns took 98 days compared with 108 days globally and the application ending in a judicial order for return took 494 days compared with 158, globally.

a. Timing in previous years

741. The graph below compares the time take to reach a final outcome in applications received by Turkey in 2015, 2008 and 2003. Though only one application ended in a judicial return in 2015, it took longer than in previous surveys. Furthermore, as many applications appear to be pending an appeal it is likely that, overall, the time taken to resolve court applications more generally is slowing down.



b. Time taken to send application to court

742. In Turkey it took an average of 143 days before the application was sent to court and the court then took an average 135 days to reach a final outcome. This can be compared with the global averages of 93 days to send the application to court and a further 125 days to reach a final outcome.

743. In 2008 it took an average of 126 days for the application to be send to court and then 224 days for the case to reach a final conclusion.

c. Appeals

744. In 2015, 16 applications went to court and all of these were appealed, significantly higher than the global average of 31% of court cases which went on appeal.

745. In 2015 the average time taken to reach a first instance decision was 249 days compared with 471 days to finalise a case that was appealed. The global averages were 179 days for a first instance decision and 266 days to conclude an appeal.

746. In 2008, 26 return applications went to court and 21 of these decisions (81%) were appealed. The average time taken to reach a first instance decision was 272 days compared with 401 days to reach a final decision on appeal.

D. Incoming access applications

1. The Contracting States which made the application

747. In 2015, Turkey received two access applications: one from Germany and one from France.

The Contracting States which made access applications to Turkey

State	Number of applications	%
France	1	50%
Germany	1	50%
Total	2	100%

2. The respondent

a. The relationship of the respondent to the child

748. In both applications the respondent was the mother of the child compared with two out of three applications in 2008.

749. Globally, 73% of applications involved respondent mothers and 26% respondent fathers.

b. The status of the respondent as carer to the child

750. One of the respondents was a sole-primary carer and the other a joint-primary carer. This can be compared with the global proportions of 71% of access applications involving respondents who were the primary carer, 21% the joint-primary carer and 8% a non-primary carer.

c. The nationality of the respondent

751. In both applications the respondent was a Turkish citizen, compared with two out of three applications in 2008. Globally, 58% of respondents who were a national of the Requested State.

3. The children

752. One child was involved in each of the applications to Turkey compared with the global average of 1.3 children per application.

753. The average age of the children was 7.5 years (one was aged 12 and the other aged 3) compared with the global average of 8.0 years. In 2008 the average age of children involved in applications to Turkey was 9.0 years.

754. In 2015, both of the children involved were female, compared with four out of five in 2008. Globally, the proportions of male and female children in 2015 were 49% and 51%, respectively.

4. Outcomes

755. In one application the parties reached an agreement for access and in the other it was judicially ordered under the Hague Convention. This can be compared with 11% of access applications globally ending in parties reaching an agreement for access and 16% in which access was judicially granted.

756. In 2008, one application was pending, one was withdrawn and the other was closed by the requesting State after a lack of response from the applicant (recorded as 'other').

a. The reasons for judicial refusal

757. No applications were judicially refused in 2015, 2008 or 2003. Globally only six applications were judicially refused in 2015 (2%).

5. Timing

758. Information on timing was available only for the application which ended in a judicial order for return. This case took 562 days to conclude overall (231 days to send to court and 331 days for the court to conclude it).

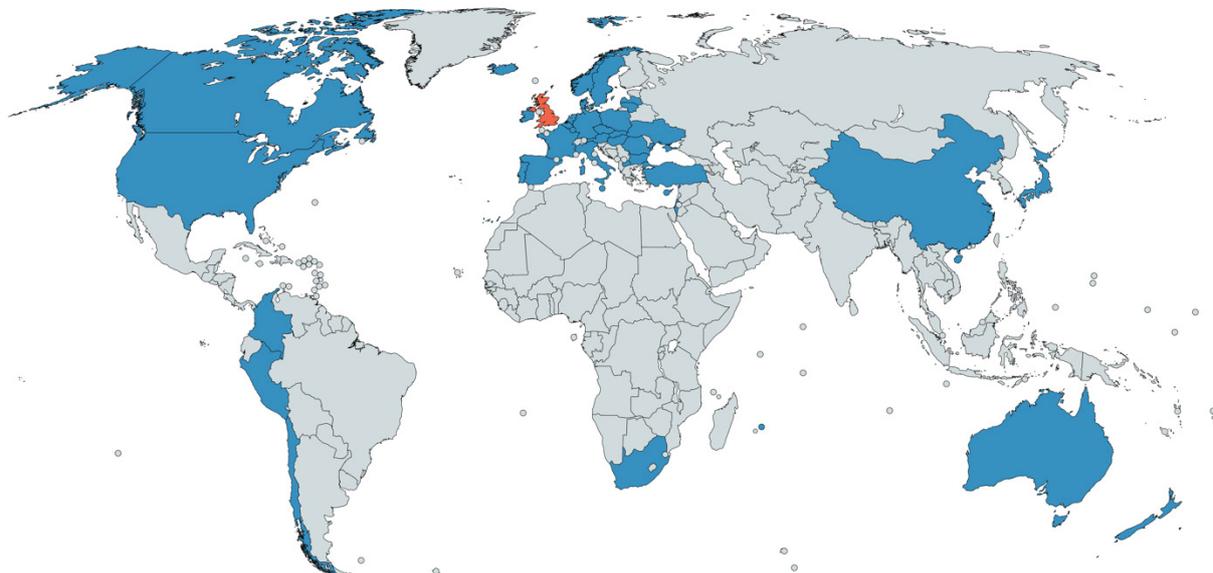
759. This can be compared with the global average of 254 days to conclude access applications overall and 291 days to conclude those ending in a judicial order for access.

760. No information on the time taken to conclude access applications was available for those received in 2008.

UNITED KINGDOM - ENGLAND AND WALES

A. Executive summary

Return and access applications received by England and Wales in 2015



761. The Central Authority for England and Wales is the Lord Chancellor. He has delegated the day-to-day operational duties to the International Child Abduction and Contact Unit (ICACU). In 2015, the ICACU received 261 return and 58 access applications from ?? Contracting States as highlighted in the map above.. This was a 31% increase in return applications compared to the 200 received in 2008 and a 53% increase in access applications on the 38 applications received in 2003. These increases were amongst the largest found in the 2015 Study.

762. 56% of return applications ended in the voluntary return of the child or a judicial order for return. This is relatively consistent with the 60% return rate in 2008, 61% in 2003 and 56% in 1999. It can also be compared with the global return rate of 45%. A significant proportion of return applications also ended in access being agreed or ordered (14%, compared with 3% globally).

763. A high proportion (64%) of applications went to court compared with the global average of 43%. Of these, 71% ended in a return order compared with 65% globally, and 10% were refused, compared with 28% globally. The remaining 19% ended in an order or agreement for access or in some other form of agreement which compares with 6% globally.

764. Only two cases (1%) were appealed compared with 31% globally.

765. Overall, return applications took longer to resolve than in previous years, at an average of 90 days compared with 88 in 2008. This is significantly faster than the global average of 164 days.

766. 23% of access applications ended with access being agreed or ordered compared with the global average of 27%. No access application was judicially refused, though 12% (7 applications) were pending. All access applications to court were dealt with under domestic law.

767. Access applications took an average of 201 days to resolve compared with 254 days, globally. This can also be compared with 171 days in England and Wales in 2008.

B. The number of applications received and sent in 2015

768. As can be seen in the table below, in 2015 the England and Wales Central Authority dealt with a total of 578 applications, a 24% increase on the 466 received in 2008. This made them the second busiest Central Authority globally. Only the USA handled more applications (597 in 2015).

The number of applications received and sent by England and Wales in 2015 compared with previous surveys

	1999	2003	2008	2015
Incoming Return	149	142	200	261
Incoming Access	25	17	38	58
Outgoing Return	126	148	183	220
Outgoing Access	29	43	45	39
Total	329	350	466	578

C. Incoming return applications

1. The Contracting States which made the application

769. In 2015, England and Wales received 261 return applications from 38 different States.

The Contracting States which made return applications to England and Wales

State	Number of applications	%	State	Number of applications	%
Poland	39	15%	Sweden	3	1%
Australia	25	10%	Ukraine	3	1%
Ireland	24	9%	Czech Republic	2	1%
United States	24	9%	Japan	2	1%
Lithuania	14	5%	Malta	2	1%
Latvia	13	5%	Mauritius	2	1%
Spain	13	5%	New Zealand	2	1%
France	12	5%	Norway	2	1%
Hungary	12	5%	Austria	1	0%
Canada	8	3%	Chile	1	0%
Germany	8	3%	China	1	0%
Portugal	8	3%	Colombia	1	0%
Italy	7	3%	Cyprus	1	0%
Netherlands	6	2%	Israel	1	0%
Belgium	4	2%	Luxembourg	1	0%
Denmark	4	2%	Macedonia FYR	1	0%
South Africa	4	2%	Peru	1	0%
Turkey	4	2%	Romania	1	0%
Bulgaria	3	1%	Slovakia	1	0%
Total				261	100%

770. As in 2008, the highest number of applications from a single State came from Poland (39 applications, 15%, compared with 12% in 2008 and 1% in 2003 and 1999). Since the first statistical survey in 1999 there has been a steady increase in applications from Eastern European and Baltic States. In 2015, 14 applications were received from Lithuania (5%, compared with 5% in 2008 and no applications in 2003 and 1999), 13 from Latvia (5%, compared with 1% in 2008) and 12 from Hungary (5%, compared with 1% in 2008).

771. For the first time, the second highest number of applications came from Australia followed by the USA. Although a similar number of applications were received from the USA compared to previous surveys, there continues to be a downward trend in the proportion of applications received, namely 9% of all applications received in 2015, compared with 12% in 2003, 28% in 2003.

The Contracting States which made the most applications to England and Wales

	1999	2003	2008	2015
Poland	1 (1%)	1 (1%)	26 (13%)	39 (15%)
Australia	16 (11%)	16 (11%)	11 (6%)	25 (10%)
USA	34 (23%)	25 (18%)	23 (12%)	24 (9%)
Ireland	13 (9%)	17 (12%)	19 (10%)	24 (9%)
Lithuania	0 (0%)	0 (0%)	9 (5%)	14 (5%)
Other States	85 (57%)	83 (58%)	112 (56%)	135 (52%)
Total	149	142	200	261

772. In 2015, 179 out of the 261 applications (69%) came from EU Member States.⁴¹ This shows an increase from the 66% received in 2008, 54% in 2003 and 47% in 1999.

2. The taking person

a. The relationship of the taking person to the child

773. In 2015, a substantial majority, 76%, of taking persons were mothers (195 applications), and 22% were fathers (56 applications). In 2008, 81% of taking persons were mothers, 77% in 2003 and 79% in 1999.⁴²

774. This can be compared with the global average of 73% of taking persons being mothers and 24% fathers.

b. The status of the respondent as carer to the child

775. No information was available on the status of the taking person as carer to the child.

c. The nationality of the taking person

776. In 41% of the applications received in 2015 the taking person was a British citizen, compared with the global average of 58% of taking persons who went to a State of which they were a national.

777. In 2015, a higher proportion of mothers taking children to England and Wales were found to be British citizens (57%, 102 applications) compared with fathers (37%, 19 applications).

778. Globally, 56% of taking mothers were found to have the same nationality as the requested State and 64% of fathers.

3. The children

779. In 2015, 359 children were involved in the 261 applications received by England and Wales. This makes an average of 1.4 children per application which is slightly more than the global average of 1.3 children. In previous surveys, the average was 1.5 children.

780. The average age of the children was 6.8 years, which was the same as the global average.

781. In 2015, 42% of the children involved were female and 58% male. Globally, the proportions of male and female children in 2015 were 47% and 53%, respectively.

⁴¹ This includes 4 applications from Denmark, to which the Brussels II a Regulation did not apply. For more information about the impact of the Regulation see the Regional Report.

⁴² In 1999 the relationship between the taking person and the child was not recorded but, as the vast majority of taking persons are parents, the gender of the taking person gives a good indication. In 1999, 79% of taking persons in applications received by England and Wales were female and so probably mothers.

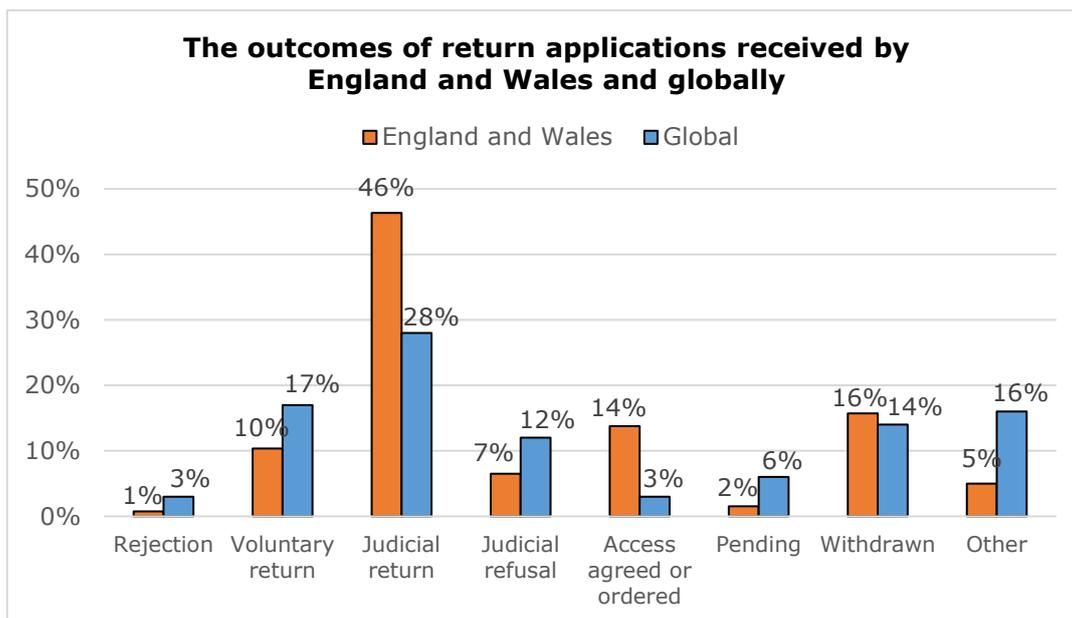
4. Outcomes

The outcomes of return applications received by England and Wales in 2015

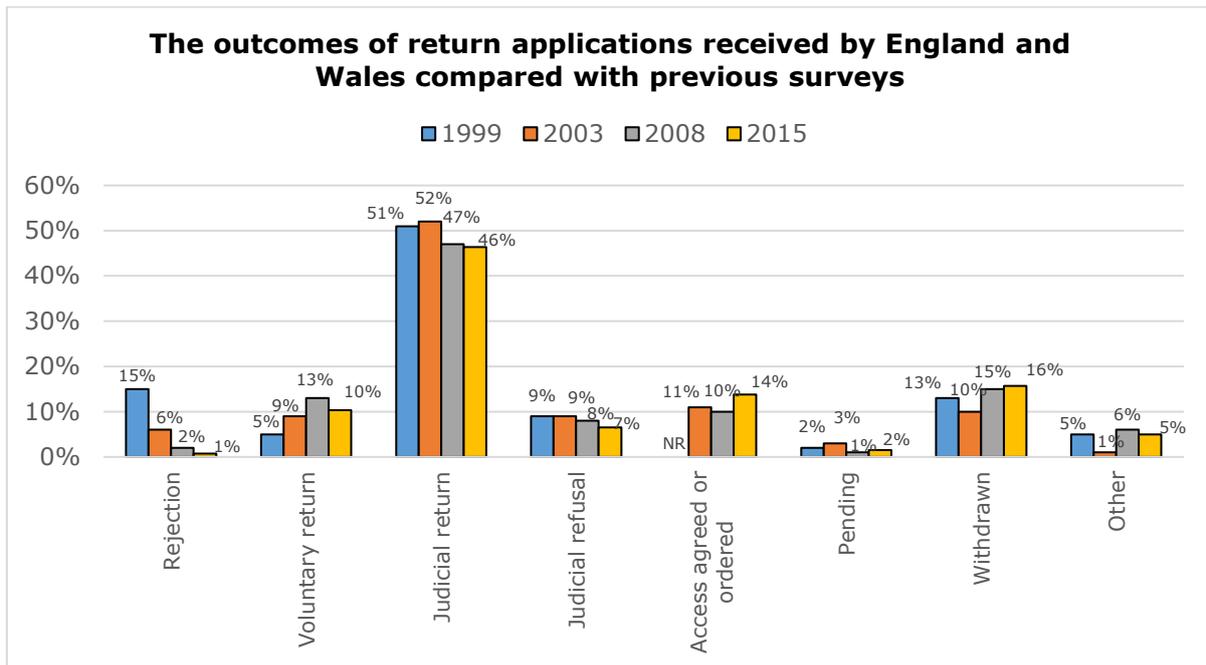
	England and Wales	Global
Rejection	2 (1%)	3%
Voluntary return	27 (10%)	17%
Judicial return	121 (46%)	28%
Judicial refusal	17 (7%)	12%
Access agreed or ordered	36 (14%)	3%
Pending	4 (2%)	6%
Withdrawn	41 (16%)	14%
Other	13 (5%)	16%
Total	261 (100%)	≈ 100%

782. The graph below shows more clearly how the outcomes of applications received by England and Wales compare with those globally. In 2015, 56% of applications received by England and Wales ended with a return compared with the global return rate of 45%.

783. Strikingly, 36 applications (14%) ended in an agreement or order for access compared with 3% globally. This amounted to 64% of the 56 return applications ending in access globally.



a. *Outcomes of return applications received by England and Wales in previous years*



784. With regard to the outcomes of applications, the four surveys show a clear pattern. Around half of all applications ended in a judicial return in each survey, although slightly lower than previous surveys at 46% in 2015 compared with 47% in 2008, 52% in 2003 and 51% in 1999. Similarly, though relatively stable at 56%, the overall return rate was lower than the 60% in 2008, and 61% in 2003 but the same as in 1999.

785. In line with the global trend, there was declining proportion of judicial refusals, 6% as against 8% in 2008 and 9% in both 2003 and 1999. Similarly, the proportion of rejected applications has steadily decreased from 15% in 1999 to 1% in 2015. The proportion of applications ending in access, or remained pending has broadly the same.

786. Of the 36 applications ending in some form of access, 27 ended in a court order for access and nine in a voluntary agreement.

b. *Returns*

787. In 2015 the overall return rate for applications received by England and Wales was 56% comprising 27 voluntary returns and 120 judicial returns. Of the 166 cases that were decided in court, 71% ended in a return, compared with 67% globally. Of the judicial returns in which the consent of the parties was known, 36% were ordered with the consent of the taking person and 64% without consent.

c. *Judicial refusals*

788. Out of the 166 cases that went to court, 17 (10%) were refused, compared with 28% globally.

789. As shown in the table below, the reasons for refusal were known in 14 cases, three of which were refused based on multiple grounds.

Reasons for refusal in applications received by England and Wales and globally in 2015

	England and Wales	Global
Child not habitually resident in requesting state	5 (29%)	46 (25)%
Applicant had no rights of custody	0 (0%)	13 (7%)
Art 12	0 (0%)	32 (17%)
Art 13(1)a) not exercising rights of custody	2 (12%)	11 (6%)
Art 13(1)a) consent	4 (24%)	28 (15%)
Art 13(1)a) acquiescence	2 (12%)	16 (9%)
Art 13(1)b)	3 (18%)	47 (25%)
Child's objections	1 (6%)	27 (15%)
Art 20	0 (0%)	2 (1%)
Number of reasons	17 (121%)	222 (120%)
Number of applications	14	185

790. Bearing in mind that the proportions are based on low numbers, a relatively high proportion of applications received by England and Wales were refused based on the consent of the left-behind parent, their acquiescence or not exercising rights of custody. As globally, a high proportion were refused based on the child not being habitually resident in the Requesting State.

791. By contrast, a lower proportion were refused based on the child's objections or Article 13(1) b) and no applications were refused based on Article 12, the applicant having no rights of custody, or Article 20.

792. Of the three cases decided for more than one reason: one was based on a combination of the applicant not exercising rights of custody and the consent of the applicant; the second was based on Article 13(1)(b) and the child's objections to return; and the third based on the applicant not exercising rights of custody, consent and acquiescence.

793. The relationship of the taking person to the child was known in 15 refused applications. Of these, 13 involved taking mothers and 2 involved taking fathers.

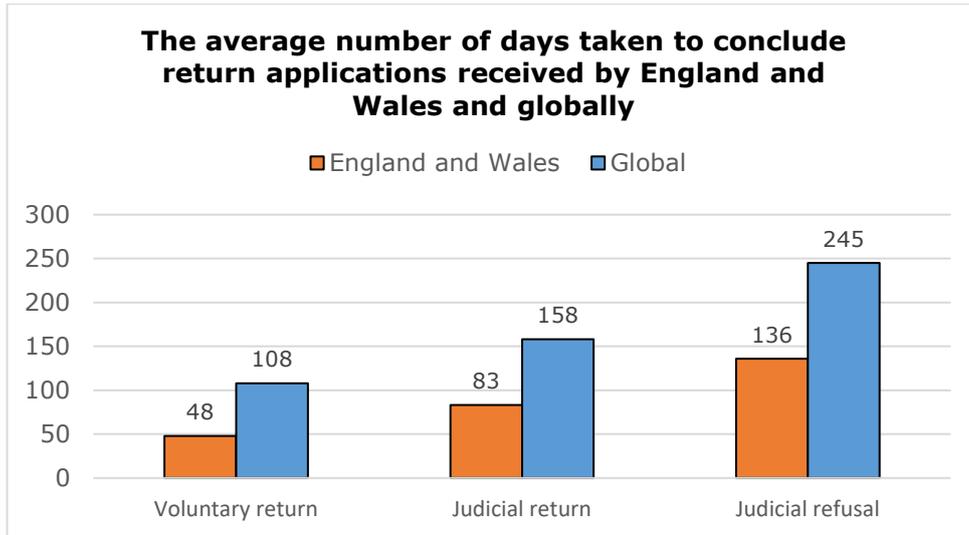
5. Timing

794. The average time taken to reach a final settlement in the return applications from the date that they were received by the Central Authority was 90 days.

795. The average time depended heavily on the outcome that was reached, as can be seen in the table and graph below.

The number of days taken to reach a final outcome

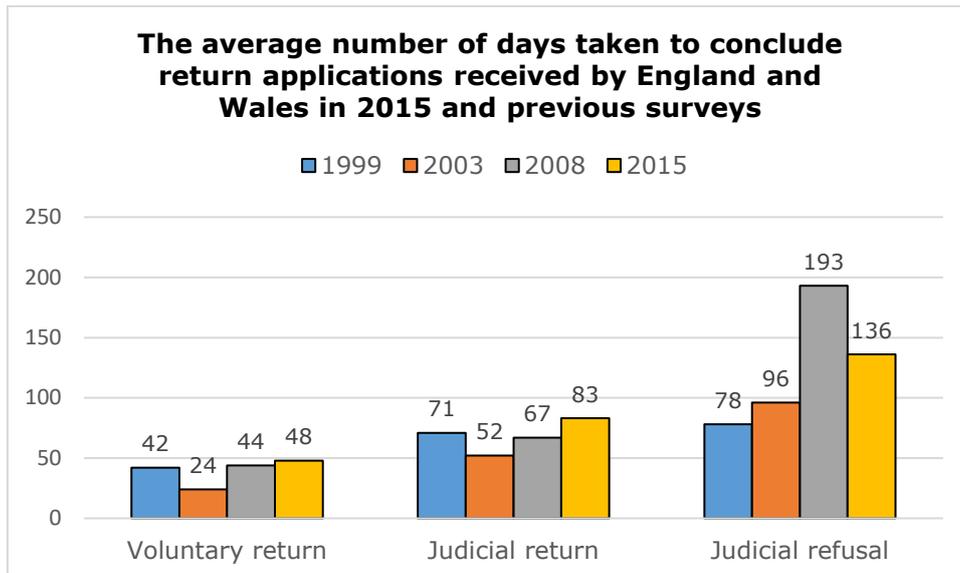
	Voluntary return	Judicial return by consent order	Judicial return not by consent	Judicial refusal
Average (mean)	48	67	90	136
Minimum	3	4	4	36
Maximum	195	267	259	241
Number of cases	25	38	66	13



a. Timing in previous years

796. Overall, applications took longer to conclude in 2015, an average of 90 days, compared with 88 days in 2008.

797. The graph below compares the time take to reach a final outcome in applications received by England and Wales in 2015, 2008, 2003 and 1999. In 2015 judicial returns took slightly longer to conclude, on average, but judicial refusals were resolved more quickly than in 2008.



b. Time taken to send application to court

798. In England and Wales it took an average of 13 days before the application was sent to court and the court then took an average 76 days to reach a final outcome. The ICACU does not record this data as a matter of course and dates were only known for 32 applications. More information was available on the date of the first hearing. In England and Wales it is normally the case that applicants will have a preliminary hearing, known as a 'directions hearing', shortly after the case is sent to court or even on the same day. In the 76 cases in which this information was available, it took an average of 20 days for the first hearing and a further 79 days for the final decision.

799. This can be compared with the global averages of 93 days to send the application to court and a further 125 days to reach a final outcome.

c. *Timing and appeals*

800. In 2015, of the 166 applications that were decided in court in England and Wales, only 2 involved an appeal (1%). This is considerably lower than the global average of 32%. Both of these applications ended in a judicial refusal at first instance which was confirmed on appeal.

801. For the case in which the date of the final appealed decision was known, it took 204 days to conclude from the date it was received by the Central Authority. This can be compared 266 days globally.

802. In 2008 it took an average of 249 days to conclude an appealed decision.

D. The Impact of the Revised Brussels II a Regulation

1. Applications between BIIa States

803. The revised Brussels II Regulation (the Regulation) applies to 27 EU Member States (BIIa States') i.e. all such States except for Denmark. In 2015 BIIa States received a total of 1,161 return applications. Of these, 830 applications came from fellow BIIa States (71%) and the remaining 331 applications came from what will be termed 'non-BIIa States' (29%).

804. 175 of the 261 return applications received by England and Wales in 2015 came from other BIIa States (67%). This compares with 71% in 2008.

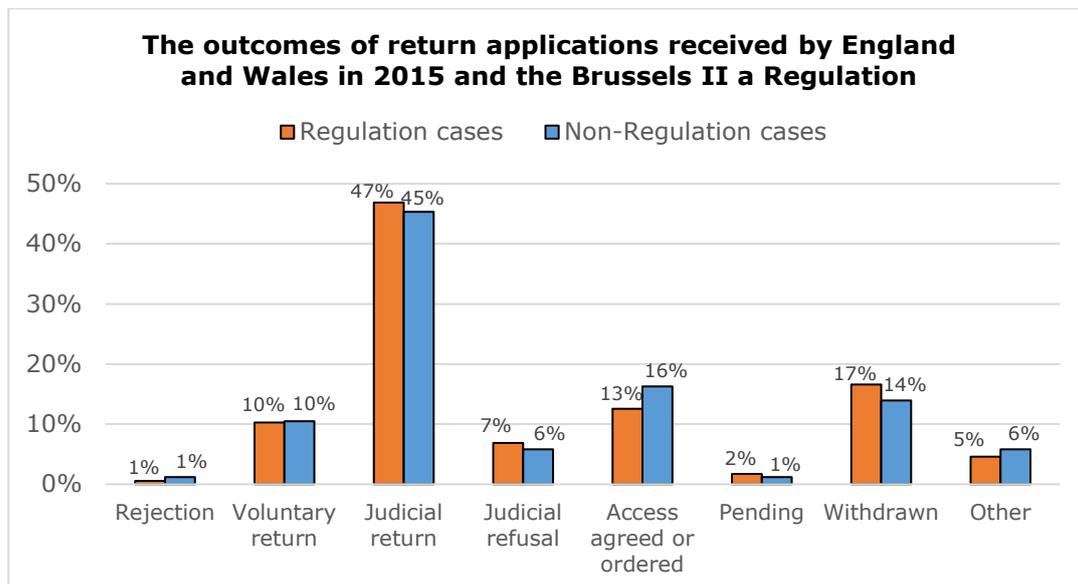
2. The Regulation and outcomes

805. For convenience, in the following analysis we will refer to those applications made to England and Wales by BIIa States as 'Regulation cases' and to those received from non-BIIa States as 'non-Regulation cases'.

806. The graph below shows the outcomes of return applications received by England and Wales in Regulation cases and in non-Regulation cases.⁴³

807. The application of the Regulation did not make a significant impact on the outcomes of applications. The overall return rate in Regulation cases was 57% compared with 56% in non-Regulation cases.

808. Where the Regulation applied, a slightly higher proportion of applications ended in a judicial return, judicial refusal or were withdrawn, and a lower proportion ended in a judicial order or agreement for access.



⁴³ Information on outcomes was available in 53 Regulation cases and 30 non-Regulation cases.

809. In 2008, there was a higher return rate in Regulation cases - 65% compared with 48% in non-Regulation cases.

810. A slightly higher proportion of Regulation cases ended in a judicial order refusing the return of the child compared with non-Regulation cases (7% compared with 6%). This was not the case in 2008 when 5% of Regulation cases ended in a refusal compared with 12% in non-Regulation cases.

3. Refusals and reasons for refusal

811. The table below compares the reasons for refusal in Regulation cases and non-Regulation cases. In the former case, in the 10 refused applications, the most commonly cited reason was the child not being habitually resident in the Requesting State, Article 13(1) a) consent or the child's objections (each cited in three applications). In non-Regulation cases, two out of four were rejected due to the child not being habitually resident in the Requesting State.

The combined reasons for refusal (sole and multiple reasons) and the Regulation

	Regulation cases		Non Regulation cases-	
	Frequency	Percentage	Frequency	Percentage
Child not habitually resident in Requesting State	3	30%	2	50%
Applicant had no rights of custody	0	0%	0	0%
Art 12	0	0%	0	0%
Art 13(1) a) not exercising rights of custody	1	10%	0	0%
Art 13(1) a) consent	3	30%	1	25%
Art 13(1) a) acquiescence	2	20%	1	25%
Art 13(1) b)	2	20%	0	0%
Child's objections	3	30%	0	0%
Art 20	0	0%	0	0%
Number of reasons	14	140%	4	100%
Number of applications	10		4	

4. The Regulation and timing

812. Overall, Regulation cases were resolved more slowly, in an average of 93 days from the date at which they were received by the ICACU compared with 85 days in non- Regulation cases.⁴⁴ This was also the case in 2008 when the figures were 94 days and 77 days, respectively.

813. 52% of Regulation cases were resolved within 12 weeks of their received by the ICACU compared with 59% of non-Regulation cases.⁴⁵

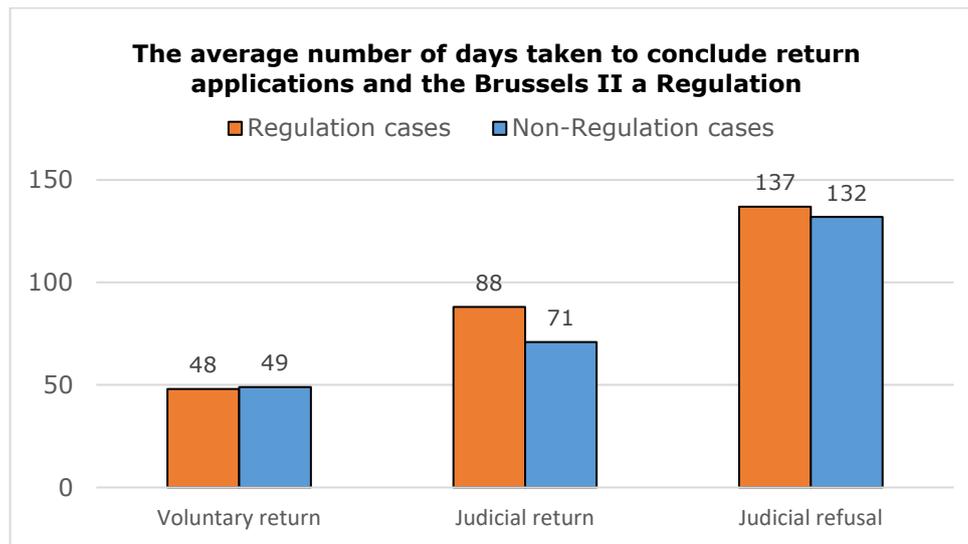
814. The table and graph below analyse the average time taken to conclude applications according to the final outcome. Regulation cases took slightly longer to conclude if they were decided in court.

⁴⁴ Based on 150 Regulation cases for which information was available and 78 non-Regulation cases.

⁴⁵ 78 out of 150 Regulation cases and 46 out of 78 non-Regulation cases.

The number of days taken to reach a final outcome and the Regulation

	Voluntary Return		Judicial return		Judicial Refusal	
	Regulation cases	Non Regulation cases	Regulation cases	Non-Regulation cases	Regulation cases	Non-Regulation cases
Mean	48	49	88	71	137	132
Minimum	4	3	4	4	36	65
Maximum	134	195	267	259	241	204
<i>No. of applications</i>	16	9	78	36	9	4



a. Court disposal times

815. It took an average of 14 days for the ICACU to send Regulation cases to court as against 11 days in non-regulation cases. However, it should be noted that information was only available in a low number of applications.⁴⁶

816. Once received by the court, Regulation cases were resolved in an average of 81 days. 21% were resolved in six-weeks or less (4 of the 19 applications in which information was available). On average, non-Regulation cases were resolved more quickly by the courts in 65 days and with 44% being resolved in six weeks with 4 of the 9 applications in which information was available).

E. Incoming access applications

1. The Contracting States which made the application

817. In 2015, England and Wales received 58 access applications from 21 different Central Authorities.

⁴⁶ Based on information on 21 Regulation cases and 11 non Regulation cases.

The Contracting States which made access applications to England and Wales

State	Number of applications	%	State	Number of applications	%
Poland	8	14%	Mauritius	2	3%
Latvia	5	9%	Portugal	2	3%
Lithuania	5	9%	Turkey	2	3%
United States	5	9%	Austria	1	2%
Australia	4	7%	Iceland	1	2%
France	4	7%	Israel	1	2%
Italy	4	7%	Netherlands	1	2%
Germany	3	5%	Norway	1	2%
Spain	3	5%	Slovakia	1	2%
Belgium	2	3%	South Africa	1	2%
Hungary	2	3%			
Total				58	100%

818. The highest number of applications came from Poland (8 applications, 14%), followed by Latvia, Lithuania and the United States (5 applications each, 9%).

2. The Respondent

a. *The relationship of the respondent to the child*

819. In 2015, a majority of respondents were mothers (46 applications, 85%) and 15% were fathers (8 applications). In 2008, 87% of respondents were mothers, 81% in 2003 and 96% in 1999.

820. This can be compared with the global average of 73% of respondents being mothers and 26% fathers.⁴⁷

b. *The status of the respondent as carer to the child*

821. The ICACU was unable to provide information on the status of the taking person as carer to the child.

c. *The nationality of the respondent*

822. In 46% of the applications received in 2015 the respondent was a British citizen, compared with 47% of respondents globally who went to a State of which they were a national. This data was not available in the 2008 survey.

3. The children

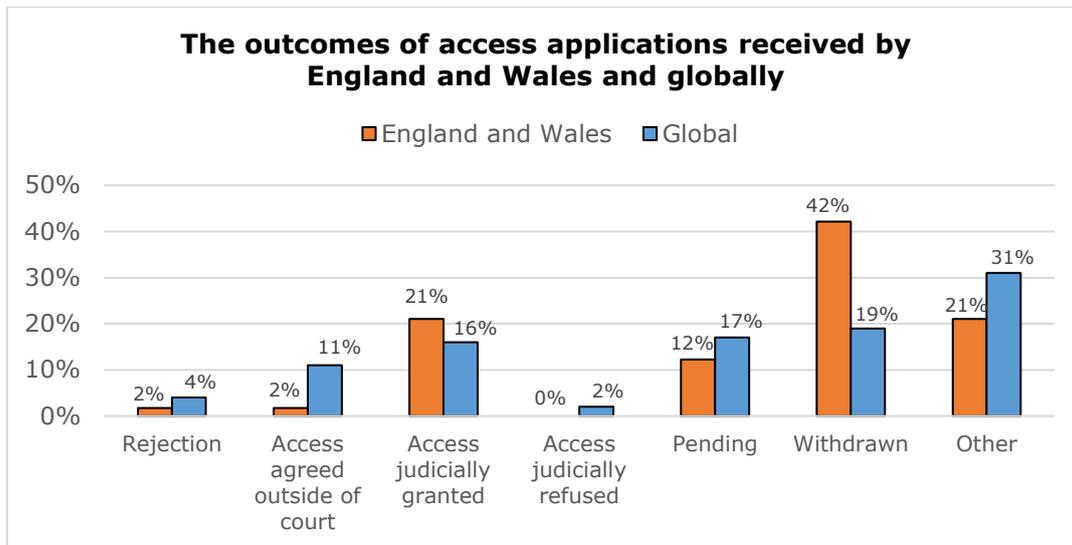
823. In 2008, 85 children were involved in the 58 applications to England and Wales, making an average of 1.5 children per application, the same as in 2008. This can be compared with the global average of 1.3 children per application.

824. In 2015, 42% of the children involved were female and 58% male. Globally, the proportions of male and female children in 2015 were 49% and 51%, respectively.

4. Outcomes

825. As can be seen from the graph below, access was voluntarily agreed or judicially granted in 23% of applications received by England and Wales (13 of the 57 applications in which the outcome was known) compared with 27% globally.

⁴⁷ The remaining 1% involved grandparents, institutions or other relatives.



826. Compared with past surveys, in 2015 a higher proportion of applications received by England and Wales ended in access being agreed or ordered (23% compared with 11% in 2008) or were withdrawn (39% compared with 11% in 2008). By contrast, far fewer were pending (21% compared with 76% in 2008).

a. The reasons for judicial refusal

827. No applications were judicially refused in 2015 or 2008. Globally, 2% of all access applications ended in judicial refusal.

5. Timing

828. Out of the 58 cases received, 29 had recorded dates. Out of these cases, the average time taken to reach a final settlement was 201 days. This can be compared with 171 days in 2008.

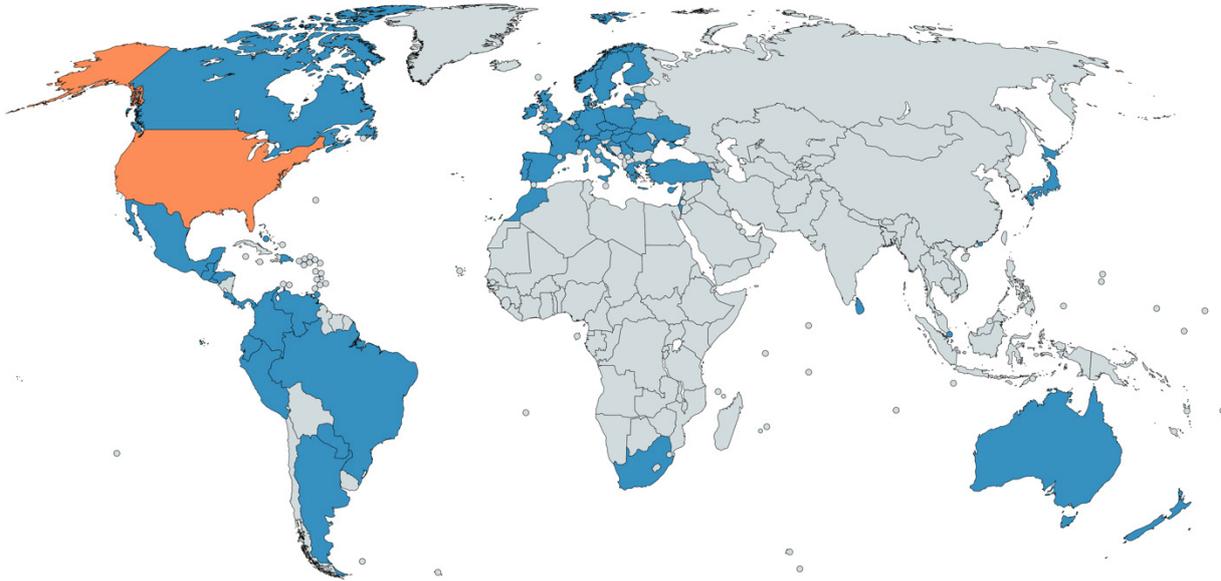
829. For cases in which access was granted the average was higher at 311 days and the case ending in an agreement for access took 279 days, compared with 154 days in 2008.

830. Globally, it took an average of 291 days to conclude an application ending in a judicial grant of access.

UNITED STATES OF AMERICA

A. Executive summary

Return and access applications received by the USA in 2015



831. In 2015 the USA received 313 return and 66 access applications from the 55 States highlighted on the map above. This was a 11% increase in return applications and a 43% increase in access applications from the 283 return and 46 access applications received in 2008. In total the US Central Authority dealt with 597 applications, as against the 598 recorded in 2008. As found in all the previous Surveys, the US Central Authority received more applications than any other Authority.

832. Of the return applications received, 43% ended in a return either being agreed or ordered. This marks a reversal of the downward trend recorded in previous surveys and can be compared with 42% in 2008, 47% in 2003 and 52% in 1999. A further 37 applications (12%) were recorded as 'other' but ended in some form of voluntary agreement. Overall, 45% of applications globally ended in a return order or agreement.

833. Compared with the global figures, proportionally more applications received by the USA were pending or ended in 'other' outcomes and proportionally fewer were judicially refused, withdrawn or ended in an agreement for access.

834. The average time taken to reach a final settlement in the return applications from the date they were received by the US Central Authority was 208 days, compared with 164 days globally.

835. 35% of return applications were decided in court (compared with the global average of 43%) and of these 75% ended in a return order compared with 68% globally.

836. 20% of court orders were appealed compared with 15% in 2008 and 31% globally.

837. Access was agreed or judicially granted in 16 of the access applications received by the USA (25%) compared with the global rate of 27%. Proportionally more applications received by the USA ended in an agreement for access or remained pending at the cut-off date of 30 June 2017. By contrast fewer applications ended in an order for access or were withdrawn and no applications were rejected or judicially refused. All court cases were dealt with under the Hague Convention rather than domestically (information was available in six of the seven cases decided in court).

838. The six access applications for which information on timing was available took an average of 280 days to conclude. Each of these ended in a judicial order for access. This can be compared with the overall global average of 291 days to conclude an order for access.

B. The number of applications received and sent in 2015

The number of applications received and sent by the USA in 2015 compared with previous surveys

	1999	2003	2008	2015
Incoming Return	210	286	283	313
Incoming Access	44	59	46	66
Outgoing Return	184	85	258	183
Outgoing Access	29	21	11	35
Total	467	451	698	597

839. In 2015 the USA Central Authority dealt with a total of 597 applications, virtually identical to the 598 dealt with in 2008 but a 32% increase on the 451 in 2003.

C. Incoming return applications

1. The Contracting States which made the application

840. In 2015, the USA received 313 return applications from 51 different States. This can be compared with 283 applications from 47 States in 2008, 286 applications from 37 States in 2003 and 210 applications from 34 States in 1999.

The Contracting States which made return applications to the USA

State	Number of applications	%	State	Number of applications	%
Mexico	122	39%	Guatemala	2	1%
Canada	19	6%	Ireland	2	1%
United Kingdom	19	6%	Lithuania	2	1%
Germany	17	5%	Poland	2	1%
Australia	10	3%	Portugal	2	1%
Dominican Republic	9	3%	Singapore	2	1%
Italy	8	3%	Slovakia	2	1%
Brazil	7	2%	South Africa	2	1%
Israel	7	2%	Belize	1	0%
Venezuela	6	2%	China	1	0%
El Salvador	5	2%	Croatia	1	0%
France	5	2%	Cyprus	1	0%
Peru	5	2%	Denmark	1	0%
Spain	5	2%	Greece	1	0%
Colombia	4	1%	Hungary	1	0%
Czech Republic	4	1%	Japan	1	0%
Honduras	4	1%	Latvia	1	0%
Panama	4	1%	Luxembourg	1	0%
Argentina	3	1%	Netherlands	1	0%
Ecuador	3	1%	New Zealand	1	0%
Sweden	3	1%	Paraguay	1	0%
Trinidad and Tobago	3	1%	Romania	1	0%
Austria	2	1%	Sri Lanka	1	0%
Bahamas	2	1%	Switzerland	1	0%
Costa Rica	2	1%	Ukraine	1	0%
Finland	2	1%			
Total				313	100%

841. As in each of the previous surveys, the States making the most applications to the USA were Australia, Canada, Dominican Republic, Germany, Mexico and the United Kingdom. In each year, the highest number of applications to the USA came from Mexico. These applications accounted for 39% of all received in 2015 and this proportion has grown steadily, from 27% of applications in 1999, 34% in 2003 and 36% in 2008.

2. The taking person

a. The relationship of the taking person to the child

842. In 2015, a majority, 64%, of taking persons were mothers (199 applications), and 32% were fathers (99 applications). The remaining 15 applications involved children brought to the USA by both parents, step-parents, grandparents and other relatives.

843. In 2008, 59% of taking persons were mothers, 64% in 2003 and 67% in 1999.⁴⁸

844. This can be compared with the global average of 73% of applications involving taking mothers and 24% fathers.

b. The status of the taking person as carer to the child

845. The US Central Authority was unable to provide information on the status of the taking person as carer to the child.

c. The nationality of the taking person

846. In 38% of the applications received in 2015 the taking person was a US citizen, including 25 with dual US citizenship.⁴⁹ This is low when compared with 58% of applications globally which involved taking persons going to a State of which they were a national but is consistent with findings of previous surveys: in 2008, 36% of applications to the USA involved taking persons were US citizens and 32% in 1999.

847. In 2015, a significantly lower proportion of mothers taking children to the USA were found to be US citizens (31%, 62 applications) compared with taking fathers (53%, 52 applications). This confirms the findings of the 2008 survey where 27% of taking mothers and 53% of taking fathers were found to be US citizens.

848. Globally, 56% of taking mothers were found to have gone to a State of which they were a national and 64% of fathers.

3. The children

849. In 2015, 461 children were involved in the 313 applications received by the USA. This makes an average of 1.5 children per application which is slightly higher than the global average of 1.3 children.

850. The average age of the children was 6.6 years (compared with the global average of 6.8 years) and, as in previous surveys, the ratio of male to female children was approximately equal (48%:52%, respectively, compared with 53%:47%, globally).

⁴⁸ In 1999 the relationship between the taking person and the child was not recorded but, as the vast majority of taking persons are parents, the gender of the taking person gives a good indication.

⁴⁹ 118 of 309 applications in which information was available on the nationality of the taking person.

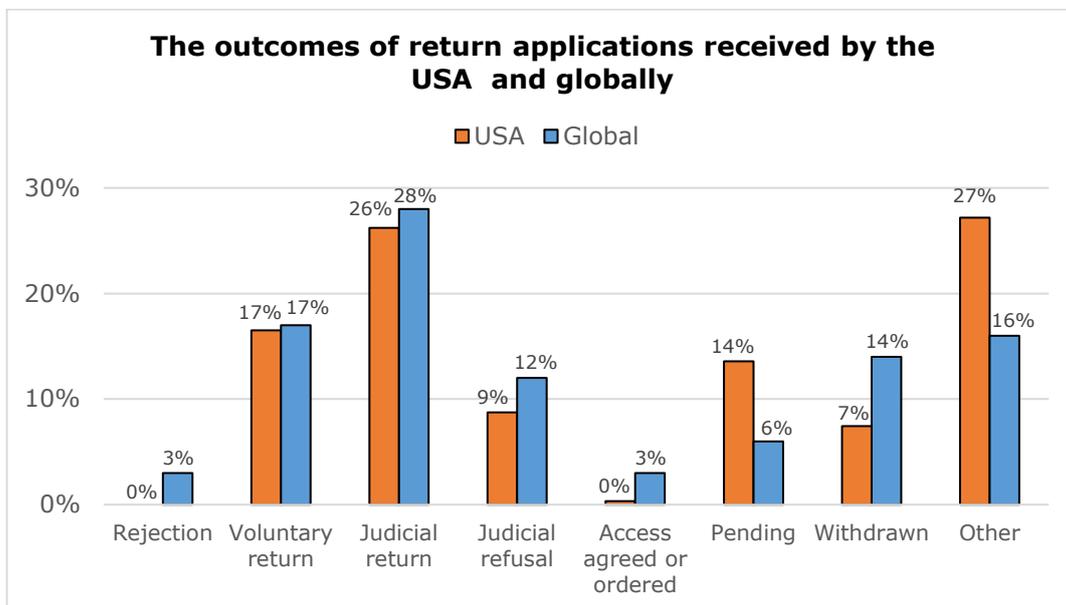
4. Outcomes

The outcomes of return applications received by the USA in 2015

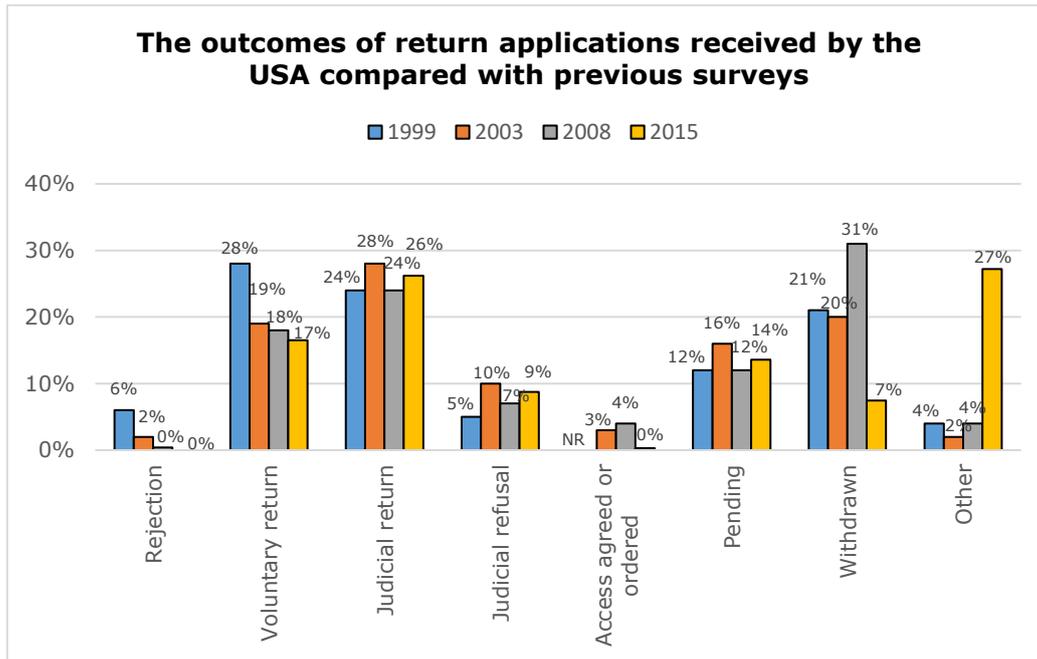
	USA	Global
Rejection	0 (0%)	3%
Voluntary return	51 (17%)	17%
Judicial return	81 (26%)	28%
Judicial refusal	27 (9%)	12%
Access agreed or ordered	1 (0%)	3%
Pending	42 (14%)	6%
Withdrawn	23 (7%)	14%
Other	84 (27%)	16%
Total	309 (100%)	≈ 100%

851. The graph below shows more clearly how the results in applications received by the USA compare with those globally. In 2015, 43% of applications received by the USA ended with a return compared with the global return rate of 45%. Proportionally more applications received by the USA were pending or ended in 'other' outcomes. 'Other' outcomes included closure due to the inaction of the parent, the child being traced to another State or another voluntary agreement.

852. By contrast, fewer applications were judicially refused (9% compared with 12% globally), withdrawn (7% compared with 14%) or ended in an agreement for access (only one application ended this way compared with 3% globally). However, it should also be noted that a further 37 applications (12%) were recorded as 'other' but ended in some form of voluntary agreement, for example, an agreement for the taking person and the child to remain in the USA.



a. *Outcomes of return applications received by the USA in previous years*



853. Albeit that the 43% return rate recorded in the USA was lower than the global average of 45%, the 2015 finding nevertheless marks a reversal of the downward trend recorded in previous surveys and can be compared with 42% in 2008, 47% in 2003 and 52% in 1999.

b. *Returns*

854. In 2015 the overall 43% return rate in the USA comprised 51 voluntary returns and 81 judicial returns. Of the 108 applications that were decided in court, 75% ended in a return, compared with 65% globally. In 2008, 75% of court cases in the USA also ended with a return order. Of the judicial returns in which the consent of the parties was known, 8 were ordered with consent of the taking person (11%) and 68 without (89%).

c. *Applications rejected by the Central Authority*

855. No applications were rejected by the US Central Authority, compared with 3% globally. In 2008 there were similarly no recorded rejections in the USA.

d. *Judicial refusals*

856. Of the applications that were decided in court, 25% were refused (27 out of 108 applications), compared with 28% globally. This can be compared with 22% of the applications that were decided in court in the USA in 2008.

857. The reasons for refusal were known in 21 of the 27 refused applications. One of these applications were refused based on multiple reasons – both because the child was not found to be habitually resident in the requesting State and because the applicant did not have rights of custody. All of the 22 reasons are combined in the table below.

858. Of these 22 applications, half were refused because the child was not found to be habitually resident in the requesting State, higher than the global rate of 26%. By contrast, proportionally fewer were refused based on Article 13 (1) b) (14% compared with 26% globally) and the child's objections (9% compared with 15%).

Reasons for refusal in applications received by the USA and globally in 2015

Outcome	the USA	Global
Child not habitually resident in requesting state	11 (50%)	25%
Applicant had no rights of custody	2 (9%)	7%
Art 12	3 (14%)	17%
Art 13(1)a) not exercising rights of custody	0 (0%)	6%
Art 13(1)a) consent	1 (5%)	15%
Art 13(1)a) acquiescence	0 (0%)	9%
Art 13(1)b)	3 (14%)	25%
Child's objections	2 (9%)	15%
Art 20	0 (0%)	1%
Number of reasons	22 (105%)	222 (120%)
Number of applications	21	185

859. In 2008, the most commonly relied upon ground for refusal in applications received by the USA was Article 12 (25%, 5 applications) followed by the child not being habitually resident in the requesting State, Article 13 (1) b) and the child's objections (each 20%, 4 applications). The remaining 3 applications were refused based on Article 13 (1) a) consent.

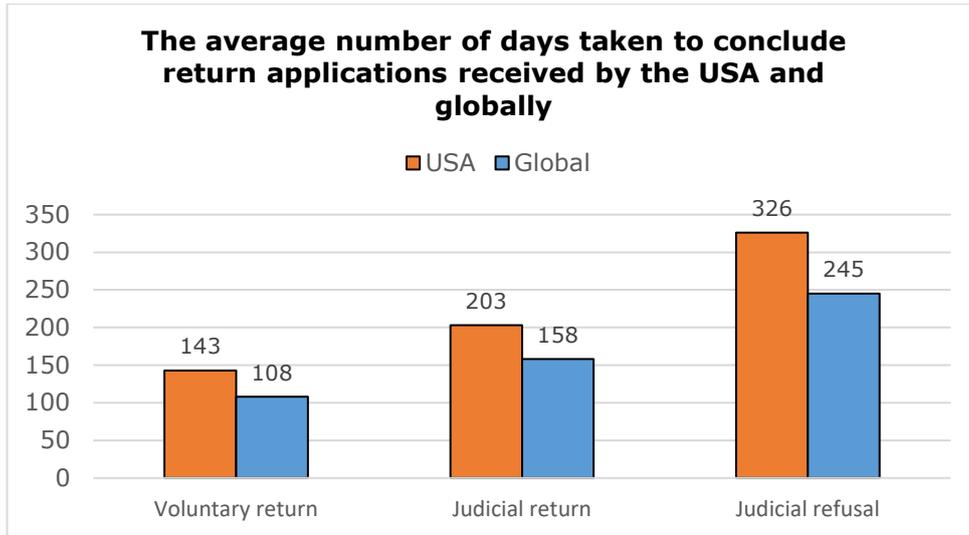
5. Timing

860. The average time taken to reach a final settlement in the return applications from the date they were received by the US Central Authority was 208 days, compared with 164 days globally.

861. The average time depended heavily on the outcome which was reached, as can be seen in the table and graph below. Each outcome took longer to conclude compared with the global averages.

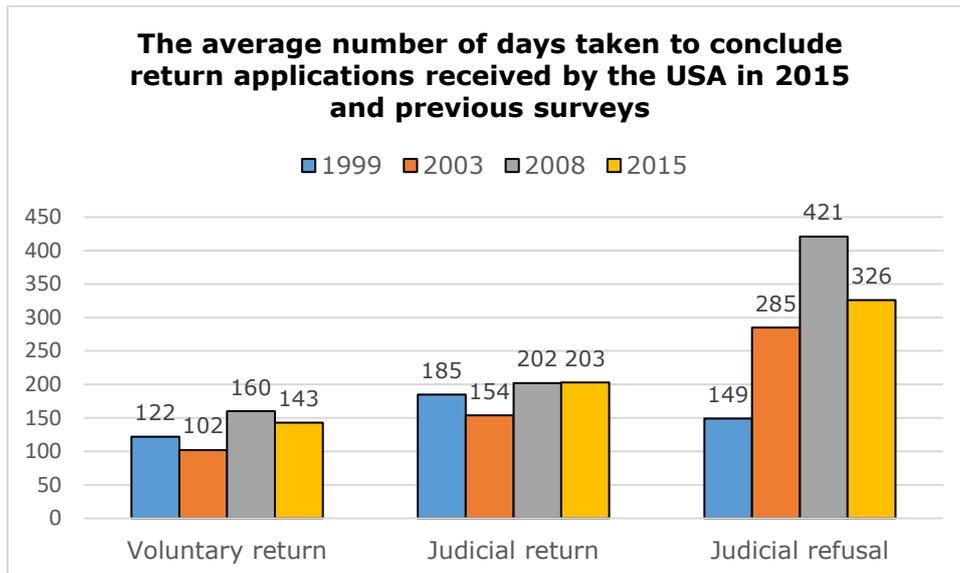
The number of days taken to reach a final outcome in applications received by the USA

	Voluntary return	Judicial return	Judicial refusal
Average (mean)	143	203	326
Minimum	14	28	58
Maximum	451	568	867
Number of cases	38	70	23



a. *Timing in previous years*

862. The graph below analyses the time take to reach a final outcome in applications received by the USA in 2015, 2008, 2003 and 1999. Applications ending in voluntary returns and judicial refusals were resolved more quickly in 2015 compared with 2008 and judicial refusals took a similar amount of time (203 days compared with 202 days). However, applications ending in each outcome took longer to conclude, on average, compared with the findings of the 2003 and 1999 surveys.



b. *Time taken to send application to court*

863. In the USA it took an average of 142 days before the application was sent to court and the court then took an average 104 days to reach a final outcome.⁵⁰ This can be compared with the global averages of 93 days to send the application to court and a further 125 days to reach a final outcome.

864. In 2008 it took much longer, on average 207 days, before the application was sent to court but court cases were then concluded slightly quicker than in 2015, taking an average of 106 days.

⁵⁰ Based on 143 applications in which information was available on the time taken to send the application to court and 109 applications for the time the court took to conclude the application.

c. *Appeals*

865. In 2015, 108 applications were decided in court and an additional 19 went to court and were either pending an appeal or ended in a decision out of court. Of the 127 applications that went to court in the USA, 26 involved an appeal (20%), lower than the global average of 31%. This can also be compared with 15% of applications decided by the courts in the USA in 2008.

866. Of these 26 appealed applications, seven ended in orders for return, five in a refusal to return, nine were pending, two withdrawn and three ended in 'other' outcomes.

867. The outcomes of the first instance decisions were known for 19 applications. Twelve ended in a return at first instance and in 6 of these this return order was confirmed on appeal (50%, compared with 71% globally). Seven applications ending in a judicial refusal to return at first instance and this was confirmed on appeal in five cases (71%, compared with 48% globally).

868. Looking at the applications which were appealed, the average time taken to reach a first instance decision was 315 days compared with 421 days to reach the final decision on appeal, from the date the application was received by the Central Authority.⁵¹ The global averages were 179 days for a first instance decision and 266 days to conclude an appeal. In 2008 applications in the USA took longer to resolve: an average of 209 days to resolve an application at first instance and 441 days on appeal.

869. No application received by the USA was appealed more than once. Globally, of the 295 applications which were appealed, 81% were appealed only once, 16% were appealed twice and 2% reached three levels of appeal.

D. Incoming access applications

1. The Contracting States which made the application

870. In 2015, the USA received 66 access applications from 22 different Central Authorities. This was 43% increase on the 46 access applications received in 2008 and was one of the largest increases recorded in the 2015 survey.

The Contracting States which made access applications to the USA

State	Number of applications	%	State	Number of applications	%
Mexico	26	39%	Greece	1	2%
Canada	7	11%	Hungary	1	2%
Germany	7	11%	Italy	1	2%
Dominican Republic	5	8%	Lithuania	1	2%
Czech Republic	2	3%	Morocco	1	2%
Poland	2	3%	Norway	1	2%
United Kingdom	2	3%	Portugal	1	2%
Brazil	1	2%	Serbia	1	2%
Colombia	1	2%	Singapore	1	2%
El Salvador	1	2%	Sweden	1	2%
France	1	2%	Turkey	1	2%
Total				66	100%

⁵¹ Based on information available for 15 first instance decisions and 13 applications decided on appeal.

2. The respondent

a. The relationship of the respondent to the child

871. In 2015, a majority, 56%, of respondents were mothers (37 applications), and 39% were fathers (26 applications). This marks a shift from the 2008 survey which found 73% of respondents to be mothers, 69% in 2003 and 81% in 1999.

872. This can be compared with the global figures of 73% of applications involving respondent mothers and 26% involving respondent fathers.⁵²

b. The status of the respondent as carer to the child

873. The US Central Authority was unable to provide information on the status of the respondent as carer to the child.

c. The nationality of the respondent

874. In 29 of the 66 access applications (44%), the respondent was a US citizen, compared with the global 47% of respondents who were a national of the Requested State.

875. In 2008, 49% of taking persons were US nationals, 46% in 2003 and 29% in 1999.

3. The children

876. In 2015, 96 children were involved in the 66 access applications received by the USA, making an average of 1.5 children per application. This can be compared with the global average of 1.3 children per application.

877. The average age of the children was 9 years, higher than the 2008 average of 7 years. This can also be compared with the 2015 global average of 8 years.

878. In 2015, 54% of the children involved were female and 46% male. Globally, the proportions of male and female children in 2015 were 49% and 51%, respectively.

4. Outcomes

879. The table and graph below show the outcomes of access applications received by the USA in 2015 compared with the global figures.

880. Access was agreed or judicially granted in 16 of the applications received by the USA (25%) compared with the global rate of 27%.

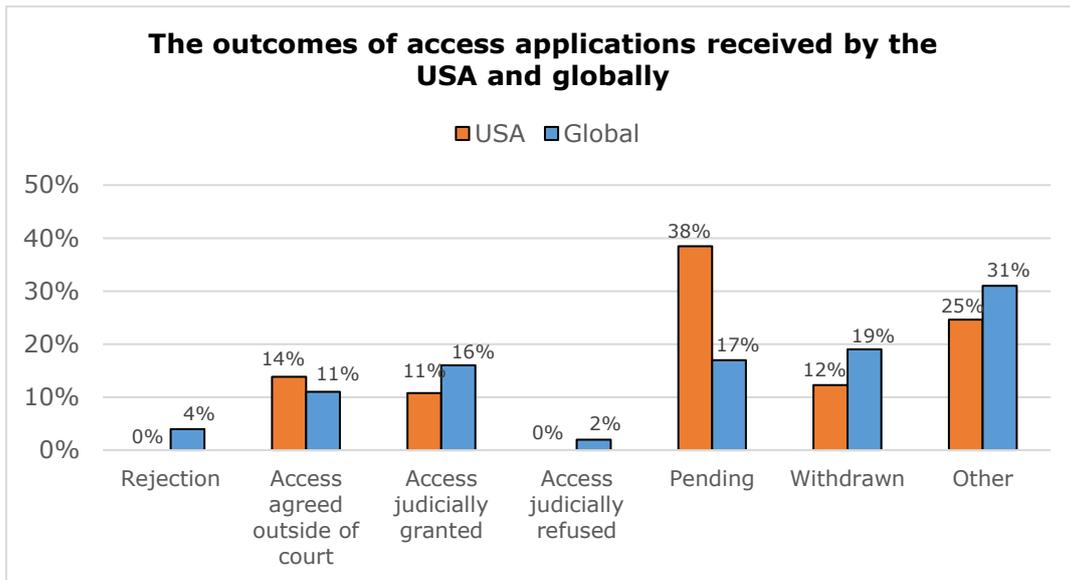
881. Proportionally more applications received by the USA ended in an agreement for access or remained pending at the cut-off date of 30 June 2017. By contrast fewer applications ended in an order for access or were withdrawn and no applications were rejected or judicially refused.

The outcomes in applications received by the USA in 2015 compared with the global averages

	USA	Global
Rejection	0 (0%)	4%
Access agreed outside of court	9 (14%)	11%
Access judicially granted	7 (11%)	16%
Access judicially refused	0 (0%)	2%
Pending	25 (38%)	17%
Withdrawn	8 (12%)	19%
Other	16 (25%)	31%

⁵² The remaining 1% involved grandparents, institutions or other relatives.

Total	100%	100%
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882. All court cases were dealt with under the Hague Convention rather than domestically (information was available in six of the seven cases decided in court).

883. The table below compares the outcomes of access applications with previous surveys. The overall rate at which access was agreed or ordered in 2015 (25%) is higher than the 20% recorded in 2008 and the 17% recorded in 2003 but a decrease from the rate of 48% in 1999.

884. In 2015 a high proportion of applications were pending compared with 2008 and 1999 but was more in line with the findings of the 2003 survey. A higher proportion were recorded as ending in 'other' outcomes in 2015 (16 applications) though it should be noted that 10 of these ended due to the inaction of the applicant: in previous surveys such applications may have been classified as withdrawals.

The outcomes in applications received by the USA in 2015, 2008, 2003 and 1999

	1999	2003	2008	2015
Rejection	10%	14%	2%	0%
Access agreed outside of court	38%	10%	15%	14%
Access judicially granted	10%	7%	4%	11%
Access judicially refused	0%	0%	0%	0%
Pending	14%	39%	2%	38%
Withdrawn	29%	27%	61%	12%
Other	0%	3%	15%	25%
Total	100%	100%	100%	100%

a. The reasons for judicial refusal

885. It is striking that no applications were refused by the US courts in any of the surveyed years. Globally, 2% of applications were judicially refused in 2015.

5. Timing

886. Dates were available for six applications in which access was judicially granted. From the date these applications were received by the US Central Authority, it took an average of 280 days for them to be concluded. This can be compared with the global average of 291 days to conclude a judicial order.