



Australian Government
Attorney-General's Department

**Agreement between the Government of
Australia and the Government of the Arab
Republic of Egypt regarding Cooperation
on Protecting the Welfare of Children:
INFORMATION FOR PARENTS**

What the Agreement does

The Agreement establishes a framework between the governments of Australia and Egypt to assist parents of either country to resolve disputes across international borders concerning their children.

Under the Agreement, government representatives from Australia and Egypt liaise with the appropriate authorities of each country to:

- Facilitate the transmission of information and documents related to applications;
- Encourage dialogue between parents and assist in finding an amicable resolution of the issues in dispute;
- Monitor and report on the progress of individual cases.

Assessing the application

The Attorney-General's Department is responsible for assessing applications to Egypt under the Agreement. When assessing an application, consideration is given to:

- The child's age;
- The child's nationality;
- The applicant parent's right of custody or access in relation to the child.

Other factors may be taken into account, such as:

- The length of time the child has been in Egypt;
- Whether the applicant parent consented to the child leaving Australia or had, at any time, consented to the child remaining in Egypt.

Accepting the application

The applicant parent will be notified in writing whether their application has been accepted or refused.

If the application is accepted, the Attorney-General's Department will forward the application to the Department of Foreign Affairs and Trade to send via the diplomatic channel to the relevant authorities in Egypt.

Progressing the application

When an application is presented to the relevant authorities in Egypt for consideration, the authorities will take appropriate action to try to resolve the matter.

While the Agreement offers a way to find solutions and is a channel for communication between the Australian and Egyptian governments, the reality is that the process can be very slow and frustrating:

- It may take many months, or even years, to resolve the matter.
- Frequent and regular updates to the applicant parent may not be possible.
- The outcome may not be what the applicant parent was originally seeking.

Private Legal proceedings

The Agreement does not preclude an applicant parent from taking the matter to court. This option must be pursued in the applicant parent's private capacity, as there are no measures in the Agreement that provide for legal enforcement through the courts of either country. An applicant parent may commence legal proceedings in Egypt or Australia at any stage, even while they are pursuing their application under the Agreement.

Financial Assistance

Under the Attorney-General's Department's Overseas Child Abduction Scheme, financial assistance may be available to assist eligible parents who choose to commence legal proceedings in Egypt for the return of their child. The Scheme is means-tested, and it may cover the costs of engaging a lawyer in Egypt. Consideration is given to whether the applicant parent will have a reasonable prospect of success in having their child returned to Australia.

The applicant is usually required to obtain a written opinion from a lawyer in Egypt before a decision is made about providing financial assistance for the overseas proceedings. The cost for the overseas legal opinion may be provided to eligible applicants under the Scheme.

The Scheme does not cover costs associated with applicant parents seeking *only* access to their child in Egypt, unless their child was previously abducted to Egypt.

For more information about the Scheme or to ask about eligibility, contact the Attorney-General's Department's Financial Assistance Section on (02) 6141 4770 or visit the website:

<http://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Commonwealthlegalfinancialassistance/Pages/Overseaschildabduction.aspx>.

International Social Service Australia (ISS Australia)

Parental disputes across international borders can be particularly stressful for everyone concerned.

ISS Australia provides an international parental child abduction service and offers a range of services including: information, advice, emotional support and counselling for parents and family members affected by parental disputes concerning their children across international borders. ISS can also help with contact between parents and children in these situations, including mediation and assistance with reunification and returns. For further information and assistance, contact ISS on 1300 657 843 or visit www.iss.org.au.