



Airport Watch List

By Alicia Lucas, Lawyer

After separation, concerns can arise if a parent wishes to take the child/children on an overseas holiday. This concern could be because one parent is a citizen of another country, and the other may be concerned they will remove the child/children from Australia. Another concern could simply be that a parent will take the child/children on a holiday, or to live overseas, without the consent of the other parent.

No Orders in place

If you have concerns that your child/children may be removed from Australia, and there are no current Parenting Orders in place, you can make an application to the Court seeking an Order to prevent any overseas travel of the child/children. This would occur by having the child/children placed on the "Airport Watch List".

In support of any such application, you would need to file an Affidavit setting out the reasons why you wish for the child/children to be placed on the Airport Watch List.

Placing them on the Watch List

Once the application has been filed with the Court, it is the responsibility of the Applicant to inform the Australian Federal Police (AFP). This occurs by way of the Applicant completing a Family Law Watchlist Request Form and submitting this to the AFP.

It is important to note that the AFP will not place a child on the Airport Watchlist unless the request to do so is accompanied by:

- A Court Order or parenting order that limits or prevents the child/children's overseas travel AND requests the AFP place the child/children on the Family Law Watchlist; or
- A filed application with the Court that seeks a Court Order to limit or prevent the child/children's overseas travel AND requests the AFP place the child/children on the Family Law Watchlist; or
- A file appeal against an Order of the Court relating to the travel of a child/children.

Once a child/children have been placed on the Airport Watchlist they will not be able to travel overseas, even if the applicant parent wishes to travel.

Removing them from the Watchlist

If your child/children has been placed on the Airport Watchlist, the removal of their name could depend on the manner through which they were placed on the Watchlist.

If an Order was made by the Court placing the child/children on the Watchlist, a further Order of the Court may be required to remove the child/children from the Watchlist. If the Order placing the child/children on the Watchlist was limited for a specific time, the child/children should be removed from the Watchlist automatically upon the expiration of that time limit.

If you require advice on international travel with children, or you wish to discuss placing your child/children on the Airport Watchlist, please contact our office.

This article is for the purposes of summarizing general information only and is not considered legal advice and should not be relied upon as a substitute for professional advice.

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