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## **OPEN LETTER TO PRESIDENT TRUMP**

**THE WHITE HOUSE**

**Mr. DONALD J. TRUMP**

**45TH PRESIDENT OF USA**

**1600 Pennsylvania Ave NW**

**Washington, DC 20500**

**USA**

Date: 6/6/18

### **Summer Holidays and International Parental Child Abduction**

Dear Mr. President,

Summer holidays are fast approaching and while for a lot of families, this means a happy and joyous time, for others it can spell nothing but a nightmare straight out of hell, itself.

Mr. President, as a father and grandfather, have you ever had to face the real fear that a disgruntled ex-partner might snatch any of your children (when they were minors) or your grandchildren at any given time? And what if they took them to another country, where the chances are highly likely that you will never be able to hug them again?

I hope that you can not relate to this feeling, because there is no greater pain in this world than for a parent to be separated from their children, with the very real possibility that they may never see them again.

For a lot of parents who have split up from their partners, parental child abduction is very much a real threat – especially if their ex-partner is a national from elsewhere. There are countless cases of parents who claim to be taking the child abroad on holiday for the summer, never to be seen again.

The National Center for Missing and Exploited Children (NCMEC), reports that more than 200,000 children are abducted by family members each year, while only 115 reported child abductions were committed by strangers. That's right, Mr. President – the majority of child abductions are committed by family members.

According to United States Federal Law, it is a crime to remove a child **from** the country, or to retain a child in **another** county, if it has not been approved by the child's other parent, or by a court. This is a criminal act of parental kidnapping and convicted offenders can face imprisonment for the time.

But even more importantly, this is an extremely terrifying position for a young child to be in. They are essentially being held prisoner against their wishes and forced to do what the abducting parent tells them.

When these children are taken abroad with their other parent (whose home country it may be), it will feel like a horror story to these vulnerable and young children. They are exposed to a new place, new culture, possibly a new language, and new people. Everything about their life back home in the US will be abandoned, and they will have no real sense of stability or identity being so far from home. Are you aware that more than 70% of these children report suffering from mental health issues such as anxiety, depression, etc?

To make things worse, once these children are in another country, it means that they become bound to that country's jurisdictions. As such, rulings that were passed in the US may suddenly become void, and the left-behind parent could have almost no custody rights.

A survey conducted by the US Department Of Justice highlighted the challenges that parents faced with these flawed legal systems stating:

*“More than three-fourths of respondents identified “American laws” as an obstacle, and about one-half considered them an obstacle that posed a high level of difficulty. This obstacle could be related to another reported obstacle—“ease of exiting the United States” with an abducted child...*

*“Nearly two-thirds of responding parents reported that a judge’s inexperience in dealing with international parental abduction cases was a major obstacle in the search for and recovery of their child. This finding reinforces earlier research, which indicated that three-fifths of U.S. judges had handled either no international parental abduction cases or just one case (Girdner, 1994b). In some cases, parents may also have been referring to a foreign judge’s refusal to enforce Hague Convention procedures. Other parents indicated frustration with foreign judges’ refusal to honor existing U.S. court orders regarding custody (which the judge would not be required to do) or with a U.S. judge’s unwillingness to issue protective measures.”*

Once in another country, these scheming and dishonest parents will often do everything in their power to completely sever ties from the left-behind parent – which sometimes includes concocting stories of abuse and neglect, to sway local judges in their favour. They do this in the hope to evoke Article 13 of the Hague convention, which states:

*Notwithstanding the provisions of the preceding Article, the judicial or administrative authority of the requested State is not bound to order the return of the child if the person, institution or other body which opposes its return establishes that –*

*a) the person, institution or other body having the care of the person of the child was not actually exercising the custody rights at the time of removal or retention, or had consented to or subsequently acquiesced in the removal or retention; or*

*b) there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.*

*The judicial or administrative authority may also refuse to order the return of the child if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views.*

*In considering the circumstances referred to in this Article, the judicial and administrative authorities shall take into account the information relating to the social background of the child provided by the Central Authority or other competent authority of the child's habitual residence.*

And once it goes down that line, it becomes even more difficult for the left-behind parent. It is a sad fact that often when these children get abducted and taken abroad, there is little chance and hope for their left-behind parent to be able to recover them.

You would also hope that if the country has signed on to the Hague convention, that perhaps that may be of assistance in having the child returned. But this is anything but true.

Even if the country has signed on to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, recovery of a child can still prove to be challenging. Article 7 of the convention stipulates:

*Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their respective States to secure the prompt return of children and to achieve the other objects of this Convention.*

*In particular, either directly or through any intermediary, they shall take all appropriate measures –*

- a) to discover the whereabouts of a child who has been wrongfully removed or retained;*
- b) to prevent further harm to the child or prejudice to interested parties by taking or causing to be taken provisional measures;*
- c) to secure the voluntary return of the child or to bring about an amicable resolution of the issues;*
- d) to exchange, where desirable, information relating to the social background of the child;*
- e) to provide information of a general character as to the law of their State in connection with the application of the Convention;*
- f) to initiate or facilitate the institution of judicial or administrative proceedings with a view to obtaining the return of the child and, in a proper case, to make arrangements for organising or securing the effective exercise of rights of access;*
- g) where the circumstances so require, to provide or facilitate the provision of legal aid and advice, including the participation of legal counsel and advisers;*
- h) to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of the child;*
- i) to keep each other informed with respect to the operation of this Convention and, as far as possible, to eliminate any obstacles to its application.*

Yet, how many signatories of the convention abide by these terms? **It saddens me to say that even the United States does not follow these guidelines either.**

Have you taken into consideration the plight of the illegal immigrant children who are still held captive here in sanctuary cities by their illegal parents? It was one of your administration's promises to tackle these issues – yet this parental abduction of children is almost permissible in the current American system. And it violates the Hague convention, which your country signed for the sole purpose to protect children in these cases, yet USA continues to fail.

Furthermore, in the United States, **there are absolutely no repercussions or prosecutions** of these illegal parents who smuggle their children **into** the country. The authorities are not even investigating these illegal immigrant child-kidnapping parents **who come to the US** because the Parental Kidnapping Prevention Act (PKPA 1980) only refers to “whoever removes a child **from** the United States, or attempts to do so, or retains a child (who has been in the United States) **outside** the United States”

Does that mean that USA is a nation that allows and supports parental child-kidnapping coming **into** your country? These illegal immigrant parents are getting away with crimes against children's rights under American jurisdiction, since sanctuary city judges protect them. Do you realise how many of these deceitful and criminal parents know this, and as such, this makes the US a haven for parental child kidnappers?

Back in 2017, you said to the American people:

“You lost people that you love because our government refused to enforce our nation's immigration laws and that's including the existing immigration laws.”

**But what of these left-behind parents in other countries who are losing someone they love when their ex-partners can kidnap and bring their child into the US *because our government refused to enforce your nation's immigration laws and that's including the existing immigration laws?***

Why is that, Mr. President?

Did you also know that as an American citizen, even though the abduction was a criminal act toward these left-behind parents and their child, those parents are 100% responsible for all costs associated with finding, monitoring, and litigating the case, including the costs to bring home the child, which often leads to a lot of these parents becoming bankrupt or in debt!

This is the real fear and hopelessness that many of these parents face. Imagine the heartbreak of having your beloved child taken away from you when you have done nothing wrong – yet there was nothing you could do to remedy that, nor were there any outlets to be able to assist you.

And even worse off, are these poor, innocent children who are illegally held prisoner by a cruel abductor whose intention is to use the child as a way to cause destruction to the left-behind parent.

The only solution, Mr. President, is to take the steps needed to ensure that these crimes against children are not committed, and if they are, then there needs to be a better system in place to safeguard the return of these children.

Mr. President, you are the only hope for these helpless children and their distraught parents. It is vital to the future of your nation that we protect our children from these crimes against humanity and corruption. The power is in your hands to make America great again.

The International Criminal Court against Child Kidnapping (ICCACK) is the court of last resort for the prosecution of the crime of (parental) child kidnapping, enforced disappearance of children by government officials, human rights violations, and crimes against humanity. We herewith would like to request an official meeting with you to further discuss this, and to work together so that we do not look like a nation of ruffians who welcome and protect criminals.

We would welcome the chance to further discuss the issues raised in this letter.

Respectfully yours,

Mark Rackley – Trustee of the Members of the Board  
International Criminal Court Against Child Kidnapping