

Questions for the Record submitted to
Assistant Secretary Carl C. Risch
by Senator Charles E. Grassley (#1 of 16)
Senate Judiciary Committee
April 24, 2018

Question 1:

Wouldn't a country be more apt to assist in returning children if there were more substantive sanctions imposed, such as denying access to certain visas like H-1B and H-2B, as a result of not complying with the return of American citizen children? Please explain whether restricting visas has been or will be used as a method to elicit compliance with the Goldman Act.

Answer 1:

The Department of State has not restricted visa categories writ large for any countries at this time in response to international parental child abduction (IPCA). Wholesale visa restrictions on certain visa categories may not be an effective tool in pressing countries with independently functioning judiciaries. In addition, such action may have unintended consequences for other U.S. citizens and parents in the event that foreign countries take reciprocal actions against the United States. The Department therefore recommends that any actions taken be considered in light of how they will move an entire country towards better implementation of the Convention or towards accession to the Convention.

Although large-scale visa restrictions have not been implemented, the Department uses all available tools to combat IPCA, including relevant laws related to immigrant and non-immigrant visa ineligibilities. For example, those perpetrating IPCA or assisting others to perpetrate IPCA may be ineligible to receive a visa pursuant to section 212(a)(10)(C) of the Immigration and Nationality Act (INA). Consular officers can and do make INA 212(a)(10)(C) ineligibility determinations in IPCA cases.

Question 2:

My understanding is that the Office of Children's Issues does not raise the names of specific abduction victims in its engagement with foreign governments. Wouldn't mentioning specific names be a more effective approach?

Answer 2:

I agree that mentioning specific abduction victims can be an effective tool for engagement with foreign governments. The Department of State takes every appropriate opportunity to raise individual cases with senior officials in foreign governments. We also request assistance from these officials in returning children to their country of habitual residence.

Question 3:

Does State refer active cases for criminal prosecution to the Department of Justice? If not, why not? If so, how many cases have been referred to date?

Answer 3:

The Department of State has not directly referred active international parental child abduction cases to the Department of Justice (DOJ) for prosecution. Criminal proceedings may not necessarily expedite the resolution of a case because a conviction may result in a parent's confinement, but does not necessarily result in the return of a child. Moreover, criminal proceedings may further delay or impede the return of abducted children because a foreign court declines to return the child to a country where one of his/her parents may be arrested. Thus, the decision to seek criminal charges from either the DOJ or local law enforcement for criminal prosecution typically rests with the parent.

The Department of State routinely provides parents reporting abductions information about criminal remedies. The Bureau of Consular Affairs' webpage, www.travel.state.gov, links directly to the Federal Bureau of Investigations website, and specifically offers to help parents engage law enforcement officials. The webpage also describes relevant laws, a discussion of some of the potential consequences of pressing criminal charges, and a database featuring contact information for state and local law enforcement agencies. The Department of State also provides parents reporting abductions the DOJ's publication: "A Citizen's Guide to U.S. Federal Law on International Parental Kidnapping."

Question 4:

Do our Ambassadors regularly raise individual cases with their counterparts?

Answer 4:

Yes, our Ambassadors take every appropriate opportunity to raise all cases of international parental child abduction, including the specific names of individuals, with senior officials in foreign governments. We also request assistance from these officials in returning children to their country of habitual residence.

Question 5:

What actions has the Department of State taken to comply with Sec. 103 (a)(1) to establish and enforce such bilateral agreements or MOUs?

Answer 5:

For those countries that are not likely to accede to the Convention in the foreseeable future, we seek opportunities to sign Memoranda of Understanding (MOUs) that focus on facilitating resolution of existing cases and seek cooperation to assist families affected by abduction. For example, in 2017, Egypt and the United States strengthened our partnership

under the existing MOU to regularize discussions on specific abduction and access cases and discuss broader aspects of child abduction and resources available to parents. Similarly, in July 2017, the United States and Saudi Arabia signed an MOU establishing a Joint Commission to Address International Parental Child Abduction with regular meetings to discuss these issues. As a result Saudi Arabia established a Children's Issues Committee, which has met with the Department twice. As a result of these meetings, we have seen positive developments in a recent abduction case.

Question 6:

Will you provide a list of countries that have such bilateral agreements or MOUs in place, copies of those agreements and a plan for establishing other bilateral agreements or MOUs, especially in countries that have a history of failure to return kidnapped American children?

Answer 6:

The Department currently has MOUs encouraging facilitation of consular and parental access to abducted children with Lebanon and Jordan, and MOUs that establish regular diplomatic discussions on individual abductions with Egypt and Saudi Arabia. With the exception of the most recent MOU with Saudi Arabia, copies of all MOUs are available through the Digest of United States Practice in International Law. This digest is published on our website: <https://www.state.gov/s/l/c8183.htm>.

- Jordan MOU: <http://www.state.gov/documents/organization/101710.pdf>
- Lebanon MOU: <https://www.state.gov/s/l/2005/87381.htm>
- Egypt: <https://www.state.gov/s/l/2003/44396.htm>

For those countries that are not likely to accede to the Convention in the foreseeable future, we seek opportunities to sign MOUs that focus on facilitating resolution of existing cases and cooperation to assist families affected by abduction.

Question 7:

Have you entered into bilateral agreements or MOUs with countries that acceded to the convention so that the pre-Hague era cases are given the same emphasis as post-Hague era cases and not downgraded to "access cases"? If not, why is this not being pursued? Will you provide a list of these countries?

Answer 7:

We do not currently have any bilateral agreements or MOUs with countries that have acceded to the Convention. Countries that have recently acceded have stressed their focus on developing their central authorities and judicial processes in order to address Convention applications. However, we continue to raise the idea of an MOU for pre-Convention cases with Japan. The Department will continue to raise pre-Convention abductions with host governments and encourage foreign officials to consider an arrangement to address these cases.

Question 8:

Will all bilateral agreements or MOUs be publicly available so left-behind parents can access information on the process to retrieve their American citizen children? Please provide a copy of any bilateral agreements entered into governing the issue of international parental abduction.

Answer 8:

Yes, copies of all MOUs, except for the most recent with Saudi Arabia, are available through the Digest of United States Practice in International Law. This digest is published on our website: <https://www.state.gov/s/l/c8183.htm>.

- Jordan MOU: <http://www.state.gov/documents/organization/101710.pdf>
- Lebanon MOU: <https://www.state.gov/s/l/2005/87381.htm>
- Egypt: <https://www.state.gov/s/l/2003/44396.htm>

The latest MOU with Saudi Arabia will be included on this website in the near future.

Question 9:

Will you provide a full accounting dating back to 2008 (and prior if you can) of the total number of children abducted from the U.S. through IPCA and the number of children returned to the U.S. by year and sum total?

Answer 9:

The Office of Children’s Issues’ method of recording and classifying cases has developed over the last decade.

Based on the information we currently have available, between 2008 and 2015, there were 9,127 children reported abducted, and of those, 3,992 returned to the United States. Please see the below table for year-by-year data.

Year	Total New Children Reported Abducted ¹	Children Reported Returned
2008	1496	630
2009	1491	598
2010	1464	617
2011	1300	624
2012	1100	495
2013	898	429
2014	735	330
2015	643	269

¹ The Office of Children’s Issues has had different parameters for recording newly reported abduction cases over the years reported. Some of these differences may have affected the total numbers of reported children abducted. Informal inquiries previously classified as cases are not considered cases until there is sufficient evidence that an abduction has taken place.

Question 10:

Dating back to 2008 (and prior if you can), how many total children's cases have been closed or reclassified as resolved due to:

- a. The judicial or administrative authority complying with the Hague Abduction Convention;
- b. The parents reaching a voluntary arrangement;
- c. The left-behind parent withdraws the application for return;
- d. The left-behind parent cannot be located for one year despite documented efforts by the Department of State to locate the parent; and
- e. The child has reached age 16 and “aged out.”

Answer 10:

The Office of Children’s Issues’ method of recording and classifying cases has developed over the last decade. However, the best available information indicates the following statistics:

Year	Total New Children Reported Abducted ²	Of Total New: Returned to the U.S.	Of Total New: Judicial Resolution	Of Total New: Voluntary Resolution	Of Total New: Withdrawn by Parent	Of Total New: No Response from Parent	Of Total New: Child Turned 16
2008	1496	630	279	472	84	448	35
2009	1491	598	286	462	77	498	32
2010	1464	617	267	507	134	381	20
2011	1300	624	273	479	108	306	14
2012	1100	495	259	394	86	206	16
2013	898	429	208	319	62	132	22
2014	735	330	188	270	41	82	10
2015	643	269	179	225	33	49	4

Analysis for 2016 and 2017 will be available when the 2018 report is published and we will provide you with these statistics at that time.

² The Office of Children’s Issues has had different parameters for recording newly reported abduction cases over the years reported. Some of these differences may have affected the total numbers of reported children abducted. Informal inquiries previously classified as cases are not considered cases until there is sufficient evidence that an abduction has taken place.

Question 11:

Will you also include the information in question 10 in the upcoming IPCA report under The Goldman Act, also known as the ICAPRA report and in all future reports on sum total and by country?

Answer 11:

The Annual Report on International Child Abduction for 2018 does not contain the information requested in question 10. The Goldman Act mandates a report which presents a snapshot of abduction and access cases during each calendar year. The 2017 Report should be available soon.

Question 12:

You testified that in the last several years, more than 120 cases involving American citizen children abducted to India were resolved:

How many of the 120 resolutions have actually resulted in the return of American citizen children?

Answer 12:

According to our records from December 31, 2007 to January 1, 2018, 123 U.S. citizen children returned from India to the United States.

Question 13:

You testified that in the last several years, more than 120 cases involving American citizen children abducted to India were resolved:

How many American citizen children were abducted to India from the United States during the corresponding time when 120 cases were resolved?

Answer 13:

According to our records from December 31, 2007 to January 1, 2018, 301 U.S. citizen children were reportedly removed or retained from the United States to India.

Question 14:

You testified that in the last several years, more than 120 cases involving American citizen children abducted to India were resolved:

How many American citizen children were returned from India due to:

- a. Court ordered returns;
- b. "Aging out" of the child;
- c. The Indian government's administrative action/intervention;
- d. Mediation; and
- e. Voluntary actions taken by the abducting parents?

Answer 14:

According to our records from December 31, 2007 to January 1, 2018, 123 U.S. citizen children returned from India to the United States. Their returns were due specifically to:

- a. Court ordered returns: 12 children
- b. Aging out of the child: 0 children
- c. The Indian government's administrative action/intervention: 0 child
- d. Both (d and e) mediation and voluntary actions taken by the abducting parents: 111 children. Our records do not distinguish if mediation was, or was not, used to reach a voluntary arrangement.

Question 15:

Will you specify the dates in which this working group has met, provide a copy of the strategic plan to guide interagency cooperation, prior meeting dates and minutes, and a summary of actions this group will undertake to further strengthen prevention through interagency cooperation?

Answer 15:

Since October 2014, the Department of State has convened seven interagency working group meetings. These meetings have occurred on: October 15, 2014; April 22, 2015; October 21, 2015; April 13, 2016; October 25, 2016; April 18, 2017, and October 25, 2017. The next meeting is scheduled for April 25, 2018. The group's mission statement is "to promote action between federal agencies and third-party advocates and coordinate efforts to prevent international parental child abduction from the United States." This group has sought to increase the number of federal agencies involved in preventing international parental child abduction, and will continue to meet as well as coordinate at the working level on both individual cases and policy questions. The Department of State's meeting minutes include law enforcement-sensitive information. The Department will be in contact regarding the request for copies of these minutes.

Question 16:

Will you state the extent to which this group consults with parents who can provide insight on limitations and loopholes in the systems that allow a child to be taken?

Answer 16:

Individual agencies that participate in the working group have interacted with individual parents and parent advocacy groups to hear their concerns and feedback regarding international parental child abduction. For example, the Office of Children's Issues speaks daily with parents on these issues and regularly communicates with parent advocacy groups. In part due to the law-enforcement nature of the issues discussed at the meetings, there is no official participation with parents or parent advocacy groups in the interagency meetings.

Questions for the Record submitted to
Assistant Secretary Carl C. Risch
by Senator Cory Booker (#1 to #12)
Senate Judiciary Committee
April 24, 2018

Question 1:

How many times, and on what dates, has the State Department convened this interagency working group?

Answer 1:

The Department of State has convened seven Interagency Working Group meetings since October 2014: October 15, 2014; April 22, 2015; October 21, 2015; April 13, 2016; October 25, 2016; April 18, 2017; and October 25, 2017. The next meeting is scheduled for April 25, 2018.

Question 2:

Have presidentially appointed, Senate-confirmed officials from the relevant agencies participated in the interagency working group?

Answer 2:

Yes, presidentially appointed, Senate-confirmed officials from the Department of State have participated in the interagency working group. Multiple departments and agencies take part in the interagency working group. This includes the Department of Homeland Security, specifically Customs and Border Protection, U.S. Citizenship and Immigration Services, and the Transportation Security Administration; the Federal Bureau of Investigation; and the Department of Defense. We defer to these agencies as to whether their attendees are presidentially appointed, Senate-confirmed officials.

Question 3:

What is the status of the interagency working group's work?

Answer 3:

The interagency working group holds meetings twice per year to review agencies' work in preventing international parental child abductions, discuss new challenges and strategies, and build on the successes the group has already achieved. During the most recent meeting, held on October 25, 2017, the working group reiterated the importance of a holistic approach to preventing abductions and helped facilitate discussions between the participating law enforcement agencies to further streamline efforts to prevent children leaving the United States by land and air. The next meeting is scheduled for April 25, 2018. The agenda includes an update on the joint work of the Office of Children's Issues and Customs and Border Protection.

Question 4:

Can you describe any proactive actions that the interagency working group has already taken to reduce the incidence of international parental child abduction?

Answer 4:

The interagency working group collaborated in the enhancement of an early warning mechanism in which notification of travel is provided to requesting agencies for children that are subject to court orders prohibiting their removal from the United States.

Additionally, to improve interagency coordination of abductions in progress and safe returns of abducted children, the Office of Children's Issues assigned a prevention officer to CBP's National Targeting Center (NTC) in February 2016, an action supported by the interagency working group and which has led to more timely and effective responses to abductions in progress and has facilitated the return of abducted children to the United States.

Question 5:

Does the interagency working group have plans to issue specific policy recommendations or take any concrete steps to prevent international parental child abduction? If so, can you indicate what types of recommendations or actions may be forthcoming?

Answer 5:

The interagency working group does not currently have plans to issue specific policy recommendations; however, to improve interagency coordination of abductions in progress and safe returns of abducted children, the Office of Children's Issues assigned a prevention officer to CBP's National Targeting Center (NTC) in February 2016, an action supported by the interagency working group. In addition, the working group has and will continue to streamline and improve interagency cooperation and to conduct outreach to conferences, courts, and law enforcement agencies to further educate them on ways to prevent international parental child abductions. By way of example, the Office of Children's Issues participated in a joint Department of Justice-State Department panel discussion on the role of the State Department, FBI, and U.S. Attorneys in international parental child abduction cases at the 2017 National Law Enforcement Training.

Question 6:

Could you provide a list of each of the countries that are not parties to the Hague Convention (or that have not been parties to the Hague Convention until recently) with which the United States has established bilateral procedures under the Goldman Act?

Answer 6:

The Department currently has Memoranda of Understanding (MOUs) with Lebanon and Jordan allowing access to abducted children, and MOUs with Egypt and Saudi Arabia establishing regular diplomatic discussions on individual abductions.

Question 7:

Could you describe the types of bilateral procedures that the United States has established with these countries?

Answer 7:

The Department currently has Memoranda of Understanding (MOUs) with Egypt, Saudi Arabia, Lebanon, and Jordan. The MOUs with Lebanon, signed in 2005, and Jordan, signed in 2006, seek to facilitate parental access to children abducted between our two countries. In 2016, the United States and Egypt decided via an exchange of diplomatic notes to build upon an MOU signed in 2003 that dealt exclusively with parental access. Our two nations now meet regularly to discuss specific cases and the Hague Abduction Convention. We signed our most recent MOU in July 2017 with Saudi Arabia, establishing bi-annual meetings in alternating capitals to discuss ways to facilitate resolution of specific abductions and how we might prevent and resolve abductions more broadly.

Question 8:

Does the State Department believe that the bilateral procedures that have been established with these countries so far are effective in resolving international parental child abduction cases?

Answer 8:

Yes, the Department believes that the Memoranda of Understanding (MOUs) have proved effective. For instance, in July 2017, the United States and Saudi Arabia signed an MOU establishing bi-annual diplomatic meetings in alternating capitals to discuss individual abductions, as well as broader topics associated with international parental child abduction. Subsequently, Saudi Arabia established a Children's Issues Committee that has met with the Department twice: in Riyadh in July 2017, and in Washington, D.C. in January 2018. As a result of those meetings, we have observed positive developments in a recent case. In other abductions cases, Saudi officials ensured consular access to children, have located children, and provided information for parents on the Saudi legal system.

Question 9:

Does the State Department believe that any of the existing bilateral procedures with these countries should be strengthened, short of having these countries join the Hague Convention?

Answer 9:

We are seeking to strengthen the Memoranda of Understanding (MOUs) that pertain strictly to consular access. We found that regular diplomatic engagement with foreign officials focused on the topic of international parental child abductions creates opportunities to develop greater and more accessible processes for parents to seek the resolution of their cases. Diplomatic engagement is also important to raise awareness within the foreign government that international parental child abduction is a serious matter for our nations to address.

Question 10:

Has the State Department withdrawn, limited, or suspended any form of foreign assistance provided to any country, under the noncompliance tools provided in the Goldman Act?

Answer 10:

The Department has not withdrawn, limited, or suspended any form of foreign assistance provided to a country in response to any unresolved abduction cases because we have not identified a case in which we believe such action would be effective. The Department continually reviews all the tools provided in the Goldman Act and options outside of the Act. The Department is also mindful that Section 201(c) of the Act requires that the Department target its actions in response to unresolved cases as narrowly as practicable and in ways that respect the separation of powers and the independence of the judiciary of the country. Actions must further seek to minimize any adverse impact on a country's population, U.S. humanitarian efforts, and the national security interests of the United States.

Question 11:

Has the State Department specifically threatened to withdraw, limit, or suspend any form of foreign assistance provided to any country, under the noncompliance tools provided in the Goldman Act?

Answer 11:

The Department has not specifically threatened to withdraw, limit, or suspend foreign assistance provided to a country in response to any unresolved abduction cases because we have not identified a case where we believe such action would be effective. Practical effectiveness of actions, such as the withdrawal, limitation, or suspension of foreign assistance is complex. Potential actions are considered in light of their potential to resolve cases and how they will

move the entire country towards better implementation of the Convention or towards accession to the Convention.

Question 12:

Have you identified any specific countries against which you are considering using the Goldman Act tools regarding foreign assistance, to take a more aggressive posture toward their persistent noncompliance?

Answer 12:

The Department has not to date specifically threatened to withdraw, limit, or suspend any form of foreign assistance provided to a country in response to any unresolved abduction cases. The Department regularly evaluates how pragmatic and productive a particular action will be on a country by country basis. For example, in countries where we do not provide foreign assistance, this would not be an available tool. We work closely with stakeholder offices in the Department and our interagency partners to consider potential actions identified in the Goldman Act. In our overseas missions, we work closely with our Ambassadors to identify every opportunity to raise concerns about countries that have demonstrated a pattern of noncompliance.