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# BK v NK (Suspension of return order) (2016)

## [2016] EWHC 2496 (Fam)

03/08/2016

**Barristers**
Robin Barda

**Court**
Family Division

**Practice Areas**
International Children Law

A father's right under Polish law to veto the removal of his child from the jurisdiction amounted to rights of custody for the purposes of the Hague Convention on the Civil Aspects of International Child Abduction 1980 art.3 and art.5(a). Accordingly, the mother's removal of the child without permission had been wrongful and a return order was made, the mother having failed to make out her defence of harm or intolerability under art.13(b). However, the fact that the father had since been deported from Poland was an exceptional circumstance justifying the order being suspended to allow the mother to apply to the Polish court for permission to remove the child.

**Permission**