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# Travel Permission Letters for Children

The summer holidays are fast approaching and we have seen an increase in questions regarding taking children on holiday abroad. Most, if not all of the questions have derived from parents who are separated and want to know (in the absence of a court order) if they are allowed to take their child/children abroad without both parents being present. We have also been asked the same questions from grandparents and other family members who do not have parental responsibility but would like to treat their grandchildren or younger relations to a holiday. So what is the answer and what should you do in this situation?

## What is parental responsibility?

Parental responsibility is having the legal rights, duties, powers, responsibilities and authority as a parent for a child and the child's property. A person who has parental responsibility for a child has the right to make decisions about their care and upbringing. You automatically have parental responsibility if you are the mother of the child/ children. Fathers must be named as the father on a child's birth certificate and if the child was born on or after 01/01/2003 then he will have automatic parental responsibility. Fathers, and in some circumstances other family members can obtain Parental Responsibility by way of a formal agreement or Court Order.

## Do you need permission from both parents who have parental responsibility to take a child abroad?

Permission must be obtained from all people with parental responsibility for a child or from a court before taking the child abroad.

For example, if a mother has separated from a father (who has parental responsibility) and the mother, in the absence of a court order, decides to take the child/children abroad, then a letter demonstrating that the father has given his permission for child/children to travel abroad is usually enough to show that permission is in place.

It could also apply to children who are minors and have family abroad and are being accompanied by one parent to the airport here in the UK, but travel alone in terms of the flight, only to be met on the other side by a family member. The UK or overseas border will ask for information in the form of a letter and if they do not receive that information, a minor could be turned away.

## What do you need to do before travelling abroad?

UK and foreign borders require a Travel Permission Letter/ Child Travel Consent form which includes:

- the dates of travel and return;
- where the child will be travelling to;
- where the child will be staying; and
- who they will be travelling with.

It should also be noted in the letter if a child will be carrying a passport and if they have any specific medical needs or allergies.

It would also help if the letter contains:

- Evidence of your relationship with the child, e.g. a birth or adoption certificate; and
- A divorce or marriage certificate, if you are a single parent but your family name is different from the child's.

The signature of the persons with parental responsibility must be witnessed. Certain countries have wider requirements than others so it is vital that you check what format the permission must be in before travelling.

## What happens if permission to travel is not given by both persons with parental responsibility?

If someone with parental responsibility does refuse to grant permission to the other parent or indeed will not sign the permission letter, then the matter must be referred to the Court in order for the parent wanting to take the child/children abroad to seek permission.

To obtain permission of the Court, what you will need to consider doing is applying for a Specific Issue Order under Section 8 Children Act 1989. The 'Specific Issue Order', as the name implies, decides specific questions connected with issues of parental responsibility when parents are not able to agree, on areas such as which school the child will go to, or whether you should be able to move from one part of the country to another or go abroad.

If a parent or grandparents, were to take a child/children abroad without seeking the permission of the other person or persons with parental responsibility with or without getting the permission of the Court, the other person can apply for a Prohibited Steps Order under Section 8 Children Act 1989 to restrain the person with the intention from taking that action. The Court will make the decision based on what is in the best interests of the children. The Court will put the children's welfare first, over and above everything else and will apply a 'welfare checklist'.

If you would like any further information or help with drafting a permission to travel letter or the witnessing of the letter, please do not hesitate to contact the [Family](#) team or Giuseppe Pingerna on 01202 786161 or email him at [giuseppe.pingerna@la-law.com](mailto:giuseppe.pingerna@la-law.com).