

STATUTORY INSTRUMENTS

**2010 No. 2955**

**The Family Procedure Rules 2010**

**PART 12**

**[<sup>F1</sup>CHILDREN PROCEEDINGS] EXCEPT PARENTAL ORDER  
PROCEEDINGS AND PROCEEDINGS FOR APPLICATIONS  
IN ADOPTION, PLACEMENT AND RELATED PROCEEDINGS**

**[<sup>F1</sup>CHAPTER 6A**

Special provision about return proceedings with links to asylum claims

**Textual Amendments**

**F1** Pt. 12 Ch. 6A inserted (1.10.2022) by [The Family Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/821\)](#), rules 1(3), 5

**12.71A.—**(1) In this rule—

“child concerned” means the child who is the subject of the return proceedings;

“claimant” means the person who has made the protection claim;

“linked protection claim” is a protection claim that is made by or on behalf of the child concerned or in which the child concerned is named as a dependant of the claimant, and includes a pending in-country appeal;

“NIA Act 2002” means the Nationality, Immigration and Asylum Act 2002;

“pending in-country appeal” means an appeal within the meaning of section 104 of the NIA Act 2002 against a decision of the Secretary of State on a protection claim in which the child concerned is present in England and Wales, and includes any period for instituting of such appeal or applying for permission for such appeal;

“protection claim” has the same meaning as in section 82(2)(a) of the NIA Act 2002, and for the avoidance of doubt, includes an application for asylum as defined by the Immigration Rules HC 395 as amended;

“return order” means an order for the return of a child to another country, made pursuant to an application under any of the 1980 Hague Convention, the High Court’s inherent jurisdiction, or section 8 of the 1989 Act;

“return proceedings” means any proceedings—

- (a) for a return order;
- (b) to vary, revoke, discharge or set aside a return order; or
- (c) in which implementation of a return order is sought.

(2) This rule applies in return proceedings.

(3) Any party to return proceedings that is aware of a linked protection claim must notify the court as soon as practicable of the existence of that claim and provide any information that party has about the progress of that claim.

(4) When the court becomes aware of a linked protection claim, it must hold a hearing as soon as practicable in order to consider directions, including those specified in rule 12.48, as to—

- (a) whether the child concerned should be made a party to the return proceedings;
- (b) whether the Secretary of State should be invited to intervene in the return proceedings;
- (c) whether there should be disclosure and/or inspection under rule 4.1(3)(b) and Part 21 of any documents or information—
  - (i) from the Secretary of State, claimant or child concerned to one or more parties to the return proceedings or other persons;
  - (ii) from one or more parties to the return proceedings or other persons, to the Secretary of State, claimant or child concerned;

including any directions as to representations or production to the court of such documents or information;

- (d) whether the return proceedings should be stayed until such further point as the court would direct.

(5) Nothing in this Rule disapplies the provisions of other rules or of Practice Directions, including any powers of the court, whether in relation to family proceedings or protection claims falling within scope of this rule, or to other family proceedings, other immigration proceedings, or other claims or proceedings.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Family Procedure Rules 2010, CHAPTER6A.