

GAO

Report to Subcommittee on Aviation,
Committee on Transportation and
Infrastructure, House of Representatives

June 2011

COMMERCIAL AVIATION

Program Aimed at High-Risk Parent Abductors Could Aid in Preventing Abductions



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Highlights of [GAO-11-602](#), a report to Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives

Why GAO Did This Study

Since 2000, the annual number of new international parental child abduction cases reported to the Department of State—many of which likely involved air travel—has nearly tripled. Such abductions occur when a parent, family member, or person acting on behalf thereof, takes a child to another country in violation of the custodial parent's or guardian's rights. Once a child is abducted, the laws, policies, and procedures of the foreign country determine the child's return. Thus, preventing such abductions can help keep parents and children from being separated for a long period or indefinitely

As requested, this report addresses (1) the policies and measures airlines, federal agencies, and others have to prevent international parental child abductions on airline flights and (2) options federal agencies, airlines, and others could consider for helping prevent such abductions on airline flights, as well as the advantages and limitations of those options. To perform this work, GAO reviewed applicable laws and policies, interviewed government officials, and surveyed airlines and nonprofit associations.

What GAO Recommends

GAO recommends that DHS consider creating a program similar to the child abduction component of its Prevent Departure program that would apply to U.S. citizens. DHS concurred with the recommendation, but cited challenges toward implementing it, such as potential constitutional, operational, privacy, and resource issues.

View [GAO-11-602](#) or key components. For more information, contact Gerald Dillingham at dillinghamg@gao.gov or (202) 512-2834.

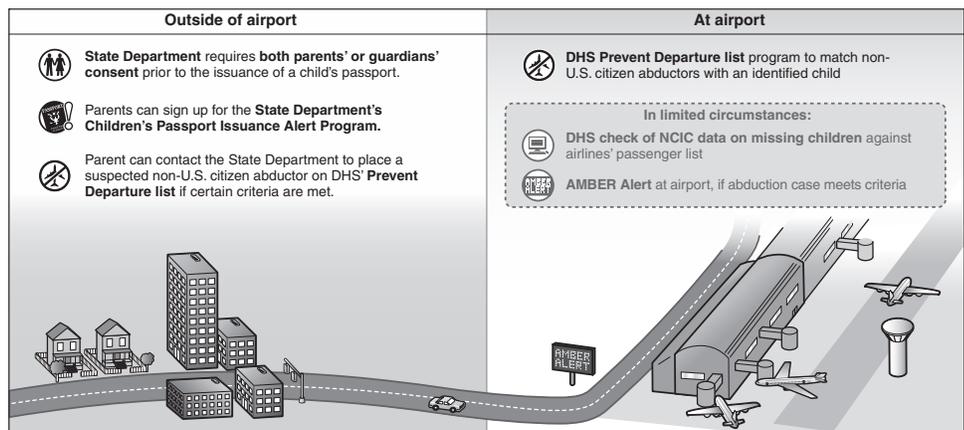
COMMERCIAL AVIATION

Program Aimed at High-Risk Parent Abductors Could Aid in Preventing Abductions

What GAO Found

As private sector entities, airlines do not have the authority to verify or enforce court and custody orders in an effort to prevent international parental child abductions and thus, upon request, work in cooperation with law enforcement. The Department of State has measures such as a dual-signature passport requirement and a passport notification program that are focused on preventing abductions before abductors reach an airport. The Department of Homeland Security (DHS) has measures that are focused on prevention when abductors reach the airport, such as a Prevent Departure list which prevents non-U.S. citizens from departing on an international flight with a child of concern, if certain criteria are met. DHS also checks the National Crime Information Center Missing Persons File and has partnered with other agencies to distribute AMBER Alerts at airports if child abductions meet certain criteria.

Federal Programs Aimed at Preventing International Parental Child Abductions



Source: GAO.

Two options—a parental-consent letter requirement and a high-risk abductor list—were cited by stakeholders (federal agency, airline, and nongovernmental organization officials) as having potential to prevent abductions, but consent letters may be impractical to adopt while a high-risk list may help prevent some abductions. A consent letter policy could require that children traveling alone, or without both parents, have a note of consent from the nonaccompanying parents authorizing the child to travel. Stakeholders GAO met with and surveyed noted that such consent letters may be effective in deterring some abductions, but the relative ease in forging a letter along with other significant issues indicate that such a requirement is not a practical option. A high-risk abductor list program could operate similarly to the Prevent Departure list program but would apply to U.S. citizens. While stakeholders pointed out certain limitations to such a high-risk abductor list—such as the relatively difficult and time-consuming steps needed to place a child and potential abductor on this list—such a list may be helpful in preventing abductions on airline flights.

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Abbreviations

AMBER	America's Missing: Broadcast Emergency Response
DHS	Department of Homeland Security
DOJ	Department of Justice
DOT	Department of Transportation
NCIC	National Crime Information Center
NCMEC	National Center for Missing and Exploited Children
TSA	Transportation Security Agency

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Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

June 23, 2011

The Honorable Thomas E. Petri
Chairman
The Honorable Jerry F. Costello
Ranking Member
Subcommittee on Aviation
Committee on Transportation
and Infrastructure
House of Representatives

Since 2000, the annual number of new international child parental abduction cases for which parents requested Department of State (State Department) assistance has nearly tripled. Such abductions occur when a parent, family member, or person acting on behalf of a parent or family member takes a child to another country in violation of the rights of the custodial parent or guardian.¹ The State Department reported that, from fiscal year 2007 through 2009, it received 3,011 parental abduction requests for assistance in returning 4,365 children to the United States from other countries.² Although 36 percent of these children were abducted to a bordering country, the nonborder countries with the most child abductions—the United Kingdom, Germany, India, Japan, Brazil, and Australia—almost all involve cross-oceanic travel and, therefore, likely involved the parent and child leaving the United States aboard an airline flight. Once a child is abducted from this country to another, the laws, policies, and procedures of the foreign country determine whether and how the child will be returned. Thus, prevention of international parental

¹Although the State Department defines international parental child abductions as those in which the abductor is a family member or a person working on behalf of a family member, federal law makes it a felony for any person to remove, or attempt to remove, a child under 16 from the United States, or to retain a child (who has been in the United States) outside of the United States, with the intent to obstruct the lawful exercise of parental rights. 18 U.S.C. § 1204(a). Thus, the federal law also makes child abductions by strangers a felony; however, those abductions are outside the scope of this report. Parental rights are defined as the right to physical custody of the child, whether the right is joint or sole (and includes visitation rights), and whether the right arises by operation of law, court order, or legally binding agreement of the parties. 18 U.S.C. § 1204(b)(2). Future citations of “parental rights” in this report include those of the parents and legal guardians.

²The actual number of cases may be greater because some parents never report the abductions to the State Department but instead pursue a remedy directly with foreign authorities.

child abductions, including through air travel, is critical to ensure that parents are not separated from their children for a long period or indefinitely. Preventing abductions involving airline flights, however, can be difficult. Although the Department of Homeland Security (DHS)—in collaboration with the airlines—screens all travelers boarding international flights, the United States does not generally exercise exit controls on its borders that would prevent U.S. citizens holding a valid passport from leaving the country with a child.³

You requested that we study the prevention of international parental child abductions involving airline flights. This report provides (1) information on policies and measures airlines, federal agencies, and other entities have in place to prevent international parental child abductions involving airline flights and (2) options federal agencies, airlines, nongovernmental organizations, and others could consider to prevent international parental child abductions involving airline flights, as well as the advantages and limitations of those options.

In determining policies and measures that are in place to prevent these types of abductions, we examined relevant laws and regulations. We met with officials from the DHS and the Departments of Justice (DOJ), State, and Transportation (DOT), and seven nongovernmental child advocacy organizations. During these meetings, we obtained and analyzed information related to major policies and measures in place to prevent such abductions. We also met with and obtained and analyzed information provided by two airline associations to determine what policies and measures airlines have in place to prevent international parental child abductions. In addition, we received information from eight cross-continental airlines regarding their policies and measures to prevent international parental child abductions. Our focus was primarily on abductions that occur when a parent, family member, or person acting on behalf of the parent or family takes a child from the United States, violating the rights of the parent left behind. In determining additional options that federal agencies and others could consider to prevent abductions involving airline flights, we developed a list of hypothetical options from the federal agencies, nongovernmental child advocacy organizations, and airline associations mentioned above. We then designed

³Exit control procedures can vary by country but generally include checking the traveler's name against customs and immigration databases. The results of such checks can lead to travelers being denied departure.

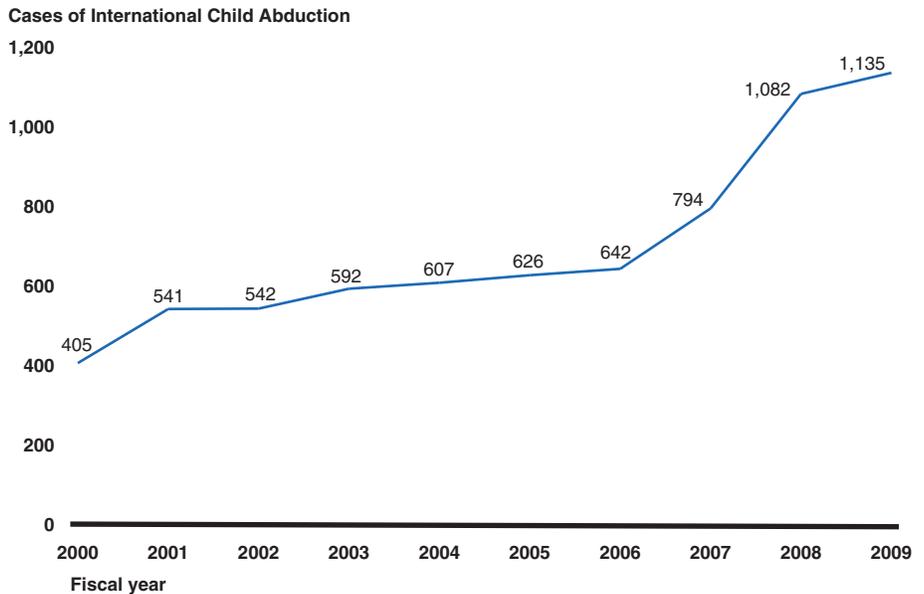
and implemented a Web-based survey of domestic and foreign airlines, as well as nongovernmental child advocacy organizations to obtain their views regarding the effectiveness, advantages, limitations and key issues of two specific options for further preventing these types of abductions involving airline flights. Of the 14 airlines in our sample, 6 domestic and 3 foreign airlines responded. We also used a survey to obtain views on additional options for preventing abductions from five nongovernmental child advocacy organizations, all of which responded to our survey. We assessed the advantages, limitations, and key issues the airlines and nongovernmental organizations identified for the two specific options detailed later in our report to determine their practicality. For more information on our scope and methodology, see appendix I.

We conducted this performance audit from September 2010 to June 2011, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

International parental child abductions reported to the State Department have been increasing. The State Department reported that it received 1,135 new requests for assistance in international parental child abduction cases in fiscal year 2009, the most recent fiscal year with comparable data. The annual number of new requests received has increased each fiscal year since fiscal year 2000 (see fig. 1).

Figure 1: International Parental Child Abduction Cases Reported to State Department, Fiscal Years 2000-2009



Source: GAO presentation of State Department data.

According to literature we reviewed, such abductions can take an emotional toll on children—who can encounter serious psychological effects—and on the parent whose child has been abducted. Research shows that recovered children often experience a range of problems, including anxiety, eating problems, nightmares, mood swings, sleep disturbances, and aggressive behavior. Parents whose children have been abducted may encounter substantial psychological, emotional, and financial problems in fighting for the return of their children. When a child has been abducted across international borders, a parent may face an unfamiliar legal system, as well as significant cultural differences and linguistic barriers that can hinder a parent’s attempts to reunify with his or her child.

Although we could not find definitive data on the extent to which parents and others have used airline flights to abduct children abroad, many international parental child abductions most likely involve airline flights. The State Department reported that, from fiscal year 2007 through 2009, it received 3,011 requests for assistance in returning 4,365 children to the United States from other countries. About 30 percent of these children were abducted to Mexico, while about 6 percent were abducted to

Canada.⁴ The remaining 64 percent were abducted to other countries that do not share a border with the United States. The State Department and other organizations told us that an airline flight was likely the primary means of transportation for most abductions to these nonborder countries.⁵ Of the six nonborder countries that had the most child abductions, it is highly likely that an airline flight was used in many of these abductions (see fig. 2).

⁴Stakeholders we met with speculated that Mexico's proximity and high rate of immigration to the United States may be factors leading to such a high percentage of children being abducted to Mexico.

⁵We did not find any organization that collected information on the mode of transport used in reported international parental abductions.

Figure 2: Nonborder Countries Children Were Abducted to Most, Fiscal Years 2007-2009



Sources: GAO and Map Resources (map).

Child custody and abduction issues have historically been addressed at the state and local level. State family courts determine child custody status, including issuing custody and court orders that can limit the travel of children. According to State Department officials, currently there is no nationwide database that captures information from custody and court orders. State and local law enforcement are generally tasked with enforcing the provisions of these custody and court orders. When a child is at risk of imminent abduction or harm, a judge may issue an order and direct law enforcement to take physical custody of a child. A court order can prohibit the removal of a child from the United States and that can allow a parent or law enforcement official to contact the airport authority police, who may assist in intercepting the abductor. However,

enforcement of such orders is difficult, in part because of the lack of a nationwide database that maintains custody orders, and because the United States does not generally exercise exit controls on its borders that would prevent an adult U.S. citizen holding a valid passport from leaving the country with his or her child who also holds a valid passport. Generally, any citizen holding a valid passport may leave or enter the United States freely. According to a DOJ report on international child abductions, parents who fear that their children may be abducted can request a court order to have the other parent surrender his/her passport and the child's passport to the court. Foreign governments, however, are not bound by U.S. custody orders and may issue passports to children who are their nationals.

The lack of exit controls makes timing crucial in preventing international parental child abductions involving an airline flight. If a child has a valid passport, preventing an abduction on an international airline flight could be very difficult even if a parent has obtained a custody order barring such travel because that parent would not only need to involve law enforcement but do so with enough time to intercept the abducting parent and the child before they board an international flight. Once a parent reports a child as abducted, rapid communication and coordination among law enforcement, airport, and airline authorities are necessary to prevent a child from boarding an international flight. What can often happen in these cases, however, is that a parent does not know that another family member plans to board the child on an international flight, and thus may not contact law enforcement in time. For example, the American Bar Association led a survey of 97 left-behind parents that found that nearly half of the abductions reported by the left-behind parents occurred during a legal visitation between the abducting parent and abducted child.⁶ The left-behind parent was likely unaware of the other parent's abduction intentions.

⁶Janet Chiancone, Linda Girdner, and Patricia Hoff, *Issues in Resolving Cases of International Child Abduction by Parents*, Office of Juvenile Justice and Delinquency Prevention (Washington, D.C.: December 2001). Research for this study was conducted from 1995 to 1997.

Airlines Do Not Have Authority to Adopt a Preventative Role; the State Department and DHS Have Programs That Attempt to Prevent International Parental Child Abductions

Airlines Do Not Have the Authority to Enforce Court and Custody Orders but Have Policies and Procedures for Boarding Children Traveling Alone

As private sector entities, airlines in the United States do not have the authority to verify or enforce court and custody orders. Stakeholders we interviewed stated that the airline's main role related to the prevention of international parental child abductions is cooperating upon request with law enforcement officials or prosecutors. For example, a few alleged abductions in progress have been intercepted when local court officials or law enforcement officers contacted airport police and airline personnel to prevent a suspected abducting parent and at-risk child from leaving on an international airline flight. Several airline stakeholders told us that law enforcement should take the main role in preventing international parental abductions, but that airlines work to support the law enforcement agencies in this role.

While airlines may not be in a position to question the appropriateness of a child and adult traveling together, airlines have procedures in place for children traveling alone internationally or domestically. Although policies and procedures can vary by airline, most domestic airlines will permit children who have reached their fifth birthday to travel unaccompanied. Children aged 5 through 11 who are flying alone must usually travel pursuant to special "unaccompanied minor" procedures, which involve an additional fee. On many domestic carriers, children aged 5 through 7 may only fly unaccompanied on nonstop and through flights; children 8 and over may take connecting flights unaccompanied. As a common procedure for unaccompanied minors, airlines require the names and contact numbers of the persons dropping the child off and picking the child up. The person picking up the child may be asked to show his or her identification. However, because airlines do not have authority to verify court or custody orders, the unaccompanied minor procedures would not

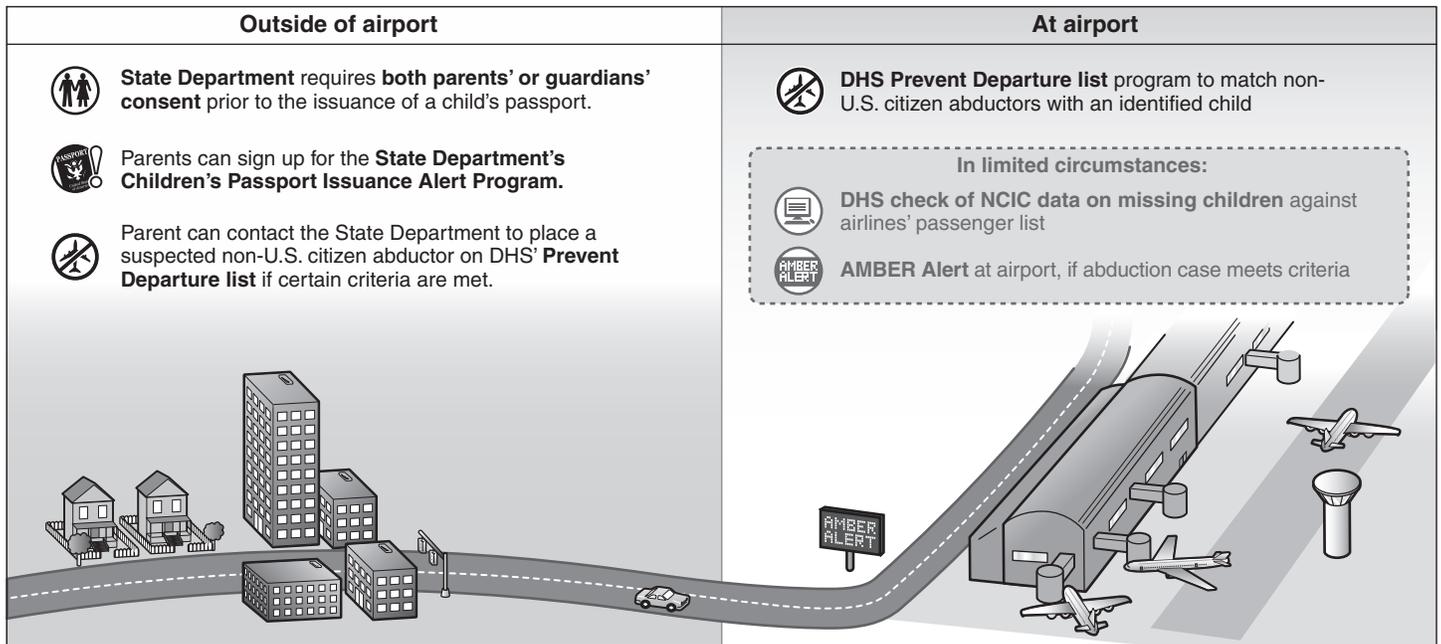
include checking the parentage or legal guardianship status of any of those persons dropping off or picking up children traveling unaccompanied. Once a child has reached the age of 12 (or 15 on some airlines), most domestic carriers do not apply “unaccompanied minor” procedures or seek parental permission for the child to travel. Airlines may apply some additional procedures for unaccompanied minors traveling internationally; for example, some airlines automatically apply the unaccompanied minor procedures to children through age 17 for international travel.

For certain international destinations, airlines can request that children traveling with only one parent have a letter of consent from the nonaccompanying parent to help passengers meet the entry requirements of the country of destination. For example, according to the State Department, Mexico and Chile require that children entering or departing those countries by airline flight without both parents have such a letter of consent. As such, the airlines in our study reported instructing passengers to be ready with such documentation if traveling with children to countries that may have such requirements. Representatives of the Air Transport Association told us that any airline flying to these countries may be forced to provide the passengers with a free trip back to the United States for accepting children onto their flight without having documentation showing that both parents or guardians consented to the international travel. We discuss this parental-consent letter requirement in more detail later in our report.

The State Department Has Measures Related to the Issuance of Children’s Passports, while DHS Has Measures to Intercept an Abductor at the Airport

The State Department has preventative measures that are focused outside of the airport environment, before a suspected abductor reaches an airport with a child, while DHS’s measures focus on preventing child abductions once an abductor reaches an airport with a child. Figure 3 illustrates these measures, which are described in greater detail in the next section.

Figure 3: Federal Programs Aimed at Preventing Parental International Child Abductions



Source: GAO.

The State Department has a signature requirement and a passport issuance alert program in place to directly address international parental child abductions. A law passed in 1999 requires both parents to execute and provide documentary evidence of custodial rights on any application for a passport for a minor.⁷ If this cannot be done, a parent can take certain steps, in accordance with the law, to execute the passport application, such as by providing documentary evidence that he or she has sole custody of the child, has the documented consent of the other parent to

⁷In 1999, the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act established the "two-parent signature" requirement, requiring both parents or each of the child's legal guardians, if any, to execute and provide documentary evidence of custodial rights on any application for a passport for a minor under the age of 14, among other things. Pub. L. No. 106-113-Appendix G, div. A, title II, subtitle B, § 236, 113 Stat 1501, 1501A-430 (1999), at 22 U.S.C. § 213 note. The law required the Secretary of State to promulgate regulations implementing the program, which he did in 2001. 66 Fed. Reg. 29904 (June 2001), codified at 22 C.F.R. § 51.28. In 2007, the Secretary amended the regulations to expand this requirement to those minors under the age of 16. 72 Fed. Reg. 64930 (November 2007). There are several exceptions to the "dual signature" requirement, including special family circumstances and circumstances that jeopardize the health or welfare of the child. See 22 C.F.R. § 51.28.

the issuance of the passport, or is acting in place of the parents and has the documented consent of both parents.

The State Department also administers the Children's Passport Issuance Alert Program, a service through which a parent can request State Department notification if a passport application is submitted for his or her child of less than 18 years of age. State Department officials told us that if a passport application is received for a child listed in the alert program, State Department officials would contact the parent who requested the alert notice to see if the parent's concern still exists before determining whether to issue the passport.⁸ The issuance alert program enhances prevention opportunities since there are exceptions to the two-parent signature requirement. State Department officials told us that about 42,000 children are currently registered in the program and that the program's database includes information such as name, date, and place of birth for each child. Before adding a child to this alert system and adding the parent as the person to alert, State Department officials verify the relationship between the parent and the child through documentation such as the birth certificate, custody orders, and other identifying documentation. State Department officials noted that, even if a parent requesting an issuance alert loses custody of the child after the child has been entered into the alert system, the State Department would still notify a parent if the other parent or another person applies for that child's passport. According to the State Department, in some instances, enrollment in the issuance alert program has succeeded in locating children whose whereabouts were unknown before the new passport application was submitted, which thereby allowed the State Department to assist the left-behind parent in seeking the child's return.

However, the signature requirement and passport issuance alert programs have the following limitations:

- Once it issues a passport to a child, the State Department may not revoke that passport except in limited situations.⁹ Thus, some children

⁸ Any person with parental or guardianship rights can register their child in the system. For example, State Department officials told us that some parents register their child in the system due to fear of having the child run away. State Department will notify the requesting parent of a passport application for a child in the program until that child turns 18.

⁹ See 22 C.F.R. §§ 51.60, 51.62 for a greater description of these limited situations.

may have been lawfully issued passports before a possible international abduction situation arose.

- The State Department does not have a way to track the use of a passport once it has been issued since the United States does not generally exercise exit controls for citizens leaving the country.
- Parents with citizenships from other countries can obtain a foreign-issued passport for their child, which can circumvent State Department's signature requirement and the passport issuance alert program.

While the State Department's efforts are focused on passport issuance, DHS administers a child abduction component of its broader Prevent Departure program, designed to keep non-U.S. citizens identified as potential abductors from leaving the country with a child at risk for abduction. DHS's broader Prevent Departure program is aimed at preventing the departure of non-U.S. citizens whose departure could be harmful to the security of the United States. Such persons could include, for example, suspected fugitives fleeing prosecution for felony crimes. The Prevent Departure program originated from the Immigration and Nationality Act, which authorized departure control officers to prevent non-U.S. citizens' departure from the United States under certain specified circumstances.¹⁰ Specifically, DHS implementing regulations do not permit such departure if the departure would be prejudicial to the interests of the United States, as enumerated in regulation.¹¹ DHS established a parental child abduction component of the Prevent Departure program in 2003.¹² DHS officials have interpreted international parental abductions by non-U.S. citizens to be prejudicial to national interests, thus falling under its Prevent Departure program authority.

DHS policy stipulates that only law enforcement officers and specified State Department officials can request an alert for a non-U.S. citizen potential abductor traveling with an identified at-risk child under this

¹⁰Pub. L. No. 82-414, § 215, 66 Stat. 190-191 (1952), codified as amended at 8 U.S.C. § 1185.

¹¹DHS implementing regulations (8 C.F.R. part 215 and 22 C.F.R. part 46), authorize departure-control officers to prevent a non-U.S. citizen's departure from the United States if that person's departure would be prejudicial to the interests of the United States. 22 C.F.R. § 46.2, 8 C.F.R. § 215.2.

¹²Future citations of the Prevent Departure program in this report refer to this parental child abduction component of the overall Prevent Departure program.

program. Although parents cannot contact DHS directly, parents, family members, prosecutors, and others concerned about a forthcoming abduction could contact the State Department's Office of Children's Issues to add names to the list. In addition, DHS requires law enforcement officers and State Department officials to provide court orders specifying that a child, regardless of age, is banned from traveling internationally with a non-U.S. citizen parent or person acting on behalf of the parent. If State Department officials determined that a case meets all the criteria for inclusion on the list, the agency would pass this information to DHS officials who would then place a potential abductor on the list. DHS officials told us that, once a potential abductor is on the list, an accompanying note is made identifying the at-risk child who is not to travel internationally with the potential abductor. Subsequently, if a person on the list is identified as attempting to board an international flight with an identified child, the airlines and DHS collaborate with law enforcement to prevent the boarding of the non-U.S. citizen with the child.

DHS officials told us that this measure is an effective tool at preventing some cases of international parental child abductions. Prevent Departure is the only program we identified that has the potential to prevent international child abductions at the airport when it is not known that an abduction is in progress, but the potential abduction risk and the potential abductor have been identified. However, the usefulness of this program is limited because it only applies to non-U.S. citizens.

DHS also checks the Federal Bureau of Investigation's National Crime Information Center (NCIC) Missing Persons File routinely for travelers leaving the United States, which, in very limited circumstances, may result in intercepting a child before an international flight departs.¹³ For passengers traveling internationally on a commercial flight, airlines are required to provide passenger manifest data (generally, information listed on government-issued passports) obtained at check-in from all passengers to DHS's Customs and Border Protection no later than 30 minutes prior to the securing of the aircraft doors, or transmit manifest information on an individual basis as each passenger checks in for the flight up to but no

¹³NCIC is a computerized database available anytime to federal, state, and local law enforcement authorities for criminal law enforcement purposes. The National Child Search Assistance Act of 1990, Pub. L. No. 101-647, title XXXVII, §§ 3701-3702, 104 Stat. 4789, 4967, codified as amended at 42 U.S.C. §§ 5779-5780 requires every federal, state, and local law enforcement agency to report each case of a missing child under the age of 21 to the National Crime Information Center.

later than the securing of the aircraft.¹⁴ DHS officials told us that they have automated systems to check this passenger manifest data against the NCIC Missing Persons File and, that if a match is made, DHS officials contact the law enforcement officials who originally entered the case into the missing persons file to determine what action to take. Actions could include collaborating with law enforcement and airlines to, among other things, prevent the child from departing on an international flight.

According to DHS officials, however, even if there were a match between passenger manifest data and the missing person's file, they still may not be able to prevent an international parental child abduction on an airline; DHS officials can receive passenger manifest data as late as 30 minutes before securing an aircraft, making it difficult to coordinate with law enforcement, airport, and airline officials in enough time to prevent the abducted child from departing on an international flight. Furthermore, names might not be entered into the database in time for a match to be made. To include an abducted child in this database, a parent would need to contact a local or state law enforcement agency and file a missing person's report. In addition, local law enforcement officers may not enter reported parental abduction cases into the NCIC database because they may not view them as qualifying; they may view them as private family disputes instead of criminal matters. DHS could only confirm two cases in which it identified a match using this system, and an official who administers the matching stated that she did not know if the two matched cases resulted in preventing the child from boarding an international flight.

Other federal agencies also have efforts in place that may indirectly support the prevention of international parental child abductions involving airline flights. DOJ, in particular, has educational efforts and the AMBER Alert (America's Missing: Broadcast Emergency Response) program that may help to prevent abductions. DOJ's Office of Juvenile Justice and Delinquency Prevention develops educational materials and training programs aimed at increasing the awareness among parents, the law enforcement community, and others about the issue of international parental abductions. For example, *A Family Resource Guide to International Parental Kidnapping* is an educational guide for parents, intended to provide them with information on how to better prevent these

¹⁴19 C.F.R. § 122.75a.

abductions or stop them while in-progress, among other things.¹⁵ DOJ also provides training to more than 4,500 local law enforcement officers each year about how to respond to cases of missing children, including parental abduction cases.

In addition, since 2007, the Transportation Security Agency (TSA) within DHS has partnered with the National Center for Missing and Exploited Children (NCMEC)¹⁶ and other agencies to distribute AMBER Alerts at airports across the country to help prevent child abductions involving airline flights. AMBER Alert programs are voluntary partnerships between law enforcement agencies, broadcasters, and transportation agencies to use the Emergency Alert System¹⁷ to air a description of an abducted child and the person suspected of abducting the child to assist in the search for and safe recovery of the child. Since the first local AMBER Alert program was launched in Texas in 1996, similar programs have been implemented at state and local levels across the United States creating a nationwide alert network that has successfully led to the recovery of over 500

¹⁵U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention, *A Family Resource Guide to International Parental Kidnapping* (Washington, D.C.: February 2002, revised January 2007).

¹⁶The Missing Children's Assistance Act of 1984, as amended, directs the Administrator of DOJ's Office of Juvenile Justice and Delinquency Prevention to make an annual grant to NCMEC to carry out various responsibilities related to missing and exploited children. In general, these responsibilities include operating a 24-hour, toll-free tip line to receive tips about missing children; serving as the official national resource center and information clearinghouse for missing and exploited children; coordinating public and private programs to locate missing children; providing technical assistance and training; and providing a variety of information and assistance services. 42 U.S.C. § 5773(b)(1).

¹⁷The Emergency Alert System is a national public warning system that requires broadcasters, cable television systems, wireless cable systems, satellite digital audio radio service providers, and direct broadcast satellite providers to provide the communications capability to the President to address the public during a national emergency. State and local authorities may also use the system to deliver important emergency information, such as AMBER Alerts and weather information targeted to specific areas.

children.¹⁸ However, because a main criterion for disseminating an AMBER Alert is that law enforcement officials must believe the abducted child is in imminent danger of serious bodily injury or death, many international parental child abductions may not be entered into the AMBER Alert system since physically harming a child is usually not the abducting parent's intent. According to DOJ, in many parental abduction cases, the abducting parent's goal is to permanently alter custodial access by taking the child across state or international borders.

Nongovernmental organizations also indirectly support the prevention of international parental child abductions, often in collaboration with local, state, and federal agencies. For example, NCMEC offers a variety of services that aid in national and international searches for missing children, including a toll-free hotline; photograph and poster distribution; technical case analysis and assistance; recovery assistance; training and coursework for investigators; and legal strategies, among other services which indirectly support the prevention of abductions involving airline flights. In addition, the Association of Missing and Exploited Children's Organizations, Inc., has a "sub-AMBER alert" program that allows local law enforcement officers to contact businesses in airport terminals to notify them to look out for a child believed to be abducted and possibly at their airport so that staff can contact local law enforcement officers or airport police to halt the abduction.

Even with these efforts in place, preventing international child abductions can be very difficult and depends on a number of factors, including the parent's knowledge of the abduction risk and the existence of clear custody status for the child. While prevention efforts available to parents, such as contacting the State Department to request a passport alert for a child, generally require that the parent has some knowledge beforehand of

¹⁸In 2003, the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (PROTECT Act) was enacted, which formally established the federal government's role in the network of AMBER Alert systems. Pub. L. No. 108-21, 117 Stat. 650 (2003). The federal AMBER Alert coordinator within the Department of Justice is responsible for issuing guidance to state and local jurisdictions about what criteria should be required before activation of an alert, among other responsibilities. DOJ recommends that an AMBER Alert be issued if there is reasonable belief by law enforcement an abduction has occurred; the abduction is of a child age 17 years or younger; the law enforcement agency believes the child is in imminent danger of serious bodily injury or death; there is enough descriptive information about the victim and abductor for law enforcement to issue an AMBER Alert to assist in the recovery of the child; and the child's name and other critical data elements, including the Child Abduction flag, have been entered into the National Crime Information Center (NCIC) computer.

the risk that an abduction might occur, abductions often occur when the parent has no such knowledge. In general, prevention efforts also require clear child custody status. For example, in order for a parent to add a child and suspected abductor to DHS' Prevent Departure list, the requesting parent must demonstrate that he or she has parental or custodial rights to the child and that there is a court order barring the child from traveling internationally with the suspected abductor. However, custody laws vary by state, and many parents may not have such clear custody documentation available. For example, according to DOJ, many unmarried parents may not be aware that they would need to pursue court procedures to obtain a custody order for their child. Such documentation is often essential for a parent who wishes to demonstrate custodial rights in any context when no court order exists because states vary widely in their statutory presumptions regarding the child custody rights of unmarried parents. In addition, according to DOJ, many parents in these situations cannot afford to hire attorneys to obtain the necessary documentation of custody. In cases where the parent is unaware of the abduction risk, and where there is no documentation of the child's custody status, preventing such abductions is extremely difficult.

**Stakeholders
Identified Two
Additional Options—
a Parental-Consent
Letter Requirement
and a High-Risk
Abductor List—That
May Help Prevent
International Parental
Child Abductions, but
Cited Limitations**

**Federal Agency Officials,
Nongovernmental
Organizations, and Others
Identified Two Potential
Options: a Parental-
Consent Letter
Requirement and a High-
Risk Abductor List**

Concerns about increasing cases of international parental child abductions have led federal agency officials, nongovernmental organizations, and others to suggest a number of potential options aimed at preventing such abductions. Based on input from various stakeholders, we identified two options that directly address the issue of international parental child abductions involving airline flights: a parental-consent letter requirement and a high-risk abductor list of adults. We further explored these options with airlines, federal agencies, and nongovernmental organizations to understand their views on the potential effectiveness of these options and to identify advantages and limitations of these options.

A parental-consent letter requirement could specify that children traveling alone or without both parents on international flights be required to have a note of consent from the nonaccompanying parent(s) authorizing the child to travel. DHS recommends, but does not require, parents to travel with such documentation. As previously mentioned, certain foreign countries have similar parental consent letter requirements in place. Under such a consent requirement option (and pending the grant of authority), airline or security staff, such as TSA employees, could check that all children traveling internationally have such parental-consent letters as a condition to boarding an international flight.

A program to identify adults at high risk for committing child abductions could operate similarly to DHS's Prevent Departure program but would

apply to U.S. citizens—such a program may require additional statutory authority. DHS could provide a list of children at high risk for abduction, and family members identified as potential abductors, to the airlines, who would then prevent those placed on the list from boarding international flights if traveling together. DHS would only add names of potential abductors and children at risk to this list if the request came from designated law enforcement officers or federal officials, but not from the parents. Similar to Prevent Departure, DHS could require law enforcement officers and State Department officials to provide court orders specifying that a child, regardless of age, is banned from traveling internationally with a U.S. citizen parent or someone acting on behalf of the parent.

Stakeholder Views Indicate That Consent Letters May be Impractical, while a High-Risk Abductor List May Help Prevent Some Abductions

Parental Consent Letters Appear Impractical

Federal agency, airline, and nongovernmental organization stakeholders reported that the presence of some type of parental-consent letter requirement may be effective in deterring some parents from attempting to abduct their children abroad. One nongovernmental organization official noted that, this requirement may deter a parent from attempting an abduction, since the parent would have to take this parental consent requirement into consideration before going to the airport thus deterring abductions that might occur without advance planning.

However, these stakeholders also identified a limitation that may compromise the effectiveness of such a consent requirement: most stakeholders pointed out that it would be very easy to produce fraudulent consent letters. Of the eight airlines we surveyed on the two options, half reported that this measure would not be effective. Several stakeholders noted that a parental-consent requirement could be more effective if parents were required to have the letters notarized. Even with a notarization requirement, however, the majority of stakeholders we met with told us that parents who want to abduct their children abroad could still try to forge the consent letter documents, and airline or TSA staff may have difficulty verifying the authenticity of such letters, if they had the authority to do so. Airline officials told us that their staff does not have the training or authority to verify the authenticity of such documentation. DOT

officials added that, if a consent document were required on all children traveling internationally, airline employees would not be able to call the parent not traveling to verify and confirm the parent's consent, given the sheer volume of children traveling. As a result, another organization may need to provide airline and security staff with assurance of the authenticity of these consent letters. An official at Child Find of America stated that the consent letters would only be successful if the letters came with an additional requirement for parents to submit the letters to a federal authority in advance to verify the authenticity of the letters. She added, however, that this additional verification step would be very burdensome for parents and the federal agency tasked with the verification responsibility.

Stakeholders also cited the following three key issues to consider before implementing such a requirement:

- Parental-consent letters could place a major burden not only on parents—particularly single parents—but on all airline travelers. Several stakeholders said that single and divorced parents would have to take burdensome additional steps to contact the other parent and obtain their permission for the international travel. This requirement could be particularly difficult for a single parent traveling legitimately with a child if that single parent faced an uncooperative ex-spouse or if the parent had to provide documentation such as custody papers. This requirement could impact and burden parents and children traveling when there is very little risk of an abduction situation. A State Department official noted that a separate line may be needed at the airport for children traveling internationally if a parental-consent letter requirement were in place, so as to not delay other travelers. Similarly, NCMEC officials told us in the current airport configuration—where travelers with domestic and international destinations enter the same security screening lines—checks to verify parental consent that occur during security screening would be quite burdensome for all travelers due to the extra time needed to make such verifications.
- A parental-consent requirement could significantly increase an airline's liability. For example, a domestic airline official told us that, if a family member were to forge such a note and abduct a child to another country, the left-behind parent could file a lawsuit against the airline for failing to prevent the abduction. An International Air Transport Association official added that airlines do not keep copies of documents presented at check-in, so it could be difficult for an airline to defend against such a lawsuit. He added that carriers do not capture and hold copies of passengers' documents following check-in because

this could, among other things, violate national personal data protection or data privacy laws.

- Airlines may face financial losses depending on whether airlines would have to deny boarding to passengers not having the required parental consent letter. For example, a domestic airline official told us that this requirement could impact the airlines financially if airlines were required to deny boarding, and potentially refund travelers, for lacking the required parental consent letter. Four of the seven domestic airlines that responded to our survey offer refunds to passengers they refuse to transport due to a lack of identification. Consequently, these airlines may be financially liable for denying boarding to those that do not have the required consent letters.

In addition, neither the airlines nor DHS currently have the authority to implement a parental-consent letter requirement and would thus need to seek authority and necessary resources before such a requirement could take effect.

High-Risk Abductor List May Help Prevent Abductions

A high-risk abductor list may be helpful in preventing international parental child abductions involving airline flights in cases where a U.S. citizen has been identified as a high risk for attempting an abduction. Stakeholders, however, pointed out that the relatively difficult and time-consuming steps needed to place a child and potential abductor on this list may limit its effectiveness. A majority of the airline stakeholders surveyed on the options added that such a list would only be effective if incorporated into the security screening processes already in use and would not be effective if the airlines were charged with managing this list. In addition, DHS will not be able to establish such a high-risk abductor list without statutory authority and potentially additional financial resources.

Stakeholders who viewed this list as effective emphasized that it would be helpful in keeping family members already identified as high risk for abducting a child from boarding an international flight with the child of concern. The results of the aforementioned American Bar Association survey of 97 left-behind parents suggested that at least some of the parents were aware of the abduction risk before the abduction occurred; 51 percent of the surveyed parents reported that they had taken measures to prevent the abduction beforehand, such as seeking supervised visitation arrangements, custody orders prohibiting removal of the child from the

jurisdiction, and passport denial or restrictions.¹⁹ As previously discussed, DHS officials told us that their Prevent Departure list—which requires a custody or court order specifically banning the child in question from traveling internationally with a specified parent or someone acting on behalf of the parent—is quite effective at preventing abductions involving non-U.S. citizen abductors. Officials at the State Department added that a similar list for U.S. citizens would be very effective in cases where there was already a custody or court order preventing the child from traveling abroad with the specified parent. Some nongovernmental organization stakeholders reflected similar views. For example, an official at Child Find of America noted that a list would be helpful in cases where an abduction attempt is anticipated.

Several stakeholders cited the relatively difficult, time-consuming steps needed to place a child and potential abductor on a high-risk abductor list as a factor limiting its effectiveness. Parents would need to obtain a custody or court order banning the child from traveling internationally with the suspected adult to provide assurance that their request to include a child on the list stems from authentic abduction concerns rather than other conflicts between parents, but they may face difficulty in having a judge issue such a ban. DHS officials told us that many judges who deal with custody issues simply are not aware of the risk for international parental child abductions and thus may fail to issue a court order banning such travel. Officials at the State Department added that some judges are not adequately trained to issue court or custody orders that ban international travel in cases where abduction is a real concern. Obtaining such a custody order may require a parent to obtain support from local law enforcement to prove that a suspected abductor has previously attempted to abduct the child or has refused to follow a child custody determination, among other things. Stakeholders emphasized, however, that local law enforcement may view such custody disputes as a private matter and would thus be reluctant to get involved. In addition, the steps needed to put a potential abductor on such a list may not occur swiftly enough to prevent an anticipated abduction. Three nongovernmental organization stakeholders told us that an abduction could occur before a parent succeeds in involving law enforcement, courts, and others and then taking the needed steps to put the abductor on the high-risk list.

¹⁹Janet Chiancone, Linda Girdner, and Patricia Hoff, *Issues in Resolving Cases of International Child Abduction by Parents*, Office of Juvenile Justice and Delinquency Prevention (Washington, D.C.: December 2001).

Six of the eight airline stakeholders we surveyed about the options reported that a high-risk abductor list would only be effective if the list was incorporated into current security screening processes already in use, such as Secure Flight; the Prevent Departure list is not part of Secure Flight.²⁰ A few airline stakeholders added that any other administration of the list would burden them with creating new systems for administering such a list. Officials at two airlines told us that a high-risk abductor list would benefit from additional information beyond just names, such as biometric information, to ensure that the correct travelers are identified. An official at a foreign airline added that his airline would have to develop a customized program to input such biometric information, which would be costly. DHS's Prevent Departure list is not incorporated into Secure Flight, however, indicating that airlines may not need to develop a customized program to administer a high-risk abductor list. Thus, a high-risk abductor list similar to Prevent Departure may not significantly burden airlines.

As a final barrier, DHS may need additional statutory authority and potentially additional financial resources to implement a high-risk abductor list for U.S. citizens. As previously discussed, the Immigration and Nationality Act provided departure control officers with the statutory authority necessary to prevent non-U.S. citizens from departing the country through the Prevent Departure program. This authority is insufficient to establish and administer such a list for U.S. citizens. Consequently, DHS would need to explore other current existing statutory authority or seek new authority to administer a program similar to the Prevent Departure program that would apply to U.S. citizens. In addition, DHS and the State Department may need additional financial resources to hire additional staff to handle incoming requests and collaborate with airlines to prevent boarding. These departments' potential success in obtaining additional resources is unclear.

²⁰Secure Flight is a behind-the-scenes process that TSA and airlines collaborate on to compare the information passengers provide to airlines (including full name, date of birth, and gender) against government watch lists. While under Secure Flight, TSA conducts the matching of passengers to watch lists and simply requires airlines to prevent the boarding of certain travelers, Prevent Departure requires airlines to compare their passenger lists with the Prevent Departure list and also to help prevent certain passengers from traveling with an identified at-risk child.

Conclusions

Although it is very difficult to prevent an international parental child abduction, and we found that the options for doing so are limited, DHS may have the potential to better prevent high-risk abductors—as identified through court and custody orders—from taking children out of the country. DHS already has a program it finds to be effective at preventing non-U.S. citizens identified as high risk from undertaking international parental child abductions. Thus, a similar program designed to prevent U.S. citizens identified as high risk for undertaking these abductions from departing on an international flight with an identified child could be appropriate. While such a program will not prevent all international parental child abductions on airline flights, it may help in developing a comprehensive approach to keep people identified as high risk for attempting such abductions from succeeding. Where options for directly preventing international parental child abductions on airline flights are limited, such an improvement may be a step forward.

Recommendation for Executive Action

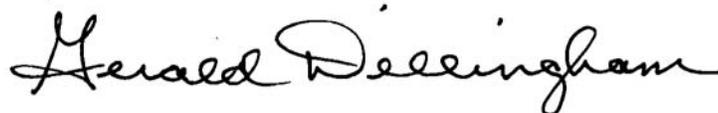
To further help prevent international parental child abductions involving airline flights, particularly for persons identified as high risk for attempting such abductions, we recommend that the Secretary of Homeland Security consider creating a program similar to the child abduction component of the Prevent Departure program that would apply to U.S. citizens.

Agency Comments

We provided a draft of this report to the Departments of Homeland Security, Justice, State, and Transportation for review and comment. The Departments of Justice and State had no comments. The Department of Transportation provided technical clarifications, which we incorporated into the report as appropriate. The Department of Homeland Security provided written comments, which are reproduced in appendix II. DHS concurred with our recommendation and agreed with our conclusions. However, while stating its commitment to working with the Department of State and other stakeholders to better prevent these abductions, DHS also discussed challenges, including "potential constitutional, operational, privacy, and resource issues," to viably implementing a high-risk abductor list for U.S. citizens.

We are sending copies of this report to the appropriate congressional committees and the Secretaries of Homeland Security, Justice, State, and Transportation. The report is also available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staff members have any questions about this report, please contact me at (202) 512-2834 or dillingham@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix III.

A handwritten signature in black ink that reads "Gerald Dillingham". The signature is written in a cursive style with a large initial "G" and a long, sweeping underline.

Gerald L. Dillingham, Ph.D.,
Director, Physical Infrastructure Issues

Appendix I: Scope and Methodology

In response to your request, this report provides (1) information on policies and measures airlines, federal agencies, and other entities have to prevent international parental child abductions involving airline flights and (2) options federal agencies, nongovernmental organizations, airlines, and others could consider to prevent international parental child abductions involving airline flights, as well as the advantages and limitations of those options.

In determining policies and efforts federal agencies, airlines, and others have to prevent international parental child abductions, we examined relevant laws and regulations and met with and obtained and analyzed information provided by the federal agencies (Departments of Homeland Security, Justice, State, and Transportation) and seven child advocacy associations. During these meetings, we obtained and analyzed information related to major policies and measures taken to prevent international parental child abductions. We also met with, and obtained and analyzed information provided by, two airline associations to determine what policies and measures airlines had in place to prevent international parental child abductions. In addition, we surveyed eight airlines regarding their policies and measures to prevent international parental child abductions. See our discussion later for more detail regarding the eight airline companies we surveyed. Our focus was primarily on international parental child abductions that occur when a parent, family member, or person acting on behalf of the parent or family takes a child from the country violating the rights of the custodial parent or guardian left behind.

In determining options federal agencies and others could consider to prevent international parental child abductions on airline flights including advantages and limitations of these options, we obtained a list of hypothetical options for preventing international parental child abductions on airline flights from federal agencies, child advocacy associations, and airline associations mentioned above. From the list of all hypothetical options, we identified two that directly addressed international parental child abductions on airline flights. We then designed and administered a Web-based survey of domestic and foreign airlines and interviewed nongovernmental organizations representing child advocacy associations on their views regarding the effectiveness, key issues, advantages, and limitations of the two measures that directly address preventing international parental child abductions on airline flights. A large number of the questions on the survey were closed-ended, meaning that respondents were provided with a list of possible responses. Most of the questions, however, were open-ended, meaning that respondents were provided with

space to explain or elaborate on their answers. In developing the questionnaires, we took steps to ensure the accuracy and reliability of the responses. To ensure that the questions were clear, comprehensive, and unbiased, and to minimize the burden on respondents, we sought input on our question set from the Air Transport Association and officials from a domestic airline, as well as internal GAO stakeholders, including methodological specialists.

In determining which airlines to survey, we initially selected all eight major domestic airlines that travel internationally. We also selected seven flag carriers (airlines registered under the laws of countries whose respective governments give them partial or total monopoly over international routes) representing countries from which parents requested State Department assistance in recovering children to which about 50 percent of children abducted from the United States from fiscal years 2007 through 2009 were taken.¹ These countries include Mexico, Canada, United Kingdom, Germany, India, Japan, and Nigeria. See table 1 for a listing of the destination countries that accounted for the most international parental child abductions from the United States. We learned that the United States had only recently allowed Nigerian airlines to conduct operations in the United States and consequently eliminated that airline from our sample. The eight domestic airlines we contacted accounted for 64 million of the 83 million (77 percent) international passengers flying on U.S. airlines in 2009. Of the eight domestic airlines we contacted, six responded to our survey, and another domestic airline (United) completed less than half. These six airlines accounted for 42 million (51 percent) of the 83 million international passengers flying on U.S. airlines in 2009. Of the six foreign airlines remaining in our sample, two completed the entire questionnaire—representing the countries that had the second and sixth most children abducted from the United States between fiscal years 2007 and 2009—and another foreign airline (Aero Mexico) completed less than half—representing the country that had the most children abducted from the United States from fiscal year 2007 through 2009. Because only two foreign carriers provided us with usable information, our data are not reflective of the views of most foreign carriers representing countries outside the continent of North America, including Europe and Africa. The airlines who fully responded to our survey are listed in table 2.

¹The Bureau of Transportation Statistics defines major carriers as those with over \$1 billion in annual operating revenues.

We also obtained views on additional measures for preventing international parental child abductions from five nongovernmental child advocacy organizations. From the seven nongovernmental child advocacy organizations we initially met with or gained preliminary information from, we surveyed (through interviews) the five that had nonprofit status according to Internal Revenue Service information, four of whom fully responded to our survey, while another (the Association of Missing and Exploited Children’s Organizations) provided responses from their membership on the high-risk abductor list option. The nongovernmental child advocacy organizations who fully responded to our survey are listed in table 3. We analyzed airline and nongovernmental child advocacy organization responses to assess the advantages, limitations, and key issues the airlines and nongovernmental organizations identified for the two main options to determine their practicality.

Table 1: Destination Countries Accounting for the Most International Parental Child Abductions from the United States, Fiscal Years 2007-2009

Country	Abductions in fiscal year 2007	Abductions in fiscal year 2008	Abductions in fiscal year 2009	Total
Mexico	474	533	320	1,327
Canada	104	83	56	243
United Kingdom	71	53	63	187
Germany	71	49	31	151
India	41	45	32	118
Japan	34	57	21	112
Brazil	31	25	31	87

Source: GAO analysis of State Department data.

Note: The actual number of cases may be greater because some parents never report the abductions to the State Department but instead pursue a remedy directly with foreign authorities.

Table 2: Airlines Responding to Survey

Domestic airline

Alaska

American

Delta

Republic

Jet Blue

US Airways

Foreign airline

Air Canada

Japan Airlines

Source: GAO.

Table 3: Nonprofit Nongovernmental Organizations Responding to Survey

Child Find of America

International Social Service

National Center for Missing and Exploited Children

Parents and Abducted Children Together

Source: GAO.

Appendix II: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

June 20, 2011

Gerald Dillingham
Director, Physical Infrastructure
U.S. Government Accountability Office
441 G Street NW
Washington, DC 20548

Re: Draft Report GAO 11-602, "COMMERCIAL AVIATION: Program Aimed at High-Risk Parent Abductors Could Aid in Preventing Abductions"

Dear Mr. Dillingham:

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the U.S. Government Accountability Office's (GAO's) work in planning and conducting its review and issuing this report.

The Department is pleased to note the report's positive acknowledgment of DHS efforts to prevent international child abductions involving non-U.S. citizen abductors and air travel. The report also recognizes that DHS may need additional legal and budget authority to pursue similar efforts involving potential U.S. citizen abductors. To further help prevent international parental child abductions involving airline flights, particularly for persons identified as high-risk for attempting such abductions, GAO recommended that the Secretary of Homeland Security:

Recommendation: Consider creating a program similar to the child abduction component of the Prevent Departure program that would apply to U.S. citizens.

Response: Concur. DHS strongly agrees that preventing international child abductions is a very important issue. The Department also agrees that expanding its current efforts along these lines to include pre-departure flight screening for potential U.S. citizen abductors could be helpful in preventing some abductions. However, a number of challenges exist to viably implementing a high-risk abductor list for U.S. citizens. These include potential constitutional, operational, privacy, and resource issues, among others. DHS remains committed to continuing its work with the U.S. State Department, the airlines, and other stakeholders to better prevent these abductions. DHS will consider options to expand its efforts, as reasonably appropriate.

Again, thank you for the opportunity to review and comment on this draft report. We look forward to working with you on future Homeland Security issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim H. Crumpacker".

Jim H. Crumpacker
Director
Departmental GAO/OIG Liaison Office

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

Gerald L. Dillingham, Ph.D., (202) 512-2834, or dillinghamg@gao.gov

Staff Acknowledgments

In addition to the individual named above, Maria Edelstein (Assistant Director), Samer Abbas, Jessica Bryant-Bertail, Lauren Calhoun, Pamela Davidson, and Amy Rosewarne made key contributions to this report.

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