



# /guide

## Your questions answered

## WHAT IS INTERNATIONAL DIVORCE?

**T**he purpose of this Stowe guide is to give you an understanding of International Divorce and how the law can vary between countries.

International divorce occurs when a couple who are divorcing or separating have a connection to more than one country. For example, divorcing couples may have relocated from the UK and are now living abroad, they may live in different countries to their ex-partner, or their ex-partner may have a different nationality.

Divorce law varies from country to country, so the outcome of an international divorce is impacted by the country in which proceedings are issued.

### What is jurisdiction?

When beginning an International Divorce process, it's important to consider which country the court proceedings will be issued. This is also known as jurisdiction.

Put simply, jurisdiction is the country in which court proceedings relating to your divorce, finances and child matters will be dealt with.

### How is jurisdiction determined?

If your divorce has an international element, it is likely that you could divorce in more than one jurisdiction. However, it can be more complex than simply choosing the country in which you feel the outcome will suit you best. You must have a valid connection to the country you want to divorce in. For example:

- Habitual residence – The country that you live in regularly or are living in
- Domicile – The country which is your permanent home
- Nationality – where you are a national of that country
- Where the marriage took place – the country you were married in.

## Where will my divorce case be heard?

That depends on where divorce proceedings are issued. Divorce laws and processes differ greatly from country to country. We can help you to establish which country is the most appropriate and relevant place for your divorce to be dealt with, depending on your circumstances.

## EU Divorce after Brexit

Prior to the UK's exit from the European Union, if you were starting divorce proceedings within the EU, you must consider the 'race for jurisdiction' where divorce proceedings commenced in the first country in which the divorce application was successfully filed. However, this is no longer the case.

Instead, now if there is a dispute as to whether England and Wales or an EU country should deal with the divorce, the country with the closest connection to the couple will be given jurisdiction, and any decisions about the divorce, financial settlements or child matters will be made using that nation's laws.

## Where is the best place to divorce?

It is unlikely that two countries have the exact same divorce laws, so deciding which one to file in is no easy task. You must consider what assets you have and how differently they could be divided depending on where the case is heard.

To determine this, it's recommended that you seek legal advice from professionals who specialise in international family law, like Stowe Family Law.

## Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit [www.stowefamilylaw.co.uk](http://www.stowefamilylaw.co.uk)

We will be able to outline the pros and cons of issuing proceedings in England and Wales so that you can compare them to the position in other jurisdictions. This advice is vital and could impact the outcome of your divorce.

Without accurate information, you may find it more difficult to get a fair settlement when the process is completed.

## International Child Custody

Arrangements for children during international divorces can be particularly complex where parent relocation may be a factor and joint custody can be unfeasible due to geographical challenges.

Our dedicated team are experienced in international child custody cases and will work with you to prioritise the needs of you and your family during divorce.

## International Divorce Finances

A divorce financial settlement is the process of dividing your assets and liabilities. It is designed to resolve any financial issues and fairly separate your assets to ensure that both parties have financial security and certainty going forwards. While in some jurisdictions it may be legally possible to come to such an agreement with your partner without the assistance of divorce law solicitors, the complex nature of international and high net worth divorces make this unadvisable.

International divorce can be complex, so seeking professional advice from an international divorce lawyer will help you to consider all your options and establish how to best meet yours and your family's interests.