

iGuide: Where should I divorce?

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There are many families who have close connections with more than one country. As a consequence on relationship breakdown there is potentially opportunity (jurisdiction) for them to divorce or bring claims in more than one country.

Financial and other outcomes can vary hugely from one country to another. For that reason it is important to ensure that you identify the best country for any court proceedings for you. This is at the heart of international family law work and you have to get this right at the very outset. Speed in issuing can be vital.

The process of identifying the various jurisdictions available to you, and the advantages and disadvantages of each is known as '*forum shopping*'. At iFLG we will guide you through this process and ensure that you receive specialist family law advice in the appropriate countries.

Once you have identified those countries which potentially have jurisdiction here are some of the factors to consider:

- Whether a court will recognise your marriage and have jurisdiction (connectedness) to deal with divorce
- The likely financial outcomes for you in those countries which do have jurisdiction
- The powers of the foreign court to order and obtain disclosure. Some countries have weak disclosure powers and are weak on effective enforcement
- Whether the final financial order of a foreign court can be enforced in the country in which the assets are held
- The likely orders that may be made in relation to your children. Submitting to a foreign jurisdiction for better financial orders may give that court power to make orders concerning the children which may be contrary to your wishes and may outweigh the financial benefit
- Practical issues such as whether you speak the language; the legal costs in the other country; the cost and inconvenience of travelling to the country to attend court; whether the proceedings will be in public or private
- The length of time that it will take for the divorce to be finalised
- Whether the divorce will be recognised in any country in which you expect to live and/or remarry
- The effect of any pre-marriage or similar marriage contract or separation agreements
- Whether the foreign proceedings would be stopped or stayed by a court order and if, notwithstanding a foreign financial Order, your spouse could still apply for a financial order after an overseas divorce (see the section of our website dealing with financial relief after a foreign divorce)

We will consider all of the issues with you together with your lawyer when advising you as to where best to divorce to ensure the best outcome.

For more information about where to divorce, or other questions you may have, please contact a member of our specialist family law team.

You can do so via our website, by email to enquiries@iflg.uk.com or telephone on +44 (0) 203 178 5668.

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