



A practical guide to stranded spouses: In conversation with Mani Singh Basi

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Jamie Lennox, Editor, Today's Media

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Mani Singh Basi is a family law barrister at 4PB who recently published a book, *A Practical Guide to Stranded Spouses in Family Law*. He recently sat down with *Today's Family Lawyer* to discuss his stranded spouses and his new book.

What made you write a book about this topic?

As a family practitioner, I am regularly involved in cases in respect of child abduction in the High Court. It is an area of law that I am passionate about and I represent applicants, respondents, and children who are subject to these types of proceedings. As a result of my exposure to this area of the law, I am often involved in cases where an individual and / or children are left *stranded* in another country and the focus on proceedings is to reunite them back to what was the status quo and in turn, to deal with issues relating to welfare.

Over the years, I have appeared in many cases relating to this topic and last year I published an article in *The Times* about the topic.



Mani Singh Basi, 4PB

Tell us more about what is meant by 'stranding'?

There are many phrases used in respect of the topic, "stranding" being one that was historically used but now the term "abandonment" is a more common one. The starting point I would say is within the Family Procedure Rules 2010, PD12J, Rule 3 which states:

"For the purpose of this Practice Direction "the 2021 Act" means the Domestic Abuse Act 2021;

“abandonment” refers to the practice whereby a husband, in England and Wales, deliberately abandons or “strands” his foreign national wife abroad, usually without financial resources, in order to prevent her from asserting matrimonial and/or residence rights and/or rights in relation to childcare in England and Wales. It may involve children who are either abandoned with, or separated from, their mother.”

Therefore, given that such a definition appears in PD12J, it is true that the act of abandonment is classified as a form of domestic abuse and Rule 2B of PD12J emphasises this point:

‘2B. For the avoidance of doubt, it should be noted that “domestic abuse” includes, but is not limited to, forced marriage, honour-based violence, dowry-related abuse and transnational marriage abandonment’.

There can be many different forms of abandonment, which is something that I have considered in my book. For example, a person can be stranded in a country to where they are familiar with, or one which they are not. The person could be stranded with or without the subject children. There are many variations that can occur and each case is fact-specific.

What does your book deal with?

My book is aimed for those who either work within the family justice system, or are interested in it. In the book, I focus on providing an insight into the workings of the family courts and I aim to provide a practical focus on issues and solutions that practitioners should consider when dealing with these types of cases.

For example, I deal with each stage of proceedings when dealing with abandonment / child abduction cases and I focus on the different types of orders that can be made at different stages.

I also focus on the trajectory of the proceedings and provide practical points, based on reported case law, the Family Procedure Rules and consideration in respect of the powers of the High Court under its inherent jurisdiction.

Further, I try to focus on each possible party to the proceedings, for example, I provide practical points and discuss matters from the perspective of the applicant, respondent and subject children.

Towards the end of the book, I focus on the outcomes in these types of cases and what can be achieved during the course of the proceedings. Some topics I consider are wardship, fact-finding hearings, tipstaff orders, welfare considerations, expert evidence, the inherent jurisdiction and the participation of vulnerable witnesses and parties.

To summarise, I would describe the book as a practical toolkit for those who are navigating through cases relating to abandonment and / or child abduction.

Mani's book is available for purchase [here](#) and on [Amazon](#).