



Neutral Citation Number: [2026] EWHC 2171 (Fam)

Case No: FD25P00235

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 14 August 2026

Before :

Ms Debra Powell KC

Between :

F

Applicant

- and -

M

Respondents

(D, by his children's guardian)

F v M (Disclosure to the First Tier Tribunal)

Ms N Campbell-Brunton (instructed by Walker Family Law) for the Applicant
Mr C Mupara (instructed by Topstone Solicitors) for the Respondent
Ms G Kelly (instructed by Freemans Solicitors) for the child through his guardian

Hearing date: 22 July 2026

Judgment

This judgment was handed down remotely at 10.30am on 14 August 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media and legal bloggers, must ensure that this condition is strictly complied with. Failure to do so may be a contempt of court.

1 INTRODUCTION

1. This case concerns an 8 year old boy, D, who was brought by his mother to the UK in March 2024 without his father's knowledge or consent. The substantive proceedings concern an application by the father made under Article 21 of the Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (hereafter 'the Article 21 proceedings') to make arrangements for organising or securing the effective exercise of the father's rights of access to D.
2. The mother and D are currently living in England, where they are appealing to the First Tier Tribunal against a refusal of the Secretary of State for the Home Department to grant them asylum.
3. In January 2026 I held a five day fact-finding hearing and handed down judgment on 9 February 2026 setting out my conclusions on allegations made by the mother and father against each other. That judgment was published on an anonymised basis: see *F v M and anor* [\[2026\] EWHC 239 \(Fam\)](#).
4. The father now applies, supported by D's guardian, for disclosure of the fact-finding judgment to the First Tier Tribunal (Immigration and Asylum Chamber) and the Home Office and UK Visas and Immigration. This is said to be necessary because the mother's appeal against the refusal to grant her and D asylum is based in part on allegations made by the mother which fell to be considered in the fact-finding hearing and which I found not to have been proved. The mother opposes the application.

BACKGROUND

5. The full background to these proceedings is set out in the fact-finding judgment. What follows is a brief summary in order to provide context for the application that I have to determine.
6. D and his mother are citizens of a Caribbean country that I shall refer to as 'H'. The father was born in a South American country, K, and went to live in country H. The parents married in 2015, D was born in 2017 and in 2019 the parents separated and were subsequently divorced. They all initially remained living in country H; D lived with his mother and spent regular time with his father.
7. In June 2022 the mother alleged that D had suffered serious sexual abuse whilst in the care of the father, which the father denied. Contact between him and D ceased at that time. A police investigation was undertaken and the father was informed that he had been ruled out of being involved in any alleged incident. By this time the father had moved to live in the USA with his new wife.
8. Family court proceedings began in country H and in March 2024 the court ordered that contact between D and his father be resumed. The mother did not comply and on 16 March 2024 she brought D to the UK, where they have remained.
9. The mother made an application for asylum for herself and for D. In it she claimed that:

- a. the father had attacked her with a knife in August 2017 after a disagreement over payment of rent;
 - b. the father had become a member of an unnamed group in 2018 that had significant power and influence in country H, after which the marriage broke down;
 - c. in June 2022 D experienced a sexual assault while in the care of the father;
 - d. in October 2022 the father went to her house demanding to see D and threatened to shoot her;
 - e. she decided to leave country H in January 2024 after receiving off the record advice from her lawyer that her application to gain sole custody of D was unlikely to be successful;
 - f. if she returned to country H she feared that she would be killed, and D would face abuse by the father and the unnamed group that he belongs to because she had left the country and denied him joint custody of D.
10. On 30 April 2025 the claims for asylum were rejected. In the decision letter it was explained that although it was accepted as a material fact that the mother and D had faced abuse at the hands of the father, it was not accepted that the father was a member of an unnamed group in country H that held significant power and influence over the police authority. It was concluded that there was not a real risk to the mother or D on return to country H because she had failed to demonstrate that the group the father was alleged to have joined had any significant power or influence over the authorities in country H, and the mother and D would be able to access sufficient protection in country H and would be able to internally relocate.
11. On 13 May 2025 the mother appealed to the First Tier Tribunal against the rejection of the asylum claims. That appeal has yet to be heard.
12. The proceedings before this court began in May 2025. The mother resisted the father's application for contact with D on the basis of allegations that:
 - a. the father is involved and has exposed her to discussions and practices involving the 'Lodge/Illuminati' which caused conflict and fear in the marriage;
 - b. D suffered sexual abuse from a third party at a time when he was being cared for by the father and therefore the father failed to protect D.
13. These allegations correspond to allegations (b) and (c) in the asylum application as set out at paragraph 9 above.
14. The father denied the mother's allegations and made a number of counter-allegations about the mother engaging in alienating behaviours, including limiting the father's contact with D without just cause, pursuing unfounded allegations of sexual abuse, failing to comply with court orders for contact, repeatedly referring to allegations of sexual assault to D directly or in his presence and making derogatory comments about the father to D or in his presence. It was determined that a fact-finding hearing was necessary.
15. On 1 August 2025 Ms Gollop KC, sitting as a Deputy High Court Judge, ordered cross-disclosure for these proceedings and all documents within them to be provided

- directly to the Home Office, and for the Home Office to provide disclosure of the mother's asylum file to Mr Justice Keehan.
16. On 5 September 2025 Mr Justice Harrison directed that the court was to send the asylum file to the mother's solicitors and the mother was then to disclose the unredacted asylum file to CAFCASS. On 2 October 2025, Mr Justice Harrison further directed the mother to disclose to the father the unredacted asylum file and Home Office decision letter.
 17. The proceedings came before me for a fact-finding hearing in January 2026, which took place over five days. I heard oral evidence from both parents and from a former colleague of the father, who was called to give evidence by the mother. There was also a substantial bundle of documents, including material from the family court proceedings in country H, and documents disclosed from the mother's asylum file as set out above.
 18. I concluded that neither of the mother's allegations against the father had been made out. I was satisfied that he was not a member of 'the Lodge' or 'Illuminati', as she alleged, although she had come to believe that he was.
 19. I found that the evidence of D having been sexually abused at all was tenuous, weak and inconsistent, and that, while the mother honestly believed that D had been sexually abused, parts of her evidence were not credible or were fabricated in a bid to bolster her allegations, which she feared were not being accepted by the authorities in country H. I found that she had failed to prove the allegation against the father. My finding was not dependent on the burden and standard of proof: having considered the written, oral and documentary evidence, I was entirely satisfied that nothing untoward of a sexual nature (or at all) had happened to D while he was in his father's care on the weekend in question. The detailed reasons for my findings in respect of the mother's allegations are set out in paragraphs [58] to [110] of the fact-finding judgment.
 20. I found the majority of the father's allegations proved.
 21. After my judgment had been handed down, there was a directions hearing on 16 February 2026, at which I made orders providing for indirect contact between the father and D by means of letters or cards, for an expert to be instructed to undertake a psychological assessment of the family, and for my fact-finding judgment to be disclosed to D's school, counsellor and GP practice.
 22. The guardian indicated at that hearing that she was considering whether to make an application for disclosure of my fact-finding judgment to the Home Office. In the event, she did not, because, as she subsequently stated, she feared that it would jeopardise the fragile but effective working relationship that she had at that time with the mother and, in turn, her ability to best support D's welfare.
 23. The parents filed statements responding to the fact-finding judgment and making proposals for the future child arrangements. The father accepted my findings, the mother, in large part, did not.
 24. The psychological assessment report was prepared by Ms Rogers and was duly filed. In it, she raised concerns about the likely harm being done to D by his mother

perpetuating a false narrative that he had suffered serious sexual abuse whilst in the care of his father.

25. At a further directions hearing on 22 June 2026 I directed that the local authority were to be provided with the fact-finding judgment and the expert report, and were then to file a letter setting out what work they could provide to D or his family in line with the expert's recommendations. I directed that the local authority should attend the next hearing and that the mother should disclose the asylum appeal bundle prepared by her solicitors for the asylum appeal.
26. The appeal bundle was duly disclosed. It contains:
 - a. a witness statement from the mother dated 13 May 2026;
 - b. an expert report from an International Human Rights Consultant, Mr Jean-Marc Morris;
 - c. a number of news reports and social media posts concerning country H;
 - d. a letter from D's school; and
 - e. a letter dated 2 June 2026 from the mother's solicitors, drafted by a trainee at the firm, to the First Tier Tribunal (Immigration and Asylum Chamber) in relation to the family proceedings.
27. The mother in her statement repeated the allegations made in these proceedings about the father's connection to a powerful group and about D having been sexually abused while in his father's care. She did not refer expressly to my fact-finding judgment, but did refer to what she described as "the family court's judgement that ruled against the safeguarding infringement and concerns of [D]."
28. She also suggested that the Illuminati "aids and supports the manoeuvring (sic) of the Family Court law to keep us trapped to [the father]" and that officials assigned by the Family Court have caused "additional trauma" to D by virtue of indirect contact, at the hands of the father.
29. The letter from the mother's solicitors reads as follows:

"Dear Sir/Madam

Re: Position of [the mother's] Family Proceedings

We represent [the mother] in her family proceedings which are currently before the High Court at the Royal Courts of Justice. The matters relate to international contact under Article 21 of the Hague Convention, proceeding (sic) of which were initiated by the father of [D].

This matter began in July 2025 and is currently still ongoing and no final hearing date has yet been listed. The most recent hearing was a directions hearing on the 16th of February 2026. We anticipate that after the upcoming hearing on the 22nd of June 2026, there may be 1-2 further hearings until the final hearing is listed.

Please contact us on the abovementioned details for anything further you require."

30. D's solicitor raised a concern in correspondence with the mother's solicitors that this letter had omitted any reference to the fact-finding hearing and judgment. By an email dated 29 June 2026 the mother's solicitors rejected this concern, stating that the letter had not purported to be a complete summary of all matters before the Family Court and that as there was no permission to disclose the fact-finding judgment it would have been inappropriate to disclose the judgment or summarise its contents.
31. Following disclosure of the asylum appeal bundle, there was a further directions hearing on 6 July 2026, which a representative from the local authority attended. It was indicated that the local authority intended to hold a strategy meeting and a legal planning meeting in the near future to determine what, if any steps, to take in respect of D.
32. At that hearing, the father made an oral application for my fact-finding judgment and schedule of findings to be disclosed to the First Tier Tribunal (Immigration and Asylum Chamber) and the Home Office and UK Visas and Immigration, essentially on the twin bases that it was not in D's welfare interests for the mother to continue to pursue her narrative in the First Tier Tribunal that he had been sexually abused while in his father's care, and that the public interest in the administration of justice required that the First Tier Tribunal be made aware of the fact and contents of my fact-finding judgment. The application was made with the express encouragement of the guardian, who had raised concerns about the letter of the mother's solicitor to the First Tier Tribunal and the absence from that letter of any reference to the fact-finding hearing or judgment. A further hearing was listed for 22 July 2026 for the application to be determined.
33. The local authority attended the beginning of the hearing on 22 July and informed the court that it had been decided to commence care proceedings in respect of D.

LEGAL PRINCIPLES

34. The Article 21 proceedings have been heard in private and it is common ground between the parties that the fact-finding judgment can only be disclosed if the court gives permission under rule 12.73(1)(b) of the Family Procedure Rules 2010.
35. In *Re C (A Minor)(Care Proceedings Disclosure) sub nom Re EC (Disclosure of Material)* [1996] 2 FLR 725 the Court of Appeal gave guidance as to how the discretion under r.12.73 is to be exercised. Lord Justice Swinton Thomas held at 733:

“In the light of the authorities, the following are among the matters which a judge will consider when deciding whether to order disclosure. It is impossible to place them in any order of importance, because the importance of each of the various factors will inevitably vary very much from case to case:

(1) The welfare and interests of the child or children concerned in the care proceedings. If the child is likely to be adversely affected by the order in any serious way, this will be a very important factor.

(2) The welfare and interests of other children generally.

(3) The maintenance of confidentiality in children cases.

(4) The importance of encouraging frankness in children's cases. All parties to this appeal agree that this is a very important factor and is likely to be of particular importance in a case to which s.98(2) applies. The underlying purpose of s.98 is to encourage people to tell the truth in cases concerning children, and the incentive is that any admission will not be admissible in evidence in a criminal trial. Consequently, it is important in this case. However, the added incentive of guaranteed confidentiality is not given by the words of the section and cannot be given.

(5) The public interest in the administration of justice. Barriers should not be erected between one branch of the judiciary and another because this may be inimical to the overall interests of justice.

(6) The public interest in the prosecution of serious crime and the punishment of offenders, including the public interest in convicting those who have been guilty of violent or sexual offences against children. There is a strong public interest in making available material to the police which is relevant to a criminal trial. In many cases, this is likely to be a very important factor.

(7) The gravity of the alleged offence and the relevance of the evidence to it. If the evidence has little or no bearing on the investigation or the trial, this will militate against a disclosure order.

(8) The desirability of co-operation between various agencies concerned with the welfare of children, including the social services departments, the police service, medical practitioners, health visitors, schools, etc. This is particularly important in cases concerning children.

(9) In a case to which s 98(2) applies, the terms of the section itself, namely, that the witness was not excused from answering incriminating questions, and that any statement of admission would not be admissible against him in criminal proceedings. Fairness to the person who has incriminated himself and any others affected by the incriminating statement and any danger of oppression would also be relevant considerations.

(10) Any other material disclosure which has already taken place.”

36. In *Re G (Disclosure of Fact-finding Judgment to the Secretary of State for the Home Department)* [2023] EWHC 450 Knowles J reviewed the relevant authorities since *Re C*, and said:

“[23] The balancing exercise described by Swinton Thomas LJ in *Re C* was reaffirmed by the Court of Appeal in *Re M (Children)* [2019] EWCA Civ 1364 (see paragraph 70) as one which identified the likely relevant factors and described how the balance was to be struck between the competing factors in play. Additionally, McFarlane P noted that applications for disclosure should only be granted if the criteria in *Re C* were satisfied and it was necessary and proportionate to do so (paragraph 82). In 2022, the Court of Appeal in *Re P*

(*Children: Disclosure*) [2022] EWCA Civ 495 once more endorsed the *Re C* approach and noted that (a) the circumstances in which disclosure decisions were made will be variable and will require the court to make an evaluative judgement and (b) *Re C* did not create a presumption in favour of disclosure (paragraph 18).”

37. Knowles J highlighted the particular importance the courts have placed on co-operation and the sharing of information between judicial and public and administrative bodies:

“[26] “In *Re B (Abduction: False Immigration Information)* [2000] 2 FLR 835, Singer J was concerned with proceedings under the 1980 Hague Abduction Convention in the course of which it emerged that the mother had given, by her own admission, a false account of various matters to the immigration authorities. ... when considering the maintenance of confidentiality in children cases and the importance of clarity and frankness, Singer J said this (837):

“... This lady has as to her antecedent history been frank in the account she has placed before me. It would be an odd way of upholding the importance of encouraging frankness if I were to permit her to continue to pull the wool over the eyes of another public authority, namely the Home Office, in the discharge of its immigration duties. A principal consideration does seem to me in the particular circumstances of this case to be the public interest in the administration of justice. The administration of justice includes the appropriate operation of administrative procedures pursuant to the law such as those which the Home Secretary discharges in relation to immigration. The message, if there is to be a message, that goes out from the court in connection with the facts of this case is that no one should suppose that they will be protected if in the course of proceedings before a court of law evidence appears to establish, as here, that they are attempting or may be attempting to deceive another public authority in the discharge of its statutory or administrative duties. I am not saying that a case for such protection could not be established, only that it will do no harm for people to understand the importance of consistency and that the court’s initial approach is likely to be to do what it can to avert miscarriages of justice in any part of the public system.”

38. I have also had my attention drawn to, and have considered, the guidance given in the *Protocol on Communications between Judges of the Family Courts and Immigration and Asylum Chambers of the First Tier Tribunal and Upper Tribunal* [2013] Fam Law 1197 (“the Protocol”), and, in particular, paragraphs 3 and 12:

“3. It is anticipated that judges in the Tribunal and the Family Court will be assisted by knowing of the existence of the proceedings in the other jurisdiction, the issues arising, the procedure and time scale for determining them and any information disclosed in the other jurisdiction that may be of relevance to the respective immigration or family court decision.

12. A request for disclosure of information or documents in the family proceedings may be sought either by one of the parties direct or at the instigation of the Tribunal judge ...”

THE PARTIES' SUBMISSIONS

The father

39. The submissions on behalf of the father were focused on the *re C* factors, of which the most significant were submitted to be the welfare and interests of D, the public interest in the administration of justice, and the desirability of cooperation between various agencies concerned with the welfare of children.

Welfare

40. On the issue of D's welfare, Ms Campbell-Brunton submitted that whilst this is a relevant factor for the court to take into account, the weight to be given to any potential adverse impact on D of disclosure should be limited because the effect of disclosure will not necessarily be that the mother's appeal on behalf of her and D will fail, leading to the removal of them both from the jurisdiction, it will simply be that the First Tier Tribunal will be fully informed as to what has transpired in the family proceedings, and of this court's analysis of the mother and her allegations, and will then go on to make its own determination. This was said to be particularly important in circumstances where the mother's solicitors have arguably actively misled the First Tier Tribunal by making no reference to the fact-finding hearing or judgment in their letter of 22 June 2026.
41. Further, even if failure of the appeal is the ultimate outcome, that will not be because of the disclosure of the fact-finding judgment but because the mother's continuing false narrative against the father, which forms the basis of her appeal, will have been rejected. I was informed that, if the mother and D were to be returned to country H, the father would return to live there and engage fully with the child proceedings which have remained essentially in limbo since the mother's removal of D to the UK in March 2024.
42. Ms Campbell-Brunton submitted that this court should give consideration to whether the very act of being granted asylum on the false basis of being a victim of sexual abuse would have a detrimental impact on D. Ms Rogers, the expert who conducted the psychological assessment of the family, has advised that:
"if [D] is not helped to understand that what he has been led to believe about himself and about his father is not accurate, he is going to grow up with a belief he was severely sexually abused and his father knowingly allowed, or encouraged, this to happen. This has negative implications for his psychosexual development and identity."
43. Ms Rogers' concern about this is such that she has suggested it warrants consideration by this court of whether D being removed from his mother is the better outcome.
44. It was therefore submitted that permitting the mother to continue to pursue her false narrative in the First Tier Tribunal would not be in D's welfare interests.

Public interest

45. On the issue of the public interest, Ms Campbell-Brunton submitted that the public interest in the administration of justice and in the desirability of cooperation between agencies is a very significant factor for the court to consider in this case, in circumstances where it is said that the same substantive allegations have been made in both tribunals, this tribunal has conducted a thorough fact-finding exercise of the allegations and rejected them, and has also found the father's counter-allegations in respect of the mother's pursuit of the allegation of sexual assault proved. She also pointed to the omission from the mother's solicitor's letter to the First Tier Tribunal of any reference to the fact-finding hearing or judgment, and the almost complete omission from the mother's statement of reference to them, rendering it, she said, unconscionable that this court should withhold the judgment from the Tribunal.
46. She relied upon the case of *R v G and H* [2022] EWHC 367 (Fam), in which Mr David Rees QC (as he then was) was required to determine a disclosure application in circumstances similar to the instant case. He concluded that there is a public interest in a court engaged in family proceedings communicating with other public bodies and agencies which outweighed the potential welfare concerns he had identified in that case and justified disclosure of his fact-finding judgment to the Secretary of State. He explained his decision as follows:
- “[69] In reaching this conclusion I have particular regard to the passages from the judgments of Singer J in *Re B (Abduction: False Immigration Information)* [2000] 2 FLR 835 and of Hayden J in *F v M (Joint Council for the Welfare of Immigrants Intervening)* [2017] EWHC 949 Fam; [2018] Fam 1 to which I was referred by Mr Devereux. Both judges were clear as to the importance of ensuring that significant and material misrepresentations in immigration proceedings are brought to the attention of the relevant authorities. I agree, particularly in circumstances where, as happened here, there has already been disclosure of documents from the immigration proceedings into the family proceedings. I, of course, recognise that the ultimate decision as to whether disclosure should be made in any particular case is a fact-sensitive one, and accept that there may be cases where other factors such as welfare concerns will compel the court to withhold disclosure. However, the family courts are part of a broader justice system and I consider that there is great importance in this court facilitating the proper administration of justice before other courts and tribunals and co-operating with other public bodies concerned with the protection of children. In my view the court should be wary of permitting the confidentiality which attaches to family proceedings to be used to conceal material and adverse findings about a party or their evidence from another public body that has a direct and legitimate interest in those findings.”
47. Ms Campbell-Brunton submitted that the argument in this case is even stronger than in *R v G and H*, because here the mother failed entirely in her allegations in this court, and adverse findings were made about her actions in pursuing the allegations, whereas in *R v G and H* some of the mother's allegations against the father, of domestic abuse and physical violence, had been found proved. I note, though, that in that case the judge had also found that the mother had deliberately fabricated an allegation that she had witnessed the father sexually abusing the child, whereas my finding in this case was that the mother honestly believed the central allegations about the father, albeit that the allegation in respect of sexual abuse was groundless, and that where she had fabricated

evidence about the alleged sexual abuse this was in an attempt to bolster the allegation when she feared she was not being believed.

Other factors

48. The other factors listed in *re C* were said to be of little or no relevance.
49. Overall, it was submitted on the father's behalf that the balance of the various relevant factors falls in favour of disclosure of the judgment.

The mother

50. The mother opposes disclosure. The arguments on her behalf got off to something of a false start, because the written submissions focused heavily on the legal framework for disclosure *into* family proceedings *from* immigration proceedings, which is not what is sought in this application. At the hearing, though, Mr Mupara properly conceded that the applicable framework is that set out in *Re C* as above.
51. At the outset, he made the point that D is an asylum seeker in his own right, following the decision of the Supreme Court in *G v G* [2021] UKSC 9, and that it is the impact on D of disclosure that this court must take into account

The risk of harm to D

52. Mr Mupara's principal argument was that disclosure of the fact-finding judgment would result in the asylum appeal being rejected, which would result in the mother's and D's removal from the UK and would have a profound impact on D's welfare because the mother is his primary carer. At times, Mr Mupara suggested that rejection of the appeal would be a certainty if disclosure was ordered, at others that this was a serious risk or a possibility.
53. He submitted that the accepted factual bases of the claims would be undermined, the mother and child would be regarded as lacking credibility, and their asylum appeals would be significantly prejudiced. Mr Mupara argued that although the First Tier Tribunal must conduct its own assessment, there is a risk that it will give this court's findings disproportionate weight and will treat those findings as a shortcut to a negative credibility assessment, without conducting the holistic evaluation required by asylum law.
54. In response to the contention on behalf of the father that being granted asylum on a false basis of being a victim of sexual abuse would have a detrimental impact on D, Mr Mupara contended that refugee status would simply confer rights and protections on D, and that he, being only 8 years old, might well not know the basis on which asylum had been granted, or might not remember it in years to come.

Public interest in the administration of justice

55. Mr Mupara submitted that disclosure of the judgment is not necessary for the proper administration of justice because the facts are no longer in issue in the asylum appeal, having been found in the mother's favour by the Secretary of State on the lower standard of proof applicable in asylum claims, and that findings made under a higher standard of proof in this court should not be allowed to unravel factual matters already accepted by the Secretary of State under the asylum framework. The Secretary of State

had refused the claims only because she rejected assertions concerning the father's gang involvement and influence. The remaining live issues before the First Tier Tribunal were therefore the objective risk on return to country H and the viability of internal relocation, as to which the Tribunal, being a specialist tribunal, can and should make its own decision without this court's findings. He emphasised that this court had not made findings about whether the father had been abusive to the mother.

56. Mr Mupara submitted that this court must be satisfied that the material sought to be disclosed is relevant and necessary to the proceedings in the Tribunal and that the father has failed to demonstrate this. He pointed to the fact that the First Tier Tribunal is a specialist jurisdiction, which knows what is and what is not relevant to its assessment of protection claims, and has not requested disclosure.
57. In addition, Mr Mupara submitted that in immigration proceedings the Secretary of State and the Tribunal never receive evidence, whether directly or indirectly, from alleged persecutors, and that it would be unfair to the mother and D for that to occur in this case by means of the disclosure of the judgment. It should be noted, though, that in any case in which disclosure is ordered from family proceedings applying the *re C* criteria, the Secretary of State and/or the Tribunal are likely to receive evidence of the alleged persecutor's account in some form or another.
58. He submitted that the father sought disclosure because he wished to undermine the asylum claims and to counter allegations made against him in those proceedings. He contended that the application was motivated by a wish to absolve the father from accusations made in the asylum context, rather than by any genuine need for the First Tier Tribunal to have the fact-finding judgment, and that the only purpose of disclosing the judgment was to cause the Secretary of State to reverse her acceptance of the abuse in circumstances where it was not wrong for her to have accepted those facts because of the different standard of proof applicable in the immigration proceedings.
59. Mr Mupara sought to distinguish *R v G and H* on the basis that, in the present case, the asylum proceedings remained live and unresolved, whereas in *R v G and H* disclosure had occurred after refugee status had already been granted. Disclosure here would therefore have an immediate and potentially determinative effect on the pending appeals.

The Protocol

60. Mr Mupara placed reliance on the Protocol, which he submitted shows that it is the immigration judge, not a party to the family proceedings, who may initiate a request for disclosure of documents from family proceedings, and that this is not a procedural technicality, but a substantive constraint rooted in the confidentiality of Children Act 1989 proceedings.
61. He maintained that the proper procedural route for disclosure of the fact-finding judgment, if the First Tier Tribunal itself considered the family court material relevant, would be for the Tribunal to initiate a request through the Protocol mechanism, not for the father to seek a disclosure order from this court at his own instigation.
62. He submitted that the father is disqualified from seeking disclosure of the document, as he has no legal standing and that, in any event, the father's application is vindictive

- and oppressive, seeking to use this court's disclosure jurisdiction as a vehicle to introduce findings adverse to the mother into the asylum appeal, because he wants to counter allegations made against him in those proceedings and for the appeal to fail.
63. Overall, it was submitted that all of these factors cumulatively weigh decisively against disclosure. It was agreed that the other factors listed in *re C* were of little or no relevance.

The guardian

64. The guardian supports the father's application and, save in respect of the issue of welfare, adopted the arguments made on his behalf. Her decision to support the application was made essentially, I am told, because of her significant anxiety at one branch of the justice system having made a decision that the mother's allegations are not true whilst another is proceeding on the basis that they might well be, and in ignorance of the other's decision.
65. The guardian has expressed her concern that the First Tier Tribunal is being misled by the continuing false narrative perpetuated by the mother in the appeal, and that the existence of the fact-finding judgment has been withheld from the Tribunal in the correspondence of the mother's solicitors.

Welfare

66. Ms Kelly on behalf of the guardian emphasised at the outset that D's welfare is not paramount in the decision about disclosure of the fact-finding judgment: it is but one of the factors identified in *Re C* as relevant to the decision. Nonetheless, it is a significant issue.
67. The guardian's position on welfare is a nuanced and carefully considered one.
68. On the one hand, Ms Kelly argued that it is deeply damaging to D's welfare to have been given a false narrative that he was sexually abused as a child and that the father was involved; to have been exposed to alienating behaviour and had his relationship with his father severed, believing the father is 'all bad' and the mother 'all good'; and to have been abruptly dislocated from his life and extended family in country H. In the absence of life story work, that narrative perpetuates, and the mother's refusal to accept the findings of this court propagates it.
69. The harm is compounded, it was said, by D holding the belief that the success of the asylum appeal will stand or fall on his account of what he thinks happened to him. There is therefore an advantage to his immigration status being settled once and for all, so that he is relieved of that burden, and, for his sake, to that decision being based on the truth. As the expert, Ms Rogers, pointed out:
- "... the harm to D is very significant, and for her to present him as an abused child in order to gain asylum is in itself very harmful to him."
70. Ms Kelly submitted that a decision on the appeal, on the basis of what has actually happened, might by extension provide the mother with some finality, some acceptance, and encourage her to develop some insight.

71. The guardian recognises that, on the other hand, the mother's anxiety from the fact-finding judgment being disclosed to the Secretary of State and the First Tier Tribunal would be likely to be transferred to D. It may create a further impediment in the repair of his relationship with the father, especially if the mother were to tell D that the father is responsible should the asylum appeal be unsuccessful. Also, it will likely detrimentally affect the mother's ability to work with the guardian for D's sake.
72. If the appeal is refused, and D and the mother ultimately have to return to country H, the guardian has inevitable concerns about his wellbeing given the harm to which she accepts, on the basis of Ms Rogers' opinion, he is currently being subjected. However, it was submitted that return is not a certainty. Further, the Local Authority is now involved and will, it is hoped, begin providing support for D's welfare.
73. I am told that now the Local Authority has decided to begin care proceedings it may be that it will decide, or the guardian herself will decide, that it is necessary to obtain specialist immigration legal advice as to whether or not there is any means by which D could remain in this country, if, for example, he were to be removed from the mother's care into foster care. The outcome of any such advice cannot, of course, be predicted at this stage.
74. Overall, on the issue of welfare Ms Kelly submitted that it is finely balanced and it is not possible to say that it is in favour either of disclosure or of withholding disclosure.

Public interest in the administration of justice

75. Ms Kelly submitted that this is the key consideration in this case, because the Secretary of State and the First Tier Tribunal have been misled by the mother's solicitors about the existence of the fact-finding judgment in these proceedings, which runs wholly contrary to the administration of justice and the public interest in it. Had the father not made this application, I am told that the guardian would have done so on behalf of D. Ms Kelly emphasised that the very purpose of the Protocol between the Family Court and the First Tier Tribunal is to share the information that decisions have been made in these proceedings that are relevant, or potentially relevant, to the immigration proceedings, as is clear from paragraph 3 of the Protocol, and that at the moment the Tribunal is under a false impression on precisely that point.
76. It was submitted that this factor, which is not present in any of the authorities referred to by the parties, amplifies the weight to be given to the public interest criteria in this analysis.

Other issues

77. The guardian submitted that the maintenance of confidentiality in the family proceedings is important, but that disclosure of the fact-finding judgment would be a limited intrusion into that confidentiality and would be proportionate in the circumstances.
78. For all these reasons, Ms Kelly submitted that, despite the mother's Article 6 and Article 8 rights under the European Convention on Human Rights, an evaluation of the competing factors tips in favour of disclosure of the judgment and schedule of findings to the Secretary of State and the First Tier Tribunal and is both necessary and proportionate.

DISCUSSION

79. I have carefully considered the submissions of all parties. The decision whether to permit disclosure of a fact-finding judgment and schedule of findings made in private family proceedings is one that requires a balancing exercise to be performed, taking account of the factors identified by the Court of Appeal in *Re C (A Minor)(Care Proceedings Disclosure) sub nom Re EC (Disclosure of Material)*. There is no presumption either for or against disclosure and the essential question is whether, having regard to all the circumstances, disclosure is necessary and proportionate.
80. The roles of this court and of the immigration authorities are different. In conducting the fact-finding hearing I was concerned with determining factual disputes relevant to arrangements for D and his welfare on the balance of probabilities. The Secretary of State and the First Tier Tribunal are concerned with whether the mother and D qualify for international protection, applying, as Mr Mupara emphasised, a lower standard of proof.
81. It does not follow, however, that findings made in the family proceedings are irrelevant to the immigration proceedings, even if the allegations have already been considered in those proceedings. The significance of the fact-finding judgment will depend upon the nature of the findings made.
82. In the present case there is significant overlap between the factual narrative advanced by the mother in support of her and D's asylum claims and the allegations advanced by her in these proceedings. Those allegations were the subject of detailed forensic examination at a five-day fact-finding hearing. The court heard oral evidence from both parents and considered extensive documentary material, including material originating from the asylum process itself. The findings reached by this court are therefore, in my judgment, plainly capable of being relevant to the evaluation of the mother's and D's asylum claims.

Welfare

83. Although welfare is not the paramount consideration in this decision, it is plainly a factor of considerable importance.
84. I accept that disclosure carries potential risks for D. It might reduce the prospects of success of the asylum appeals, because it could undermine the mother's credibility in respect of her allegations, and it could affect the assessment of the risk to which she and D would be exposed if returned to country H. However, it should be noted that the applications for asylum have so far been unsuccessful and the prospects of success of the appeals are unknown. The impact of disclosure on those appeals is therefore difficult to evaluate.
85. I do not accept the mother's submission that disclosure will inevitably, or even necessarily, result in the failure of the asylum appeals. It might be that they would fail in any event. Further, the First tier Tribunal is an independent specialist tribunal that will apply its own legal framework and its own standard of proof. It will determine

what weight, if any, should be given to this court's findings. There is no reason to consider, in my judgment, that it would be so influenced by the findings in these proceedings that it would abrogate its responsibility and fail to carry out its own assessment. Disclosure, therefore, would merely place potentially relevant information before the Tribunal for it to weigh as it sees fit; it would not dictate the outcome.

86. If the First Tier Tribunal were ultimately to dismiss the appeals, the consequences for D would be significant. He would be likely to face uncertainty regarding his future immigration status. Depending upon future decisions by the immigration authorities and the outcome of any further challenges, it is possible that he and his mother would ultimately be required to leave the United Kingdom and be returned to country H. Inevitably, though, this is a matter of speculation, particularly in circumstances where the guardian has indicated that specialist advice might be sought in due course as to whether or not there is any means by which D could remain in this country.
87. The assessment of risk on return is a matter for the Tribunal, but in considering whether D is likely to be adversely affected by disclosure in any serious way, it is relevant that I have already found as a fact that the father is not a member of the 'Lodge' or 'Illuminati' and so is not part of a group having power and influence over the authorities in country H.
88. I accept that disclosure is likely to increase the mother's anxiety and that, given D's close relationship with her, there is a real possibility that he would be adversely affected by that anxiety. The guardian also appropriately highlights the risk that any deterioration in the mother's emotional presentation or engagement with professionals may have an adverse impact on D.
89. In considering the issue of D's welfare I must also consider the evidence before me concerning harm presently being suffered by D. Ms Rogers considers that the perpetuation of the narrative, that I have found to be false, that D was sexually abused in his father's care and with his father's complicity, is itself harmful to D and carries potentially serious consequences for his identity, emotional development and relationship with his father. I am mindful, though, that Ms Rogers' opinion has not been tested in court.
90. Accordingly, whilst I take into account that opinion as part of the welfare analysis, I do not regard it as providing a sufficient evidential basis at this stage for a positive finding that the grant of asylum on an inaccurate factual basis would itself be harmful to D.
91. Ultimately, I conclude that the welfare considerations do not point decisively in either direction in this case. There are genuine welfare risks associated with disclosure, but there are also welfare concerns attached to non-disclosure. Whilst I regard the possibility of disclosure leading to dismissal of the asylum appeals as having a potentially serious impact, I am unable to conclude that the likely adverse impact upon D is so serious that welfare considerations alone should determine the outcome of this application.

Public interest

92. In my judgment the factors carrying the greatest weight in this case are the public interest in the administration of justice and the desirability of cooperation between public bodies concerned with children.
93. This court, the Secretary of State and the First Tier Tribunal perform distinct functions, but they are all part of a system for the administration of justice, and the authorities emphasise that unnecessary barriers should not be erected between different branches of the justice system. Where a court has made findings that are capable of being material to the decision-making of another court or tribunal, there is a strong public interest in ensuring that those findings are not artificially withheld.
94. It is clear from the mother's asylum appeal materials that the mother continues to advance allegations which substantially overlap with matters that were determined at the fact-finding hearing. Of particular significance, though, is the letter sent by the mother's solicitors to the First Tier Tribunal. Whilst I make no finding as to the intention of the letter, it is clear in my judgment that its effect was to leave the Tribunal with an incomplete and potentially misleading picture of the family proceedings, because it made reference to a number of hearings without making any reference to the fact-finding hearing or judgment. The Tribunal, therefore, has no reason to believe that any fact-finding hearing has taken place.
95. The consequence is that another judicial body is presently considering issues which overlap materially with findings already made in this court, without being aware of the existence and substance of those findings. That state of affairs sits uneasily, in my judgment, with the wider public interest in informed judicial decision-making and with the principles underpinning the Protocol.
96. I reject the submission on behalf of the mother that the fact-finding judgment is irrelevant because the Secretary of State has already accepted that the mother suffered abuse during the marriage and that D experienced sexual abuse. It is clear from the authorities, including *Re G* and *R v G and H*, that it is open to the Secretary of State to reconsider a grant of asylum should relevant material come to light requiring such a course. It is not the case, therefore, that her decision on the facts is necessarily closed. In any event, however, the matters established in the fact-finding judgment, that the father is not a member of the alleged groups, and that D did not suffer sexual abuse while in his care, are clearly capable of being relevant to the assessment of risk that the Tribunal will undertake in respect of the potential return of the mother and D to country H and it is for the Tribunal, not this court, to decide what significance should be attached to the findings made here.
97. I also reject the submission that disclosure is inappropriate because the Tribunal has not itself requested the judgment: paragraph 12 of the Protocol expressly contemplates requests initiated by a party. The absence of a request from the Tribunal may be relevant to the exercise of the discretion, but it does not in my judgment preclude disclosure where the *Re C* balancing exercise otherwise favours it. Further, it is hardly surprising that the Tribunal has not requested the judgment when the material omissions from the letter sent by the mother's solicitors mean that the Tribunal is unaware of its existence.
98. Nor do I accept that disclosure would improperly permit the alleged persecutor to participate in the asylum process. The father is not seeking to give evidence in those

proceedings and I reject the suggestion that he is motivated by a desire to exonerate himself and to cause the appeals to fail: there is no evidence capable of supporting that contention. The application, made with the guardian's encouragement and made, essentially, because of the letter of 22 June 2026 from the mother's solicitors to the Tribunal, concerns only whether a fact-finding judgment in family proceedings, which is capable of being relevant to the issues in the Tribunal and to the asylum applications more generally, should be made available to those determining those applications. The Tribunal and the Secretary of State will remain responsible for determining what use, if any, should be made of it.

99. In my judgment there is a powerful public interest in ensuring that the Secretary of State and the First Tier Tribunal are aware that this court, after hearing evidence including from the mother, reached conclusions that bear directly upon parts of the factual narrative relied upon in support of the asylum claims. To withhold that information would risk permitting different parts of the justice system to proceed on materially incomplete information.

Other factors

100. I do not consider that the other factors identified in *Re C* carry any significant weight in this case. The welfare of children generally will not be affected by this decision, which is a decision on the particular facts, and nor is it likely either to encourage or to discourage frankness in children's cases. It is not a case where a frank disclosure made by a party in family proceedings could adversely affect immigration proceedings if disclosed: it is my findings that have the potential to affect the appeals.
101. The confidentiality of the family proceedings will only be minimally affected in this case, because the Home Office and the Tribunal are aware of the mother's allegations that were before this court and there has already been significant disclosure between the two sets of proceedings. It would be wrong in principle to allow the mother to rely upon this aspect of *Re C* to oppose disclosure of my fact-finding judgment which made findings adverse to her.

Conclusion

102. In all the circumstances I am satisfied that the balance of the *Re C* factors falls in favour of disclosure and that disclosure of the fact-finding judgment and schedule of findings is both necessary and proportionate.
103. Accordingly, I direct that the father's solicitors provide a copy of my fact-finding judgment, the schedule of findings, and this judgment to the First Tier Tribunal, the Home Office and UK Visas and Immigration.