



INTER-COUNTRY ADOPTION AND THE IMMIGRATION RULES

This leaflet explains the provisions in the Immigration Rules for children who are not British citizens or nationals of the European Economic Area to join their adoptive or prospective adoptive parent(s) in the United Kingdom. While the leaflet is only a guide and is not an authoritative statement of the law, it aims to answer the immigration questions that are most likely to arise.

Further information on adoption and the Immigration Rules can be found on the United Kingdom Border Agency website: www.ukba.homeoffice.gov.uk under "Law and Policy", (also by links to the following pages:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idischapter8/>

And in Section 5 of the following link:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idischapter8annexes/>

and further information on Inter-country Adoption generally can be found on the Department for Children, Schools & Families, (formerly Dept. for Education & Skills), website at: <http://www.dfes.gov.uk/intercountryadoption/>

ADMINISTRATIVE AREAS WITHIN THE UNITED KINGDOM

2. Please note that although the Immigration Rules apply to all parts of the United Kingdom, different geographical areas, including those areas with devolved authority, have differing legislation and requirements with regard to Adoption. Wherever you live you must check carefully the particular requirements of your area.

GUIDES TO THE PROCEDURES IN DIFFERENT ADMINISTRATIVE AREAS

3. The Department for Children, Schools and Families, (DCSF, which was formerly the Department for Education and Skills); the Department of Health, Social Services & Public Safety for Northern Ireland; the Scottish Executive and the Welsh Assembly Government each produce a guide which fully explains other aspects of Inter-Country Adoption as well as the legislation which applies in their own areas and you must contact them to obtain their relevant publications and to read them in conjunction with this leaflet. Failure to do so may result in your breaking adoption law relevant to your area and subsequent prosecution. Contact details for the devolved areas may be found at the back of this leaflet, (immediately before Appendix 1).

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Domestic Law: Regulations & Offences: Adoption Legislation

4. Adoption legislation applies to all of the United Kingdom but details may vary according to the authority responsible for your own geographical area. In some areas there are penalties for non-compliance including 12 months imprisonment and/or an unlimited fine upon conviction. In other areas broadly similar legislation will apply but details and penalties may differ. In all cases the birth mother must be allowed a 6 week period after the birth in order to reflect on whether she is sure that she wishes to give up the child for adoption. After 6 weeks she can legally give up parental rights. Adopters must ensure their paperwork reflects this.

Bringing Children into the UK:

England & Wales:

5. Anyone habitually resident in England and Wales (including parents, guardians, step-parents and relatives) wishing to adopt a child habitually resident outside the British Islands must first comply with conditions (see below) specified in the “Adoptions with a Foreign Element Regulations 2005”.

- Conditions relevant to England and Wales include, (amongst other requirements), being assessed and approved as suitable to adopt by a local council/authority or voluntary adoption agency and having a certificate of eligibility and suitability issued by the Secretary of State. Failure to comply with the conditions may be punishable by up to 12 months imprisonment and / or an unlimited fine upon conviction. You must check with the DCSF or Welsh Assembly Government as to precisely what their legislation requires before proceeding, (contact addresses can be found at the end of this leaflet immediately before Appendix 1).

Scotland & Northern Ireland:

6. For those who reside in areas covered by legislation made by the Scottish Executive or the Department of Health, Social Security and Public Safety, Northern Ireland, similar regulations apply but you must check with those authorities as to what their legislation requires before proceeding, (contact addresses can be found at the end of this leaflet immediately before Appendix 1).

Making Arrangements for Adoption:

7. In England and Wales, only registered voluntary adoption agencies, (V.A.As), and local authorities are permitted to make arrangements for adoption. This includes assessing and approving individuals as eligible and suitable to adopt. Please see the Department for Children, Schools and Families’ website: <http://www.DfES.gov.uk/intercountryadoption/links.shtml#VAAs> (at bottom of page), for details of V.A.As. who are registered for inter-country adoptions.

8. For those who reside in areas covered by legislation made by Devolved Authorities in Scotland & Northern Ireland, (the Scottish Executive or the Department of Health, Social Security and Public Safety – Northern Ireland), you must check with those authorities for up to date information as to which agencies are permitted to make the arrangements, (contact addresses can be found at the end of this leaflet immediately before Appendix 1).

9. There are substantial penalties for anyone convicted of ignoring the correct procedures and illegally making arrangements for adoption throughout the U.K.

Note for those resident in England & Wales.

10. In England and Wales the “Adoptions with a Foreign Element Regulations 2005” aims to deter people from bringing children into the United Kingdom for the purpose of adoption unless they have first been assessed and approved by a local council/authority or a voluntary adoption agency, (VAA), and had a Certificate of Eligibility and Suitability issued by the Secretary of State. In order to avoid committing an offence, the Regulations require you, as a prospective adopter to have first:

- a), applied for your eligibility and suitability to adopt a child to be approved by a local council/authority or VAA;
- b), complied with the assessment process;
- c), received confirmation, in writing, of the agency’s decision to approve you as suitable to be an adoptive parent;
- d), received written notification from the Secretary of State for the DCSF that he has issued a certificate of eligibility and suitability.
- e), notify your local council/authority or V.A.A. of the details of the child to be adopted and meet them to discuss the proposed adoption;
- f), visit the child in the state of origin (if you are adopting with your partner, both of you must visit the child);
- g), confirm to your local council/authority or V.A.A. that you have visited the child and wish to proceed with the adoption;
- h), accompany the child upon entering the UK (if you are adopting with your partner, both of you must accompany the child unless your local council/authority or V.A.A. and the authorities in the other country have agreed that only one of you needs to do so).

11. Within 14 days of your arrival in the United Kingdom with the child, you must notify your local council/authority of your intention to adopt or your decision not to give the child a home. Once this notification has been received, the local council/authority will make arrangements to visit you to monitor the placement. The first visit needs to take place within 7 days of the local authority receiving notice.

12. The Department for Children, Schools and Families and the Welsh Assembly Government have produced guides to procedures. These can be found on the internet. For England at <http://www.DfES.gov.uk/intercountryadoption/> or obtained from the Department for Children, Schools and Families Adoption Helpline on ☎ 01325 391 334 between the hours of 13:30 to 16:30, Monday to Wednesday, and for Wales on: <http://www.wales.gov.uk/subchildren/content/adoptionfostering-e.htm> or obtained from the Welsh Assembly Government on ☎ 029 2082 3668.

Note for those resident in Scotland and Northern Ireland.

13. The provisions that apply in Scotland and Northern Ireland are similar but not identical to those in England and Wales and further information is available from the Scottish Executive or the Department of Health, Social Security and Public Safety - Northern Ireland.

NOTES FOR EUROPEAN ECONOMIC AREA NATIONALS SEEKING TO BRING A CHILD TO THE UNITED KINGDOM FOR THE PURPOSES OF ADOPTION.

The Status of E.U. / E.E.A. Nationals in the United Kingdom.

14. European Economic Area, (E.E.A.) nationals residing and exercising Treaty rights in the United Kingdom are not “settled” for the purposes of the Immigration Rules, unless they have become entitled to “Permanent Residency” status in the U.K. If they do not have “Permanent Residency” they cannot sponsor the entry of a child under any of the Immigration Rules. E.E.A. Nationals can, once they can demonstrate that there has been a continuous exercise of Treaty rights in the U.K. for a period of five years, apply for a document to declare that they have acquired “Permanent Residency”. This should be made using form EEA3, which can be found on the U.K.B.A. website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/eea/eea3> and is free of charge. Please note that when making an application for Entry Clearance to bring a child to the U.K. under the adoption provisions in the Immigration Rules, EEA nationals must be able to **demonstrate** that they have acquired “Permanent Residence” in the U.K. by way of confirmation from UK Borders Agency. (i.e. EEA nationals must apply for confirmation of their “permanent residency” from the UK Borders Agency. BA prior to their leaving the U.K. to adopt a child.)

The Position of E.E.A. Nationals and adoptions in “Designated” countries.

15. E.E.A. Nationals and other nationals who are “settled” in the United Kingdom, along with British citizens who are “settled” here, may apply to bring into the U.K. a child whom they have legally adopted in a “Designated” country abroad under the Immigration Rules. (For the list of “Designated” countries, see Appendix 3.) In addition, E.E.A. nationals who are exercising “Treaty rights” in the United Kingdom may apply to bring in a child whom they have legally adopted abroad in a “Designated” country under the E.E.A. “Family Permit” scheme, where they do not hold “settled” status in the United Kingdom, so long as they conform to the legal adoption requirements of the United Kingdom.

The Position of E.E.A. Nationals and adoptions in non-“Designated” countries.

16. E.E.A. Nationals and other nationals who are “settled” in the United Kingdom, along with British citizens who are “settled” here, may only bring in a child whom they have adopted in a “non-Designated” country, where:

- a), they are applying to bring in the child under Paragraph 316A of the Immigration Rules for legal adoption through the United Kingdom courts, and have complied with all of the United Kingdom’s legal adoption requirements; or,
- b), they are applying to bring in the child under Paragraph 316D of the Immigration Rules for legal adoption through the United Kingdom courts under the terms of the Hague Convention, and have complied with all of the United Kingdom’s legal adoption requirements and the Hague Convention’s requirements; or,
- c), the child was adopted at least 18 months ago and they are applying to bring in the child under Paragraph 309A of the Immigration Rules relating to “de Facto” adoption. (Please note that the “de Facto” dependent category exists solely for the purposes of the Immigration Rules and that it does not confer any legal status to the child under the Adoption Law of the United Kingdom.) In addition, E.E.A. nationals who are exercising “Treaty rights” in the United Kingdom may apply to bring in a child who qualifies under Paragraph 309A as a “de Facto” adopted child under the E.E.A. “Family Permit” scheme, where they do not hold “settled” status in the United Kingdom.

Important Note for European Economic Area Nationals Resident and Exercising “Treaty rights” in the United Kingdom who have adopted, or who are intending to adopt a child from a “non-Designated” country.

17. E.E.A. Nationals who are residing in the United Kingdom and exercising “Treaty rights” here must note that they cannot bring in a child who was adopted in a “non-Designated” country where no other adoption which is legally valid in the United Kingdom has taken place, (unless the “adoption” was so long ago as to enable them to qualify under the “de Facto” adoption criteria of the Immigration Rules and thus qualify for an E.E.A. “Family Permit”). This is because such “non-Designated” adoptions do not create any legally recognised child-parent relationship under United Kingdom Law. E.E.A. Nationals must first gain “Permanent Residence” status before they can act as a sponsor in a “non-Designated” adoption and, like all other prospective adopters, must have complied with all of the United Kingdom’s inter-country adoption requirements, including a U.K. based Home Study Assessment and Certificate of Eligibility from the DCSF/Devolved Authority. These requirements are the same for British citizens and nationals of other countries “settled” here.

Notes for all E.U. / E.E.A. Nationals

18. All E.U. / E.E.A. Nationals should note that:

a), On 30th April, 2006, the U.K. implemented European Free Movement Directive 2004/38 by way of the “Immigration (European Economic Area) Regulations 2006”. This established a right for E.E.A. Nationals to gain “Permanent Residence” in the U.K. by virtue of having exercised, and continuing to exercise, a “Treaty right” here. The period of exercising “Treaty rights” which is necessary to establish this is five years, which must be demonstrated by production of the appropriate documentation. Obtaining confirmation of “Permanent Residence” may be done at Lunar House by appointment, or by post, (for address see contacts section above).

b), An European Economic Area, (E.E.A.) national, is a national of a contracting state to the EEA Agreement signed at Oporto in 1992 and includes Norway, Iceland, Lichtenstein and member states of the European Union, (i.e. The United Kingdom, Austria, Belgium, Bulgaria, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden). Switzerland is expressly included in the “Immigration (EEA) Regulations 2006”, and therefore Swiss nationals will be able to qualify for “Permanent Residence” in the same way as E.U. nationals. Gibraltar is a constituent part of the E.U. as a British Overseas Territory, and British Overseas citizens with a connection to Gibraltar are regarded as U.K. nationals, but there are exemptions in some areas, e.g. Common External Tariff, healthcare & child benefit.

c), Andorra, Monaco, San Marino and Vatican City are not member States of the E.U. or E.E.A. but all have various agreements either with the E.U. or their larger immediate neighbours. (e.g. Andorra, Monaco & San Marino participate in the customs union, Vatican city does not.)

d), The United Kingdom of Great Britain and Northern Ireland is a member State of the European Union. However, it must be remembered that Jersey, Guernsey, and the other Channel Islands, and the Isle of Man, do not form part of the United Kingdom, (they are Crown Dependencies), and therefore are not part of the European Union nor of the European Economic Area. Residents of these islands will need to contact their island’s own Government’s officials in connection with both immigration arrangements and adoption procedures. (For contact details see below.) E.E.A. Nationals must note that any period of residence on the Channel Islands or the Isle of Man is not residence in the U.K., (& therefore also not residence in the E.U. or E.E.A.), for the purpose of establishing a right of “Permanent Residence” in the United Kingdom.

The process for bringing a child to the United Kingdom for Adoption.

19. On deciding that you wish to adopt from a foreign country and if you live in England, Wales or Scotland, you should seek information from a local council/authority or approved voluntary adoption agency on the detail of the assessment process. If you live in Northern Ireland you should seek information from a local HSS Trust or voluntary adoption agency registered for the purpose of inter-country adoption.

20. You then need to apply to be assessed and approved as eligible and suitable to become an adoptive parent. In England, Wales & Scotland, only councils/authorities with social services responsibilities and voluntary adoption agencies who are registered to provide an inter-country adoption service may undertake this assessment. In Northern Ireland only HSS Trusts and voluntary adoption agencies which are registered for the purpose of inter-country adoption may undertake the assessment. Privately commissioned assessments of suitability (usually known as Home Study Reports) are unlawful¹. You will also need to satisfy the Immigration Rules in respect of being settled in the United Kingdom under the Immigration Rules, as without this status, you will be unable to sponsor the child's entry into the United Kingdom to live with you. (But see paragraphs 28 – 29 regarding the child's possible acquisition of British citizenship as a result of the adoption.) You should also establish whether you meet the relevant domicile/habitual residence requirements which will go towards determining which countries you may adopt from. You are strongly advised to seek independent legal advice to determine whether you are habitually resident or domiciled in the United Kingdom and you should then discuss this with your social worker who will be able to explain to you what this means in terms of which countries you are eligible to adopt from.

21. The assessment process will include police and medical checks, references from family friends and the production of a home study assessment report. In England, Wales & Scotland the decision concerning whether or not you are suitable to be adoptive parents will be taken by the council/authority or voluntary adoption agency, following the recommendation of the Adoption Panel. In Northern Ireland this decision will be taken by the relevant assessing HSS Trust or voluntary adoption agency following the recommendation of the Adoption Panel. The decision is notified to you. It is the DCSF or relevant Devolved Authority that will issue the necessary certificate of eligibility and suitability.

22. Once the certificate has been printed, and your papers have been processed, they will be issued to the authorities in the country from which you wish to adopt a child. Those authorities will consider your application and, if content, suggest a match with a child.

23. The papers on the child with whom you have been matched will usually be sent to the Department for Children, Schools and Families or relevant Devolved Authority, who will then copy this to you and the council/authority or agency that completed your assessment. (Please note that in Northern Ireland the D.H.S.S.& P.S. will forward these papers to the agency which completed the adoption assessment.) **To ensure compliance with relevant legislation you must meet and discuss the suggested match with your adoption agency. It is important to be sure that the child is right for you and that you are able to meet their needs.**

24. Once you have accepted the match, the child should be adopted in accordance with the relevant country's adoption procedures, which may include adoption according to the Hague Convention on Inter-country Adoption. The procedure in some Hague Convention countries may be for you to return to the U.K. with the child and adopt the child under the Convention in a U.K. court.

25. Having completed the adoption procedure in the pertinent country, you must then approach the nearest, suitable British Diplomatic Post to apply for entry clearance for the child to come to the United Kingdom. (Alternatively, if the child has become a British citizen as a result of his/her adoption under the terms of the Hague Convention –see paragraph 29 – you should apply for a passport or a certificate of entitlement for the child.) The Entry Clearance Officer will satisfy himself with regard to immigration

¹ See section 94 of the Adoption and Children Act 2002 and the Restriction on the Preparation of Adoption Reports Regulations 2005, which entered into force on 30 December 2005.

requirements and will seek confirmation from the DCSF or relevant Devolved Authority that the adoption processes have been properly adhered to prior to issuing the relevant entry clearance.

What are the immigration requirements?

26. Except where the child is a British citizen, (see paragraphs 28 to 30), or holds the nationality of another European Economic Area Country, all other adopted children coming for settlement in the United Kingdom will require Entry Clearance under the Immigration Rules prior to their travel here. The immigration requirements are set out in the Immigration Rules². In summary, the parents must be able to show that:

- they are present and settled in the United Kingdom, i.e. living here lawfully with no time limit on their stay; and
- they are able to maintain and accommodate the child adequately without recourse to additional public funds³ for the child.

27. In addition, they must show that the child:

- is under 18 years old;
- is not leading an independent life, is unmarried and has not formed an independent family unit;
- was adopted when both parents were resident together abroad or when either or both parents were settled in the United Kingdom;
- has the same rights and obligations as any other child of the parents;
- was or is to be adopted due to the inability of the natural parents to care for him and there has been a genuine transfer of parental responsibility;
- has broken his ties with his family of origin;
- holds a valid United Kingdom entry clearance for entry in this capacity; and
- is not being adopted solely to facilitate the child's entry to the United Kingdom.

NOTE: U.K. based adopters hoping to adopt a child which has been given or “gifted” to them by relatives abroad, must note that there is very little chance of them being able to bring the child into the U.K. The U.K.’s international obligations prevent any acceptance of such practices. Even if a foreign adoption has been completed, the requirements of the immigration rules, (see above), will prevent an entry clearance being issued to such a child.

28. If the child is the natural child of one of the adoptive parents or prospective adoptive parents, they may qualify to enter the United Kingdom under the Immigration Rules as a dependant. Further information on children and the Immigration Rules can be found on the United Kingdom Border Agency website at: the links given on the front page of this leaflet.

In all other cases, including those where the child has been adopted in one of the countries listed in **Appendix 3**, you should follow the instructions in the main body of the leaflet.

29. **Every child who is not a British citizen, (or otherwise holds the nationality of an European Economic Area country), and is coming to live in the United Kingdom permanently must obtain entry clearance before travelling to this country. You are strongly advised not to**

² Paragraphs 6 & 309A - 316 of HC395 and Paragraphs 316A – 316F of HC 395 as amended by CM5253, HC538, HC 1224 Cm 4851 & CM5829 - see Appendix 1

³ see Appendix 2 for definition of "public funds"

book a flight to the United Kingdom for your adoptive child until entry clearance has been issued. If you do so, it may be necessary for you to change your travel plans and await completion of the entry clearance process.

What is entry clearance?

30. Entry clearance is a visa or entry certificate issued for the purpose of travel to the United Kingdom. Applications for entry clearance must be made to the British Embassy, High Commission or other Diplomatic Mission, (collectively known as British Diplomatic Posts), which is nearest to the child's normal place of residence and designated to issue entry clearance. Details of the Posts which are designated for this purpose, fees, information on how to apply for entry clearance and entry clearance application forms may be obtained either from the British Diplomatic Post concerned or by writing to:

U.K. Visas,
Foreign and Commonwealth Office
King Charles Street
London
SW1A

There is also a U.K. Visas website at: <http://www.ukvisas.gov.uk/en/>

31. Guidance on the time it will take an Entry Clearance Officer to process an application and further information concerning specific countries may be obtained from the relevant Post.

32. Since 2 October 2000, entry clearance officers in British Diplomatic Posts overseas have issued new-style entry clearances, (visas). These entry clearances now have a "Valid from" date as well as a "Valid until" date and allow the holder to travel to the United Kingdom on an unlimited number of occasions during the validity shown. Persons arriving in the United Kingdom with one of these visas, which show the conditions of stay, will not require their passports to be stamped with leave to enter by an Immigration Officer on arrival. Instead, the Immigration Officer will stamp the passport with the date of arrival on the first entry only. Thereafter, on subsequent arrivals, the holders of such visas will normally be subject only to a document check, provided that the holder is returning in the same capacity and continues to meet the requirements of the Immigration Rules.

Types of Entry Clearance Visas

33. There are three types of Entry Clearance Visas which will cater for almost all cases, (for all relevant Rules & the full list requirements, see **Appendix 1**):

- a), Child fully adopted in a designated country, (as shown in **Appendix 3**), or fully adopted under the terms of the Hague Convention but who is not a British citizen as a consequence of that adoption:
Indefinite leave to enter will be granted on entry.
- b), Child coming to the United Kingdom for adoption through the Courts here including under the Hague Convention, (Hague Convention countries are show in **Appendix 4**):
N.B. such children may already have been adopted in a non-designated country whose adoption orders are not recognised by the U.K. However, they must be re-adopted under U.K. law to create a legally recognised child-parent relationship.
Leave to enter for 24 months under the conditions as stated in the Immigration Rules for this purpose.
- c), Child coming to the United Kingdom under an interim adoption order made in a Convention or Designated country, (where the final adoption order will be made abroad):
Leave to enter for 12 months on a discretionary basis.

What documents do I need to provide?

34. You must provide all of the following documents, through the Diplomatic post. **Documents must be in original form**. Those which are not in English must be accompanied by certified translations.

- a), settlement application form VAF2 (available from U.K. Visas, address above), the child's passport, 2 recent passport sized photographs and the appropriate fee;
- b), the child's original birth certificate showing his name at birth;
- c), a contemporary report from the overseas equivalent of the social services department, which details: the child's parentage and history; the degree of contact with the original parent(s); the reasons for the adoption; the date, reasons and arrangements for the child's entry into an institution or foster placement and when, how and why the child came to be offered to the adoptive parent(s). Where no legal adoption has taken place, a full written account covering the background should be provided;
- d), where the child has been abandoned, a certificate of abandonment from the authorities previously responsible for the child's care;
- e), the adoption/guardianship order (where applicable);
- f), passport(s) of the adoptive parent(s) or other evidence to show that they have settled status in the United Kingdom, such as a birth certificate, registration or naturalisation certificate;
- g), evidence that the DCSF or Devolved Authority have issued a Certificate of Eligibility attesting to the suitability of the adopters & allowing them to approach the adoption authorities of the country in question;
- h) bank statements and an accountant's letter or pay slips which show the monthly incomings and outgoings of the adoptive parent(s) and details of their accommodation in the United Kingdom.;
- i), For Scotland, where a child is of sufficient age and understanding to be able to make a decision in relation to the adoption, (normally from 7 years on), a report of an interview with the child confirming that the child has been informed and understands the circumstances of the adoption is required;
- j), In England, Wales and Northern Ireland the child's views must be taken into account where they are of sufficient age and understanding to be able to make a decision in relation to their adoption. The court in England, Wales and Northern Ireland will wish to see a report about the child, prepared by the, (court appointed), Children's Guardian.

35. You may be asked to provide further additional documents. It may also be necessary for the Entry Clearance Officer to interview some or all of the parties involved. Please note that the Entry Clearance Officer must be satisfied that you can maintain and accommodate the child without recourse to public funds and may ask for documents to confirm your financial status. (See **Appendix 2** for a definition of "Public Funds" for immigration purposes.)

36. If an entry clearance application is refused, there will be a right of appeal to the Independent Appellate Authorities.

Interim Adoption Orders made in “Designated” or Hague Convention countries.

37. Some Hague or "designated" countries, such as the USA, will issue an interim adoption order to allow the child to live with the adopting parents. This can be converted to a full order at a later date (normally six or twelve months after the interim order, but this period differs from State to State and can be as long as three years). An interim adoption order is not valid under United Kingdom law even if from a “designated” country. In these circumstances, an application for entry clearance to bring the child into the United Kingdom on an exceptional basis, outside of the Immigration Rules, for a limited period of 12 months, may be made so long as all the other requirements of the Rules are met. (see Paragraph 7 of “Annex Q” to Chapter 8, Section 5, of the Immigration Directorate’s Instructions, which can be found on our website at www.ukba.homeoffice.gov.uk under Law and Policy).

Additional information required for children coming for adoption through the U.K. Courts

38. Where the child will be coming to the United Kingdom for adoption here and the Entry Clearance Officer is satisfied that the Immigration requirements listed above have been met, he will refer the case to the DCSF or Devolved Authority before issuing entry clearance. If the adopting parents reside in England, Scotland or Northern Ireland, the Entry Clearance Officer will seek confirmation from the DCSF, the Scottish Executive or Department of Health, Social Services & Public Safety, Northern Ireland, as to whether or not a Certificate of Eligibility to Adopt has been issued. If the adopting parents reside in Wales the Entry Clearance Officer will seek confirmation that the requisite statutory obligations of the adoption agency concerned have been reasonably discharged and that the agency addressed the requirements of the specified foreign country. The Entry Clearance Officer must be satisfied about this before issuing entry clearance.

39. Provided you have lodged all of the above documents, (with translations where necessary), with the Entry Clearance Officer, the DCSF or relevant Devolved Authority will normally be able to respond to the Entry Clearance Officer within 10 working days.

40. Please note that, before bringing a child to the United Kingdom for adoption, the child must have been visited abroad by both adoptive parents where a couple are adopting jointly. In Hague Convention cases, when the child is brought back to England or Wales the child must be accompanied by the adopting parent or where a couple are adopting jointly by at least one of the adopting parents and normally both. Where only one of the adopting parents proposes to accompany the child to the U.K. they must obtain the prior agreement of the adoption agency in the U.K. and the relevant authority in the child’s State of origin before they travel. When a child is brought back to Northern Ireland in a Convention adoption, the child must be accompanied by the adopting parent or where a couple are adopting jointly, by both of the adopting parents without exception.

How long can the child stay?

41. The period for which the child is admitted under the Immigration Rules will depend on the entry clearance granted. It might also be dependent on any limitations on the stay of the adoptive parents. A child may be admitted:

- a), as an adopted child – that is a child who is the subject of a full adoption order recognised under United Kingdom law, (see **Appendix 3**). (Adoption orders made elsewhere but under the terms of the Hague Convention are also recognised under United Kingdom law);
- b), as a *de facto* dependent – that is a child who has been adopted, not necessarily legally, by a person or persons who have been ordinarily resident abroad for a substantial period of time, (a minimum of 18 months and if a joint adoption both parents must have lived together with the child for a minimum of 12 of those 18 months). The child will be so integrated in the family that he can be considered to be an adopted child for the purposes of the Immigration Rules. (Please note that the “de Facto” dependent category exists solely for the purposes of the Immigration Rules and that it does not confer any legal status to the child under the Adoption Law of the United Kingdom);
- c), as a child who is the subject of an interim adoption order - the order must have been made in a country or territory (as listed in **Appendix 3**) which will convert it into a full adoption order recognised under United Kingdom law at a later date, or in a Hague Convention Country, (as listed in Appendix 4);
- d), for adoption in the United Kingdom - this will normally be where a child has been brought from a Hague Convention country for full adoption in the United Kingdom under the terms of the Hague Convention, or, where he or she was adopted in a country whose adoption orders are not recognised under United Kingdom law, (i.e. a country not listed in **Appendix 3**), by a person or persons who are present and settled or being admitted for settlement here. A child may also be admitted on this basis where the intention is to adopt only in the United Kingdom courts.

42. Children adopted outside the United Kingdom under the terms of the Hague Convention or in a Designated country (see Appendix 3), and *de facto* dependants who qualify under the Immigration Rules will normally be admitted for an indefinite period. Children who are the subject of interim adoption orders, including Convention Interim adoption orders, will be admitted for a period of 12 months pending completion of the adoption. Children coming in the “for adoption” category, (including those coming “for adoption” under the terms of the Hague Convention), will be admitted for a period of 24 months to allow the adoption to proceed through the United Kingdom courts.

43. An application may be made to the United Kingdom Border Agency for the time limit on the child's stay to be removed on completion of the adoption proceedings. Where children are subject to an interim adoption order, they are treated as a privately fostered child under the Children Act 1989 or equivalent legislation. On arrival in the United Kingdom, you should notify the council that the child is living with you so that they can monitor the child's welfare. (Please note that in Northern Ireland you must notify the local H.S.S. Trust, not the council.)

Will my adopted child be a British Citizen?

44. If your child was adopted by order of a court in the United Kingdom, (including, for this purpose, the Channel Islands and the Isle of Man), or in any British overseas territory except the British Sovereign Base Areas on Cyprus and at least one of the adoptive parents was a British citizen at the time the adoption order was made, then the child will automatically become a British citizen. In law they will become a “British citizen other than by descent” which is the same as if they had been born in the United Kingdom to a British citizen parent. This means that they can pass on British citizenship to any children they have.

45. If your child’s final adoption order is certified as having been made in accordance with the terms of the Hague Convention on inter-country adoption and at least one of the adoptive parents was a British citizen at the time the adoption order was made and the adopting parent, (or in the case of a joint adoption both adopting parents), was (were) habitually resident in the United Kingdom at the time of the final adoption order, then the child will automatically become a British citizen. Again they will become a British citizen “other than by descent” which is the same as if they had been born in the United Kingdom to a British citizen parent. This means that they can pass on British citizenship to any children they have. Please note that Convention Interim adoption orders or orders entrusting a child to be brought into the United Kingdom for adoption here do not confer British citizenship on the child.

46. Adoption in any other circumstances will not result in the adopted child acquiring British citizenship automatically. The child's only avenue to citizenship will be by way of a successful application for registration under section 3(1) of the British Nationality Act 1981. Registration under this section is entirely at the discretion of the Home Secretary. An application will normally be approved if each of the following criteria is satisfied:

- a), one of the adoptive parents or the sole adopter is a British citizen otherwise than by descent, (i.e. by virtue of his or her birth, adoption, registration or naturalisation in the United Kingdom); and
- b), the adoptive parent(s) have signified their consent to the registration; and
- c), the Home Secretary is satisfied that the adoption is not one of convenience arranged to facilitate the child's admission to or stay in the United Kingdom; and
- d), the adoption is recognised in the United Kingdom; and
- e), the Home Secretary is satisfied that all relevant laws –ie the laws of the country in which the adoption has taken place, any applicable laws in the child’s country of origin and any applicable laws in the country where the adopters are habitually resident- have been complied with; and
- f), there is no reason to refuse registration on grounds of the child’s character.

47. Registration under Section 3(1) of the British Nationality Act confers “British citizenship other than by descent” upon the child. This is the same status as if they had been born in the United Kingdom to a British citizen parent. This means that they can pass on British citizenship to any children they have.

48. Application forms are available from the Nationality Directorate, (for contact details see below), or from any British Diplomatic Post. If the applicant, i.e. the adopted child, is in the United Kingdom on the date of application, the application should be sent direct to the Nationality Directorate. If the child is abroad, the application should be made to the nearest Diplomatic Post.

49. British citizens are not subject to control under United Kingdom Immigration legislation, but they must be able to prove their status when seeking admission to this country. This may be done by producing either a United Kingdom passport which describes the holder as a British citizen or a certificate of entitlement to the right of abode.

Useful addresses and telephone numbers

UK Borders Agency.
For information about
Immigration matters:

UK Borders Agency.
United Kingdom Border Agency,
Migration Strategy Directorate,
Operational Policy & Process Improvement Unit,
14th Floor (short corridor), Lunar House
40 Wellesley Road
CROYDON
CR9 2BY
Tel: 0870 606 7766
Fax: 020 8760 8777

For information about
nationality matters:

Home Office
United Kingdom Border Agency,
Nationality Directorate
3rd Floor
India Buildings
Water Street
LIVERPOOL
L2 0QN
Tel: 0151 237 5200

DCSF & DEVOLVED AUTHORITIES

For information about adoption law and procedures:

England:

Inter-country Adoption Team
Department for Children, Schools and Families
Area D, Ground Floor
Mowden Hall
Staindrop Road
DARLINGTON
County Durham
DL3 9BG
Tel: 01325 39 13 34; (Open 13:30-16:30 Mon-Wed).
Fax: 01325 391 396
e-mail: ica.darlington@dcsf.gsi.gov.uk

Scotland:

Children and Young People's Group
Scottish Executive
Area 2A
Victoria Quay
EDINBURGH
Scotland
EH6 6QQ
Tel: 0131 244 3663
Fax: 0131 244 3547

Wales:

Children's Health and Social Care
Directorate
Welsh Assembly Government
Cathays Park
CARDIFF
Wales
CF10 3NQ
Tel: 02920 825 472 / 823 668
Fax: 02920 823 142

Northern Ireland:

Department of Health, Social Services
and Public Safety
Child Care Policy Directorate
Room D1.4
Castle Buildings,
Stormont,
BELFAST,
Northern Ireland.
BT4 3SQ
Tel: 02890 522 942
Fax: 02890 522 500

DCSF & DEVOLVED AUTHORITIES, continued:

For information about adoption law and procedures:

Isle of Man:

Isle of Man Adoption Service

3 Albany Lane

Douglas

Isle of Man

IM2 3NS

Tel: 01624 625 161 / 678 301

Fax: 01624 678 304

e-mail: general@mcaws.org.im

Guernsey:

States of Guernsey Health and Social Services

Homefinding Services

Garden Hill Resource Centre

The Rohais

St. Peter Port

Guernsey

GY1 1FB

Tel: 01481 713 230

Fax: 01481 700 951

Jersey:

States of Jersey Health and Social Services

Children's Services

Maison Le Pape

The Parade

St. Helier

Jersey

JE2 3PU

Tel: 01534 623 500

Fax: 01534 623 598

BRITISH AGENCIES FOR ADOPTION AND FOSTERING (BAAF)

For medical forms and information about adoption:

British Agencies for Adoption and Fostering (BAAF)

3rd Floor,

Saffron House,

6 – 10 Kirby Street,

LONDON.

EC1N 8TS

Tel: 020 – 7421 – 2600

Fax: 020 – 7421 - 2601

Requirements for indefinite leave to enter the United Kingdom as the adopted child of a parent or parents present and settled or being admitted for settlement in the United Kingdom

It should be noted that when adopted children, (i.e. those children already adopted in a “Designated” country whose adoptions are recognised under United Kingdom statutory Law), are considered under this area of the Immigration Rules, **Paragraphs 309A – 316F** of HC 395, (as amended by HC538 & CM5829), are applied.

You or the child must show that he:

- is seeking leave to enter to join a parent or relative in one of the following circumstances:
 - both adoptive parents are present and settled in the United Kingdom; or
 - both adoptive parents are being admitted on the same occasion for settlement; or
 - one adoptive parent is present and settled in the United Kingdom and the other is being admitted on the same occasion for settlement; or
 - one adoptive parent is present and settled in the United Kingdom and the other adoptive parent is dead; or
 - one adoptive parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and has had sole responsibility for the child's upbringing; or
 - one adoptive parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and
- is under the age of 18; and
- is not leading an independent life, is unmarried, and has not formed an independent family unit; and
- can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively; and
- was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident; and
- was adopted at a time when:

- both adoptive parents were resident together abroad; or
- either or both adoptive parents were settled in the United Kingdom; and
- has the same rights and obligations as any other child of the marriage; and
- was adopted due to the inability of the original parent(s) or current carer(s) to care for him and there has been a genuine transfer of parental responsibility to the adoptive parents; and
- has lost or broken his ties with his family of origin; and
- was adopted, but the adoption is not one of convenience arranged to facilitate his admission to or remaining in the United Kingdom; and
- holds a valid United Kingdom entry clearance for entry in this capacity.

Prior Entry Clearance for admission in this capacity is mandatory.

Requirements for limited leave to enter the United Kingdom with a view to settlement as a child for adoption

It should be noted that when prospective adoptive children, (i.e. those not yet adopted, or those who have been adopted in a country whose adoptions are not recognised by the United Kingdom), are considered under this area of the Immigration Rules, **Paragraphs 316A – 316C** of HC 395, (as amended by Cm4851), are applied.

You or the child must show that he:

- is seeking limited leave to enter to accompany or join a person or persons who wish to adopt him in the United Kingdom (the "prospective parent(s)"), in one of the following circumstances:
 - both prospective parents are present and settled in the United Kingdom; or
 - both prospective parents are being admitted for settlement on the same occasion that the child is seeking admission; or
 - one prospective parent is present and settled in the United Kingdom and the other is being admitted for settlement on the same occasion that the child is seeking admission; or

- one prospective parent is present and settled in the United Kingdom and the other is being given limited leave to enter or remain in the United Kingdom with a view to settlement on the same occasion that the child is seeking admission, or has previously been given such leave; or
 - one prospective parent is being admitted for settlement on the same occasion that the other is being granted limited leave to enter with a view to settlement, which is also on the same occasion that the child is seeking admission; or
 - one prospective parent is present and settled in the United Kingdom or is being admitted for settlement on the same occasion that the child is seeking admission, and has had sole responsibility for the child's upbringing; or
 - one prospective parent is present and settled in the United Kingdom or is being admitted for settlement on the same occasion that the child is seeking admission, and there are serious and compelling family or other considerations which would make the child's exclusion undesirable, and suitable arrangements have been made for the child's care; and
- is under the age of 18; and
 - is not leading an independent life, is unmarried, and has not formed an independent family unit; and
 - can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the prospective parent or parents own or occupy exclusively; and
 - will have the same rights and obligations as any other child of the marriage; and
 - is being adopted due to the inability of the original parent(s) or current carer(s) (or those looking after him immediately prior to him being physically transferred to his prospective parent or parents) to care for him, and there has been a genuine transfer of parental responsibility to the prospective parent or parents; and
 - has lost or broken or intends to lose or break his ties with his family of origin; and
 - will be adopted in the United Kingdom by his prospective parent or parents, but the proposed adoption is not one of convenience arranged to facilitate his admission to the United Kingdom.

Prior Entry Clearance for admission in this capacity is mandatory.

Requirements to be met by a person seeking indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom

It should be noted that when children, (i.e. usually the biological child of the sponsoring parent, but see the Immigration Rules, paragraph 6 [as amended by CM5253 & HC538] for the definition of a “parent” for the purposes of the Immigration Rules), are considered under this area of the Immigration Rules, **Paragraphs 297 - 303** of HC 395 are applied.

You or the child must show that he:

- is seeking leave to enter to join a parent or relative in one of the following circumstances:
 - both parents are present and settled in the United Kingdom; or
 - both parents are being admitted on the same occasion for settlement; or
 - one parent is present and settled in the United Kingdom and the other is being admitted on the same occasion for settlement; or
 - one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and the other parent is dead; or
 - one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and has had sole responsibility for the child's upbringing; or
 - one parent or a relative is present and settled in the United Kingdom or being admitted on the same occasion for settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and
- is under the age of 18; and
- is not leading an independent life, is unmarried and has not formed an independent family unit; and
- can and will be maintained and accommodated adequately without recourse to public funds in accommodation which the parent, parents or relative owns or occupies exclusively; and
- holds a valid United Kingdom entry clearance for entry in this capacity.

Entry clearance for admission in this capacity is mandatory.

- If the requirements are met, entry clearance will be granted. Relatives who wish to adopt the child under United Kingdom law must discuss their plans, before the child's arrival, with their local social services department and with the DCSF or Devolved Authority, (the Scottish Executive, the Welsh Assembly Government, or the Department of Health, Social Security and Public Safety – Northern Ireland, contact addresses can be found at the end of this leaflet immediately before Annex 1).

If the requirements are not met, then an application may be considered on the basis that the child is coming to the United Kingdom for adoption. However, any prospective adopter and the child would still need to meet all the requirements set out in this leaflet.

Requirements for limited leave to enter the United Kingdom with a view to settlement as a child for adoption under the Hague Convention

It should be noted that when prospective adoptive children, (i.e. those not yet adopted, or those who have been entrusted to the prospective adopting parent(s) under the terms of the Hague Convention in a Hague country for completion of a Hague Adoption in the United Kingdom), are considered under this area of the Immigration Rules, **Paragraphs 316D – 316F** of HC 395 (as amended by CM 5829) are applied.

You or the child must show that he:

- (i) is seeking limited leave to enter to accompany one or two people each of whom are habitually resident in the United Kingdom and who wish to adopt him under the Hague Convention (“the prospective parents”) in a UK court;
- (ii) is the subject of an agreement made under Article 17(c) of the Hague Convention; and
- (iii) has been entrusted to the prospective parents by the competent administrative authority of the country from which he is coming to the United Kingdom for adoption under the Hague Convention; and
- (iv) is under the age of 18; and
- (iii) can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the prospective parent or parents own or occupy exclusively; and
- (iv) holds a valid United Kingdom entry clearance for entry in this capacity.

Entry clearance for admission in this capacity is mandatory.

- If the requirements are met, entry clearance will be granted. Relatives who wish to adopt the child under United Kingdom law must discuss their plans, before the child's arrival, with their local social services department and with the DCSF or Devolved Authority, (the Scottish Executive, the Welsh Assembly Government, or the Department of Health, Social Security and Public Safety – Northern Ireland, contact addresses can be found at the end of this leaflet immediately before Annex 1).

If the requirements are not met, then an application may be considered on the basis that the child is coming to the United Kingdom for adoption. However, you and the child would still need to meet all the requirements set out in this leaflet.

Requirements for indefinite leave to enter the United Kingdom for settlement as a “de Facto” adopted child

It should be noted that when children are considered under this area of the Immigration Rules, Paragraphs **309A – 316F** of HC 395, (as amended by HC 538 & CM5829), are applied.

You or the child must show that he meets the definition of a “de Facto” adopted child which will be regarded as having taken place if:

- (a) at the time immediately preceding the making of the application for entry clearance under these Rules the adoptive parent or parents have been living abroad (in applications involving two parents both must have lived abroad together) for at least a period of time equal to the period mentioned in sub-paragraph (b)(i) during which period they must have cared for the child; and
 - (b) during their time abroad, the adoptive parent or parents have:
 - (i) cared for the child for a minimum period of 18 months immediately preceding the application for entry clearance and during this period both parents must have spent at least 12 months living together with the child as a family; and
 - (ii) have assumed the role of the child’s parents, since the beginning of the 18 month period, so that there has been a genuine transfer of parental responsibility.”
- In addition:
 - both prospective parents are present and settled in the United Kingdom; or
 - both prospective parents are being admitted for settlement on the same occasion that the child is seeking admission; or
 - one prospective parent is present and settled in the United Kingdom and the other is being admitted for settlement on the same occasion that the child is seeking admission; or
 - one prospective parent is present and settled in the United Kingdom and the other is being given limited leave to enter or remain in the United Kingdom with a view to settlement on the same occasion that the child is seeking admission, or has previously been given such leave; or

- one prospective parent is being admitted for settlement on the same occasion that the other is being granted limited leave to enter with a view to settlement, which is also on the same occasion that the child is seeking admission; or
- one prospective parent is present and settled in the United Kingdom or is being admitted for settlement on the same occasion that the child is seeking admission, and has had sole responsibility for the child's upbringing; or

in the case of a de facto adoption one parent has indefinite leave to enter or remain in the United Kingdom and is seeking admission to the United Kingdom on the same occasion for the purposes of settlement; and;

- one prospective parent is present and settled in the United Kingdom or is being admitted for settlement on the same occasion that the child is seeking admission, and there are serious and compelling family or other considerations which would make the child's exclusion undesirable, and suitable arrangements have been made for the child's care; and the child
 - is under the age of 18; and
 - is not leading an independent life, is unmarried, and has not formed an independent family unit; and
 - can, and will, be accommodated and maintained adequately without recourse to public funds in accommodation which the prospective parent or parents own or occupy exclusively; and
 - will have the same rights and obligations as any other child of the adoptive parent's or parents' family; and

(a) was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident, being a country whose adoption orders are recognised by the United Kingdom; or

(b) is the subject of a de facto adoption; and

- has lost or broken or intends to lose or break his ties with his family of origin; and
- will be adopted in the United Kingdom by his prospective parent or parents, but the proposed adoption is not one of convenience arranged to facilitate his admission to the United Kingdom.

Entry clearance for admission in this capacity is mandatory.

- If the requirements are met, entry clearance will be granted. Relatives who wish to adopt the child under United Kingdom law must discuss their plans, before the child's arrival, with their local social services department and with the DCSF or Devolved Authority, (the Scottish Executive, the Welsh Assembly Government, or the Department of Health, Social Security and Public Safety – Northern Ireland, contact addresses can be found at the end of this leaflet immediately before Annex 1).

If the requirements are not met, then an application may be considered on the basis that the child is coming to the United Kingdom for adoption. However, you and the child would still need to meet all the requirements set out in this leaflet.

PUBLIC FUNDS

For immigration purposes, "public funds" currently means:

- Income-based jobseeker's allowance (JSA);
- attendance allowance;
- severe disablement allowance;
- carer's allowance;
- disability living allowance;
- income support;
- child tax credit;
- working tax credit;
- a social fund payment;
- child benefit;
- housing benefit;
- council tax benefit;
- state pension credit;
- housing and homelessness assistance;

Please note:

1. The list of public funds, which are taken into account for immigration purposes, may change.
2. Under Inland Revenue Regulations, Child Tax Credit and Working Tax Credit are not generally available to those who are subject to Immigration control, e.g. a child seeking entry. However, adopting parents who are settled in the United Kingdom and therefore not subject to Immigration control would be entitled to claim Child Tax Credit provided they satisfy all the usual entitlement rules.

Appendix 3

Only adoptions made by order of a court in the United Kingdom or Islands or in one of the countries or territories listed below are recognised under United Kingdom statutory law.

a. Commonwealth countries

Anguilla	Malaysia
Australia	Malta
Bahamas	Mauritius
Barbados	Montserrat
Belize	Namibia
Bermuda	New Zealand
Botswana	Nigeria
British Virgin Islands	Pitcairn Island
Canada	St. Christopher and Nevis
Cayman Islands	St. Vincent
Cyprus	Seychelles
Dominica	Singapore
Fiji	South Africa
Ghana	Sri Lanka
Gibraltar	Swaziland
Guyana	Tanzania
Hong Kong	Tonga
Jamaica	Trinidad and Tobago
Kenya	Uganda
Lesotho	Zambia
Malawi	Zimbabwe

b. Foreign countries

Austria	Luxembourg
Belgium	The Netherlands
China (but only where the child was adopted on or after 5 April 1993 and will be living in England or Wales, or on or after 10 July 1995 and will be living in Scotland, or on or after 19 February 1996 and will be living in Northern Ireland)	(including the Antilles)
Denmark (including Greenland and the Faroes)	Norway
Finland	Portugal (including the Azores and Madeira)
France (including Reunion, Martinique, Guadeloupe and French Guyana)	Spain (including the Balearics and Canary Islands)
Germany	Sweden
Greece	Switzerland
Iceland	Turkey
The Republic of Ireland	United States of America
Israel	Yugoslavia (but none of the states which make up the former Yugoslavia)
Italy	

The Designated List is currently being reviewed by the DCSF under the provisions of the Adoption and Children Act 2002. Further information will appear when the review is completed.

List of Countries that have Ratified or Acceded to the Hague Convention on Adoption.

*As of 10-1-2006 the countries listed in the two tables below had ratified or acceded to the Hague Convention on Adoption. You should note that the United Kingdom will not recognise all Adoptions, be they domestic or inter-country, made in these contracting States. Only Adoptions made and Certified between two contracting States under the terms of the Hague Convention will be recognised as legally valid. **You must also note that the lists below are simply an initial guide and subject to change as additional countries sign up and ratify or accede to the Convention or there are other changes. We therefore strongly suggest you visit the Hague Convention website to obtain the most up to date list.***

The Hague Convention website address is:

http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=69

http://hcch.e-vision.nl/index_en.php?act=conventions.statusprint&cid=69

When looking at the lists on the Hague website, the most important column to note is that showing “EIF”, (Entry into Force). If there is no date in this column, the country will not be eligible to make Adoption Orders under the terms of the Convention. (At time of writing, the Republic of Ireland and the Russian Federation are on the list but have not yet brought the Convention into force and so cannot make Hague Convention Adoption Orders.)

The following States have ratified the Convention:

	<i>Ratification Date:</i>	<i>Entry into force:</i>
Mexico	14 September 1994	1 May 1995
Romania	28 December 1994	1 May 1995
Sri Lanka	23 January 1995	1 May 1995
Cyprus	20 February 1995	1 June 1995
Poland	12 June 1995	1 October 1995
Spain	11 July 1995	1 November 1995
Ecuador	7 September 1995	1 January 1996
Peru	14 September 1995	1 January 1996
Costa Rica	30 October 1995	1 February 1996
Burkina Faso	11 January 1996	1 May 1996
Philippines	2 July 1996	1 November 1996
Canada	19 December 1996	1 April 1997
Venezuela	10 January 1997	1 May 1997
Finland	27 March 1997	1 July 1997
Sweden	28 May 1997	1 September 1997
Denmark	2 July 1997	1 November 1997
Norway	25 September 1997	1 January 1998
Netherlands	26 June 1998	1 October 1998
France	30 June 1998	1 October 1998
Colombia	13 July 1998	1 November 1998
Australia	25 August 1998	1 December 1998
El Salvador	17 November 1998	1 March 1999

Israel	3 February 1999	1 June 1999
Brazil	10 March 1999	1 July 1999
Austria	19 May 1999	1 September 1999
Chile	13 July 1999	1 November 1999
Panama	29 September 1999	1 January 2000
Italy	18 January 2000	1 May 2000
Czech Republic	11 February 2000	1 June 2000
Albania	12 September 2000	1 January 2001
Slovakia	6 June 2001	1 October 2001
Germany	22 November 2001	1 March 2002
Slovenia	24 January 2002	1 May 2002
Bolivia	12 March 2002	1 July 2002
Bulgaria	15 May 2002	1 September 2002
Luxembourg	5 July 2002	1 November 2002
Latvia	9 August 2002	1 December 2002
Switzerland	24 September 2002	1 January 2003
United Kingdom (<i>extension to the Isle of Man</i>)	27 February 2003 (<i>1 July 2003</i>)	1 June 2003 <i>1 November 2003</i>)
India	6 June 2003	1 October 2003
Belarus	17 July 2003	1 November 2003
Belgium	26 May 2005	1 November 2005
China, People's Republic of	16 September 2005	1 January 2006
Hungary	6 April 2005	1 August 2005
Portugal	19 March 2004	1 July 2004
Turkey	27 May 2004	1 September 2004
Uruguay	3 December 2003	1 April 2004
Madagascar	12 May 2004	1 September 2004
Thailand	29 April 2004	1 August 2004
United States of America	12 December 2007	1 April 2008

The following States have acceded to the Convention:

	<i>Accession:</i>	<i>Entry into force:</i>	<i>Expiry date under Article 44(3):*</i>
Andorra	3 January 1997	1 May 1997	1 August 1997
Moldova	10 April 1998	1 August 1998	1 November 1998
Lithuania	29 April 1998	1 August 1998	1 December 1998
Paraguay	13 May 1998	1 September 1998	1 December 1998
New Zealand	18 September 1998	1 January 1999	15 April 1999
Mauritius	28 September 1998	1 January 1999	15 May 1999
Burundi	15 October 1998	1 February 1999	15 May 1999
Georgia	9 April 1999	1 August 1999	1 November 1999
Monaco	29 June 1999	1 October 1999	15 January 2000

Iceland	17 January 2000	1 May 2000	15 August 2000
Mongolia	25 April 2000	1 August 2000	30 November 2000
Estonia	22 February 2002	1 June 2002	1 October 2002
Guatemala ^{(1) see note}	26 November 2002	1 March 2003	31 July 2003
South Africa	21 August 2003	1 December 2003	
Malta	13 October 2004	1 February 2005	
Azerbaijan	22 June 2004	1 October 2004	
Guinea	21 October 2003	1 February 2004	
San Marino	6 October 2004	1 February 2005	

** In accordance with Article 44(3) of the Convention, the accession has effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the six months following the date on which the depositary gave notice of the accession. The date specified here is the expiry date of that six-month period.*

⁽¹⁾ By Note dated 18 July 2003, the Federal Republic of Germany raised an objection to the accession of Guatemala under Article 44(3) of the Convention; however, Germany reserves the right to withdraw the objection.

By a letter dated 18 July 2003, the Netherlands raised an objection to the accession of Guatemala under Article 44(3) of the Convention.

By Note dated 23 July 2003, Canada raised an objection to the accession of Guatemala under Article 44(3) of the Convention.

By Note dated 23 July 2003, Spain raised an objection to the accession of Guatemala under Article 44(3) of the Convention.

By Note dated 23 July 2003, the United Kingdom raised an objection to the accession of Guatemala under Article 44(3) of the Convention.

The effect of the above objections is that Guatemala is treated as a non-Convention country as far as the United Kingdom is concerned and the Central Authorities in the United Kingdom will not enter into individual Adoption Arrangements with Guatemala.

THE CONVENTION ENTERED INTO FORCE ON 1 MAY 1995

IMPORTANT NOTICE:

TEMPORARY SUSPENSION OF ALL ADOPTIONS FROM CAMBODIA AND GUATEMALA

On Tuesday 22 June 2004, the then Minister for Children Margaret Hodge, announced that the United Kingdom had introduced a temporary suspension of adoptions of Cambodian children by ALL U.K. residents. On Thursday 6 December 2007, Kevin Brennan, Parliamentary Under Secretary of State for Children, Young People and Families, announced that the United Kingdom had introduced a temporary suspension of adoptions of Guatemalan children by ALL U.K. residents.

The temporary suspensions have been introduced in response to concerns raised by officials from the Department for Children, Schools and Families and others, who have concerns about the intercountry adoption process in Cambodia and Guatemala.

The suspensions will remain in force until further notice.

UNDERTAKING BY INTENDING ADOPTERS

Names of intending adopters:

.....
.....

Address:
.....
.....

Name of the child:
.....

We, the undersigned, agree that if entry clearance is granted for the above-named child to come to the United Kingdom for adoption by us we will, within 14 days of the child arriving in the United Kingdom, inform the social services department of our local authority* of our intention to apply to the court for an adoption order in respect of that child, and that we will make such application to the court.

We also agree to accept full financial responsibility for the child while the child is in the United Kingdom.

Signed: (1).....
(2).....

Date:

* -in Northern Ireland, the Health and Social Services Board.

Home Office reference number:

Please submit this form and the documents requested when you apply for entry clearance for a child being adopted from abroad.

The information requested on this form includes many of the details that will be required by a court hearing an adoption application. This form and the documents that you enclose with it will be treated as confidential and only passed to the home health department and the local authority undertaking the home study report. In some cases we may need to ask for further information.

DETAILS ABOUT THE CHILD

Surname:

Date of birth:

Other names:

(Please enclose birth certificate or a signed and attested statement giving the date of birth)

Nationality:

Sex:

Passport number:

Name and address of person currently looking after the child overseas:

Is this person a relative of the child?

If Yes, state relationship:

Has the child attended school?

If Yes, how many years has he attended school?
has he passed any examinations? (give details)

If the child has any brothers or sisters give:

name:

date of birth:

name of person
caring for them:

PLEASE ATTACH A COPY OF THE MEDICAL REPORT ON THE CHILD. THE PREFERRED FORM IS A BAAF ICA FORM OBTAINABLE FROM BRITISH ASSOCIATION FOR ADOPTION AND FOSTERING (See page 7 for address)

IF THE CHILD HAS BEEN CARED FOR BY A PUBLIC OR OTHER ORGANISATION

Name and address of the body:

Date child came into their care:

DETAILS ABOUT THE CHILD'S PARENTS

Mother

Father

Surname:
Other names:
Date of birth:
Place of birth:
Marital status:
Date of marriage:

DETAILS ABOUT YOU

Mother

Father

Surname:
Other names:
Date of birth:
Relationship to child:
Your home address:

Have you ever previously applied to adopt or foster a child?

Have you recently* had a home study report prepared or reviewed? (*Until a child is placed, Home Study Assessment Reports must be reviewed at least every 12 months after the original agency decision to recommend approval.)

If you have answered yes to either of these questions, give name of local authority or adoption agency concerned:

Please give the names and addresses of two personal referees who know you both well:

1. 2.

Please state how the child came to be offered to you for adoption

Have you any other children?

If yes please give names and dates of birth

I certify that this information is true and correct to the best of my knowledge.

Signed: (1).....
(2).....

Before the DCSF or the Devolved Authority can give confirmation, they will need to see the following additional documents. You should lodge the following documents with the Entry Clearance Officer:

- a), the 2 forms found at **Appendix 5 and 6**;
- b), a medical form for the child. It is recommended that a British Agencies for Adoption and Fostering, (BAAF), inter-country adoption medical form is used. (For contact details of BAAF, see the list at the back of this leaflet, immediately before Appendix 1);
- c), if there is no adoption/guardianship order, written permission from the authorities responsible for the child's care in his country of origin that they are content for the child to come to the United Kingdom for adoption by you;
- d), the written consent of the child's natural parent(s), or those with legal responsibility for the child, to the adoption, together with confirmation that the meaning of an adoption order granted in the United Kingdom, (i.e. it is irrevocable and severs all legal ties with the birth family), is understood. To be valid, consent should be given freely when the child is at least six weeks old and it should be notarised in the child's own country.