

TOP TIPS FOR INTERCOUNTRY ADOPTIONS

- Seek a one-off legal advice before you embark on an international adoption. It is a very complex area of law, often with immigration implications, and knowing the rules in advance will avoid difficulties, delay and costs later. Often, a one off adoption advice is all that will be needed to ensure that the adoption process progresses smoothly.
- It is not advisable to identify a child to adopt from abroad yourself or early on in the adoption process. If you have or the child is a relative or step-child, seek legal advice.
- The Central Authority for intercountry adoptions in England and Wales is the Department for Education.
- If you are from the UK but live and adopt a child abroad, you may still be considered habitually resident in the UK and therefore subject to UK adoption law. This could have an impact on the procedure you have to follow and how long you may have to wait until you can legally bring your child into the UK after the adoption. Seek advice on your status early, so you know what rules apply.
- If you are from the UK but live abroad, you could still be eligible to adopt a child under English law.
- You can be assessed as an intercountry adopter if you are not a British citizen but have lived here for one year. Your immigration status in the UK will be relevant.
- There are no limitations to single people or same sex couples adopting under English law and there is no upper age limit but the rules can be different in another country. Check the local rules before you decide on a country from which you would like to adopt. You can only be approved as an adopter of a child/children from one country at any one time.
- There are two types of intercountry adoptions – overseas adoptions and adoptions under the Hague Adoption Convention.
- The UK is a signatory to the Hague Adoption Convention. If you are adopting from another Hague Adoption Convention country, you should follow the Hague Convention route. To check which countries have signed up to the Hague Adoption Convention, go to the Hague Adoption Convention website http://www.hcch.net/index_en.php?act=text.display&tid=45.#. It is vitally important to follow the right step-by-step procedures when embarking on a Hague Convention adoption, mistakes can jeopardise the Hague route.
- Hague Convention adoptions are automatically recognised in all Hague Adoption Convention countries and will give your child British citizenship if one of you is a British citizen.
- Overseas adoptions are adoptions effected abroad under local domestic law and not under the Hague Convention. Not all overseas adoptions are automatically recognised in the UK. To check which countries are on the designated list of countries from which adoptions are currently

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recognised, see the Department for Education website: <http://www.education.gov.uk/childrenandyoungpeople/families/adoption/intercountryadoption/intercountry%20adoption%20faqs/b0054703/intercountry-adoption-faqs/intercountry-adoption-faq-designated-list-countries>. NOTE: the list is under review and may change.

- If your foreign adoption order is not recognised in the UK, you will have to re-adopt your child under English law. A domestic English adoption order will give your child British citizenship if one of you is a British citizen. In some cases, you may also be able apply to the High Court to have your foreign adoption order recognised under English common law.
- Overseas adoptions do not automatically confer British citizenship on your child, even if the adoption is recognised here, either under the designated list or common law. You will need to apply for British citizenship for your child.
- Kafalas or foreign Guardianship orders are not classed as overseas adoptions.
- A “de facto adoption” is an immigration not a family law concept. It does not confer parental rights on a carer or adoptive parent(s) and does not make you the legal parent(s) of your child.