

Immigration Directorates' Instructions

Chapter 8 Section 5B

ADOPTED CHILDREN

This IDI is, of necessity, long. Please read the first 4 pages below, as these should point you to the relevant sections you will need for the type of case you have and help you omit unnecessary reading later on.

Introduction

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the UK Border Agency to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions, or override existing functions.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to Section 55. The UK Border Agency instruction 'Arrangements to Safeguard and Promote Children's Welfare in the United Kingdom Border Agency' sets out the key principles to take into account in all Agency activities.

Our statutory duty to children includes the need to demonstrate:

- Fair treatment which meets the same standard a British child would receive;
- The child's interests being made a primary, although not the only consideration;
- No discrimination of any kind;
- Asylum applications are dealt with in a timely fashion;
- Identification of those that might be at risk from harm.

. The way the Rules are structured for inter-country adoption should mean that in-country cases are rare. The primary checks on the application and grant of Entry Clearance should take place at British Diplomatic Posts abroad. When in-country cases do come to light, they are likely to be complex. Because of this, and the different routes possible in inter-country adoption cases, caseworkers must make sure that they are treating the application under the correct provision in the Rules and are reading the correct part of the IDIs. The Adoption IDIs contain about 30 different aspects of guidance on inter-country adoption and the key information may be found via the headings below.

2. Caseworkers should be aware that some applicants will freely use terms such as “adoption” for arrangements, (e.g. the culture-based, inter-family gifting of children), which may be recognised abroad but which are never recognised in the UK. Attention to detail and scrutiny of relevant paperwork are essential when dealing with adoption cases at every stage to ensure the welfare of the children involved.

3. Caseworkers should remember that in addition to the Immigration Rules there are **specific legal requirements which must be followed by those bringing a child to the UK** with the intention of adopting it. These requirements are in the Adoption Act 2002 & the Adoptions with a Foreign Element Regulations 2005 and apply to all people resident in England and Wales. As Adoption is a devolved issue, there are different Regulations which apply in Scotland & Northern Ireland, so if the child is going to a devolved area, you must check the requirements there. Although there are variations, the passage of an inter-country adoption will follow the following stages:

3.1. Before travelling abroad to identify a child, all prospective adopting parents must contact their local authority and/or registered agency and be assessed & passed by the adoption panel as suitable persons to adopt a child.

3.2. Also before they travel, all prospective adopters must obtain a Certificate of Approval from the DCSF or devolved authority, which authorises them to contact the adoption authorities in one, named country with a view to adopt a child.

3.3. The prospective adopting parents must then travel to that country to undertake and complete all applicable procedures necessary to adopt under that country’s law. Depending upon the type of Adoption & the status of the foreign country concerned, the Adopters must then:

a) in the case of full Hague adoption completed abroad, obtain a British passport for the child from the nearest British Diplomatic Post; or,

b) in the case of a Hague interim Adoption or Entrusted child partial adoption, apply for Entry Clearance on behalf of the child to allow it to enter the U.K. under Para 316D of the Rules and complete the adoption in the U.K.; or,

c) in the case of a “Designated” adoption apply for Entry Clearance on behalf of the child to allow it to enter the U.K. under Para 310 of the Rules; or,

d) in the case of a non-Designated adoption, apply for Entry Clearance on behalf of the child to allow it to enter the U.K. under Para 316A of the Rules and commence the adoption in the UK; or,

e), in the case of a “de-Facto” adoption, apply for Entry Clearance on behalf of the child to allow it to enter the UK under Para 309A of the Rules.

4. Caseworkers should note that there are complex issues surrounding inter-country adoptions where the adopters are EU or EEA nationals, especially where they reside in the Channel Islands or the Isle of Man (which are not part of the U.K.). Caseworkers will find information about this in Annex “Q” at 3.4, and in the Inter-country Adoption and the Immigration Rules” leaflet at paragraphs 14-18.

5. Caseworkers should identify the appropriate Immigration Rule for the application they are dealing with in paragraphs 309A-316F.

Paragraph 309A relates to “de Facto” adoption at the entry clearance stage.

Paragraphs 310-316 relate to children who have already been adopted abroad in countries whose Adoption Orders are recognised by the U.K.

Paragraphs 316A – C relate to children coming to the UK for adoption.

Paragraphs 316D – F relate to Hague Adoptions.

6. Caseworkers should work through the links below to see whether they are relevant to the case and double click to obtain further information on the hyperlinks. Where the child is to be adopted by a blood relative caseworkers should first consider paragraphs 297-303 of HC395 relating to children joining a parent or relatives other than parents see the Children IDI. Only if the application falls to be refused under these paragraphs should it then be considered under the adoption procedures. Caseworkers must be aware that child blood relatives may have been “gifted” or given to U.K. based adopters by relatives abroad and that the UK’s international obligations prevent any acceptance of such practices. See guidance in Annex S at Para 4.

BRIEF ADOPTION CHECK-LIST FOR CASEWORKERS

7. When confronted with an Adoption case, the caseworker should ask her/himself the following questions and follow the relevant links in order to reduce the amount of reading necessary to effectively deal with it.

1. Has the child been adopted abroad?

If Yes,

2. is the adoption recognised as valid under U.K. Law? (Check the Designated & Hague Lists in Annex “Q” to find out).

3. If the Adoption is recognised by the U.K. Paragraphs 310 – 316 will be relevant along with advice at:

Ch.8, Section 6, 1 to 6;

Annex “Q” at 1 to 6 & 9.

Annex “T”, 4. for Terminology.

4. If the Adoption is not recognised by the U.K., this child may be able to come to the U.K. “for Adoption” through the courts here, & Paragraphs 316A – C will refer, along with advice at:

Ch.8, Section 6, 1 to 6;

Annex “Q” at 1 to 6 & 9.

Annex “S” 1 to 4;

Annex “T”, 4. for Terminology.

5. If the answer to Questions 1 or 2 was “no” i.e. the Adoption is not recognised by the U.K., and the child has resided with the adopting parents for at least 18 months and there are no plans that it be immediately adopted in the U.K., consideration must be given as to whether a “de Facto” Adoption has taken place. Paragraph 309A refers and specific information on this is at:

Annex “R”.

Annex “T”, 4. for Terminology.

8. If the child is party to a “Hague” Adoption and has been “entrusted” to an adopter or is the subject of an “interim” adoption and is coming to the U.K. for the completion of an Adoption under the terms of the Hague Convention, paragraphs 316D – F will refer, along with advice at:

Annex “Q” 3, 6 & 7.

Annex “T”, 4. for Terminology.

9. Just because a country has signed and/or acceded to the Hague Convention on Adoption does not mean that all adoptions in that country are recognised under the Hague Convention or by the U.K. Caseworkers must note that **only** Hague Convention Adoptions made under the Terms of the Hague Convention are valid. (E.G. India is a “Convention” country but the only Adoption Orders made in India that the U.K. recognises are Inter-country Adoptions made under the Terms of the Hague Convention).

10. Cambodia is the subject of a complete ban by the U.K. on inter-country adoptions
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3. Inter-country Adoption process.
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"Inter-country Adoption and the Immigration Rules"

This is a substantial leaflet available to the public. The first 12 pages of this leaflet form a basic introduction to the inter-country adoption process, which may be of use to caseworkers.

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IMMIGRATION DIRECTORATES' INSTRUCTIONS**ANNEX Q****CHAPTER 8
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AND GENERAL GUIDANCE RELATING TO ADOPTION CASES
WHICH FALL TO BE CONSIDERED UNDER THE IMMIGRATION RULES****1. INTRODUCTION**

Following the implementation of the Adoption (Inter-country Aspects) Act 1999 on 30/4/2001, the Adoption (Bringing Children into the United Kingdom), Regulations 2003 and the “Adoptions with a Foreign Element Regulations 2005” it is now an offence¹ for prospective adoptive parents to bring or cause another to bring, a child into the United Kingdom for the purposes of adoption, unless they have complied with requirements prescribed in law. The penalty for non-compliance is an unlimited fine and/or up to 12 months imprisonment. The Adoption Act 2002 and the Adoptions with a Foreign Element Regulations 2005 provide the legislative framework for inter-country adoption. They also provide the legislative framework to give effect to the Hague Convention. Further information on the new regulations can be obtained from the Inter-country Adoption Team in the DCSF currently based at Area D, Ground Floor, Mowden Hall, Staindrop Road, Darlington, County Durham DL3 9BG; tel: 01325 39 13 34 between 13:30 – 16:30 Mon.-Wed. New regulations affecting England and Wales from 1st June 03 make parents, guardians, step parents and relatives subject to the same regulations as any other inter-country adopter. Adoption is a devolved issue and the Regulations differ between England, Wales, Scotland and Northern Ireland. Caseworkers must have regard to where the adopter is residing and what the relevant Regulations for their particular Devolved Area require.

The Adoption of Children from Overseas Regulations 2001, the Adoption (Bringing Children into the United Kingdom), Regulations 2003, the Adoptions with a Foreign Element Regulations 2005 and the Adoption from Children from Overseas (Scotland) Regulations 2001, aim to deter people from bringing children into the United Kingdom for the purpose of adoption unless

¹ Section 56A of the Adoption Act 1976, inserted by Section 14 of the Adoption (Intercountry Aspects) Act 1999.

they have first been assessed and approved by a local council or a voluntary adoption agency (VAA) registered for this purpose, and had their suitability endorsed by the Secretary of State at the DCSF, or by the Scottish Executive. Broadly similar legislation is planned for Northern Ireland. In order to avoid committing an offence, the Regulations require prospective adoptive parents in England and Wales, Scotland and Northern Ireland, to have first:

- applied for their suitability to adopt a child to be approved by a local council or VAA; and
- complied with the assessment process; and
- received confirmation, in writing, of the agency's decision to approve them as suitable to be an adoptive parent; and
- received written notification from the Secretary of State that he is prepared to issue a certificate of eligibility.

2. ACTIONS ON ARRIVAL

Within 14 days of the prospective adoptive parents' arrival in the United Kingdom with a child, they must notify their local council of their intention to adopt or not. Once this notification has been received, his/her placement will be monitored by the council.

Adopters who claim to have completed the adoption process in a designated country (*see paragraph 10, below*), i.e. those countries whose adoption orders are recognised by the UK courts, are not treated as "prospective adopters". It is unlikely that parents of a child who hold a designated country adoption order would bring a child to the UK for the purpose of adopting the child here. Extreme vigilance must be exercised if a person(s) resident in the UK arrives with a child, whom the IO suspects is not the person(s)'s own and claims that the child is here for "a visit", where no evidence of the child's parent(s)/guardian(s)'s consent for travel and entry to the UK is produced.

3. ON ENTRY – ADVICE TO IMMIGRATION OFFICERS

(This should be read in conjunction with IDI *Chapter 8, Section 7 - Adopted Children*):

3.1. For immigration purposes, there are several categories of intercountry adoption

- Adopted children; Rule 310/311/314, IDI ref. **Ch. 8, Sec. 7.** These Rules apply to children who are adopted in countries whose adoption

orders are recognised under UK law according to the Adoption (Designation of Overseas Adoptions) Order 1973, with the child usually coming here for settlement. A list of these countries, the 'designated list', can be found at paragraph 10, below.

- Adoption in accordance with Article 17(c) of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption 1993 where at least one of the adopting parents is habitually resident in the UK and the parents complete a Hague Adoption through the central authorities in the UK and the other Hague country, and Home Office confirms the Article 17(c) agreement by due notification of DCSF Entry clearance in the Hague 'for Adoption' category under paragraph 316D-F as in Cm5829. IDI ref. **CH. 8, Annex S**. Only persons who are present and settled in the UK will be granted entry clearance under this category although the rules only require 'Habitual Residence' NB. "Habitual Residence" is a DCSF definition and has no specific meaning in terms of the Immigration Rules.
- Children coming to the UK for adoption through the courts here; Rule 316A, IDI ref. **Ch. 8, Annex S**. This would normally only apply to those people who have followed the correct inter-country adoption process in a non-designated country and who want the parent-child relationship to be legally recognised in the UK by adopting the child through the courts here.
- Children coming to the UK as a "De Facto" adopted child. Formerly a concession, this was incorporated into the rules in Paragraph 309A of the Immigration Rules see IDI ref. **Ch. 8, Annex R**. This is applicable for those cases where a child has been brought into a family unit and is now an integral part, even if no formal adoption has taken place, whether this took place in a designated or non-designated country.

3.2. Parents arriving at a port with an "adopted" child

High profile media interest in January 2000 raised the profile of inter-country adoptions, leading to the early implementation of new regulations which were subsequently amended by the Adoption (Bringing Children into the United Kingdom) Regulations 2003 and later replaced by the Adoptions with a Foreign Element Regulations 2005. The regulations are designed to act as a deterrent for would-be adoptive parents who wish to speed up the process of adoption, by taking matters into their own hands and bypassing the safeguards in the system. Persons be they British and settled here, EEA nationals who have been granted ILR, or other nationals who have been granted ILR who adopt a child in a designated are subject to the regulations even though adoptions carried out in designated countries are recognised by the UK courts. Persons who are not settled here cannot adopt a child in the UK. The regulations are designed to prevent a parent(s) from bringing a child from a non-designated country to the UK for the purpose of adoption without having followed proper procedures. IOs should be extremely vigilant where a

parent(s) claims to be bringing a child to the UK solely for a visit, when the actual intention may be to adopt the child once admitted to the UK. If there is any doubt in such circumstances, the DCSF/Devolved Authority or local authority social services should be contacted as appropriate. If possible, a statement concerning the intent of the person(s) bringing the child to the UK for the "visit" should be taken. This would help with prosecution if the person(s) subsequently decide(s) to adopt the child.

Difficulties could arise where "parents" present themselves to IOs on entry and state that they wish to adopt "their" child through the UK courts, if an adoption order from a Hague or designated country has not already been obtained. IOs would then be in the difficult situation of having to refuse entry to the child, (the child would not hold prior entry clearance), which may not be in the interests of safeguarding the child and would be presentationally difficult. However, if IOs were to grant entry to the child, the parents would then potentially be liable to prosecution, under the terms of the new regulations for inter-country adoption. The parents are unlikely to have obtained entry clearance or followed the new DCSF procedures, in such cases. The advice to IOs, therefore, is to notify immediately the prospective adoptive parent(s) that they may be in breach of the Adoptions with a Foreign element Regulations 2005. The prospective adoptive parent(s) should be told to contact their local authority of their intention to adopt the child (within 14 days of arrival with the child in the UK). This should lead to an early decision concerning the welfare of the child and any potential prosecution of the parents. If the prospective adoptive parent(s) still wish to enter the UK with the child once they have learnt of their legal position, the child should be granted temporary admission. If they do enter, the IO should also notify the appropriate local authority and the police, then inform the DCSF that this action has been taken (020 7972 4014). Local authority contacts can easily be found on the website www.upmystreet.com. As with all such cases, speed is of the essence for a beneficial resolution. This will be to the benefit of the child's welfare, always the prime consideration, and the avoidance of media attention, which is unlikely to be in the child's best interest.

3.3. Parents arriving at a port with a "de facto" adopted child

"De facto" adoptions will usually present more difficulty for ECOs rather than IOs when "parents" arrive at a port with a child. In order to qualify under the "De Facto" Rules, the adopting parents must have cared for the child for the last 18 months and must have lived with the child together as a family for an aggregate period of 12 of those 18 months. Because of this, even where the intention is to adopt the child through the UK courts, it should be very unlikely that adopting parents who are returning to the UK with a "de Facto" adopted child who has the appropriate entry clearance, will fall foul of the Adoptions with a Foreign Element Regulations 2005. (The regulations require that they have previously undergone a successful Home Study Assessment, but this requirement is waived if the adopting parents have resided outside of the UK for the 12 months immediately prior to the child's entry.) ECOs will normally

have undertaken checks as far as possible in such cases before issuing entry clearance to the child. In a situation where "parents", arriving at a port with a "de facto" adopted child, appear to have resided in the UK during the previous 12 months and who subsequently state that adoption of the child through the UK courts is the intention, the same procedures as outlined in paragraph 3.2 (above) should be followed.

It may still be necessary for IOs to remind "parents" that they are under an obligation to inform their local authority (if they have not already done this prior to travelling), within 3 days of the child's arrival in the UK. This is in accordance with the Children Act 1989 guidance on private fostering arrangements and if the "parents" do not notify their local authority, they will be committing an offence under Section 70(1)(a) of the Children Act 1989 or, in Scotland, under Section 15 (1) (a) of the Foster Children (Scotland) Act 1984.

Cases involving "de facto" adoptions arriving at port without entry clearance for the child are less clear cut. They should be treated in the same way as if the child had been brought to the country for the purpose of adoption here, even if "parents" state that there is no intention to adopt the child in the UK (see paragraph 3.2. above). The DCSF/Devolved Authority or local authority is unlikely to have any knowledge of the children or "parents" in such cases, but these departments should be informed nevertheless. This is to ensure that the child's interests are safeguarded are served in all cases and that no trafficking or kidnapping has taken place.

3.4. European Union and European Economic Area Nationals seeking to bring a child to the United Kingdom for the purposes of Adoption.

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

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 sought and received, "settled" status in the U.K. If they are not "settled" they cannot sponsor the entry of a child under any of the immigration Rules. E.E.A. Nationals can apply for "settled" status on form EEA3, (which can be found on the B.I.A. website at http://www.bia.homeoffice.gov.uk/bia/en/home/applying/application_form.html and is free of charge), once they can demonstrate that they have exercised Treaty Rights in the U.K. for a continuous period of four years before 30th April, 2006 and five years after 1st May, 2006.

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

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 in 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.

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. 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.

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 “settled” status before they can act as a sponsor in a “non-Designated” adoption, and secondly, must have complied with all of the United Kingdom’s inter-country adoption requirements, including a United Kingdom based Home Study Assessment and Certificate from the DCSF. These requirements are the same as for “settled” British citizens and nationals of other countries “settled” here.

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

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

a), An European Economic Area, (E.E.A.) National, is someone who is a citizen of a member State of the European Union; (i.e. The United Kingdom, Austria, Belgium, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden,); or someone who is a citizen of a State which is a member of the European Economic Area, (i.e. Iceland, Norway and Lichtenstein).

b), Switzerland, 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. Gibraltar is a constituent part of the E.U. as a U.K. Dependent Territory, but there are exemptions in some areas, e.g. Common External Tariff, healthcare & child benefit.

c), 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 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 who are residing on the Channel Islands or the Isle of Man must note that they are not residing within the E.U. or E.E.A. and so will not be able to qualify for “Permanent Residence” in the United Kingdom by virtue of their residence there.

d), On 1st May, 2006, European Free Movement Directive 2004/38 will come into force. This establishes a right for E.E.A. Nationals to gain “Permanent Residence” in an E.E.A. State by virtue of having exercised, and continuing to exercise, a “Treaty Right” there. 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” after 1-5-2006, may be done at Lunar House by appointment, or by post, (for address see contacts section below).

4. AFTER ENTRY – ADVICE TO CASEWORKERS

There should be very few situations in which in-country applications to adopt a child occur following the introduction of the new inter-country adoption regulations. If procedures have been followed correctly, all parents should have obtained the appropriate entry clearance for the child in question.

The Department for Education and Skills (or other relevant Devolved Authority) will usually become aware of an intention to adopt a child who was not initially brought into the UK for that purpose. The parents who therefore intend to adopt would not have followed the correct procedures and would be liable to prosecution. In all circumstances involving in-country applications for adoption, the DCSF or Devolved Authority should be contacted and made aware of the circumstances of the case, to determine if prosecution is necessary. It may also be necessary to remind "parents" that they are liable to prosecution if adoption is their intention. In such instances, the case will usually be referred to the High Court for determination and limited leave to remain should be granted to the child pending the outcome of the court hearing.

5. DCSF, (formerly Department of Health), GUIDANCE TAKEN FROM THE “*INTERCOUNTRY ADOPTION GUIDE – PRACTICE AND PROCEDURES*” CONCERNING BRINGING A CHILD TO THE UK

- When bringing a child to live in the UK, adopters must seek entry clearance for the child.
- If an adoption order has been made in one of the countries or territories known as designated countries (according to the Adoption (Designation of Overseas Adoptions) Order 1973), or has been fully completed in a Hague Convention country under the terms of the Hague Convention, the adoption order is recognised under UK law.
- Where adopters have an adoption order that is recognised in the UK, the Entry Clearance Officer (ECO) will consider the application and if he is satisfied that the immigration requirements have been met then a visa for indefinite leave to enter will be granted. The requirements are set out in the Home Office leaflet "Inter-country Adoption and the Immigration Rules". Occasionally the ECO will refer the case to UK Visas for advice.
- When the UK does not recognise an adoption order made for a child under

the law of their home country (non-Hague Convention, non-designated countries), the ECO will consider the application. If he is satisfied that the immigration requirements have been met he will ask the DCSF or Devolved Authority for advice as to whether the correct procedures have been followed, the correct paperwork is in order and in some cases as to the likelihood of a court in England, Wales, Scotland or Northern Ireland granting an adoption order.

- Before the DCSF, Scottish Executive, National Assembly for Wales or the Department of Health, Social Security & Public Safety in Northern Ireland can give any advice it must see:
 - The child's original birth certificate (if available) and new certificate.
 - A medical report on the child. It is recommended that a British Agencies for Adoption and Fostering (BAAF) inter-country adoption medical form is used. This can be obtained from BAAF.
 - A parental consent form. This is only valid if it is given when the child is 6 weeks old or over. It must also be notarised in the birth parents' own country. If a child is an orphan, proof of their parents' death is required. If the child is abandoned, a certificate of abandonment is required.
 - An adoption/guardianship order
 - Confirmation from the relevant authorities of the country concerned that they are content for the child to leave the country for the purpose of adoption.
 - A report from the overseas authority detailing the child's parentage and history, the degree of contact with the birth parents, the date and reasons for the child's entry into an institution or foster placement and when, how and why the child came to be offered to the prospective adoptive parents.
 - If the child is seven years of age or over, a report of an interview with the child, in which his/her view and understanding of the proposed adoption is clearly stated.
- This information should be provided by the overseas authorities and the applicants to the ECO who will send it to the lead department. If all the documents are satisfactory, the ECO will issue a visa for the child which gives leave to enter the UK for 24 months for the purpose of adoption. (Paragraph 316B Immigration rules as amended by paragraph 14 Cm5829 May 03)
- Details of the DCSF's procedures can be found on the Department for Children, Schools & Families on <http://www.dcsf.gov.uk/intercountryadoption/index.shtml> . Further

information on entry clearance procedures can be obtained from the Home Office leaflet "Inter-country Adoption and the Immigration Rules" on www.bia.homeoffice.gov.uk and from the Foreign and Commonwealth Office on www.fco.gov.uk.

After arrival in the UK

- On arrival in the UK, if the child's country of origin is not on the designated country list and the adoption is not (or will not eventually be) a Hague Convention adoption, the Adoptions with a Foreign Element Regulations 2005 require prospective adopters in England and Wales to notify their local authority of the child's arrival in the UK and of their intention to apply for an adoption order (or not to give the child a home) within 14 days (regulation 4(4)). Where notice has been given, the local authority is required to visit the child within one week (and at specified intervals thereafter) and monitor the placement until the adoption order has been made. Until the local authority has been notified by the adopters of their intention to adopt, the placement should be treated as a private fostering arrangement under section 66 of the Children Act 1989 or in Scotland Section 1 of the Foster Children (Scotland) Act 1984.
- To seek an adoption order the prospective adopters need to lodge an application to adopt the child in a British court. They also need to notify the Home Office of the application for an adoption order. Under section 44 of the Adoption and Children Act 2002, the applicants must make an application for an adoption order within two years of giving notice of the intention to adopt the child to the local authority. However by virtue of section 42 of the Adoption and Children Act 2002 as modified by regulation 9 of the Adoptions with a Foreign Element Regulations 2005, an application cannot be made until the child has lived with the adopter(s) for at least 6 months (where there has been compliance with the conditions and requirements set out at regulations 3 and 4 of those regulations, else the relevant period is 12 months), unless leave of the Court is given, or ten weeks if the adoption order in the UK court is to be a Hague Convention adoption order.
- Once the Court has received an application they will ask the local authority to write a report under Practice Direction Part 5c which supplements rule 29(3) of the Family Procedure (Adoption) Rules 2005. This must include information on a range of issues including:
 - The applicant.
 - The child, and the wishes and feelings of the child, having regard to his age and understanding.

- Whether there has been compliance with regulations made under the Adoption and Children Act 2002 (i.e. the Adoptions with a Foreign Element Regulations 2005).
- Where there has not been compliance with the Adoptions with a Foreign Element Regulations 2005 and the application has been made to a County Court, the case is likely to be transferred to the High Court. This is in accordance with the Practice Direction, The First Directions Hearing – Adoptions with a Foreign Element supplementing Part 5, rule 26(3) of the Family Procedure (Adoption) Rules 2005. In such circumstances, the local authority should notify the relevant law enforcement agencies if the prospective adopters have not complied with the Regulations.
- When an adoption order is made in the UK it automatically confers British Citizenship on the child provided one of the adoptive parents is a British citizen at the time the adoption order is made.
- If the child's country of origin is on the designated list there is no need to apply for an adoption order in the British Courts. However, where a child has been entrusted to the adopting parents by another Hague country as part of the Hague Convention Adoption process, or where the child is subject to an interim adoption order and not to a full adoption order, the prospective adopters must notify the local authority that the child is with them. The local authority must then treat the child as a privately fostered child under Section 66 of the Children Act 1989 or in Scotland Section 1 of the Foster Children (Scotland) Act 1984 and carry out monitoring visits to protect the child's welfare until the full adoption is made.
- Where the adopters have a full adoption order recognised under UK law the council does not have a role in monitoring the placement other than under their normal child protection functions and, where agreed, to produce post-placement reports.
- Full Adoption orders under the Hague Convention are recognised in the UK and automatically confer British citizenship on the child so long as one of the adopting parents is a British citizen AND BOTH adopting parents are Habitually resident in the UK. (“Habitually resident” is a term used in the Hague convention and is a legal concept and is not defined. Caseworkers should note that it does not convey the same meaning as the Immigration terms “ordinarily resident” or “settled”.)
- Adoption orders recognised in the UK but made overseas do not automatically confer British Citizenship on the child. Adoptive parents should apply to the Nationality Department of the Home Office for citizenship on behalf of their child. In such cases, applications for citizenship would usually be considered under Section 3(1) of the British Nationality Act 1981. Registration as a British Citizen under this provision

would be at the discretion of the Secretary of State.

Action to be taken where the procedures have not been followed correctly

- Where agencies become aware of a child who has been brought into the UK for the purposes of adoption without the proper procedures being followed they should:
 - Take action to ensure that the welfare of the child is protected.
 - Ensure that the relevant local authority social services is aware that the child is living in their area.

6. GUIDANCE AS TO WHETHER OR NOT A CASE SHOULD BE CONSIDERED UNDER THE IMMIGRATION RULES AS A CASE WHERE A CHILD IS ALREADY ADOPTED OR IS COMING TO THE UNITED KINGDOM TO BE ADOPTED THROUGH THE COURTS HERE

The Immigration Rules make provision for children who have been adopted abroad to be granted entry clearance to this country, admitted and/or allowed to remain here with an adoptive parent or parents for settlement or for a limited period with a view to settlement, provided certain requirements are first satisfied.

However, before giving consideration to an application from a child under these provisions, it must first be determined whether or not the child's circumstances **warrant** the application being looked at in this way. With this in mind, therefore, there are initially two questions which should be asked:

- * has an adoption order already been granted(?), and
- * if so, is the order valid under United Kingdom law?

Ultimately, only the courts here can determine whether an adoption order granted overseas in a particular case is valid. However, should a final Adoption order be made under the terms of the Hague Convention in a Hague Convention country, or an adoption order be issued in a country or territory specified in the Adoption (Designation of Overseas Adoptions) Order, 1973 (a "designated" country), following the completion of the due legal process there, it will normally be recognised as valid for the purposes of United Kingdom law. ***A list of Hague Convention and of "designated" countries can be found at paragraph 4 (below).***

If a final adoption order has been granted under the Hague Convention in a Hague Convention country and one of the adopting parents is a British citizen AND BOTH adopting parents are Habitually resident in the UK it will normally automatically confer British citizenship on the child. In such cases the child is likely to be issued with a British passport overseas and to enter the United Kingdom as a British citizen.

If a final adoption order has been granted under the Hague Convention in a Hague Convention country and either neither of the adopting parents is a British citizen or one of the adopting parents is not Habitually resident in the UK it will not confer British citizenship on the child. In such circumstances or where an adoption order *has* been granted, and it *was* issued in a "designated" country following the completion of due legal process there, (see paragraph 3.1. below), the application will fall for consideration under the adoption provisions of HC 395, Paragraphs 310-316 as appropriate. It must be emphasised though, that for such a child to be granted entry clearance, admitted to this country, or allowed to remain here for settlement or with a view to settlement, he will *still* have to satisfy *all* the particular adoption requirements of the Rules. If the adoption order is not valid at UK law or the child has not yet been adopted, the family should be advised to apply for entry clearance for the child to come to the UK as a child coming for adoption under paragraphs 316A-C or for Adoption under the terms of the Hague Convention under Paragraphs 316D-F of the Immigration Rules. For more details see **ANNEX S**.

Such applications are dealt with in the *main part of this section* (above); and further guidance relating to these provisions of the Rules is provided in *paragraph 3 to this Annex* and in **ANNEX M to Section 5** (above).

7. INTERIM ADOPTION ORDERS

Some Hague Convention countries, and some "designated" countries, 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 can differ depending on the State in which they are adopting). An interim adoption order is not valid under United Kingdom law.

If an interim adoption order from a Hague Convention or a "designated" country has been issued, and all the other requirements of the Rules relating to adoption can be met, an entry clearance can be granted to the child. Where the parents intend to adopt a child, (who is the subject of the interim adoption order in another country), through the Courts in the United Kingdom, the case should be considered under paragraphs 316A-C of HC 395 or, in Hague Convention countries, 316D-F relating to "for adoption". Where the parents are waiting for the interim adoption order to be made final in the Hague Convention or "designated" country, the case should be considered **exceptionally outside the Rules**. The appropriate entry clearance will be "**Adoption CYR**". A child holding such an entry clearance should be granted 12 months leave to enter on arrival. An application may be made for the time limit on a child's stay to be removed on completion of the adoption proceedings.

8. RECOGNITION OF OVERSEAS ADOPTIONS AT COMMON LAW

There may be instances where an application is received on behalf of a child who has been "adopted", and it is claimed that a court in this country would recognise the "adoption" as common law. This may be even though the "adoption" has not been completed in a Hague Convention country under the terms of the Hague Convention or a "designated" country or territory or, if it has, an order has not been granted following the completion of the due legal process there. One of the factors that will have a bearing will be the domicile of the adoptive parent(s) at the time the overseas "adoption" is granted or completed. However, any case where it is claimed that the adoption is recognisable here under common law is to be referred to MOPU for guidance. Such cases are likely to be very rare.

Where the adoption is not recognised as valid in the United Kingdom, see **ANNEX R** (below).

9. GENERAL GUIDANCE RELATING TO ADOPTION CASES WHICH FALL TO BE CONSIDERED UNDER THE IMMIGRATION RULES AS A CHILD WHO IS ALREADY ADOPTED OR IS COMING TO THE UNITED KINGDOM TO BE ADOPTED THROUGH THE COURTS HERE

9.1. Child to have been adopted in accordance with a decision taken by the competent administrative authority or court

Where it is claimed that a child has already been adopted overseas by a particular person/couple, it will need to be satisfactorily demonstrated that the adoption order was granted either by the administrative authority or by a court which has the legal power to consider and decide such applications, and that it was issued in the child's country of origin, or in which he is living.

If a particular overseas country has two forms of adoption, e.g. a religious one which is purely for ceremonial purposes, and a separate one recognised in law which requires the granting of an order by a court, care should be exercised to ensure that the adoption process completed has resulted in an adoption order being issued by **the court**. Generally, the provision of the adoption order as issued by the court or appropriate administrative authority should be sufficient to show that the due legal process has been completed.

Where a final adoption order has been made in a Hague Convention country, care should be exercised that the adoption is one under the terms of the Hague Convention, as not all adoptions in Hague Convention countries are made under the terms of the Hague Convention. Adoption orders made in Hague Convention countries not under the terms of the Hague Convention have no force under the Hague Convention and will not necessarily be recognised as valid in the UK.

9.2. **Cases where an adoption order has been issued in a "designated" country but there is evidence of deception etc.**

It should be noted that where an adoption order has been issued by the appropriate administrative authority or court in a Hague Convention country under the terms of the Hague Convention or a "designated" country, we are **not** able to refuse to accept its validity, even if for example, we have information which indicates that deception has been exercised by the adoptive parent(s) to obtain the adoption order. Legal advice is that where such an order is granted, it remains valid for our purposes unless and until revoked by the appropriate authority in the country in which it was issued.

The above, however, must **not** be confused with situations where it is established that an adoption order **has not** been granted, or where the documentation presented to us to support an application for entry clearance etc. is found to be forged. In such a case, action should follow on the basis that an adoption order has **not** been issued.

9.3. **Child to have the same rights and obligations as any other child of the marriage**

Where a child has been adopted, he should be treated and considered by his adoptive parent(s) in exactly the same way as if he were their natural child, and in line with any other natural or adopted child they may have.

9.4. **Child adopted due to the inability of the original parent(s) or current carer(s) to care**

These are important considerations, both where applications are received on behalf of children who have already been adopted, and where children are effectively to be adopted through the courts in this country.

The widely accepted objective of adoption, including inter-country adoption, is to provide a child with a parent(s) and a family where he does not already have one or, if he does already have parent(s) and/or a family but they are **unable** to care for him, to provide him with a new family. The objective of Adoption is **not** to provide a childless person or couple with a child.

Particularly where a child has for some time been adequately cared for and brought up by his parents, by other members of his natural family, by family friends, or by foster parents, it must be satisfactorily demonstrated that a child's adoption or proposed adoption was/is as a result of the **inability** of his original parent(s) **or those currently caring for him** to continue to adequately do so. In line with internationally recognised objectives concerning inter-country adoption, the inability to care for the child must be one of **necessity** and not one of **choice**.

9.5. Children from children's homes or orphanages

The consideration of the current carer(s) inability to care for a child should only apply where a child is being cared for by **individuals**, and not to cases where a child is in the care of a children's home, institution or orphanage. However, where a child has been placed in such an institution for a **relatively short period of time**, or since the adoptive parent(s) came to know of him, extra care should be exercised in assessing the true inability of the **original parent(s) or previous carer(s)** to care, through necessity, for him.

9.6. Genuine transfer of parental responsibility

It will not only have to be shown that there is an inability to care by the original parent(s) or the current carer(s) for the child, but also that parental responsibility has been **genuinely** transferred to the adoptive parent(s). In this regard, the adoptive parent(s) will have to be able to show that they have day to day responsibility for the child, and provide the child with all the emotional, financial and other needs which he may and does have. Furthermore, it will have to be satisfactorily demonstrated that they can and do exercise full control over the major aspects of the child's life, such as schooling, religion, medical care etc. Such control and responsibility is to be to the exclusion of any other person, including the child's original parent(s), and family.

However, where the adoptive parent(s) are temporarily back in this country without the child, perhaps due to the fact that an entry clearance application cannot be decided prior to their return date, they will obviously have to delegate day to day responsibility for the child to others in their absence. While this may be the case, the expectation is that this will only be for a **limited** period, with the overall responsibility for the child being retained by the adoptive parent(s) and the decisions being made by them on matters of importance.

9.7. Severance of ties with family of origin

Upon the making of an adoption order in the United Kingdom, the adopted child is deemed to be the child of the adopter(s) to the exclusion of the original parent(s).

Where the adoptive parent(s) have decided to maintain some contact with the birth parent(s) or where a blood relationship between original and adoptive parent(s) exists and future contact between child and original parent(s) is likely, this would be acceptable provided that it is clear that all parties concerned accept that it is the adoptive parent(s) who exercise full parental responsibility for the child and that the child himself considers himself to be the adopters' child to the exclusion of his original parent(s).

9.8. Adoption not to be of convenience arranged to facilitate the child's admission

In deciding whether or not a proposed adoption is one of convenience, the following points should be addressed:

- (1) Have all the other immigration requirements been met?
- (2) Would the child qualify for leave to remain in the United Kingdom on any other basis?
- (3) Were the adoption proceedings started after an application for leave to remain on behalf of the child had been refused?
- (4) On what basis was the child admitted to the United Kingdom? If possible, obtain a copy of the Visa Application Form and/or landing card to ascertain the original family's circumstances.
- (5) Where do the child's parents live, what accommodation and income do they have and why have they given the child up for adoption?
- (6) How old is the child? If he has lived with his birth parents for several years and there has been no appreciable change in their circumstances, are there ulterior motives for the adoption such as a better standard of living and/or advanced educational and employment prospects?
- (7) Does the child have any siblings? If so, what are their ages and where and with whom do they live?

If the answers to any or all of the above questions suggest that the child would not qualify for leave to enter or remain for the purpose of adoption or on any other basis, then the adoption proceedings may have been instigated solely to facilitate the child's admission to or stay in the United Kingdom.

Further guidance for interpreting the requirements of the Rules is provided in ANNEX M to section 5, "Children" (above).

10. COUNTRIES AND TERRITORIES SPECIFIED IN THE ADOPTION (DESIGNATION OF OVERSEAS ADOPTIONS) ORDER, 1973

10.1. Commonwealth Countries and Territories

Anguilla	Malta
Australia	Mauritius
Bahamas	Montserrat
Barbados	Namibia (previously known as South West Africa)
Belize	

Bermuda	New Zealand
Botswana	Nigeria
British Virgin Islands	Pitcairn Island
Canada	St. Christopher and Nevis
Cayman Islands	St. Vincent
Cyprus (both Greek and Turkish sides)	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 (previously known as Rhodesia)
Malaysia	

10.2. Other Countries and Territories

Austria
 Belgium
 China (but only where the child was adopted on or after 5 April, 1993, and will be living in England or Wales or adopted on or after 10 July 1995 and will be living in Scotland)
 Denmark (including the Faroe Islands and Greenland)
 Finland
 France (including French Guyana, Guadeloupe, Martinique, and Reunion)
 Germany
 Greece
 Iceland
 Israel
 Italy
 Luxembourg
 The Netherlands (including the Antilles)
 Norway
 Portugal
 Republic of Ireland
 Spain (including the Balearic Islands and Canary Islands)
 Surinam
 Sweden
 Switzerland
 Turkey
 United States of America
 Yugoslavia (but **not** any of the States which now make up the former Yugoslavia)

10.3. Further enquiries in respect of the Adoption (Designation of Overseas Adoptions) Order, 1973

The responsibility for the Adoption (Designation of Overseas Adoptions) Order, 1973 rested entirely with the territorial health departments, whose role in respect of this is now fulfilled by the DCSF, Welsh Assembly Government, the Scottish Executive for Scotland, and the Department of Health, Social Security and Public Safety for Northern Ireland. Any specific enquiries concerning the Order therefore, including whether a particular country or territory should be added or removed from it, the reasons for a particular country's inclusion etc. should be directed to the territorial health department which covers the area where the enquirer lives. Enquiries from those living outside the United Kingdom should normally be directed to the DCSF. Addresses for the Devolved Authorities can be found in ANNEX S.

10.4 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

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, the Russian Federation and the United States 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 2994
Uruguay	3 December 2003	1 April 2004
Madagascar	12 May 2004	1 September 2004
Thailand	29 April 2004	1 August 2004

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

10.4 IMPORTANT NOTICE:

TEMPORARY SUSPENSION OF ALL ADOPTIONS FROM CAMBODIA

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.

The temporary suspension has been introduced in response to concerns raised by officials from the Department for Education and Skills, who visited Cambodia to investigate concerns raised by the British Embassy in Cambodia and, separately, by other stakeholders about the intercountry adoption process in Cambodia.

The suspension will remain in force until further notice.

11. INFORMATION FOR APPLICANTS

11.1. The public information leaflet

The public information leaflet, "Inter-country Adoption and the Immigration Rules", details the procedures and requirements involved in bringing children to this country who have been adopted overseas and/or are being brought to

this country for the purpose of adoption through the courts here. It is widely available from local social services, citizens' advice bureaux etc, as well as MOPU in MSD, 4th Floor, West, Block "C", Whitgift Centre, Wellesley Rd., Croydon CR9 1AT, and is issued free of charge to anybody who requests it.

11.2. Documents to be produced in adoption cases

A list of documents which should accompany any application on behalf of a child who has been adopted abroad or is coming to this country for adoption is to be found in the "Intercountry Adoption and the Immigration Rules" leaflet. The list should not be considered as exhaustive or in any order of priority. Any additional documents or details which may be helpful should also be requested. Where documents are not in English, the sponsors should be asked to provide certified translations.