



Requirements for obtaining a letter from the British High Commission regarding the nationality of an adopted child

Before the British High Commission can issue any letter, prospective adopters must seek legal advice to ascertain that they are not habitually resident in the British Islands or the United Kingdom.

It is important to bear in mind that British nationals living abroad may still retain the British Isles as their place of 'habitual residence'. If so they must comply with relevant UK legislation, or potentially face prosecution when they return to the UK at a later date

There is no single or statutory definition of habitual residence. It is a legal concept and depends upon the individual facts and circumstances of a case. The Foreign and Commonwealth Office / Department for Education /British High Commission cannot advise prospective adopters on whether or not they are habitually resident in the British Isles or elsewhere.

To confirm that you have complied with the above, you will need to produce a sworn statement, witnessed by a lawyer, saying words as below or to that effect:

“I confirm that I have received independent legal advice and with reference to all circumstances of my particular case and in light of existing UK law, I can confirm that I am not habitually resident in the British Islands/UK”

If you produce this statement, we can issue the standard “letter of no objection”.

We provide further information on the following pages.

Please note that the High Commission can provide no assurances as to the child’s obtaining British nationality or an entry visa to the United Kingdom. The standard letter on the next page explains the policies pertaining to children born in countries on the designated or non-designated lists. No other letter is issued to prospective adopters, past or present.



LETTER OF NO OBJECTION FOR INTERCOUNTRY ADOPTION

(this is the standard text of the letter that is issued by the British High Commission, with your names substituted where appropriate, when the requirements on page 1 have been met)

The British Embassy/High Commission certify that Mr [name] and Mrs [name] are British citizens (at least one of them is) and, not being habitually resident in the UK, are eligible to seek to adopt in [country] without further reference to the requirements of the relevant British adoption legislation.

In cases where the adoption has been effected under the law of a country on the Designated List (the Adoption (Designation of Overseas Adoptions) Order 1973), such as [country], the adoption will be automatically recognised under UK law.

An application for entry clearance in respect of a child adopted in [country] can be made at the British Embassy/High Commission/appropriate Visa Application Centre. However, a separate application for registration of the child as a British citizenship is required. The criteria for registration for British citizenship in cases of adoptions in 'designated list countries' can be found on the [Home Office website](#):

These websites give more information about the policies surrounding adopting abroad

<http://www.ukba.homeoffice.gov.uk/britishcitizenship/eligibility/children/britishcitizen/adoptedabroad/>

<http://www.education.gov.uk/childrenandyoungpeople/families/intercountryadoption/a0059758/restrictions>



*** Habitual residence**

Proven close link with a country that shows that country is where you normally live. Proof of habitual residence would be the length of time you have spent in the country, the continuity and general nature of the residence.

What is the Designated List?

The Designated List refers to the list of countries that are named on the Adoption (Designation of Overseas Adoptions) Order 1973. (See also the Home Office leaflet [Inter-country Adoption and the Immigration Rules](#) in this link:

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/residency/intercountryadoption.pdf>

The UK automatically recognizes an adoption made in any of the countries named on the Designated List.

The Designated List is currently being reviewed under the provisions of the Adoption and Children Act 2002. Further information on the progress of the review will appear on this website:

<http://www.education.gov.uk/childrenandyoungpeople/families/intercountryadoption/a0059758/restrictions>

What will it mean if I adopt from a country that is not on the Designated List?

If the adoption has taken place in a 'non-designated list country', the adoption will not be automatically recognized under UK law, nor will the child be automatically entitled to British citizenship. However, adoptive parents may, depending on their circumstances, be eligible to apply to the UK courts for an order authorizing the adoption of the child and, if such an application were successful, the child would automatically acquire British citizenship. The prospective adoptive parents should therefore seek independent legal advice as to their eligibility to apply for such an order.



***Which countries are on the Designated List?**

COMMONWEALTH COUNTRIES

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

FOREIGN COUNTRIES

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

***The Designated Countries List may have been reviewed since this leaflet was updated.**

For up to date information please refer to:

<http://www.education.gov.uk/childrenandyoungpeople/families/intercountryadoption/a0059758/restrictions>