

Important information for prospective adopters about visa, immigration, passport or citizenship applications for a child adopted from overseas

It is vitally important that prospective adopters fully consider the immigration and nationality requirements in respect of their intercountry adoption and reach a judgment on whether they will be able to bring the child into the UK prior to proceeding with their adoption plans. Entry clearance requirements and timescales can vary significantly from country to country and the child will not be granted entry clearance if the immigration rules are not satisfied by supporting evidence. This is regardless of whether prospective adopters are approved to adopt and compliant with adoption legislation. Prospective adopters may wish to seek independent legal advice from an immigration lawyer in relation to their situation.

The Department for Education does not advise on matters relating to immigration, nationality or citizenship and is unable to intervene in immigration decisions where adoptive parents have failed to provide sufficient evidence to comply with the immigration rules.

When making post adoption plans to apply for a visa to bring a child adopted from overseas into the UK, adoptive parents need to be aware that there are different application processes dependent on the type of intercountry adoption.

Hague Convention intercountry adoptions by British citizens

For Hague Convention adoptions, where British citizenship is conferred to the child, adoptive parents should not apply for a visa but instead apply for either a 'certificate of entitlement for a right to abode' or a British passport.

Prospective adopters can check on application details and estimated waiting times for passport applications in different countries using the following URL:

<https://www.gov.uk/overseas-passports>

If there is an urgent need for an adopted child that is overseas to return to the UK before a British passport can be issued, adoptive parents should consider obtaining a certificate of entitlement for a right to abode to be placed in the child's foreign passport to facilitate travel. Advice can be found at the following URL: <https://www.gov.uk/right-of-abode>

For Hague Convention adoptions from countries where the adoption is not finalised until after the child's entry to the UK (e.g. Philippines, Thailand), adoptive parents will need to apply for a visa to gain entry clearance.

Non Hague Convention intercountry adoptions

For non-Hague Convention intercountry adoptions adoptive parents need to apply for a visa for the child. Please note that the type of visa required can vary depending on specific country and circumstances. Adoptive parents may wish to consult an immigration lawyer to advise them on their application. Adoptive parents need to be aware that timescales can vary when applying for a visa and ensure they make appropriate travel plans around this. The following link can be used to give an estimated waiting time for visa processing times <https://visa-processingtimes.homeoffice.gov.uk/>

Adoptive parents need to be mindful that they will need to provide sufficient evidence with their visa application for the child to satisfy the Immigration Rules. Just because adoptive parents have complied with adoption legislation does not automatically mean that they will satisfy the Immigration Rules in relation to the child they have adopted. The Immigration Rules can be viewed at: <https://www.gov.uk/guidance/immigration-rules>. Part 8 of the Immigration Rules, paragraphs 309A to 316F refers to adopted children.

Visa application forms and guidance can be viewed at <https://www.gov.uk/government/organisations/uk-visas-and-immigration>. If a visa application for an adopted child is refused based on lack of evidence then adoptive parents will need to reapply which can be a costly and time-consuming process. Please note that visa applications, which have been refused, based on a lack of evidence cannot be reviewed and the DfE has no powers to intervene in such cases.

Adoptive parents will need to satisfactorily evidence that Immigration Rules have been complied with. This includes matters such as providing satisfactory evidence about the child's background; that the child is genuinely available for adoption; that the adoption is in the child's best interests and that adoptive parents will be able to financially support the child without recourse to public funds. Please note that UK Visas and Immigration (UKVI) will consider applications on a case-by-case basis and adoptive parents may wish to consider seeking independent legal advice on their application.

Further information

Please note that the Department for Education is not responsible for decisions relating to immigration and entry clearance (e.g. visa applications) or British citizenship/passport applications and cannot advise or intervene in individual cases. The Department will not respond to enquiries regarding these matters.

Enquiries relating to a visa, immigration, passport or citizenship matter should be directed to the Home Office via the appropriate route below:

Visas and Immigration

Contact UKVI from inside the UK - <https://www.gov.uk/contact-ukvi/visas-and-settlement>

Contact UKVI from outside the UK - <https://www.gov.uk/contact-ukvi-outside-uk>

Tel: 0300 123 2241

Citizenship or nationality

Email: nationalityenquiries@homeoffice.gsi.gov.uk

Further contact details for UKVI can be found at: <https://www.gov.uk/contact-ukvi/british-citizenship-and-nationality>

Overseas British passport applications

Further information on getting the forms, prices and application details you need if you're a British national applying for a British passport from overseas can be found at: <https://www.gov.uk/overseas-passports>