
STATUTORY INSTRUMENTS

2005 No. 392

The Adoptions with a Foreign Element Regulations 2005

PART 3

ADOPTIONS UNDER THE CONVENTION

CHAPTER 1

**REQUIREMENTS, PROCEDURE, RECOGNITION AND EFFECT OF
ADOPTIONS WHERE THE UNITED KINGDOM IS THE RECEIVING STATE**

Procedure following receipt of the Article 16 Information from the CA of the State of origin

19.—(1) Where the relevant Central Authority receives from the CA of the State of origin, the Article 16 Information relating to the child whom the CA of the State of origin considers should be placed for adoption with the prospective adopter, the relevant Central Authority must send that Information to the adoption agency.

(2) The adoption agency must consider the Article 16 Information and—

- (a) send that Information to the prospective adopter;
- (b) meet with him to discuss—
 - (i) that Information;
 - (ii) the proposed placement;
 - (iii) the availability of adoption support services; and
- (c) if appropriate, offer a counselling service and further information as required.

(3) Where—

- (a) the procedure in paragraph (2) has been followed;
- (b) the prospective adopter (and where the prospective adopters are a couple each of them) has visited the child in the State of origin; and
- (c) after that visit to the child, the prospective adopter has confirmed in writing to the adoption agency that—
 - (i) he has visited the child;
 - (ii) he has provided the adoption agency with additional reports and information received on or after that visit; and
 - (iii) he wishes to proceed to adopt that child,

the agency must notify the relevant Central Authority in writing that the requirements specified in sub-paragraphs (a) to (c) have been satisfied and at the same time it must confirm that it is content for the adoption to proceed.

(4) Where the relevant Central Authority has received notification from the adoption agency under paragraph (3), the relevant Central Authority shall—

- (a) notify the CA of the State of origin that—

- (i) the prospective adopter wishes to proceed to adopt the child;
- (ii) it is prepared to agree with the CA of the State of origin that the adoption may proceed; and
- (b) confirm to the CA of the State of origin that—
 - (i) in the case where the requirements specified in section 1(5A) of the British Nationality Act 1981(1) are met that the child will be authorised to enter and reside permanently in the United Kingdom; or
 - (ii) in any other case, if entry clearance and leave to enter and remain, as may be necessary, is granted and not revoked or curtailed and a Convention adoption order or a Convention adoption is made, the child will be authorised to enter and reside permanently in the United Kingdom.
- (5) The relevant Central Authority must inform the adoption agency and the prospective adopter when the agreement under Article 17(c) of the Convention has been made.
- (6) For the purposes of this regulation and regulation 20 “the Article 16 Information” means—
 - (a) the report referred to in Article 16(1) of the Convention including information about the child’s identity, adoptability, background, social environment, family history, medical history including that of the child’s family and any special needs of the child;
 - (b) proof of confirmation that the consents of the persons, institutions and authorities whose consents are necessary for adoption have been obtained in accordance with Article 4 of the Convention; and
 - (c) the reasons for the CA of the State of origin’s determination on the placement.

(1) 1981 c. 61. Section 1 is amended by section 7 of the Adoption (Intercountry Aspects) Act 1999 and by section 137 of the 2002 Act.