
STATUTORY INSTRUMENTS

2005 No. 392

The Adoptions with a Foreign Element Regulations 2005

PART 2

BRINGING CHILDREN INTO AND OUT OF THE UNITED KINGDOM

CHAPTER 1

BRINGING CHILDREN INTO THE UNITED KINGDOM

Conditions applicable in respect of a child brought into the United Kingdom

4.—(1) This regulation prescribes the conditions for the purposes of section 83(5) of the Act in respect of a child brought into the United Kingdom in circumstances where section 83 applies⁽¹⁾.

(2) Prior to the child's entry into the United Kingdom, the prospective adopter must—

- (a) receive in writing, notification from the Secretary of State that she has issued a certificate confirming to the relevant foreign authority—
 - (i) that the person has been assessed and approved as eligible and suitable to be an adoptive parent in accordance with Part 4 of the Agencies Regulations or corresponding Welsh provision; and
 - (ii) that if entry clearance and leave to enter and remain, as may be necessary, is granted and not revoked or curtailed, and an adoption order is made or an overseas adoption⁽²⁾ is effected, the child will be authorised to enter and reside permanently in the United Kingdom;
- (b) before visiting the child in the State of origin—
 - (i) notify the adoption agency of the details of the child to be adopted;
 - (ii) provide the adoption agency with any information and reports received from the relevant foreign authority; and
 - (iii) meet with the adoption agency to discuss the proposed adoption and information received from the relevant foreign authority;
- (c) visit the child in the State of origin (and where the prospective adopters are a couple each of them); and
- (d) after that visit—
 - (i) confirm in writing to the adoption agency that he has done so and wishes to proceed with the adoption;
 - (ii) provide the adoption agency with any additional reports and information received on or after that visit; and

(1) Regulation 34 of the Agencies Regulations and corresponding Welsh provision impose additional functions on the adoption agency in relation to a case where section 83 applies.

(2) The term "overseas adoption" is given a meaning by virtue of section 87(1) of the 2002 Act.

(iii) notify the adoption agency of his expected date of entry into the United Kingdom with the child.

(3) The prospective adopter must accompany the child on entering the United Kingdom unless, in the case of a couple, the adoption agency and the relevant foreign authority have agreed that it is necessary for only one of them to do so.

(4) Except where an overseas adoption is or is to be effected, the prospective adopter must within the period of 14 days beginning with the date on which the child is brought into the United Kingdom give notice to the relevant local authority—

(a) of the child's arrival in the United Kingdom; and

(b) of his intention—

(i) to apply for an adoption order in accordance with section 44(2) of the Act; or

(ii) not to give the child a home.

(5) In a case where a prospective adopter has given notice in accordance with paragraph (4) and subsequently moves his home into the area of another local authority, he must within 14 days of that move confirm in writing to that authority, the child's entry into the United Kingdom and that notice of his intention—

(a) to apply for an adoption order in accordance with section 44(2) of the Act has been given to another local authority; or

(b) not to give the child a home,

has been given.