



Application Type B

Application for an Entry in the Register of Intercountry Adoptions for an adoption that took place after 1 November 2010 where the Adopter(s) were Habitually Resident in the State of Adoption, at the Time of the Adoption

What is an Intercountry Adoption?

An intercountry adoption is the adoption of a child habitually resident in one state (the 'state of origin'), whether a Hague Convention state or a non-Hague Convention state, who has been, is being or is to be transferred into another state (the 'receiving state') – (a) after the child's adoption in the state of origin by a person or persons habitually resident in the receiving state, or (b) for the purposes of an adoption, in either the receiving state or the state of origin, by a person or persons habitually resident in the receiving state.

Examples:

- Adoptive parents, habitually resident in Ireland adopt a child from Vietnam and bring the child to live in Ireland afterwards. This is an 'intercountry adoption'.
- Adoptive parents, habitually resident in Spain, adopt a child from Thailand and bring the child to live in Spain afterwards. This is an 'intercountry adoption'.
- Adoptive parents, habitually resident in USA adopt a child in USA (i.e. their state of habitual residence and the child's state of habitual residence). This is **NOT** an 'intercountry adoption'. It is an adoption 'other than an intercountry adoption' or a domestic adoption in the state of habitual residence
- Adoptive parents, habitually resident in the UK adopt a child in the UK (i.e. their state of habitual residence and the child's state of habitual residence). This is **NOT** an 'intercountry adoption'. It is an adoption 'other than an intercountry adoption' or a domestic adoption in the state of habitual residence.
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So, what else is important?

The date of the adoption is very important.

Adoptions effected abroad up to 1998 and from 1 November 2010 onwards must comply with a certain definition of a 'foreign' adoption which is set out in the Adoption Act 2010. This definition refers to the consequences and effects of the adoption.



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Generally speaking, the consequences of the foreign adoption must be on par with that of an Irish adoption, (i.e. the adoption must terminate the pre-existing legal relationship between the natural parent(s) and the adopted child. There are also two types of foreign adoptions – ‘simple’ adoption (which is akin to guardianship in Ireland and ‘full/plenary’ adoption which is akin to adoption in Ireland). Only ‘full / plenary’ adoptions can be recognised by Ireland.



FOR THIS REASON, NOT ALL FOREIGN ADOPTIONS CAN BE RECOGNISED.

What intercountry adoptions CAN be recognised by the Adoption Authority of Ireland?

This Application pertains to the following type of adoption which can be recognised by the Adoption Authority.

Adoptions, other than 'intercountry adoptions' (see above) effected **after the enactment of the Adoption Act 2010 (1 November 2010)** may qualify for an entry in the 'Register of Intercountry Adoptions' (RICA) if they

- (a) comply with the definition of a 'foreign' adoption in Section 1 of the Adoption Act 1991, as it originally read AND
- (b) the adopter (if they adopted alone) or the adopters both (if they adopted jointly) can provide evidence that they were (each) habitually resident in the child's state of origin at the time of effecting the adoption.

unless the recognition would be contrary to public policy.

In order to make a decision on your application the Authority is entitled to ask you for documentary evidence in respect of any part of your application (including proof of habitual residence abroad).

N.B Amongst other matters, the definition of 'habitual residence' includes an intention to permanently settle in that Country or to settle for an appreciable period where a substantial connection to that Country has been established for settled purposes.

OK, so I think I satisfy the conditions – how do I apply for recognition?

Complete the form below and send this form along with the prescribed documentary evidence to the Adoption Authority of Ireland. You will find the relevant documents set out in the checklist below.

All applications for entry in the RICA must be made to the Adoption Authority, by post, as the originals of specified documents are required. In all cases, the application should be made to the following address:

Intercountry Adoption Unit
Shelbourne House
Ballsbridge
Dublin 4
D04 H6F6
Ireland



Register of Intercountry Adoptions established and maintained by the Adoption Authority of Ireland under Section 90 of the Adoption Act 2010

Application Form

Please answer all questions. Please do not enter 'not applicable' ('N/A') for any answer.

Name of applicant:	
Address:	
Telephone number:	
Email address:	
Relationship to adopted child (if any)	

Section 90(3) of the Adoption Act 2010 states – *'The following persons may apply to the Authority to enter particulars of an intercountry adoption effected outside the State in the register of intercountry adoptions'*. Please indicate which category of applicant you are. Are you –

- the adopted person
- an adoptive parent
- another person having an interest in the matter



Details of Adopter #1

Please complete in BLOCK letters

1. Forename(s): _____
2. Current surname: _____
3. Birth surname: _____
4. Former surname(s): _____
5. Date of birth: _____
6. Occupation: _____
7. Relationship (if any) to child prior to adoption: _____
8. Relationship to Adopter #2 at the time of the adoption: _____

Details of Adopter #2 (if applicable)

Please complete in BLOCK letters

9. Forename(s): _____
10. Current surname: _____
11. Birth surname: _____
12. Former surname(s): _____
13. Date of birth: _____
14. Occupation: _____
15. Relationship (if any) to child prior to adoption _____
16. Relationship to Adopter #1 at the time of the adoption: _____

Joint Adopter Details (if applicable)

1. Date and place of marriage: _____
2. If either applicant had a previous marriage(s), give the date and place of marriage and (a) the date and place of dissolution or (b) the date of death of spouse.



Details of the adopted child

1. Birth forename(s): _____
2. Birth surname: _____
- *3.** Adopted forename(s): _____
4. Adopted surname: _____
5. Date of birth: _____
6. Country and place of birth: _____
7. Sex: _____

***PLEASE NOTE THAT THE REGISTRATION WILL RECORD THE FORENAMES THAT APPEAR IN THIS APPLICATION. THESE CANNOT BE ADDED TO OR AMENDED ONCE AN ENTRY IS MADE IN THE REGISTER, WITHOUT HIGH COURT INTERVENTION.**

Details of the adoption order

1. Date of adoption order: _____
2. Country and place of adoption order: _____
3. Full name and address of agent / agency through which the adoption was arranged _____

4. Full name of institution in foreign country from where child was adopted:

5. Full postal address of institution in foreign country from where child was adopted:



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Hague Convention Article 23 Certificate (if applicable)

Name of issuing Competent Authority:

Please enclose the original Article 23 Certificate with your application



Statutory Declaration

**In the matter of an application for an entry in the Register of Intercountry Adoptions
under
Section 90 of the Adoption Act 2010**

I/We _____ and _____

both of _____

and both aged 21 years and upwards do solemnly and sincerely declare and say as follows that –

The consent to the adoption of every person whose consent to the adoption was, under the law of the place where the adoption was effected, required to be obtained or dispensed with was obtained or dispensed with under that law.

The adoption has essentially the same legal effect as respects the termination and creation of parental rights and duties with respect to the child in the place where it was effected as an adoption effected by an adoption order.

The law of the place where the adoption was effected required an enquiry to be carried out, as far as was practicable, into the adopters, the child and the parents or guardian,

The law of the place where the adoption was effected required the court or other authority or person by whom the adoption was effected, before doing so, to give due consideration to the interests and welfare of the child.

I / we have not received, made or given or caused to be made or given any payment or other reward (other than any payment reasonably and properly made in connection with the making of the arrangements for the adoption) in consideration of the adoption or agreed to do so

Declared before me by _____ (name of declarant, this is the applicant),

who is personally known to me (or who is identified to me by _____

who is personally known to me), at _____

on this _____ day of _____ 20____



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Signature: _____

Description (a) _____

- (a) This declaration must be made before a **Notary Public**, a **Commissioner for Oaths**, a **Lawyer** or another person who is authorized, **by law**, to take and receive statutory declarations. This Statutory Declaration must be authenticated by a stamp in the box below or where a stamp does not exist, must be authenticated by the business card of the authorized person or by some other verifiable means.

Official Stamp

**In the matter of application to be put on the Register of Intercountry Adoptions
established and maintained by the Adoption Authority of Ireland under Section 90 of the
Adoption Act 2010**



Adopter's Residency Questionnaire

This form should be completed only where the adopter was habitually resident in the country of adoption at the time of effecting the adoption

Each adopter should complete a questionnaire

Name of adopter: _____

Date and place of birth: _____

Date and place of marriage (if applicable): _____

Provide the following details for each country resided in since and including your birth on the table set out overleaf (see example enclosed)

- dates during which you resided there
- did you at the time intend to live permanently or non-permanently in that country?
- did your immediate family (that is, husband, wife or children – if applicable) live with you in that country or did they remain in your country of birth?
- did you maintain a permanent residence in your country of birth whilst living in that country?
- were you employed in that country? If 'yes', state
 - By whom?
 - Period of employment?
 - On what basis (fixed or indefinite period)?
 - Did you pay tax in that country?



ADOPTER'S COUNTRIES OF RESIDENCE

Maintain a residence = Own or rent a residence

Permanent = No plans to move from this country to live elsewhere

Non-permanent = Had plans to move from this country at some time to live elsewhere

Country #1 (Country of birth): _____

Dates that the adopter lived here: _____

What members of the adopter's family lived with them? _____

Did the adopter maintain a residence in this country? _____

Did the adopter work in this country? _____

Country #2: _____

Dates that the adopter lived here: _____

What members of the adopter's family lived with them? _____

Did the adopter maintain a residence in this country? _____

Did the adopter work in this country? _____

Country #3: _____

Dates that the adopter lived here: _____

What members of the adopter's family lived with them? _____

Did the adopter maintain a residence in this country? _____

Did the adopter work in this country? _____

(Photocopy this form as required)



ADOPTER'S COUNTRIES OF RESIDENCE - EXAMPLE

Country #1 (Country of birth): IRELAND
Dates that the adopter lived here: 1957-1980
What members of the adopter's family lived with them? Lived with birth family
Did the adopter maintain a residence of their own in this country? NO
Did the adopter work in this country? Student, then John Brown & Co, Main Street, Swinford, Co. Mayo. 1976-1980, non-permanent, paid tax. Then emigrated to USA

Country #2: United States of America
Dates that the adopter lived here: 1980-1983
Did the adopter live here permanently or indefinitely: non-permanently
What members of the adopter's family lived with them? No immediate family
Did the adopter maintain a residence in this country? No -
Did the adopter work in this country? Various, No tax paid

Country #3: Canada
Dates that the adopter lived here: 1983- to date
Did the adopter live here permanently or indefinitely: non-permanently, then permanent
What members of the adopter's family lived with them? Wife and child
Did the adopter maintain a residence in this country? Yes, family home
Did the adopter work in this country? Mapleleaf Ltd., Toronto, 1983-1993
Department of Forestry 1993-to date, Tax paid



Adoption Authority of Ireland's Definition of 'Habitual residence'

Habitual residence ought to be adopted on a voluntary basis and for settled purposes as part of the normal element of a person's life. It is a factual concept that is based on residence for a reasonable or appreciable period of time.

The Adoption Authority of Ireland will consider the following factors in determining whether habitual residence has been established:

- Duration (for example, physical presence in the State for a reasonable period of time)
- Regularity
- Conditions and reasons for the stay in the territory of the State in respect of which habitual residence is claimed
- The social connections with that Member State (for example, a dwelling within the territory of the State in respect of which habitual residence is claimed); and
- The circumstances of fact specific to each individual case

Proof of 'habitual residence' required

Acceptable forms of proof – please provide as many proofs as possible

- Driving license (for the child's state of origin, current at the time of effecting the adoption)
- Utility bills in the name of one or both of the adopters showing their address in the child's state of origin
- Mortgage payment receipts (for a mortgage in the child's state of origin)
- Bank statements(s) (with an address in the child's state of origin).
- Rent payment receipts (for rent paid in the child's state of origin).
- Proof of ownership of property in the child's state of origin
- Statement of employment from an employer in the child's state of origin
- Statement of school attendance for other school-going children in the adopted child's state of origin.



**APPLICATION FOR AN ENTRY IN THE REGISTER OF INTERCOUNTRY ADOPTIONS
DOCUMENT CHECKLIST**

- Application Form
- Civil Marriage Certificate (if applicable) (including English translation, if applicable)
- Sworn Statutory Declaration (one per application)
- Residency Questionnaire(s) (one per adoptive parent)
- Proofs of Habitual Residence (for each adopter)

- Original Adoption Order (not a copy) (including English translation, if applicable)
- Article 23 Certificate (Original) (for a Hague Convention adoption, if applicable)

Privacy Statement

The Adoption Authority of Ireland will treat all information and personal data that you provide as confidential, in accordance with the General Data Protection Regulations and Data Protection Legislation.