

Community  
Legal Service



# COVENTRY LAW CENTRE

## IMMIGRATION

### Adopted Children

**This leaflet explains what the Immigration Rules say about adopted children coming to join their parents or a parent who is settled in the United Kingdom.**

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### ***How do I qualify to bring my adopted child to the United Kingdom?***

You must be able to show that:

- you currently live and are settled in the United Kingdom legally, with no time limit on your stay; and
- you can adequately support and house your child without help from public funds.

### ***How does my adopted child qualify to join me in the United Kingdom?***

Your, or your child, must show that he or she:

- is not leading an independent life, is not married and has not formed an independent family unit;
- is under 18 years;
- was adopted when both parents lived together abroad or when either parent was settled in the United Kingdom;
- has the same rights as any other child or the adoptive parents;
- was adopted because their original parents could not care for them and there has been a genuine transfer of parental responsibility;
- has broken all ties with their original family; and
- was not adopted just to make it easier to enter the United Kingdom.

Your adopted child must get entry clearance before they travel to the United Kingdom.

### ***Will a foreign adoption order be recognised in the United Kingdom?***

A foreign adoption order will only be recognised in the United Kingdom if it was made in a country that is included in the Adoption (Designation of Overseas Adoptions) Order, 1973. This is known as a designated country. If the adoption order was made in a country that is not designated, the child can apply to come to the United Kingdom **to be adopted** through the courts here.

### ***How long can my adopted child stay?***

If your child was adopted in a designated country and both you and your husband or wife are settled here, or you have sole responsibility for the child, he or she will normally be allowed to stay here permanently from the date they arrive.

If your child has not been adopted in a designated country he or she will normally be allowed to stay for 12 months so the adoption process can continue through the United Kingdom courts.

### ***Will my adopted child become a British citizen automatically?***

Your child will only become a British citizen if you adopted them through the United Kingdom courts and at least one of their adoptive parents was a British citizen when the adoption order was made.

### ***What are public funds?***

If you come to live or stay in the United Kingdom, you must be able to support and accommodate yourself without claiming certain state benefits. These are:

- Income Support and Jobseeker's Allowance (JSA);
- housing and homelessness assistance;
- Housing Benefit and Council Tax Benefit;
- Working Families Tax Credit;
- a social fund payment
- Child Benefit, or
- any disability allowance.

### ***What is entry clearance?***

Entry clearance is a visa or entry clearance certificate that you are given so that you can travel to the United Kingdom. You must apply for entry clearance to the British Embassy or High Commission in the country where your child lives.

You can get advice about which British Diplomatic Posts can issue entry clearance from any British Diplomatic Post abroad.

You can get guidance leaflets and information about visas from Coventry Law Centre.

Coventry Law Centre offers free legal advice and representation.

### **APPEALS**

The Law Centre will advise you about appealing and may represent you at the hearing. You can contact the Law Centre for an appeal appointment or telephone our free legal advice line on Tuesdays and Thursdays between 10:00am and 12:00noon on 024 76253168.