

RECEIVING STATE

COUNTRY NAME: Macao SAR, China

PROFILE UPDATED ON: April, 2022

PART I: CENTRAL AUTHORITY

1. Contact details ¹	
Name of office:	Instituto de Acção Social (Social Welfare Bureau)
Acronyms used:	IAS
Address:	Estrado do Cemitério, nº6, Macao, People's Republic of China
Telephone:	+853 2836 7878
Fax:	+853 2855 9529
E-mail:	psec@ias.gov.mo
Website:	www.ias.gov.mo
Contact person(s) and direct contact details (please indicate language(s) of communication):	Director of the Social Welfare Bureau (languages of communication: official language Chinese, Portuguese preferred, English)
<i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i>	

PART II: RELEVANT LEGISLATION

2. The 1993 Adoption Convention and domestic legislation	
a) When did the 1993 Adoption Convention enter into force in your State?	1st January 2006

¹ Please verify whether the contact details on the "Adoption Section" of the HCCH website < www.hcch.net > under "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

<p>This information is available on the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</p>	
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Adoption Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>“ Social Protection System about Minors in Judicial Area¹ - Decree-Law N° 65/99/M <B.O. 43 (I), 25/10/1999> (in Portuguese & Chinese), may be accessed at: http://bo.io.gov.mo/bo/i/99/43/declei65.asp; and http://bo.io.gov.mo/bo/i/99/43/declei65_cn.asp#65</p> <p>"Civil Code" - Decree N° 39/99/M <B.O. 31 (I), 03/08/1999> (in Portuguese and Chinese), may be accessed at: http://bo.io.gov.mo/bo/i/99/31/codcivpt/default.asp</p> <p>“ Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption” stipulated in Hague on 29 May 1993 - Notice N° 11/2006 of Chief Executive □ B.O. 11 (II), 15/03/2006□ , may be accessed at: http://bo.io.gov.mo/bo/ii/2006/11/aviso11.asp; and http://bo.io.gov.mo/bo/ii/2006/11/aviso11_cn.asp</p>

3. Other international agreements on intercountry adoption ²	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Adoption Convention in your State.</p>	<p>The Social Welfare Bureau(SWB) was appointed as the Central Authority of the Macau SAR to be</p>

² See Art. 39(2) which states: “Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention” (emphasis added).

<p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>responsible for the implementation of the 1993 Convention.</p> <p>Among the main functions it should be stressed that the SWB conducts preliminary adoption procedure, including the analysis and selection of the prospective parents and the matching procedures; during the pre-adoption period, the SWB has the power/duty to follow-up the child's situation, by means of contacts with the requesting authority/entity; if the SWB considers that the situation of the child does not correspond to his/her best interests, it must take the necessary measures to find an alternative solution; the SWB makes a "viability" study of the adoption.</p>
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5. Public and competent authorities	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>The SWB is the only MSAR body authorised to handle the various procedures in connection with domestic or intercountry adoption and also the competent authority to issue an Adoption Certificate.</p> <p>The Court of First Instance of Macau ("Tribunal Judicial de Base" in Portuguese) is the competent authority to issue the decision of judicial entrustment which is taken account of the conclusion of the feasibility reports of adoption by SWB in accordance with the Decree-Law no. 65/99/M.</p>

6. National accredited bodies ³	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p>N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH (see Art. 13).⁴</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – go to Question 8</p>
<p>b) Please indicate the number of national accredited bodies in your State,</p>	

³ "National accredited bodies" in this Country Profile means adoption bodies based within your State (receiving State) which have been accredited under the 1993 Adoption Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* ("GGP No 2"), available on the [Adoption Section](#) of the HCCH website < www.hcch.net > at Chapters 3.1 *et seq.*

⁴ *Ibid.*, Chapter 3.2.1 (para. 111).

including whether this number is limited and, if so, on what basis. ⁵	
c) Please briefly describe the role of national accredited bodies in your State.	
6.1 The accreditation procedure (Arts 10-11)	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	
c) For how long is accreditation granted in your State?	
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	
6.2 Monitoring of national accredited bodies⁶	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11(c).</i>	
b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i> , withdrawn).	
d) If national accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i> , fine, withdrawal of accreditation): <input type="checkbox"/> No

7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)⁷	
7.1 The authorisation procedure	
a) Which authority / body in your State is responsible for the authorisation of	

⁵ *Ibid.*, Chapter 3.4.

⁶ *Ibid.*, Chapter 7.4.

⁷ In relation to authorisation of accredited bodies, *ibid.*, Chapter 4.2.

national accredited bodies to work with, or in, other Contracting States?	
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<input type="checkbox"/> Authorisation is granted as part of the accreditation procedure. <input type="checkbox"/> A separate procedure is undertaken for authorisation.
c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin. <input type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin.
<p>d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.⁸</p> <p>If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p> <p>Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (<i>e.g.</i>, requirements that the body must have a local representative in the State of origin, or must establish a local office).</p>	
e) For how long is authorisation granted?	
f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	
7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States	
a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff ⁹ in the State of origin) are monitored / supervised by your State in	

⁸ In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

⁹ For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, *ibid.*, Chapters 6.3 and 6.4.

relation to their work / activities <i>in the State of origin</i> .	
b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i> , withdrawn).	

8. Approved (non-accredited) persons (Art. 22(2))¹⁰	
<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p><i>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Adoption Convention, available on the Adoption Section of the HCCH website.</i></p> <p><i>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹¹</i></p>	<p><input type="checkbox"/> Yes, our State has made a declaration under Article 22(2) and the involvement of approved (non-accredited) persons is possible. Please specify their role:</p> <p><input checked="" type="checkbox"/> No</p>

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The adoptability of a child (Art. 4(a))	
<p>Does your State have its own criteria concerning the adoptability of a child (<i>e.g.</i>, maximum age) which must be applied <i>in addition</i> to the requirements of the State of origin?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: According to Article 1830 of the Macao Civil Code, to be eligible for adoption in Macao SAR, the child to be adopted must meet the criteria listed below:</p> <ul style="list-style-type: none"> • being a minor (under 18 years old); or • being the biological child of the legal or de facto spouse of the prospective adopter; or • being a person who has been legally declared totally incapable by reasons of mental anomaly; <p>and</p> <ul style="list-style-type: none"> • under 16 years old when the request for adoption is instituted before the court; or • under 18 years old when the request for adoption is instituted before the court, provided that he/she is not emancipated at that time and has been taken care of by one or both of the prospective adoptive parents before attaining 16 years of age.

¹⁰ *Ibid.*, Chapter 13.

¹¹ *Ibid.*, Chapter 13.2.2.5.

	<ul style="list-style-type: none"> • have been taken care of by one or both of the prospective adoptive parents before attaining 16 years of age if he/she is the biological child of one of them or if he/she is an incapable person. <p>Additionally, according to article 1831 of the Macao Civil Code, the child to be adopted must be in one of the following circumstances:</p> <ol style="list-style-type: none"> (1) His/her parents are unknown or deceased; (2) Prior consent for adoption has been obtained; (3) He/she was abandoned by his/her parents; (4) He/she has parents who, by action or negligence, have endangered his or her safety, health, moral upbringing and education in a way that it might seriously damage the typical parent-child affection relationship; or (5) He/she is under the care of an institution or person, other than her/his parents, provided that his/her parent's conduct revealed a blatant lack of care or interest in his/her regard, which is to the extent of jeopardizing the typical parent-child affection relationship for at least 6 months before the request for an entrustment has been submitted. <p>In the circumstances described in paragraphs (1), (3), (4) and (5), however, an adoption order cannot be made if the child to be adopted is living with a legal guardian or with close relatives and under their dependence, except when any of these relatives or guardians jeopardize his/her safety, health, moral edification or education or if the Court deems the situation inadequate to ensure the interests of the child.</p> <p><input type="checkbox"/> No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.</p>
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10. The best interests of the child and subsidiarity (Art. 4(b))

<p>Does your State request information / evidence from the State of origin to satisfy itself that the State of origin has respected the principle of subsidiarity (<i>i.e.</i>, proof that family reunification was attempted, or that</p>	<p><input checked="" type="checkbox"/> Yes – please specify: The State of Origin has to send necessary documents according to the 1993 Convention, in order to assure the best interests of the child and the principle</p>
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the possibility of in-country permanent family placements has been explored)?	of subsidiarity has been taking into account. <input type="checkbox"/> No
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11. Children with special needs

Does your State have its own definition of the term “special needs children” which is applied in intercountry adoption cases?	<input type="checkbox"/> Yes – please provide the definition used in your State: <input checked="" type="checkbox"/> No – the definition used in the State(s) of origin is determinative.
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12. The nationality of children who are adopted intercountry¹²

Do children who are adopted intercountry to your State acquire the nationality of your State?	<input type="checkbox"/> Yes, always. Please specify: (i) At what stage nationality is acquired by the child: ; and (ii) The procedure which must be undertaken (or whether acquisition of nationality is <i>automatic</i> upon the occurrence of a particular event, <i>e.g.</i> , the making of the final adoption decision): <input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i> , the nationality of the prospective adoptive parents (“PAPs”), whether the child loses his / her nationality of the State of origin): The nationality of the PAPs. <input type="checkbox"/> No, the child will never acquire this nationality.
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PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

13. Limits on the acceptance of files

a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?	<input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: <input checked="" type="checkbox"/> No
b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?	<input type="checkbox"/> Yes, please specify whether any limits are applied: <input checked="" type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.

¹² Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (“GGP No 1”), available on the [Adoption Section](http://www.hcch.net) of the HCCH website < www.hcch.net >, at Chapter 8.4.5.

14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption¹³ (Art. 5(a))	
14.1 Eligibility criteria	
<p>a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<p><input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input checked="" type="checkbox"/> Married, heterosexual couples: Married for at least three years and not de facto separated and if both are older than 25;</p> <p><input type="checkbox"/> Married, same-sex couples:</p> <p><input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership: De facto couples living together in a conjugal relationship (de facto union) for more than 5 years and if both are older than 25;</p> <p><input type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input checked="" type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: De facto couples living together in a conjugal relationship (de facto union) for more than 5 years and if both are older than 25;</p> <p><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input checked="" type="checkbox"/> Single men: over 28 years old; or over 25 years old if the child is born to his/her spouse or de facto spouse; in the latter the couple must have been living together in a de facto union for more than 3 years;</p> <p><input checked="" type="checkbox"/> Single women: over 28 years old; or over 25 years old if the child is born to his/her spouse or de facto spouse; in the latter the couple must have been living together in a de facto union for more than 3 years.</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
<p>b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?</p>	<p><input type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Minimum age requirements: over 28 years old, if the PAP is a single man/woman; over 25 years old, if the PAPs are a married couple/couple living in a de facto union for more than 3 years or if the PAP is adopting the child's</p>

¹³ *I.e.*, this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAPs who are habitually resident in your State and who wish to adopt a child who is habitually resident in another Contracting State to the 1993 Adoption Convention: see further Art. 2 of the Convention.

	<p>spouse or the child's de facto spouse living together for more than 3 years;</p> <p><input checked="" type="checkbox"/> Maximum age requirements: The PAP cannot be over 60 years of age at the time of the child's entrustment.</p> <p><input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: an age differential between the adopter and the child is also required: more than 18 years and less than 50 years, except where significant reasons can be given otherwise, which have to be determined by a Court's decision.</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input checked="" type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): The adoption shall not lead to unfair sacrifice for the children of the PAPs and/or of the person to be adopted (even though it is not necessary to obtain his/her/their consent(s). Therefore, a court hearing (the judge should hear their views on the matter) must be given to the children over the age of 12, of the PAPs and/or of the person to be adopted, unless he/she/they are deprived of his/her/their mental capability or if, for any other reason, it is very difficult to hear him/her/them (Article 1836 (b) of the Macao Civil Code).</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
14.2 Suitability assessment¹⁴	
<p>a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?</p>	<p>The Social Welfare Bureau</p>

¹⁴ This suitability assessment will usually form one part of the report on the PAPs (Art. 15); as to which, see GGP No 1 (*op. cit.* note 12), Chapter 7.4.3 and Question 17 below.

<p>b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.</p>	<p>Upon receiving the PAPs' application, the Social Welfare Bureau will issue a declaration of adoption application to acknowledge the PAPs intention of application. Then will start to conduct an evaluation to assess the PAPs in the following 3 months. The adoption laws in Macao SAR which have set out the basic requirements such as age, marriage requirement and general prerequisite for adoption etc., Therefore, the Bureau will assess also the social aspects of the PAPs including their health condition, personality traits, living style, economical condition, reason for adoption, capability to meet the needs of the child to be adopted and attitude towards child education through interviewing and home visit. In view of this, the PAPs is required to submit the necessary information to the Social Welfare Bureau for the assessment.</p>
14.3 Final approval	
<p>Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?</p>	<p>The Court of First Instance</p>
15. Preparation and counselling of PAPs (Art. 5(b))	
<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> - Whether the courses are mandatory: - At what stage of the adoption procedure they are offered: - Who provides the courses: - Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): - Whether they are provided "in person" or electronically: - How many hours the courses last: - The content of the courses: - Whether there are specific courses for PAPs wishing to adopt a child with special needs: - Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: <p><input checked="" type="checkbox"/> No</p>

<p>b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (e.g., meeting with adoptive parents, language and culture courses)? Please specify, in each case:</p> <p>(i) If it is mandatory for PAPs to use the service;</p> <p>(ii) Who provides the service; and</p> <p>(iii) At what stage in the adoption procedure the service is provided.</p>	N/A
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PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
<p>c) To which authority / body should PAPs apply for an intercountry adoption?</p>	The Social Welfare Bureau
<p>d) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:¹⁵</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</p>

¹⁵ Please remember that a specific State of origin may have other / additional requirements concerning the documentation that must be submitted to it. A list of documents required by the specific State of origin can be found in the State of origin's Country Profile.

	<input checked="" type="checkbox"/> Proof of no criminal record <input type="checkbox"/> Other(s): please explain
<p>e) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁶</p>	<input type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (e.g., for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure): <input checked="" type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure: The Social Welfare Bureau
<p>f) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<input type="checkbox"/> Yes <ul style="list-style-type: none"> <input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (i.e., a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption): <input type="checkbox"/> A contract signed by the accredited body and the PAPs: <input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions: <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No

17. The report on the PAPs (Arts 5(a) and 15(1))	
<p>a) Which body(ies) / expert(s) prepare the report on the PAPs?</p> <p>Please include all those involved with the preparation of any of the documents which are included within such a report.</p>	The Social Welfare Bureau
<p>b) Is a “standard form” used for the report on the PAPs in your State?</p>	<input type="checkbox"/> Yes, please provide a link to the form or attach a copy: <input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it: The information including the PAPs' basic information, family background, educational background, health condition,

¹⁶ See GGP No 1 (*op. cit.* note 12), paras 4.2.6 and 8.6.6: “independent” and “private” adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention.

	personality traits, living style, marital status, reason for adoption, capability to meet the needs of the adoptee and attitude towards child education and economical condition.
c) For how long is the report on the PAPs valid in your State?	There is no restriction on the validity of the report. However, the information of the report must be updated before the matching process begins.
d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?	N/A

18. Transmission of the PAPs' file to the State of origin	
a) Who sends the finalised application file of the PAPs to the State of origin?	The Social Welfare Bureau
b) If no accredited body is involved with the intercountry adoption application (see Question 16(c) above), who assists the PAPs with compiling and transmitting their application file?	The Social Welfare Bureau <input type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16(c) above).

19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17(a) and (b))	
19.1 Receipt of the report on the child (Art. 16(2))	
Which authority / body in your State receives the report on the child from the State of origin?	The Social Welfare Bureau
19.2 Acceptance of the match	
a) Does your State require that the matching be accepted by a competent authority in your State?	<input type="checkbox"/> Yes, please provide the following details: <ul style="list-style-type: none"> - Which authority determines whether to accept the match (<i>e.g.</i>, the Central Authority or another competent authority): and - The procedure which is followed (<i>e.g.</i>, the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs): <p style="text-align: center;"><u>Go to Question 19.2 b)</u></p> <input checked="" type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report

	on the child from the State of origin: The SWB will assess the feasibility of the match according to adoption laws in Macao SAR. <u>Go to Question 19.2 c)</u>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	
c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?	<input checked="" type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify: 2 months <input type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.
d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?	<input checked="" type="checkbox"/> Yes – please specify what type of assistance is provided (<i>e.g.</i> , counselling): counselling <input type="checkbox"/> No

20. Agreement under Article 17(c)

a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17(c)?	The SWB
b) At what point in the adoption procedure is the Article 17(c) agreement given in your State?	<input checked="" type="checkbox"/> Our State waits for the State of origin to provide its agreement first OR <input type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted OR <input type="checkbox"/> Other (please specify):

21. Travel of the PAPs to the State of origin¹⁷

a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<input type="checkbox"/> Yes, please specify the additional requirements / restrictions: <input checked="" type="checkbox"/> No
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input type="checkbox"/> Yes, please specify in which circumstances: <input checked="" type="checkbox"/> No

22. Authorisation for the child to enter and reside permanently (Arts 5(c) and 18)

a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.	It will be proceeded in accordance with the civil law and other relevant laws, but currently we do not have relevant experience.
b) Which documents are necessary for a child to be able to enter and reside	As mentioned above.

¹⁷ See GGP No 1 (*op. cit.* note 12), Chapter 7.4.10.

permanently in your State (e.g., passport, visa)?	
c) Which of the documents listed in response to Question 22(b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	As mentioned above.
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	As mentioned above.

23. Final adoption decision and the Article 23 certificate

a) If the final adoption decision is made in your State, which competent authority: (i) Makes the final adoption decision; and (ii) Issues the certificate under Article 23? <i>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification to a designation) should be notified to the depositary of the Convention. The answer to (ii) above should therefore be available on the Status Table for the 1993 Adoption Convention (under "Authorities"), available on the Adoption Section of the HCCH website.</i>	(i) The Court of First Instance (ii) The Social Welfare Bureau
b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"? <i>See GGP No 1 – Annex 7.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g., how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the State of origin?</i>	No experience.
d) In cases in which the Article 23 certificate is issued in the State of origin, which authority or body in your	The Social Welfare Bureau

State should receive a copy of this certificate?	
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PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

24. Procedure for the intercountry adoption of a child who is a relative of the PAPs (“intra-family intercountry adoption”)	
<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an “intra-family intercountry adoption” in your State.</p> <p>Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a “relative” of those PAPs.</p>	<p>In accordance with the stipulation of the Civil Code, article 1461: Marriage, kinship, affinity and adoption are sources of legal relations relatives.</p>
<p>b) Does your State apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions?</p> <p><i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Adoption Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i></p>	<p><input checked="" type="checkbox"/> Yes – go to Question 25</p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: Go to Question 25</p> <p><input type="checkbox"/> No – go to Question 24 c)</p>
<p>c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:</p> <p>(i) The counselling and preparations which PAPs must undergo in your State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p>

PART VIII: SIMPLE AND FULL ADOPTION¹⁸

25. Simple and full adoption	
<p>a) Is “full” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 18 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p>

¹⁸ According to the 1993 Adoption Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1 (*op. cit.* note 12), Chapter 8.8.8.

	<input type="checkbox"/> Other (please explain):
<p>b) Is “simple” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 18 below.</i></p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In certain circumstances only (<i>e.g.</i> , for intra-family adoptions only) – please specify: <input type="checkbox"/> Other (please explain):
<p>c) Does the law in your State permit “simple” adoptions to be converted into “full” adoptions in accordance with Article 27 of the 1993 Adoption Convention?</p> <p><i>See Art. 27(1)(a).</i></p>	<input type="checkbox"/> Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a “simple” adoption or only in specific cases: <input checked="" type="checkbox"/> No – go to Question 26
<p>d) If conversion of a “simple” adoption into a “full” adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4(c) and (d) of the 1993 Adoption Convention have been given in the State of origin to a “full” adoption (as required by Art. 27(1)(b))?</p> <p><i>See Art. 27(1)(b) and Art. 4(c) and (d).</i></p>	
<p>e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.</p>	<input type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above. <input type="checkbox"/> Other (please specify):

PART IX: POST-ADOPTION MATTERS

26. Preservation of, and access to, information concerning the child’s origins (Art. 30) and the adoption of the child	
a) Which authority in your State is responsible for preserving information concerning the child’s origins, as required by Article 30?	The Social Welfare Bureau
b) For how long is the information concerning the child’s origins preserved?	Those case files will be permanently retained in the Social Welfare Bureau.
c) Does your State permit the following persons to have access to information concerning the child’s origins and / or	(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: those who were placed for adoption by the SWB can write to the Director of the SWB, the

<p>information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parent(s);</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (<i>e.g.</i>, age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9(a) and (c) and Art. 30.</i></p>	<p>SWB will assist accordingly in a case by case basis.</p> <p><input type="checkbox"/> No</p> <p>(ii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input type="checkbox"/> Yes – please specify:</p> <p><input checked="" type="checkbox"/> No</p>
<p>e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (<i>e.g.</i>, regarding making contact with his / her biological family, tracing extended family)?</p>	<p><input type="checkbox"/> Yes – please specify:</p> <p><input checked="" type="checkbox"/> No</p>

27. Post-adoption reports

<p>a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for <i>writing</i> post-adoption reports and <i>sending</i> such reports to the State of origin?</p>	<p>N/A</p>
<p>b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?</p>	<p><input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (<i>e.g.</i>, provide a link or attach a copy):</p> <p><input type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (<i>e.g.</i>, medical information, information about the child's development, schooling):</p>
<p>c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?</p>	<p>N/A</p>

28. Post-adoption services and support (Art. 9(c))

<p>Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry adoption (<i>e.g.</i>, counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	N/A
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PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION¹⁹

Receiving States are also kindly requested to complete the “Tables on the costs associated with intercountry adoption”, available on the [Adoption Section](#) of the HCCH website.

29. The costs ²⁰ of intercountry adoption	
<p>a) Are the costs of intercountry adoption regulated by law in your State?</p>	<p><input type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (<i>e.g.</i>, link to a website or attach a copy). Please also briefly explain the legal framework:</p> <p><input checked="" type="checkbox"/> No</p>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken:</p> <p><input checked="" type="checkbox"/> No</p>
<p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 (c) above) or directly by the PAPs themselves?</p> <p><i>See the “Note on the financial aspects of intercountry adoption” at para. 86.</i></p>	<p><input type="checkbox"/> Through the accredited body:</p> <p><input type="checkbox"/> Directly by the PAPs:</p> <p><input checked="" type="checkbox"/> Other (please explain): N/A</p>
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the “Note on the financial aspects of intercountry adoption” at para. 85.</i></p>	<p><input type="checkbox"/> Only by bank transfer:</p> <p><input type="checkbox"/> In cash:</p> <p><input checked="" type="checkbox"/> Other (please explain): N/A</p>
<p>e) Which body / authority in your State receives the payments?</p>	N/A

¹⁹ See the tools developed by the “Experts’ Group on the Financial Aspects of Intercountry Adoption”, available on the [Adoption Section](#) of the HCCH website: *i.e.*, the *Terminology adopted by the Experts’ Group on the financial aspects of intercountry adoption* (“Terminology”), the *Note on the financial aspects of intercountry adoption* (“Note”), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²⁰ See the definition of “costs” provided in the harmonised Terminology, *ibid.*

<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (<i>e.g.</i>, in a brochure or on a website)?</p> <p><i>N.B. Please also ensure that your State has completed the “Tables on the costs associated with intercountry adoption” (see above).</i></p>	<p><input type="checkbox"/> Yes – please indicate how this information may be accessed:</p> <p><input checked="" type="checkbox"/> No</p>
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30. Contributions, co-operation projects and donations ²¹	
<p>a) Does your State permit contributions²² to be paid (either through your State’s Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State?</p> <p><i>For good practices relating to contributions, see the “Note on the financial aspects of intercountry adoption” at Chapter 6.</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - What type of contribution is permitted by your State: - Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body): - How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> - What type of co-operation projects are permitted by your State: - Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies): - Whether such projects are mandatory according to the law of your State: - Whether such projects are monitored by an authority / body in your State: - How it is ensured that co-operation projects do not influence or otherwise

²¹ See the definitions of these terms provided in the harmonised Terminology. In addition, on contributions and donations, see Chapter 6 of the Note (*op. cit.* note 19).

²² See further the harmonised Terminology, *supra*, note 19, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children’s institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of “highly recommended contribution”, but in practice it is “mandatory” for the PAPs in the sense that their application will not proceed if the payment is not made.

	<p>compromise the integrity of the intercountry adoption process:</p> <p><input checked="" type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</p> <p>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - To whom donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): - What donations are intended to be used for: - Who is permitted to pay donations (<i>e.g.</i>, only accredited bodies or also PAPs): - At what stage of the intercountry adoption procedure donations are permitted to be paid: - How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: <p><input checked="" type="checkbox"/> No</p>

31. Improper financial or other gain (Arts 8 and 32)	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	The Social Welfare Bureau
b) What measures have been taken in your State to prevent improper financial or other gain?	In accordance with the existing provisions of the Macao SAR, the SWB is the sole authority to deal with adoption applications. All intercountry adoption application shall be made directly to the SWB by the locally authorized department of the country or region of habitual residence of the applicant, the SWB will then study and evaluate about the case. Besides, all adoption matching arrangements are followed by the SWB, then the matching related procedure has to be finalized by the court through judicial entrustment. Therefore, the relevant provisions and procedures can help prevent improper financial gains.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	N/A

PART XI: ILLICIT PRACTICES²³

32. Response to illicit practices in general	
Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. ²⁴	No experience. However, please refer to the following responses 33 (a), (b) and (c).

33. The abduction, sale of and traffic in children	
<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children’s institutions).</p>	<p>The Criminal Code of Macao provides for criminal offences that explicitly relate to the protection of children (alongside with other traditional criminal offences, as for example, slavery, kidnapping, procurement, whereby whenever the offence is committed against a child, the corresponding penalties are aggravated).</p> <p>Abduction (in the sense of the Hague Convention on the Civil Aspects of International Child Abduction) is an autonomous criminal offence (referred to as ‘subtraction of minor’) provided for under Article 241 of the Criminal Code of Macao and punishable with a penalty of up to 3 years of imprisonment.</p> <p>Trafficking in children and sale of children also constitute criminal offences. Under the law on the fight against trafficking in persons, Law 6/2008, of 23 June, a new provision was added to the Criminal Code of Macao, Article 153-A. The law criminalizes autonomously trafficking in persons, with special emphasis in relation to children, as well as the sale of children for adoption and the removal of human organs or tissues.</p> <p>In this Article, the element of ‘means’ is not required when the crime is committed against a child (i.e., up to 18 years old), the penalty is more severe (5 to 15 years of imprisonment), and a specific aggravation in relation to the trafficking in children under 14 years old is determined (i.e., the penalty of 5 to 15 years of imprisonment is aggravated by one third in its minimum and maximum limits).</p>

²³ “Illicit practices” in this Country Profile refers to “situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child’s origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)” (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Adoption Section](http://www.hcch.net) of the HCCH website < www.hcch.net >).

²⁴ *Ibid.*

	<p>Besides, several conducts related to unlawful adoption of children were also explicitly criminalized under paragraph 4 of Article 153-A. More precisely, the giving or receiving of payments or any other benefits to surrender, cede or acquire a minor or to obtain or give the consent to the adoption of a minor, which are punishable with a penalty of 1 to 5 years of imprisonment.</p> <p>Article 153-A applies to all individuals as well as legal persons (Article 5 of the referred law), regardless of the place where the offences were committed. Indeed, Law 6/2008 also amended other Articles of the Criminal Code of Macao and of the Criminal Procedure Code of Macao. Under such provisions, the scope of application of the MSAR's criminal law was expanded in relation to those offences and the protection of child victims during the judicial proceedings related to them was reinforced.</p>
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>Please refer to the previous response in what regards Article 153-A, paragraph 4, of the Criminal Code of Macao, as well as to the scope of application of that Article.</p> <p>Moreover, the 2003 Convention against Corruption is applicable in the MSAR. The rules on corruption are very strict, covering not only active and passive corruption in the public sector, but also in the private sector, with penalties ranging from 6 months to 8 years of imprisonment (Articles 337 to 339 of the Criminal Code of Macao and Articles 3 to 6 of Law 19/2009, of 17 August).</p> <p>An autonomous entity, the Commission against Corruption, which also functions as Ombudsman, has been granted investigation powers (including in the criminal proceedings 'inquiry' stage) on matters of corruption, without prejudice to the relevant powers of the Procurators and other competent entities. In this respect, it is important to clarify that in the MSAR legal system, Procurators are magistrates, independent and free from any interference. Their functions are, inter alia, the upholding of legality, representation of minors and other persons with diminished legal capacity in all actions necessary for the exercise of their rights and interests. In criminal matters, they have the competence to promote/institute criminal proceedings and to supervise the investigation and inquiry stages of those proceedings.</p>

	In addition, the "Human Trafficking Deterrent Measures Concern Committee" was established to combat human trafficking, and a 24-hour hotline was set up for reporting trafficking cases.
c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)	As mentioned above, the referred crimes are punishable with imprisonment and, in case of legal persons, fines and judicial dissolution.

34. Private and / or independent adoptions	
<p>Are private and / or independent adoptions permitted in your State?</p> <p>N.B. "Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Adoption Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.</p> <p>Please tick all which apply.</p>	<p><input type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State:</p> <p><input type="checkbox"/> Independent adoptions are permitted - please explain how this term is defined in your State:</p> <p><input checked="" type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted.</p>

PART XII: INTERNATIONAL MOBILITY

35. The scope of the 1993 Adoption Convention (Art. 2)	
<p>a) If foreign national PAPS, habitually resident in your State, wish to adopt a child habitually resident in another Contracting State to the 1993 Adoption Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: Indian PAPS are habitually resident in the USA and wish to adopt a child habitually resident in India.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State²⁵ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: If the foreign national PAPS do not obtain the Macao resident status, they must apply adoption through the authorized department or via licensed bodies engaged in this kind of intermediary activities of the country or region of their origins.</p> <p>note: the PAPS can apply adoption to SWB if they obtain the Macao resident status.</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPS, habitually resident in your State, wish to adopt a child also habitually resident in your State, are they permitted to do so under the law of your State?</p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State²⁶ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: If the foreign national PAPS do not obtain the Macao</p>

²⁵ According to the 1993 Adoption Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPS and the child. The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1 (*op. cit.* note 12), Chapter 8.4.

²⁶ According to the 1993 Adoption Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPS and the child is in the same Contracting State: see further, GGP No 1 (*op. cit.* note 12), Chapter 8.4.

<p><i>Example: Indian PAPS are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.</i></p>	<p>resident status, they must apply adoption through the authorized department or via licensed bodies engaged in this kind of intermediary activities of the country or region of their origins.</p> <p>note: the PAPS can apply adoption to SWB if they obtain the Macao resident status.</p> <p><input type="checkbox"/> No</p>
<p>c) If a State of origin treats an adoption by PAPS habitually resident in your State as a <i>domestic</i> adoption when, in fact, it should be processed as an intercountry adoption under the 1993 Adoption Convention, how does your State deal with this situation?</p> <p><i>Example: PAPS who are nationals of State X habitually reside in your State. They wish to adopt a child from State X. Due to their nationality, the PAPS are able to adopt a child in State X in a domestic adoption procedure (in breach of the Convention). They then seek to bring the child back to your State.</i></p>	<p>PAPS who are Macao permanent resident but habitually resident in the Contracting State can apply adoption in the Contracting State .</p> <p>note: the PAPS can apply adoption to SWB if they can come back to Macao throughout the assessment stage .</p>

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION²⁷

36. Selection of partners	
<p>a) With which States of origin does your State currently partner on intercountry adoption?</p>	<p>N/A</p>
<p>b) How does your State determine with which States of origin it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p> <p><i>To see which States are Contracting States to the 1993 Adoption Convention, please refer to the Status Table for the Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i></p>	<p>N/A</p>
<p>c) If your State also partners with <i>non-Contracting States</i>, please explain how it is ensured that the safeguards of the 1993 Adoption Convention are complied with in these cases.²⁸</p>	<p><input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p>

²⁷ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2 (*op. cit.* note 3), Chapter 3.5.

²⁸ See GGP No 1 (*op. cit.* note 12), Chapter 10.3 regarding the fact that “[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions”.

d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (<i>e.g.</i> , the conclusion of a formal agreement ²⁹ with that State of origin)?	<input type="checkbox"/> Yes – please explain the content of any agreements or other formalities: ³⁰ <input checked="" type="checkbox"/> No
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²⁹ See note 2 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Adoption Convention.

³⁰ *Ibid.*