

Short questionnaire

Therefore, States are respectfully requested to provide responses to the following questions which relate to the recognition in one State of a domestic adoption granted in another State:

Name of State:	Republic of Armenia
<u>Information for follow-up purposes</u>	
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A. RECOGNITION IN YOUR STATE OF DOMESTIC ADOPTIONS GRANTED PREVIOUSLY IN OTHER STATES

The law and procedure in your State

1. Please briefly outline the **law** (legislation or other rules) in your State concerning the recognition of a domestic adoption granted previously in another State.

Family Code of the Republic of Armenia, Article 150

In particular, please specify whether your State applies different rules to the recognition of domestic adoptions made in certain States or regions and, if so, why.

Point 4 of the Article 150 of the Family Code of the Republic of Armenia, that is: Adoption of a child with the RA citizenship and residing out of the RA citizenship, which was realized by the authorized body of the state of citizenship of the adopter, is valid in the Republic of Armenia by the decision of the RA Government, in case of preliminary agreement.

2. Please briefly outline the **procedure** which must be followed in your State by persons seeking the recognition of a domestic adoption granted previously in another State.

N/A

In particular, please specify what legal or administrative steps are required for recognition.

N/A

3. What is the competent authority in your State for such matters?

N/A

Cases which have arisen in your State

4. Has your State been asked to recognise domestic adoptions granted previously in other States? If so:

- (a) How many such cases have arisen in the past year?

N/A

Past three years?

N/A

- (b) In such cases, why was recognition of the domestic adoption sought?

N/A

- (c) What type of document was presented for recognition?

N/A

- (d) Was recognition permitted?

N/A

- (e) In cases where recognition was refused, what were the reasons?

N/A

In particular, have there been any cases in which recognition was refused by your State on the basis that jurisdiction had been inappropriately assumed by the foreign authority?

N/A

- (f) Where recognition was refused, what actions, if any, were taken with respect to the status of the child?

N/A

- (g) Has there been any cross-border co-operation / communication between your State and any State(s) which granted the adoption(s) in these cases?

N/A

5. In your State's experience, do (some or many) families with an adopted child move to your State without having the child's adoption formally recognised in your State?

N/A

Does this create any problems for the family?

N/A

B. RECOGNITION IN ANOTHER STATE OF DOMESTIC ADOPTIONS GRANTED PREVIOUSLY IN YOUR STATE

The law and procedure in your State

6. In relation to the granting of domestic adoptions in your State:

- (a) Are any special rules or procedures followed when a case involving a domestic adoption has an international element (*e.g.*, it involves a foreign national child and / or foreign national prospective adoptive parents, despite the fact that they are all habitually resident in your State)?

The citizen of the Republic of Armenia who has also a citizenship of another State (dual citizenship) can adopt a child in accordance with the procedure defined for the citizens of the Republic of Armenia, if he/she permanently resides in the Republic of Armenia. According to the Law of the Republic of Armenia only those children that are the citizens of the Republic of Armenia are available for adoption. or according to the international treaties of the Republic of Armenia to adopt a foreign child that is residing in the Republic of Armenia it is necessary to have the authorization of the competent authorities of the State of the child's citizenship.

- (b) What type of document is issued for domestic adoptions granted in your State?

A new birth certificate (if the data of the child is changed after the adoption) and an adoption certificate.

7. Are there any special rules or procedures which are followed when your State is made aware that another State has been requested to recognise a domestic adoption originating from your State?

N/A

Cases which have arisen involving your State

8. Are you aware of situations in which recognition has been sought in other States of domestic adoptions granted in your State?

Adoptions are recognised or approved in another State (for example, by the Court of the United States of America). We don't have any information concerning the procedures.

If so:

- (a) How many such cases have arisen in the past year of which you are aware?

N/A

Past three years?

N/A

- (b) Which competent authorities were addressed in your State? And in the other State(s)?

N/A

- (c) In such cases, why was recognition of the domestic adoption sought?

N/A

- (d) Was recognition permitted by the other State(s)?

N/A

- (e) In cases where recognition was refused, what were the reasons?

N/A

Have you ever had a case where the grounds upon which your State assumed jurisdiction to grant the domestic adoption were challenged by the foreign State?

N/A

- (f) Where recognition was refused, what actions, if any, were taken with respect to the status of the child?

N/A

- (g) Has there been any cross-border co-operation / communication between your State and any State(s) being asked to recognise the adoption in these cases?

N/A

C. PRACTICAL PROBLEMS REQUIRING ACTION

9. In light of the information you have provided in both sections above, overall, are there, in your State's experience, practical problems in this area that need resolving at the international level?

Discussion of the applications of the citizens that are not residing in the State of their citizenship. In such cases the competent authorities of the State of origin don't have guarantee that after the adoption the child would have opportunity to enter and to have the citizenship of the State of the adopters, as well as there is no guarantee that when changing place of residence, the post-adoption reports would be submitted. The above mentioned is also about the cases when the adopter is the citizen of the Member State of the Convention and is permanently residing in the Non-Member State of the Convention, from where he/she has submitted the adoption application with the relevant documents.