

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:	ANDORRA
<u>Information for follow-up purposes</u>	
Name and title of contact person:	JOAN FORNER, Senior legal adviser
Name of Authority / Office:	Andorran Central Authority
Telephone number:	00 376 874 800
E-mail address:	adopcions.infancia@andorra.ad

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.

In principle, the Andorran authorities would only intervene if the adoptive parents would seek the Andorran nationality for their adoptive child. In such cases, the Andorran law on Nationality will grant the same rights to the adoptive child like a biological child, without any distinction of his or her origin. However, if the adoptive parents seek recognition of the adoption for residence proposes, it would probaly mean that the child has a different nationality, and hence, a different passport (if the child holds the same passport as their parents, no problem exists, according to our legislation). In such cases, in order to allow him or her to reside in Andorra, after submitting the adoption documents before the Immigration officials, we would probably grant him or her a residence permit without further requirements

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.

We do not apply any different rule to different countries. We have only required an Exequatur procedure for those children adopted by Andorran nationals that have adopted in another country a child from a country no member of the Hague Convention, for exemple, in Spain. We had once an Andorran family living in Barcelona that adopted a child in Russia. IfThe they had adopted a child from a country member of the Hague conference, we would have recognized the adoption without any additional procedure.

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.

No procedure required

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

No legal or administrative steps required.

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

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?

None

Past three years?

None

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

No cases

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

- (d) Was recognition permitted?

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

We never had such a case.

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?

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

- (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?

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?

As it was explained, usually children adopted by a family hold the same passport as their parents. In such cases, we do not ask if the child is adopted or biological. If the adoption is not yet completed (cases where a cohabitation is required), we usually are in touch with the Central Authority in charge of the adoption and we coordinate with them the procedure to follow. We had cases, once the adoption was completed, where we were asked to elaborate the follow-up reports, and we did so, but we never questioned the adoption made in other country.

Does this create any problems for the family?

No

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)?

We never had such a case

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

If the parents are from Andorra, the child gets an Andorran passport. If the parents are from another country, they should be responsible for requesting the nationality to their child. We do not intervene but we help them if they need a specific document.

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?

No

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?

We are not aware of any case

If so:

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

Past three years?

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

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

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

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

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?

No, we never had such a case

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

- (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?

No

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?

From our experience there is no need for an additional instrument, although we understand other countries might have a different experience.