

## RECEIVING STATE

**COUNTRY NAME:** Ireland

**PROFILE UPDATED ON:** July 2021

### PART I: CENTRAL AUTHORITY

1. Contact details <sup>1</sup>	
Name of office:	Adoption Authority of Ireland
Acronyms used:	AAI
Address:	Shelbourne House, Shelbourne Road, Ballsbridge, Dublin 4 Ireland D04 H6F6
Telephone:	+353 1 2309300
Fax:	N/A
E-mail:	intercountry@aai.gov.ie
Website:	www.aai.gov.ie
Contact person(s) and direct contact details (please indicate language(s) of communication):	English Patricia Carey, CEO +353 1 2309329   patricia.carey@aai.gov.ie Orla Bolger, Manager, Intercountry Adoption Unit +353 1 2309326   orla.bolger@aai.gov.ie
<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>	
N/A	

### PART II: RELEVANT LEGISLATION

#### 2. The 1993 Adoption Convention and domestic legislation

<sup>1</sup> Please verify whether the contact details on the “Adoption Section” of the HCCH website < [www.hcch.net](http://www.hcch.net) > under “Central Authorities” are up to date. If not, please e-mail the updated contact information to < [secretariat@hcch.net](mailto:secretariat@hcch.net) >.

<p>a) When did the 1993 Adoption Convention enter into force in your State?</p> <p><i>This information is available on the <a href="#">Status Table</a> for the 1993 Adoption Convention (accessible via the <a href="#">Adoption Section</a> of the HCCH website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	01/11/2010
<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>Adoption Act 2010 01/11/2010 Adoption (Amendment) Act 2017 19/7/2017</p>

### 3. Other international agreements on intercountry adoption<sup>2</sup>

<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 checked="" 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 checked="" type="checkbox"/> Other (please specify): Procedural agreements with Thailand, USA, Vietnam and Philippines</p> <p><input 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><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>Making of Adoption Orders, issuing of Article 15 Declarations of Eligibility &amp; Suitability to Adopt, recognition of Intercountry Adoptions, Issuing of Article 17, accreditation of adoption mediation/facilitation agencies.</p>
--	--

<sup>2</sup> 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).

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>Tusla-Child &amp; Family Agency - public body with responsibility for assessing applicants for adoption.</p> <p>PACT - a private nonprofit agency for assessing applicants for adoption.</p>

6. National accredited bodies <sup>3</sup>	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p><b>N.B.</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).<sup>4</sup></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <b>go to Question 8</b></p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.<sup>5</sup></p>	3
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	<p>Tusla - public body with responsibility for assessing applicants for adoption.</p> <p>PACT - a private nonprofit agency for assessing applicants for adoption.</p> <p>Helping Hands Adoption Mediation Agency - facilitates intercountry adoption for applicants.</p>
6.1 The accreditation procedure (Arts 10-11)	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>	<p>The Adoption Authority of Ireland – In legislation Adoption Act 2010 Sections 126–135 &amp; 151 and Statutory Instrument 524 of 2010 Adoption Act 2010 (Accredited Bodies) Regulations 2010.</p>
<p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	<p>An application must be approved by the Board of the AAI. The general criteria are set out in SI 524 2010.</p>
<p>c) For how long is accreditation granted in your State?</p>	<p>Adoption Act 2010 Section 128 - 5 years on initial registration, to be renewed every subsequent 3 years.</p>

<sup>3</sup> “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](http://www.hcch.net) > at Chapters 3.1 *et seq.*

<sup>4</sup> *Ibid.*, Chapter 3.2.1 (para. 111).

<sup>5</sup> *Ibid.*, Chapter 3.4.

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> .	An application must be approved by the Board of the AAI. The criteria are set out in SI 524 2010.
<b>6.2 Monitoring of national accredited bodies<sup>6</sup></b>	
a) Which authority is competent to monitor / supervise national accredited bodies in your State?  <i>See Art. 11(c).</i>	The Adoption Authority of Ireland – In legislation Adoption Act 2010 Sections 126–135 & 151 and Statutory Instrument 524 of 2010 Adoption Act 2010 (Accredited Bodies) Regulations 2010.
b) Please briefly describe how national accredited bodies are monitored / supervised in your State ( <i>e.g.</i> , if inspections are undertaken, how frequently).	From SI 524 2010 - the accredited body must submit per year 2 x Activity Reports, Audited Annual Financial Statements and undergo inspections and other spot-check investigations as the AAI sees fit.
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked ( <i>i.e.</i> , withdrawn).	Noncompliance with the above. Adoption Act 2010 Sections 128 & 129 state the procedures.
d) If national accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	<input checked="" type="checkbox"/> Yes, please specify possible sanctions ( <i>e.g.</i> , fine, withdrawal of accreditation): Yes – SI 524 2010 – Section 15. <input type="checkbox"/> No

<b>7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)<sup>7</sup></b>	
<b>7.1 The authorisation procedure</b>	
a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?	Adoption Authority of Ireland
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 checked="" 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 checked="" 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.

<sup>6</sup> *Ibid.*, Chapter 7.4.

<sup>7</sup> In relation to authorisation of accredited bodies, *ibid.*, Chapter 4.2.

<p>d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.<sup>8</sup></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>	<p>The State of Origin must generally be a Hague Convention State. The need for adoption from the State of Origin is explored. The agreement of the State of Origin to work with Ireland. The sustainability of the programme in terms of the costs involved to the accredited body, etc. Generally, the AAI will have agreed procedures with the State of Origin. The requirement for the accredited body to have a representative in the State of Origin is a matter for the State of Origin.</p>
<p>e) For how long is authorisation granted?</p>	<p>General accreditation is granted to the agency to operate and the AAI may add a country to the list of countries in which the agency can operate. The general accreditation expires after 3 years. The Authority can withdraw accreditation for a particular country following a decision of its Board.</p>
<p>f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i>.</p>	<p>The history of the accredited body's involvement is taken into account and the factors used to determine the original country accreditation are again considered.</p>
<p><b>7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States</b></p>	
<p>a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff<sup>9</sup> in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i>.</p>	<p>Regular meetings with the accredited body, accounting information provided and examined on an ongoing basis, interaction between the AAI and the Central Authorities of the States of Origin including visiting the countries and representatives of the countries visiting the Authority.</p>
<p>b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>Failure to comply with the Adoption Acts, inability to provide the services which it was accredited to provide, financial unsustainability.</p>

<sup>8</sup> In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

<sup>9</sup> 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.

<b>8. Approved (non-accredited) persons (Art. 22(2))<sup>10</sup></b>	
<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 <a href="#">Status Table</a> for the 1993 Adoption Convention, available on the <a href="#">Adoption Section</a> 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)).<sup>11</sup></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

<b>9. The adoptability of a child (Art. 4(a))</b>	
<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 to</i> the requirements of the State of origin?</p>	<p><input type="checkbox"/> Yes – please specify:</p> <p><input checked="" type="checkbox"/> No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.</p>

<b>10. The best interests of the child and subsidiarity (Art. 4(b))</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 the possibility of in-country permanent family placements has been explored)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: Article 16 should include details of same.</p> <p><input type="checkbox"/> No</p>

<b>11. Children with special needs</b>	
<p>Does your State have its own definition of the term “special needs children” which is applied in intercountry adoption cases?</p>	<p><input type="checkbox"/> Yes – please provide the definition used in your State:</p> <p><input checked="" type="checkbox"/> No – the definition used in the State(s) of origin is determinative.</p>

<b>12. The nationality of children who are adopted intercountry<sup>12</sup></b>	
<p>Do children who are adopted intercountry to your State acquire the nationality of your State?</p>	<p><input type="checkbox"/> Yes, always. Please specify:</p> <p>(i) At what stage nationality is acquired by the child:           ; and</p>

<sup>10</sup> *Ibid.*, Chapter 13.

<sup>11</sup> *Ibid.*, Chapter 13.2.2.5.

<sup>12</sup> 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](#) of the HCCH website < [www.hcch.net](http://www.hcch.net) >, at Chapter 8.4.5.

	<p>(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):</p> <p><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): Adopted children receive their nationality from their adoptive parents, it is a matter for the State of Origin whether a child retains his/her nationality.</p> <p><input type="checkbox"/> No, the child will never acquire this nationality.</p>
--	---

#### PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

<b>13. Limits on the acceptance of files</b>	
a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?	<p><input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined:</p> <p><input checked="" type="checkbox"/> No</p>
b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?	<p><input type="checkbox"/> Yes, please specify whether any limits are applied:</p> <p><input checked="" type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.</p>

<b>14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption<sup>13</sup> (Art. 5(a))</b>	
<b>14.1 Eligibility criteria</b>	
<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:</p> <p><input checked="" type="checkbox"/> Married, same-sex couples:</p> <p><input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><input checked="" 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:</p>

<sup>13</sup> *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.

	<input checked="" type="checkbox"/> Same-sex couples that have not legally formalised their relationship: <input checked="" type="checkbox"/> Single men: <input checked="" type="checkbox"/> Single women: <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No, there are no relationship status criteria for PAPs.
b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Minimum age requirements: 21 <input type="checkbox"/> Maximum age requirements: <input type="checkbox"/> Difference in years required between the PAPs and the child: <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?	<input checked="" type="checkbox"/> Yes, please specify: <input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):  <input type="checkbox"/> Couples must supply evidence of infertility: <input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):  <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No
<b>14.2 Suitability assessment<sup>14</sup></b>	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	Tusla-Child and Family Agency and PACT
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	The applicants are assessed using the National Framework for Intercountry Adoption. The applicants need to satisfy the requirements as outlined in Section 34 of the Adoption Act 2010. The applicants undergo an assessment by an Assessing social worker. The social worker presents the applicants' assessment report to the Local Area Adoption Committee for Approval. Once an assessment has been sent to the Local Adoption Committee it is sent to the SW department in the AAI and is reviewed by the multidisciplinary team (MDT), and a

<sup>14</sup> 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.



	Declaration of Eligibility and Suitability is issued by the Executive.
<b>14.3 Final approval</b>	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	Adoption Authority of Ireland
<b>15. Preparation and counselling of PAPs (Art. 5(b))</b>	
a) In your State, are courses provided to prepare PAPs for intercountry adoption?	<input checked="" type="checkbox"/> Yes, please specify the following: <ul style="list-style-type: none"> <li>- Whether the courses are mandatory: Yes</li> <li>- At what stage of the adoption procedure they are offered: Before an assessment is made of the applicants' eligibility &amp; suitability to adopt</li> <li>- Who provides the courses: Tusla</li> <li>- Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): group</li> <li>- Whether they are provided "in person" or electronically: in person</li> <li>- How many hours the courses last: 6 to 8 full day sessions</li> <li>- The content of the courses: preparation for adoption, institutionalisation, countries to adopt from, attachment issues, behavioural issues, post adoption services, outline of assessment process</li> <li>- Whether there are specific courses for PAPs wishing to adopt a child with special needs: no</li> <li>- Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: no</li> </ul> <input type="checkbox"/> No
b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs ( <i>e.g.</i> , meeting with adoptive parents, language and culture courses)? Please specify, in each case: (i) If it is mandatory for PAPs to use the service; (ii) Who provides the service; and	<p>PAPs are asked to do their own research and homework for preparation courses. run by Tulsa or PACT.</p> <p>PAPs are required to attend a pre travel course once they have completed the assessment and received a Declaration to adopt.</p> <p>PAPs are provided the service by a mediation agency in Ireland.</p> <p>At all stages of the assessment process the services are provided.</p>

(iii) At what stage in the adoption procedure the service is provided.	
--	--

## PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
c) To which authority / body should PAPs apply for an intercountry adoption?	Tusla and the Adoption Authority of Ireland
d) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin: <sup>15</sup>  <i>Please tick all which apply.</i>	<input checked="" type="checkbox"/> An application form for adoption completed by the PAPs <input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority <input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15) <input type="checkbox"/> Copies of the PAPs' passports or other personal identification documents <input type="checkbox"/> Copies of the PAPs' birth certificates <input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs <input type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): <input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): Depends on the requirements of the State of Origin <input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): Depends on the requirements of the State of Origin <input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): Depends on the requirements of the State of Origin <input checked="" type="checkbox"/> Proof of no criminal record <input checked="" type="checkbox"/> Other(s): please explain Depends on the requirements of the State of Origin

<sup>15</sup> 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.

<p>e) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?<sup>16</sup></p>	<p><input checked="" type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i>, 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): Tulsa or PACT must complete the assessment report/home study.</p> <p><input type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure:</p>
<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>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, 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):</p> <p><input checked="" type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input checked="" type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>

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>	<p>Tulsa and PACT social workers prepare the report. Medical Advisors, GPs and on occasion specialist consultant reports are required.</p>
<p>b) Is a “standard form” used for the report on the PAPs in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy:</p> <p><input 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:</p>
<p>c) For how long is the report on the PAPs valid in your State?</p>	<p>2 years with a 1-year extension</p>

<sup>16</sup> 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.

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?	Tusla and PACT.
--	-----------------

<b>18. Transmission of the PAPs' file to the State of origin</b>	
a) Who sends the finalised application file of the PAPs to the State of origin?	Helping Hands Adoption Mediation Agency and in exceptional circumstances the AAI.
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 Adoption Authority of Ireland <input type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16(c) above).

<b>19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17(a) and (b))</b>	
<b>19.1 Receipt of the report on the child (Art. 16(2))</b>	
Which authority / body in your State receives the report on the child from the State of origin?	Helping Hands Adoption Mediation Agency and then the AAI.
<b>19.2 Acceptance of the match</b>	
a) Does your State require that the matching be accepted by a competent authority in your State?	<input checked="" type="checkbox"/> Yes, please provide the following details: <ul style="list-style-type: none"> <li>- Which authority determines whether to accept the match (<i>e.g.</i>, the Central Authority or another competent authority): AAI and</li> <li>- 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): The AAI will not issue the referral to the applicants if it is not satisfied with the referral.</li> </ul> <p style="text-align: center;"><b><u>Go to Question 19.2 b)</u></b></p> <input 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: <b><u>Go to Question 19.2 c)</u></b>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	The applicants must hold a valid Declaration of Eligibility and Suitability for the age profile of the child, and the applicant must have

	the capacity to meet the needs of the child as per the the matching section of the report.
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 type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify: <input checked="" 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): Applicants seek advice from the mediation agency as well as independent medical advice and advice of assessing Social Worker when deciding whether to accept a match. <input type="checkbox"/> No

<b>20. Agreement under Article 17(c)</b>	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17(c)?	Adoption Authority of Ireland
b) At what point in the adoption procedure is the Article 17(c) agreement given in your State?	<input type="checkbox"/> Our State waits for the State of origin to provide its agreement first <b>OR</b> <input checked="" type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted <b>OR</b> <input type="checkbox"/> Other (please specify):

<b>21. Travel of the PAPs to the State of origin<sup>17</sup></b>	
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: No experience of same <input type="checkbox"/> No

<b>22. Authorisation for the child to enter and reside permanently (Arts 5(c) and 18)</b>	
a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.	The AAI issues a letter with the Article 17 consent to allow applicants to present to the immigration authorities. The letter specifies the child to be adopted, and the immigration authorities will then grant permission for the adopters to bring the child into the country.

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

b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?	See above.
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.	Permission from immigration for child to enter country.
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?	Legal requirement for applicants to inform both Tusla (the body with responsibility for the welfare of children) and the Adoption Authority of Ireland.

### 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 <a href="#">Status Table</a> for the 1993 Adoption Convention (under "Authorities"), available on the <a href="#">Adoption Section</a> of the HCCH website.</i>	(i) the State of Origin (ii) the State of Origin
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>	Not applicable as Ireland is not a sending country
d) In cases in which the Article 23 certificate is issued in the State of	The Adoption Authority of Ireland

origin, which authority or body in your State should receive a copy of this certificate?	
--	--

#### 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 “<i>intra-family</i> 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>No special designation for family adoptions; a 'relative', in relation to a child, means a grandparent, brother, sister, uncle or aunt of the child, whether of the whole blood, of the half-blood or by affinity and includes the spouse of any such person, relationship to the child being traced through the mother or the father.</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, <b>the Convention is applicable</b>, 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 – <b>go to Question 25</b></p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: <b>Go to Question 25</b></p> <p><input type="checkbox"/> No – <b>go to Question 24 c)</b></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 ADOPTION<sup>18</sup>

25. Simple and full adoption	
<p>a) Is “full” adoption permitted in your State?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

<sup>18</sup> 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.

<p><i>See GGP No 1 at Chapter 8.8.8 and note 18 below.</i></p>	<p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<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>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only (<i>e.g.</i>, for intra-family adoptions only) – please specify:</p> <p><input checked="" type="checkbox"/> Other (please explain): Not permitted domestically; there is provision in the Adoption Act to convert a simple intercountry adoption to a full adoption.</p>
<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>	<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:</p> <p>Application must be made to the AAI under the Adoption Act 2010; Section 69 applies as follows: 69.— (1) Subject to subsection (2), the Authority may make an adoption order for the purpose of the conversion, in accordance with Article 27 (which relates to conversion of adoptions in the state of origin to adoptions terminating pre-existing legal parent-child relationships), of a Convention adoption that does not have the effect of terminating a pre-existing legal parent-child relationship, into an adoption having that effect, in relation to a child who—</p> <p>(a) was transferred to the State from the child’s state of origin, in accordance with Article 17 (which relates to when the state of origin may entrust a child to prospective adoptive parents), and</p> <p>(b) was placed, in accordance with the Hague Convention and this Act, with prospective adopters habitually resident in the State.</p> <p>(2) The Authority may make an adoption order under subsection (1) only on the application of the adopters of the child and only—</p> <p>(a) if satisfied that Article 4 (which relates to when an adoption may take place) and the</p>



	<p>relevant provisions of this Act have been met, and</p> <p>(b) where the consent of a birth parent of the child is necessary and has not been given, if the High Court has made an order—</p> <p>(i) under section 31 (3)(b) authorising the Authority to dispense with consent as described in that provision, or</p> <p>(ii) under section 54 authorising the Authority to make an adoption order in relation to the child.</p> <p><input type="checkbox"/> No – <b>go to Question 26</b></p>
<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>See above.</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>	<p><input checked="" type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above.</p> <p><input type="checkbox"/> Other (please specify):</p>

#### 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	
<p>a) Which authority in your State is responsible for preserving information concerning the child’s origins, as required by Article 30?</p>	<p>The Adoption Authority of Ireland.</p>
<p>b) For how long is the information concerning the child’s origins preserved?</p>	<p>Indefinitely.</p>
<p>c) Does your State permit the following persons to have access to information concerning the child’s origins and / or information concerning the adoption of the child:</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: Information which has been provided by the adopters is available to them. The adopted child can request the information through his/her parents.</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><input type="checkbox"/> No</p> <p>(ii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input type="checkbox"/> No</p> <p>(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria: The adoptive parent is given information at the time of placement. Some sending countries have tracing facilities. The adoptive parents share information with the child in an age appropriate manner.</p> <p><input 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 checked="" type="checkbox"/> Yes – please specify: By Tusla, AAI and Barnardos.</p> <p><input 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 checked="" type="checkbox"/> Yes – please specify: There are groups which facilitate tracing, but they are not formal or state funded.</p> <p><input 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>Only provided as a requirement of the State of Origin.</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 checked="" 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>The AAI may request compliance, but cannot legally demand same.</p>

<b>28. Post-adoption services and support (Art. 9(c))</b>	
<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 (e.g., 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>	<p>Some areas of Tusla and PACT provide post adoption support. The AAI Social Work Team provides a duty phone line service for support.</p> <p>There is a list of Post Adoption Services detailed on the AAI website.</p>

## PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION<sup>19</sup>

*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.*

<b>29. The costs<sup>20</sup> of intercountry adoption</b>	
<p>a) Are the costs of intercountry adoption regulated by law in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework:</p> <p>Indirectly, through the AAI, which must sanction the costs of mediation.</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken:</p> <p>Only fees which are approved by the Adoption Authority may be charged - these fees are published on the accredited body's website and on the Adoption Authority's website.</p> <p><input 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 checked="" type="checkbox"/> Through the accredited body:</p> <p><input type="checkbox"/> Directly by the PAPs:</p> <p><input type="checkbox"/> Other (please explain):</p>

<sup>19</sup> 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*.

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

<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): This is a matter for the accredited body.</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>Helping Hands Adoption Mediation Agency.</p>
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p><b>N.B.</b> Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: Website</p> <p><input type="checkbox"/> No</p>

30. Contributions, co-operation projects and donations <sup>21</sup>	
<p>a) Does your State permit contributions<sup>22</sup> 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"> <li>- What type of contribution is permitted by your State:</li> <li>- Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body):</li> <li>- How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <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"> <li>- What type of co-operation projects are permitted by your State:</li> <li>- Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies):</li> </ul>

<sup>21</sup> 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).

<sup>22</sup> 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.

	<ul style="list-style-type: none"> <li>- Whether such projects are mandatory according to the law of your State:</li> <li>- Whether such projects are monitored by an authority / body in your State:</li> <li>- How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <input checked="" type="checkbox"/> No
<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><b><i>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).</i></b></p>	<input type="checkbox"/> Yes – please explain: <ul style="list-style-type: none"> <li>- To whom donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families):</li> <li>- What donations are intended to be used for:</li> <li>- Who is permitted to pay donations (<i>e.g.</i>, only accredited bodies or also PAPs):</li> <li>- At what stage of the intercountry adoption procedure donations are permitted to be paid:</li> <li>- How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure:</li> </ul> <input checked="" type="checkbox"/> No

<b>31. Improper financial or other gain (Arts 8 and 32)</b>	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	The Adoption Authority of Ireland.
b) What measures have been taken in your State to prevent improper financial or other gain?	Strict financial accountability on the part of the accredited body to the AAI.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Accreditation may be suspended or withdrawn.

## PART XI: ILLICIT PRACTICES<sup>23</sup>

<sup>23</sup> "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

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. <sup>24</sup>	No experience of same to date.

33. The abduction, sale of and traffic in children	
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.  Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).	The Adoption Act 2010 and The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption.
b) Please explain how your State monitors respect for the above laws.	By examining each referral via Article 16 as to its adherence to the Adoption Acts and the Hague Convention.
c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)	Withdrawal of Accreditation.

34. Private and / or independent adoptions	
Are private and / or independent adoptions permitted in your State?  <i>N.B. "Independent" and "private" adoptions are not 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.</i>  <i>Please tick all which apply.</i>	<input type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State:  <input type="checkbox"/> Independent adoptions are permitted - please explain how this term is defined in your State:  <input checked="" type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted.

## PART XII: INTERNATIONAL MOBILITY

35. The scope of the 1993 Adoption Convention (Art. 2)	
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	<input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State <sup>25</sup> and please briefly explain the procedure which would be

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](#) of the HCCH website < [www.hcch.net](http://www.hcch.net) >).

<sup>24</sup> *Ibid.*

<sup>25</sup> 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.

<p>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>followed, as well as any specific criteria / conditions which would apply: It is treated as an intercountry adoption, as residency and not nationality is the criteria for eligibility to adopt.</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><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><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>26</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Domestic, assuming that the applicants are resident in our State.</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>The AAI would not be in a position to recognise such an adoption.</p>

### PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION<sup>27</sup>

36. Selection of partners	
<p>a) With which States of origin does your State currently partner on intercountry adoption?</p>	<p>Philippines, Thailand, India, China, Vietnam, Bulgaria, USA, Haiti, Poland.</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 <a href="#">Status Table</a> for the Convention (accessible via</i></p>	<p>Our State only allows adoptions from other Hague countries or from countries with which the State has bi-lateral agreements. The State currently has no bi-lateral agreements with other countries in relation to adoption.</p> <p>Criteria used include demand, availability of children, willingness of the other country to work with our State, the need for intercountry adoption from that country, the ISS and UNICEF reports and information on the country and the</p>

<sup>26</sup> 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.

<sup>27</sup> 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.

<p>the <a href="#">Adoption Section</a> of the HCCH website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</p>	<p>sustainability of a programme with that country in terms of costs etc. for both the applicants and the mediation agency.</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.<sup>28</sup></p>	<p><input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p>
<p>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<sup>29</sup> with that State of origin)?</p>	<p><input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities:<sup>30</sup> The AAI usually seeks an agreement with the State of Origin in relation to the procedures to be followed in respect of an adoption programme between the two countries</p> <p><input type="checkbox"/> No</p>

<sup>28</sup> 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”.

<sup>29</sup> 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.

<sup>30</sup> *Ibid.*