

ADOPTION IN VIETNAM FOR BRITISH NATIONALS

This guidance is provided by the Consular Section in Vietnam for the convenience of enquirers and only acts as a guide. We have tried to make sure that the information in this guidance is accurate and up to date, but the Embassy/Consulate General cannot accept legal responsibility for any errors or omissions in the information.

From 3 January 2014 Vietnamese Adoptions are automatically recognised by the United Kingdom. .

This guidance will cover the following subjects:

1. Who can adopt from Vietnam
2. UK adoption procedure
3. Vietnam adoption procedure
4. Entry Clearance for adopted children
5. British nationality for adopted children
6. Useful contact details

WHO CAN ADOPT FROM VIETNAM

The Vietnamese Law on Adoption No 52/2010/QH12 which entered into force from 01 January 2011 allows nationals of certain countries (including UK), to adopt Vietnamese children in a few specific cases/circumstances if the adoptive parents meet one of the following conditions:

- are currently working or studying in Vietnam for at least 1 year;
- are step parents of the to-be-adopted child;
- are blood aunts or uncles of the to-be-adopted child;
- have already adopted a child who is a sibling of the to-be-adopted child;
- adopt a child who is disabled or infected with HIV/AIDS or another serious disease.
- are permanently residing in Vietnam

However, each application will be considered on its own merit and on a case by case basis by the Vietnamese Adoption Department. The Embassy/Consulate General cannot advise if you meet the criteria or not. Please contact the Adoption Department directly.

UK PROCEDURE

There are different procedures for British nationals habitually resident in the UK and British nationals not being habitually resident in the UK.

A. British nationals habitually resident in the UK

Please visit our website for further information on this.

<https://www.gov.uk/child-adoption>

B. British nationals not being habitually resident in the UK

We can issue a letter of no objection for a British national who is not habitually resident in the UK and who is seeking to adopt a child through the Vietnamese procedure. Please note that the ‘no objection’ letter has the sole function of confirming that the British national(s) in question are no longer habitually resident in the UK and that as the child is not being adopted under British adoption legislation, the Foreign & Commonwealth Office and British consulates have no further role in the matter.

There is no scope or provision to amend the letter, which is designed for a specific purpose. It is not for the Embassy/Consulate General to agree whether the applicants are suitable or eligible to adopt the child, or whether the child is adoptable.

Therefore, to obtain the ‘no objection’ letter, the prospective adopters must first obtain independent legal advice that they are in fact not resident in the British Island and then swear a statement witnessed by a lawyer that states: “***I confirm that I have received independent legal advice and with reference to all circumstances of my particular case and in light of existing UK law, I can confirm that I am not habitually resident in the British Isles***”.

If you need this letter please visit our website:

<https://www.gov.uk/notarial-and-documentary-services-guide-for-vietnam>

and follow instructions for notarial and legalisation services to send your documents and book an appointment.

VIETNAM PROCEDURE

All applications for adoption are considered by the Department of International Adoption under the Ministry of Justice. Their contact details are:

60 Tran Phu Street
Ba Dinh District
Hanoi
Tel: (84 4) 3823 1137; 0804 8400
Fax: (84 4) 37365227; 0804 8886
Email: cnqt@moj.gov.vn

Application may be lodged directly or via a licensed adoption agent.

The Embassy/Consulate General cannot advise you on the full procedures and you are advised to contact the Department or adoption agent directly.

UK VISA FOR ADOPTED CHILDREN

Information about applying for a UK visa is on the [UK visas and immigration](#) website. Here you will find information on whether you need a visa, the requirements for each visa category, the cost, guidance on how to apply for your visa and a link to information on your nearest visa application centre.

Should you need to ask a question about the visa application process, you can contact our [international visa enquiry service](#). Staff at our Embassy cannot help with visa enquiries.

APPLYING FOR BRITISH NATIONALITY FOR ADOPTED CHILDREN

An adopted child from Vietnam will not automatically become a British citizen after the adoption. Adoptive parents may wish to apply to the Home Office to register the child as a British citizen.

Application form MN1 and the guidance are available at the Home Office's website:

<https://www.gov.uk/browse/citizenship/citizenship>

Please note that the Embassy/Consulate General cannot either advise about nationality or accept the nationality application. Please contact the Home Office directly for further advice.

USEFUL WEBSITES

1. Department for Education

www.education.gov.uk/childrenandyoungpeople/families/adoption

2. British Agencies for Adoption and Fostering (BAAF)

www.baaf.org.uk

3. UK Visas & Immigration

www.gov.uk/government/organisations/uk-visas-and-immigration

4. Lawyers specialised in UK family law

www.reunite.org/specialistlawyers.asp