



Home Office

# Parental responsibility: birth parents, adoption and surrogacy

Version 9.0

This guidance tells His Majesty's Passport Office staff how to establish parental responsibility for birth and adoptive parents and parents whose child is born through surrogacy

# Contents

Contents.....	2
About, Parental responsibility: birth parents, adoption and surrogacy.....	4
Contacts .....	4
Publication .....	4
Changes from last version of this guidance .....	4
Parental responsibility: birth parents .....	6
Rules for birth registration in the UK.....	6
How a UK re-registered or corrected birth record affects PR.....	7
Removing parental responsibility from parents .....	8
Parental responsibility: birth mother.....	8
Parental responsibility: father .....	8
PR for birth parents: England and Wales.....	9
PR for birth parents: Scotland.....	10
PR for unmarried fathers in Scotland .....	10
PR for birth parents: Northern Ireland.....	11
PR for birth parents: Isle of Man .....	11
PR for birth parents: Jersey .....	12
PR for birth parents: Guernsey and Alderney .....	12
Parental responsibility: when a child is habitually resident overseas .....	14
Habitual residence: checking Knowledge base .....	14
Habitual residence: guidance advice.....	15
How to confirm PR: birth parents .....	16
Checking parents' details: birth parents.....	16
What you must consider when checking birth parents' details .....	16
Checking birth parents' details: application does not match documentation .....	17
PR birth parent: confirming mother (parent 1) has PR.....	17
Confirming mother (parent 1) has PR: first time applications .....	17
Confirming mother (parent 1) has PR: renewal and replacement applications ..	18
When to ask for more information to confirm mother (parent 1) has PR .....	18
PR birth parents: confirming father or parent 2 has PR.....	19
Confirming father or parent 2 has PR: first time applications .....	19
Confirming father or parent 2 has PR: renewal and replacement applications..	20
When to ask for more information to confirm father or parent 2 has PR .....	20

When you cannot confirm PR from the information given.....	21
Recording your decision: birth parents .....	22
Parental responsibility: adoption .....	23
Parental responsibility: UK adoptions .....	23
Parental responsibility: UK pending and interim adoption orders .....	23
Pending adoptions: England and Wales .....	24
Pending adoptions: Northern Ireland.....	24
Pending adoptions: Scotland .....	24
Pending adoption: moving overseas .....	24
Parental responsibility: overseas adoptions.....	25
Parental responsibility: Hague Convention adoption .....	25
PR: overseas adoptions (non-Hague convention adoption).....	25
How to confirm PR: adoptive parents .....	28
Checking adoptive parents' details: all applications.....	28
What you must consider when checking adoptive parents' details .....	28
Checking adoptive parents' details: application does not match documentation .....	28
PR by adoption: first time application.....	29
PR by adoption: renewal and replacement applications .....	29
When to ask for more information to confirm adoptive parent has PR .....	30
Recording your decision: adoptive parents.....	31
Parental responsibility: surrogacy .....	32

# About, Parental responsibility: birth parents, adoption and surrogacy

This guidance tells HM Passport Office staff:

- how birth and adoptive parents get parental responsibility
- how to confirm a birth or adoptive parent has parental responsibility
- to use the surrogacy guidance to establish who has parental responsibility for a child born through surrogacy

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email HM Passport Office's Guidance team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email HM Passport Office's Guidance team.

## Publication

Below is information on when this version of the guidance was published:

- version **9.0**
- published for Home Office staff on **2 February 2026**

## Changes from last version of this guidance

This guidance has been restructured and reworded to improve understanding of how to confirm parental consent for first time, renewal and replacement child applications, in the sections:

- [Parental responsibility: birth mother](#)
- [Parental responsibility: father](#)
- [Checking parents' details: birth parents](#)
  - [What you must consider when checking birth parents' details](#)
  - [Checking parents' details: application details do not match documents](#)
- [PR birth parent: confirming mother \(parent 1\) has PR](#)
  - [Confirming mother \(parent 1\) has PR: first time applications](#)
  - [Confirming mother \(parent 1\) has PR: renewal and replacement applications](#)
  - [When to ask for more information to confirm mother \(parent 1\) has PR](#)
- [PR birth parent: confirming father or parent 2 has PR](#)
  - [Confirming father or parent 2 has PR: first time applications](#)
  - [Confirming father or parent 2 has PR: renewal and replacement applications](#)
  - [When to ask for more information to confirm father or parent 2 has PR](#)

- [Parental responsibility: when a child is habitually resident overseas](#)
- [When you cannot confirm PR from the information given](#)
- [How to confirm PR: adoptive parents](#)
  - [Checking adoptive parents' details: all applications](#)
  - [What you must consider when checking adoptive parents' details](#)
  - [Checking adoptive parents' details: application does not match documentation](#)
- [PR by adoption: first time application](#)
- [PR by adoption: renewal and replacement applications](#)
  - [When to ask for more information to confirm adoptive parent has PR](#)

## **Related content**

[Contents](#)

# Parental responsibility: birth parents

This section tells HM Passport Office staff how birth parents of children born in the UK, Channel Islands and Isle of Man get parental responsibility

You must not assume the people named as a mother or father or parent 1 or 2 on a birth register in the UK, Channel Islands and Isle of Man have parental responsibility (PR) for their child. For example, a father may not have PR if their child was [born at a time when unmarried fathers did not get PR](#) or the parents' PR may have been removed by a court order.

In the UK, Channel Islands and Isle of Man, both parents named on the application and the child's full birth certificate (if we have it as part of the application) will have PR, if they:

- were married or in a civil partnership with each other at the time of:
  - the child's birth
  - conception or later (Scotland only)
- were married after the child's birth:
  - in England and Wales and the birth was re-registered
  - in Northern Ireland and the father was living there at the time of his marriage
- are not married but the father has a court order or PR agreement that gives him parental responsibility
- are not married but both parents (jointly) registered the birth on or after:
  - 15 April 2002 (in Northern Ireland)
  - 1 December 2003 (in England and Wales)
  - 4 May 2006 (in Scotland)
  - 4 January 2010 (in Guernsey and Alderney)
  - 1 November 2013 (in the Isle of Man)
  - 2 December 2016 (in Jersey)

Also see, [How a UK re-registered or corrected birth record affects PR](#)

## Rules for birth registration in the UK

A registrar will only register a birth in the UK if the information they receive fits the criteria of the:

- [Births and Deaths Registration Act 1953](#)
- [Registration of Births, Deaths and Marriages \(Scotland\) Act 1965](#)
- [Births and Deaths Registration \(Northern Ireland\) Order 1976](#)

For example:

- a child's birth parents must be married (or in a civil partnership) if they want to register a birth without the other parent's involvement

- a registrar will only add an unmarried birth father's (or parent 2) details to the birth record if they:
  - were present at the birth registration; or,
  - provided the registrar with a declaration of parentage or court order naming them as the child's father or parent 2

If someone gives incorrect information to register a birth, the registrar can, in certain circumstances, re-register a birth with the correct information or restrict a birth record until the issue is resolved.

## How a UK re-registered or corrected birth record affects PR

If a birth is re-registered or corrected, the parents named on the original birth certificate will still have PR (if they already held it). Only a court can remove PR from a person once they have it.

When a birth is re-registered the parents named on the new certificate may not have PR. You must check where the child was born to confirm if the parents get PR:

- [Northern Ireland](#)
- [England and Wales](#)
- [Scotland](#)

If the [birth has been re-registered](#), you must check:

- who were named as parents on the original full birth certificate (by asking the customer to send it to us) and consider the original father's rights, if:
  - the change affects the child's claim to British nationality
  - the child has a change of name or gender (see Authorisation and consent)
- the person consenting to the application is named on the re-registered birth certificate

If the birth has been re-registered and you need additional consent from a parent who has been removed from the original record you must ask the customer for the original certificate (or a copy of it from the registrar's office) and that person's consent. You must check their consent is genuine when you receive it. Before you ask for additional consent you must consider if asking for it will place the customer or child at risk of harm (see Safeguarding: consent issues)

If the customer gets a copy of the original birth registration it will show that it has been re-registered. For example, the certificate will show:

"Re-registered under section 10A of the Births and Deaths Registration Act 1953 on..."

However, birth fathers may not get PR, through the registration alone, if the birth certificate ([issued in England or Wales](#)) shows the birth was registered or re-registered:

- pursuant to Sections 14A of [the Births and Deaths Registration Act 1953](#) on the authority of the Registrar General (shown on section 11 and 12 of the certificate)

## Removing parental responsibility from parents

Parental responsibility (PR), once granted, cannot be removed without a court order. A parent cannot relinquish (give up) their parental responsibility by re-registering a birth.

You must ask for the court order if a parent had PR but the other parent now states they have sole parental responsibility. Divorce, separation or lack of contact does not remove PR from a parent who already holds it.

If a birth certificate (issued in England and Wales) has been [re-registered](#) under section 14A to remove a parent's PR, this will be shown in a marginal note on the birth certificate. If there is no marginal note the parent will retain PR even if they are no longer named on the certificate.

## Parental responsibility: birth mother

In the UK, Channel Islands and Isle of Man, the birth mother will always have parental responsibility unless it was removed by a court order, for example, if she is a [surrogate mother](#) or the child was placed for adoption. See [How to confirm parental responsibility](#).

The person will have PR if they are named:

- on a child's full birth certificate as the birth mother (parent 1); or,
- as the birth mother in other documentation (see Birth not registered)

## Parental responsibility: father

Most birth fathers of children born in the UK have parental responsibility (PR), and we will accept they have PR if they are named on a UK full birth certificate. In most cases we can accept a father named on the UK birth certificate has PR because he must:

- be married to the mother; or,
- be at the registration appointment with the mother or have completed a declaration confirming he is the father; or,
- a court order has been issued confirming he is the father

However, there are times when a father may not have parental responsibility, for example, if:

- the child was born at a time when [unmarried fathers did not get PR](#)
- the child was born through [a surrogacy agreement](#)
- a court order has removed PR

- the birth certificate (issued in England and Wales) shows the birth was registered or re-registered:
  - 'pursuant to Sections 14A of [the Births and Deaths Registration Act 1953](#) on the authority of the Registrar General' (shown on section 11 and 12 of the certificate) See, [PR for birth parents: England and Wales](#)

If the mother is in a marriage or civil partnership to a member of the opposite-sex, at the time of her child's birth, her husband or male civil partner is regarded as the father for nationality purposes. However, he will only have PR if the relevant rules in the country of birth apply or he has a court order.

## PR for birth parents: England and Wales

Birth parents who were married to each other (or in a civil partnership) at the time of the child's birth will both get parental responsibility (PR) for their child. There is no need for the birth father to be named on the birth certificate if he is married to the mother at the time of the birth. The father must provide the parents' marriage or civil partnership certificate for passport purposes if he is married to the mother but he is not named on the birth certificate.

It is a legal requirement for birth parents who marry after the birth to re-register their child's birth. A birth father who did not have PR prior to his marriage to the mother will only get PR after his marriage, if the child's birth is re-registered. You must ask for the re-registered birth certificate in this circumstance as the marriage or civil partnership itself does not give the father PR.

The [Adoption and Children Act 2002](#) came into force on 1 December 2003 in England and Wales. It allows mothers and unmarried fathers in England and Wales to get PR if the registrar records their details in the birth register entry either at the time of the registration or later (re-registration).

The registrar will add the information if both parents are present at the registration or one parent provides a statutory declaration of acknowledgement of paternity from the other parent.

Fathers may not get PR, through the registration alone, if the birth certificate (issued in England or Wales) shows the birth was registered or re-registered:

- 'pursuant to Sections 14A of [the Births and Deaths Registration Act 1953](#) on the authority of the Registrar General' (shown on section 11 and 12 of the certificate)

The courts must have been involved if the birth has been registered or re-registered under Sections 14A. If the birth certificate refers to section 14A (in section 11 and 12 on the certificate), you must ask the person consenting to the application to send in the court order so we can check they have PR.

Legislation under Section 14A only covers birth registration in England and Wales. It is not retrospective and only affects birth registration in England and Wales on or

after 1 December 2003. Before the 1 December 2003 unmarried fathers did not automatically get PR for their child.

## PR for birth parents: Scotland

In Scotland, a child's father gets parental responsibility (PR) if:

- he is not married to the child's mother, but the child was born on or after 4 May 2006 and he was named on the birth certificate; or,
- the parents were married to each other when the child was conceived or at any time afterward (regardless of whether he was named on the birth certificate), for example, this means if the father was married to the mother at the time of conception, but not at the actual time of birth, he would still have parental responsibility.

You must request the child's birth certificate, contemporaneous evidence (if the father was not named on the certificate) and the parents' marriage certificate, if you need to confirm the father has PR through his marriage.

## PR for unmarried fathers in Scotland

[The Family Law \(Scotland\) Act 2006](#) came into force on 4 May 2006 and allows an unmarried father to get PR for his child registered in Scotland, if his details are on the birth certificate.

An unmarried father who does not already have PR can get it by:

- marrying the child's mother; or,
- registering a parental responsibilities and parental rights agreement (made between him and the mother) in the Books of Council and Session in Edinburgh; or,
- a court order

An unmarried father whose child was born before 4 May 2006 will not have PR unless he has a court order or a parental responsibilities and parental rights agreement.

A birth in Scotland can be re-registered under Section 20 of the [Registration of Births, Deaths and Marriages \(Scotland\) Act 1965](#), and the parents named on the original birth certificate would not lose PR and the parent added to the re-registered birth certificate will have PR.

A birth in Scotland can only be re-registered if the parents who hold parental responsibility agree to it, if neither parent holds parental responsibility a person who has parental responsibility can apply to re-register a birth.

## PR for birth parents: Northern Ireland

Where parents are married at the time of the birth, the father will automatically get parental responsibility (PR), whether he is named on the birth certificate or not. A parents marriage certificate valid at the time of the birth will confirm the father's PR if he is not named on the birth certificate.

Unmarried fathers did not automatically get PR until 15 April 2002. [The Family Law Act \(Northern Ireland\) 2001](#) came into force on that date, it defines how an unmarried father in Northern Ireland can get PR for his child. Unmarried fathers of children born on or after 15 April 2002 will have PR if they are named on their child's full birth certificate (see: [Rules for birth registration](#)). Where an unmarried father gains PR because of the birth registration, he will not lose it even if it is established that he is not the father and his details are removed from the birth certificate.

Unmarried fathers who were not named on the birth certificate and did not have PR from the birth registration will get PR after the birth if they marry the mother and they were living in Northern Ireland at the time of the marriage. You must ask for the parents' marriage certificate and contemporaneous evidence to prove he is the birth father and was living in Northern Ireland at the time of marriage, if the parents have not re-registered the birth following their marriage.

To establish parental responsibility under the Family Law Act (Northern Ireland) for the father, you (the examiner) must have:

- a full birth certificate issued in Northern Ireland:
  - naming the father; and,
  - showing the registration took place on or after 15 April 2002
- a marriage certificate and evidence the father was resident in Northern Ireland at the time of the marriage (if the father did not have PR at the time of the birth) for example:
  - a bank statement; or,
  - utility bill; or,
  - payslip or P60

A father may also get PR if he has a court order or a parental responsibility agreement with the mother.

A birth in Northern Ireland can be re-registered under the [Births and Deaths Registration \(Northern Ireland\) Order 1976](#) and the parents named on the original birth certificate would not lose PR and the parent added to the re-registered BC will have PR.

## PR for birth parents: Isle of Man

For children born in the Isle of Man before 1 November 2013:

- married parents both have parental responsibility (PR) if their names are shown on the birth certificate

- unmarried fathers did not automatically have PR (even if they were named as the father on the birth certificate), they can get PR with:
  - a parental responsibility agreement
  - court order
- divorced parents will have PR, (unless there is a court order) when both of the following apply:
  - they were married at the time of the child's birth, or afterwards
  - their names are shown on the birth certificate

From 1 November 2013, married and unmarried fathers automatically gained PR, when they are recorded on the birth register and their details are shown on the birth certificate.

## PR for birth parents: Jersey

Before 2 December 2016 in Jersey:

- the father will have PR if both of the following apply:
  - he is registered as the father on the child's birth certificate
  - he was married to the mother of the child, at the time of the child's birth
- an unmarried father has one of the following:
  - a parental responsibility agreement with the child's mother
  - a parental responsibility order through the court

From the 2 December 2016 any unmarried father will have PR if he is registered (named) on the child's birth certificate, at the time of the child's birth.

An unmarried father who was not named on the registration can get PR by:

- applying to the court for an order, stating he has parental responsibility for his child
- entering into a parental responsibility agreement with the child's mother
- asking the registrar of the parish where the child was born to re-register the child's birth and entering his name on the birth certificate (for this to happen, the father will need to cooperate with the child's mother)

## PR for birth parents: Guernsey and Alderney

Married parents (whether married at the time of the child's birth, or afterwards) will have PR. Parents who separate or divorce continue to have PR.

Parents can only lose PR if a court removes it, or the child is adopted (and in some exceptional cases of assisted reproduction).

Unmarried fathers will not have PR but can get it, if:

- they marry the child's mother (you must ask for the birth certificate and the parents' marriage or civil partnership certificate)

- the birth was registered after 4 January 2010 and they are named on the birth certificate (when [the Children \(Guernsey and Alderney\) Law 2008](#) came into effect)
- they enter into a parental responsibility agreement with the mother
- the court makes a parental responsibility or residence order to the father

#### **Related content**

[Contents](#)

# Parental responsibility: when a child is habitually resident overseas

This section tells HM Passport Office staff about parental responsibility for children habitually resident overseas

The UK signed up to the Hague Convention, '[Convention on Jurisdiction, Applicable law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children](#)' on 19 October 1996.

Since 1 November 2012, countries who had signed up to the Hague Convention must consider laws setting out who has parental responsibility in the country of habitual residence (where the person lives long term).

In relation to parental responsibility, following the Court of Appeal decision on case R (GA, OA, RA, SA and ZA) v SSHD [2021] EWHC 868, this means HM Passport Office must abide by the laws of the country of habitual residence:

- unless there are strong safeguarding concerns present, such as:
  - sexual or domestic abuse towards mother and child
  - potential abduction of the child
  - exploitation of the child due to the child's vulnerability (for example, age or disability)

If there are strong safeguarding concerns HM Passport Office must consider the best interests of the child and then consider whether the applicable law amounts to discrimination against the parent. HM Passport Office must have clear justification why the foreign law should not be applied.

For example, this means a mother, moving with her family from the UK to a country which restricts parental responsibility to a father (or male family member) will no longer be able to exercise her UK parental responsibility whilst the child is living in that country. She will be unable to apply for a passport without the child's father's additional consent. If the mother is unable to get the father's additional consent see, [Habitual residence: guidance advice](#)

You must refer the application to the Public Protection Safeguarding team if you are concerned someone has or intends to unlawfully remove a child from the country where they usually live.

## Habitual residence: checking Knowledge base

When the child is habitually resident outside the UK, you (the examiner) must check Knowledge Base (KB) to confirm:

- if the person consenting to the passport has parental responsibility (PR) in that country; and,
- if the documents are acceptable for passport purposes

You can accept the person consenting to the application has PR if both the following points apply:

- they are the mother or the child's biological father who is, or has been, married to the mother; and,
- KB has no information about who holds PR

Where the person applying does not have PR in the child's country of habitual residence (local law) you must request additional consent from someone who does have PR.

## Habitual residence: guidance advice

You must send a guidance referral through QuEST (Quality and Examination Support team) to ask the Senior Case working team for advice if:

- the person applying cannot get additional consent from a parent who can exercise PR (for example, they are not in contact, or they have refused to give it)

and any of the following apply:

- the customer suggests anything that indicates there is a safeguarding concern if they were to ask for additional consent from the other parent, or a guardian
- KB confirms the person applying does not have PR under local law, and they:
  - would have PR in the UK
- the person consenting to the application is the child's biological father and:
  - he has never been married to the mother; and,
  - KB does not confirm whether he would hold PR
- the customer does not agree with the information in KB

HM Passport Office will confirm the information with the Foreign, Commonwealth & Development Office and reply to your query.

### Related content

[Contents](#)

# How to confirm PR: birth parents

This section tells HM Passport Office staff how to confirm a birth parent has parental responsibility

When dealing with child applications, you, the examiner, must check the person who consented to the application has parental responsibility (PR) for the child. You must also check if additional consent is needed for the application and if it is, check the customer will not be put at risk of harm by asking for that consent.

You must check Authorisation and consent, Additional consent: overseas PR laws, if a parent is applying for a child who is habitually resident outside the UK. You must do this as the parent may have PR under UK law but due to overseas laws may not have PR in the country the child is habitually resident.

To establish if the person giving consent has the right to do so, you must check:

- for any court orders or information with the current or previous application that:
  - removes PR from the person currently giving consent
  - gives the person consenting to the application PR
  - references a court order relating to PR
- for information in the Knowledge Base relating to PR in the child's [country of habitual residence](#)
- for any watchlist matches on the application relating to PR (for example, a caveat preventing the person applying)
- UK Visas and Immigration (UKVI) systems to see who has PR, if the child has registered as a British national and the parents have not provided a full birth certificate

## Checking parents' details: birth parents

We ask the customer to enter the intended passport holder's parents' details to the application and we use these details for identity, nationality and parental responsibility purposes.

You must check the parent (who we are taking parental responsibility through) is named on the application and the details match with the supporting documents, UKVI records or previous passport application.

## What you must consider when checking birth parents' details

If the personal details for the parent who applied (and gave consent) have changed and there is no evidence how they have changed it, you must consider:

- whether the birth has been re-registered naming different parents
- if the change in parents' details will affect the child's claim to British nationality (for example, where a claim to British nationality was originally through one

parent but a different parent's details have been given on an application or a birth has been re-registered)

- if this indicates potential fraud and must be referred to the Public Protection team

You do not need to question the information given on the application if:

- the different details do not affect the British nationality of the customer (for example, when a claim is through Parent 2, but a renewal application does not include their details)
- the different details do not relate to the person giving consent to the application
- the only difference is the adding or removal of the parent's middle forename (unless you have reason to doubt the information given)

## Checking birth parents' details: application does not match documentation

Where the parent's details (who gave consent) on the application do not match the documents provided, the differences may be explained without the need to contact the customer.

Where there are differences, you must check:

- DAP: Change of parent details
- other supporting documents or a linked application (for example, the parent's application, for a change of name)
- our passport records for the parent's passport history (for example, to confirm a change of name)
- UK Visas and Immigration records for more information (if the child has registered as a British national)

Where the details are missing or cannot be explained, you must ask the customer for more information or documents to link the details together (such as a birth certificate or evidence of change of name) before you make your decision.

You must case note the differences you have found and the information you used to clear the discrepancy.

## PR birth parent: confirming mother (parent 1) has PR

The mother (parent 1) is the person who gives birth to the child unless the child is adopted or [born through surrogacy](#) and the parent providing consent has a parental or [adoption order](#).

## Confirming mother (parent 1) has PR: first time applications

For first time applications you can accept the birth mother or parent 1 has parental responsibility and can consent to a passport application, if all the following apply:

- they are named in the parental details section of the application; and,
- they are named as the birth mother:
  - on the full birth certificate; or,
  - in other documentation (see Birth not registered); or,
  - in the child's Life Events Verification (LEV) record (if the customer sent a short birth certificate for a child born in England or Wales on, or after, 1 July 2009)
- there is nothing to indicate their PR has been removed by a court order; and,
- the laws in the country of the child's habitual residence (including the UK):
  - do not stop the parent from having PR
  - allow them to act alone

You must add a case note to the application to record your decision when you have confirmed if the birth mother (parent 1) has PR.

If the child has been registered as British see Child registered as British.

## Confirming mother (parent 1) has PR: renewal and replacement applications

For a renewal or replacement application, you can accept the birth mother (parent 1) submitting the current passport application has PR (without requesting further documents) if they are:

- named as the birth mother (parent 1) on the first passport application (seen through an image retrieval from our application records) and the current application; and,
- any change of name differences can be explained through our records or the documents provided; and,
- there is no indication PR has been removed at any point since the first application (by checking any subsequent applications); and,
- the laws in the country of the child's habitual residence (including the UK, see Knowledge Base for information about PR in countries and territories outside the UK):
  - do not stop the parent from having PR
  - allow them to act alone

You must add a case note to the application to record your decision when you have confirmed if the mother (parent 1) has PR.

## When to ask for more information to confirm mother (parent 1) has PR

You must ask for more information on any child's application when taking consent from a birth mother (parent 1) if any of the following points apply:

- the mother's (parent 1) personal details are missing from the first application or the current application
- you cannot confirm the person applying holds PR for example:
  - you cannot confirm the mother's (parent 1) personal details on the application using the supporting documents or previous applications
- you need additional consent, for example, to change a name, (also see, [Safeguarding: consent issues](#))
- the child is born through surrogacy

See, [When you cannot confirm PR from the information given](#), for how to request additional information.

## PR birth parents: confirming father or parent 2 has PR

Not all fathers will have automatic parental responsibility as this depends on the laws in place at the time and in the country of the child's birth or their habitual residence. See, [Parental responsibility: birth parents](#), [Parental responsibility: when a child is habitually resident overseas](#) and Knowledge base.

## Confirming father or parent 2 has PR: first time applications

For first-time applications you can accept the father or parent 2 has parental responsibility and can consent to a passport application, if all the following apply:

- they are named in the parental details section of the application; and,
- they are named on the child's:
  - full UK birth certificate; or,
  - the child's Life Events Verification (LEV) register entry (if the customer sent a short birth certificate for a child born in England or Wales on, or after, 1 July 2009); and,
- there is nothing to indicate their PR has been removed by a court order; and,
- the laws in the country of the child's habitual residence (including the UK):
  - do not stop the parent from having PR
  - allow them to act alone

and any of the following bullet points also apply:

- they are (or were) married to the mother (parent 1) at the time of the child's birth in the UK, (or time of conception in Scotland) including:
  - when they are not named on the birth certificate for a birth in [England](#), [Wales](#), [Scotland](#) or [Northern Ireland](#)
- the child was born at a time and in a place where an unmarried father or parent 2 will have PR (where they were named on the birth certificate)
- the birth was re-registered and the re-registration gave the unmarried parent, parental responsibility
- they did not have PR for the child and attained it after the birth, following marriage to the mother and a re-registration of the birth (see PR in [England](#), [Wales](#), [Scotland](#) and [Northern Ireland](#) for details)

You must ask for the parents' marriage or civil partnership certificate if the birth in the UK was not jointly registered and you need it to confirm the father (parent 2) holds parental responsibility. You cannot accept a date of marriage alone as evidence of PR for a first time application. Also see PR for birth parents in:

- [England and Wales](#)
- [Scotland](#)
- [Northern Ireland](#)
- [Isle of Man](#)
- [Jersey](#)
- [Guernsey and Alderney](#)
- Knowledge base

You must ask for more information if you cannot confirm the person applying holds PR or the [parents' personal details on the application do not match the birth record](#).

If the child has been registered as British see Child registered as British.

## Confirming father or parent 2 has PR: renewal and replacement applications

Renewal and replacement applications require the parent to provide evidence they hold parental responsibility (PR). Digital Customer Services (DCS) will ask fathers who apply online to provide the child's full birth certificate to show they hold PR or other proof of PR or a letter of consent from someone who does hold PR.

If a father or parent 2 does not supply a full birth certificate or evidence they have PR you must first check the child's previous applications on our passport and application records. You can accept any previous examiner was correct in their assessment if they have accepted father has PR and have added a case note as described in Authorisation and consent and:

- the case notes on that previous application specifically record:
  - the father or parent 2's full name
  - their relationship to the intended passport holder
  - how the previous examiner confirmed the person who consented had the right to do so (for example, what documents did they see to confirm parental responsibility)
- there is evidence in previous application records or images to confirm the parent's marriage certificate has been seen, if it was required to confirm PR (a date of marriage without a certificate is not sufficient evidence)

## When to ask for more information to confirm father or parent 2 has PR

You must [ask for more information](#) and documents to confirm PR, from a father or parent 2 who submits any child application if any of the following apply:

- the father or parent 2's personal details are missing from the current application or previous applications, or:
  - you [cannot confirm the father or parent 2s' personal details](#) on the application using the supporting documents or previous application
- you [cannot confirm the person applying and consenting to the application holds PR](#), for example:
  - they have not provided a full birth certificate that confirms they have PR and there are no case notes on previous applications to show the father or parent 2 has PR
  - the birth parents married after the birth and the father or parent 2 did not gain automatic PR through the birth registration (the birth must be re-registered to gain PR through subsequent marriage), see [Parental responsibility: birth parents](#) the [birth has been re-registered](#) and the parents' details have changed
- the [birth has been re-registered](#) and the parents' details have changed
- you need additional consent, for example, to change a name, (also see, Safeguarding: consent issues)
- the child is born through [surrogacy](#)

See, [When you cannot confirm PR from the information given](#) for how to request additional information.

## When you cannot confirm PR from the information given

If you cannot confirm the person (mother or father, parent 1 or parent 2) applying for the passport has PR from the information given, (see DAP parental responsibility task) you must:

1. Ask the customer to send us evidence they hold PR, for example:
  - the child's full birth or adoption certificate
  - the parents' marriage or civil partnership certificate
  - any court orders that give them parental responsibility
  - signed and dated consent (with a wet signature) from a parent who has PR
2. Consider if the person applying can give consent as a guardian, for example:
  - in place of a parent (in loco parentis)
  - testamentary guardianship
  - because the child is in care
3. Confirm the consent is genuine if you need to ask for additional written consent.

If you cannot obtain the correct consent from someone with PR, you must tell the customer to get a court order confirming a passport can be issued. If there are safeguarding issues around getting consent, see Safeguarding: consent issues.

When you receive the necessary documents to confirm who has PR, you must add a case note to the application to record your decision. See, Recording your decision: birth parents

## Recording your decision: birth parents

You must add a case note to the application to record your decision when you confirm any birth parent has PR or you needed additional consent to issue the passport.

You must

1. Add a case note:
  - as described in Case noting consent: recording your decisions, to show the actions and decisions you made; and,
  - to record the name and place of birth of the other parent, only if their details are included on the full birth certificate but not on the application (you must not request a full birth certificate for a renewal or replacement application solely to case note these details)
2. Scan the document that confirms parental responsibility (PR), if the document is sent electronically (and it can be accepted electronically) or the application is submitted through a Digital Fast track appointment. See Document scans: scanning, uploading and redating customer documents.

### Related content

[Contents](#)

# Parental responsibility: adoption

This section tells HM Passport Office staff how parental responsibility is given to an adoptive parent and how to confirm they have it

An adoptive parent will have parental responsibility (PR) in the UK if the adoption took place:

- in the [UK](#)
- overseas, through a [Hague Convention adoption](#)
- overseas and is [considered legal in the UK](#) (known as a recognised foreign adoption)

Even though the adoptive parent may have PR through the adoption you must check if the child can claim nationality through adoption.

Where the child is habitually resident outside the UK also see [Parental responsibility: when a child is habitually resident overseas](#).

## Parental responsibility: UK adoptions

For an adoptive parent to have PR, they must be named as the adoptive parent on either, the:

- adoption order
- full adoption certificate

The customer must send in the full adoption certificate, if they do not, you must ask for one, alternatively we can accept an adoption order.

## Parental responsibility: UK pending and interim adoption orders

If a child is subject to a Placement Order or has been 'freed for adoption' but the adoption has not yet taken place, you must ask the customer to send in a court order.

If the pending adoption is by a step-parent and the birth parent continues to have parental responsibility, the birth parent can consent to the passport application.

An adopter named on an interim order can consent to a child's passport application, if they have parental responsibility, under:

- section 25 of [the Adoption Act 1976](#) (England or Wales)
- article 26 of [the Adoption Order 1987](#) (Northern Ireland)
- section 25 of [the Adoption Act 1978](#) (Scotland)

The interim order confirms:

- who has parental responsibility
- what the child's new name will be
- how long you must issue the passport for

## Pending adoptions: England and Wales

Local authorities may have parental responsibility, if:

- they get a court order while the child is awaiting adoption
- a Placement Order has not been issued

If a Placement Order has been issued and the child is living with the prospective adopters, they will have parental responsibility. The order places restrictions on parental responsibility and the ability to change the child's name, without either:

- the consent of the court
- written consent of everyone with parental responsibility

Before you issue a passport, you must check the court order to confirm what restrictions are in place.

## Pending adoptions: Northern Ireland

In Northern Ireland, the prospective adoptive parents will not have parental responsibility until the adoption is complete.

The adoption agency or Guardian Ad litem (a guardian appointed by the court) has parental responsibility.

You must ask the customer to send you the freeing order to confirm who has parental responsibility and deal with the application accordingly.

## Pending adoptions: Scotland

If there is a court order declaring the child is free for adoption, parental responsibility transfers to the adoption agency until the adoption is finalised and the adoptive parents get PR. If this is the case you must process the application as a child in care of the local authority and get the appropriate consent.

## Pending adoption: moving overseas

To take a child out of the UK, the Channel Islands or the Isle of Man for the purpose of an overseas adoption, the prospective adopters, relatives or legal authority must have a parental responsibility order, granted under:

- section 84 and 85 of [the Adoption and Children Act 2002](#)
- section 49 of [the Adoption Act 1978](#)
- article 57 and 58 of [the Adoption Order 1987](#)

## Parental responsibility: overseas adoptions

Adoption from countries outside the UK will not give an automatic claim to British citizenship unless the adoption took place under Article 23 of the Hague Convention and certain criteria are met. See How to establish nationality through an overseas adoption.

How HM Passport Office deals with an application for a child adopted overseas depends on if the adoption:

- is legally recognised for parental responsibility purposes in the UK
- allows an automatic claim to British nationality

## Parental responsibility: Hague Convention adoption

You, the examiner, can accept a customer has parental responsibility in the UK if the Article 23 Hague Convention Order names the parent who gives consent to the passport application and the criteria is met.

See adoption guidance for an explanation of what an Article 23 Hague Convention adoption is.

## PR: overseas adoptions (non-Hague convention adoption)

A child adopted overseas through a local adoption (not under Article 23) may have an automatic claim to British citizenship through their birth parent. To establish PR through the adoptive parent, for these children you must check the table below to see if the adoption took place in a country legally recognised for parental responsibility in the UK.

To confirm a parent has parental responsibility in the UK through an overseas adoption, you must check the adoption order, was:

- issued in the UK from an entry in the Adopted Children's Register
- made in a country named on [The Adoption Order 1973, Designation of Overseas Adoptions](#) (before 3 January 2014)
- made in a country named on the [Adoption Order 2013](#) or the [2013 Scottish Regulations, Recognition of Overseas Adoption](#) (on or after 3 January 2014)

Evidence of an overseas adoption may be:

- an entry from a public adoption register
- a certificate signed by an authorised foreign government official
- an adoption order from the local court

Where the person giving consent does not appear to have PR in the UK because the adoption is not recognised you must explore other means of confirming PR. For example, by asking for additional consent from someone who does have PR or by applying guidance for loco parentis.

Legally recognised country for PR purposes	Legally recognised country for PR purposes	Legally recognised country for PR purposes
<b>A</b>	<b>H</b>	<b>P</b>
Albania	Hong Kong	Panama
Andorra	Hungary	Paraguay
Anguilla		Peru
Armenia	<b>I</b>	Philippines
Australia	Iceland	Pitcairn Islands
Austria	India	Poland
Azerbaijan	Ireland (the Republic of)	Portugal, Azores and Madera
	Israel	
<b>B</b>	Italy	<b>R</b>
Bahamas		Romania
Barbados	<b>J</b>	Rwanda
Belarus	Jamaica	
Belize		<b>S</b>
Belgium	<b>K</b>	Saint Christopher and Nevis
Botswana	Kazakhstan	Saint Vincent
Bolivia	Kenya	San Marino
Brazil		Senegal
British Virgin Islands	<b>L</b>	Seychelles
Bulgaria	Latvia	Singapore
Burkina Faso	Lesotho	Slovakia
Burundi	Liechtenstein	Slovenia
	Lithuania	South Africa
<b>C</b>	Luxembourg	Spain, the Balearics and Canary Islands
Canada		Sri Lanka
Cape Verde	<b>M</b>	Suriname
Cayman Islands	Macedonia	Sweden
Chile	Madagascar	Switzerland
China (the People's Republic of) – see adoptions in China	Malawi	
Colombia	Malaysia	<b>T</b>
Costa Rica	Mali	Tanzania
Cuba	Malta	Thailand

Cyprus (the Republic of)	Mauritius	Togo
Czech Republic	Mexico	Tonga
	Moldova (the Republic of)	Trinidad and Tobago
<b>D</b>	Monaco	Turkey
Denmark, Faroe Islands and Greenland	Mongolia	
Dominican Republic	Montenegro	<b>U</b>
	Montserrat	Uganda
<b>E</b>		United States of America (the)
Ecuador	<b>N</b>	Uruguay
El Salvador	Namibia	
Estonia	Netherlands (the), Antilles and the Islands of Bonaire, Sint Eustatius and Saba	<b>V</b>
	New Zealand	Venezuela
<b>F</b>	Nigeria	Vietnam
Fiji	Norway	
Finland		<b>Z</b>
France		Zambia
French Guyana		Zimbabwe
<b>G</b>		
Georgia		
Germany		
Ghana		
Gibraltar		
Greece		
Guadeloupe		
Guinea		
Guyana		

## Related content

[Contents](#)

# How to confirm PR: adoptive parents

This section tells HM Passport Office staff how to confirm parental responsibility for adoptive parents

You must confirm the person consenting to the child's application has parental responsibility (PR) in the UK. Where the child is habitually resident outside the UK also see [Parental responsibility: when a child is habitually resident overseas](#).

## Checking adoptive parents' details: all applications

We ask the customer (the intended passport holder) to give us their parents' details on the application and we use these details for identity, nationality and parental responsibility purposes.

You must check the parent (who we are taking parental responsibility through) is named on the application and the details match with the supporting documents or previous passport application.

## What you must consider when checking adoptive parents' details

You do not need to question the information given on the application if:

- the different details do not relate to the person giving consent to the application
- the only difference is the adding or removal of the parent's middle forename (unless you have reason to doubt the information given)

## Checking adoptive parents' details: application does not match documentation

Where the parent's details (who gave consent) on the application do not match, the documents provided, the differences may be explained without the need to contact the customer.

Where there are differences, you must check:

- DAP: Change of parent details
- other supporting documents or a linked application (for example, the parent's application, for a change of name)
- our passport records for the parent's passport history (for example, to confirm a change of name)
- UK Visas and Immigration records for who was recorded as the parents and who gave consent on a child's application for registration

Where the details are missing or cannot be explained, you must ask the parent for more information or documents to link the details together (such as a birth certificate or evidence of change of name) before you make your decision.

You must case note the differences you have found and the information you used to clear the discrepancy.

## PR by adoption: first time application

If the customer sends in an interim adoption order, you must refer to [pending adoptions](#).

You can accept the person who consents to the application has PR, if all the following apply:

- their details are given on the parent's detail section of the application
- they are named as the parent:
  - on the full UK adoption certificate or order; or,
  - on a full overseas adoption certificate and the adoption took place in a country where the [adoption is legally recognised for PR](#)
- there is nothing to indicate their PR has been removed by a court order
- the laws in the country of the child's habitual residence (including the UK):
  - do not stop the parent from having PR
  - allow them to act alone

You must:

- ask for more information if you cannot confirm the person applying holds PR
- ask for more information if the parents' personal details on the application:
  - have changed
  - do not match the adoption certificate
  - are missing
- check UKVI systems if the child has registered as a British national and the parents have not provided a full adoption certificate

You must add a case note to the application to record your decision when you have confirmed if the parent has PR.

## PR by adoption: renewal and replacement applications

For a renewal or replacement application, you can accept the mother (parent 1) submitting the current passport application has PR (without requesting further documents) if:

- they are named as the parent:
  - on the full UK adoption certificate or order; or,
  - on a full overseas adoption certificate and the adoption took place in a country where the [adoption is legally recognised for PR](#); or,

- they are named as the parent on the first passport application and the current application; and,
  - the original documents list shows an adoption certificate; and,
  - the case notes on the previous application confirm who has parental responsibility; and
  - any change of name differences can be explained through our records or the documents provided; and,
  - there is no indication PR has been removed at any point since the first application (by checking any subsequent applications); and,
- the laws in the country of the child's habitual residence (including the UK, see Knowledge Base for information about PR in countries and territories outside the UK):
  - do not stop the parent from having PR
  - allow them to act alone

You must add a case note to the application to record your decision when you have confirmed if the parent has PR.

## When to ask for more information to confirm adoptive parent has PR

You must ask for more information on any child's application (for example, the child's full adoption certificate) when taking consent from an adoptive parent if any of the following points apply:

- the parent's personal details are missing from the first application or the current application
- you cannot confirm the person applying holds PR for example:
  - you cannot confirm the parent's, personal details on the application using the supporting documents or previous applications
- you need additional consent, for example, to change a name, (also see, Safeguarding: consent issues)
- there is evidence that suggests:
  - they no longer have parental responsibility
  - someone else has parental responsibility
- the child is born through surrogacy

See, [When you cannot confirm PR from the information given](#), for how to request additional information.

If you are unable to confirm if the adoptive parents have parental responsibility you must check if anyone else has PR and is able to consent to the application, if not refer to loco parentis. You must remain sensitive to the circumstances (for example, do not use the term 'loco parentis' when contacting adoptive parents).

## Recording your decision: adoptive parents

You must add a case note to the application to record your decision when you confirm the adoptive parent has PR or you needed additional consent to issue the passport.

You must

1. Add a case note:
  - as described in Authorisation and consent, to show the actions and decisions you made; and,
  - to record the name and place of birth of the other parent, if their details are included on the adoption certificate but not on the application (you must not request an adoption certificate for a renewal or replacement application solely to case note these details)
2. Scan the document that confirms parental responsibility (PR) if the Document scans: scanning, uploading and redacting customer documents guidance tells you to.

### Related content

[Contents](#)

# Parental responsibility: surrogacy

This section tells HM Passport Office staff how to confirm parental responsibility when a child is born through surrogacy.

You, the examiner, must refer to surrogacy guidance if dealing with child born of a surrogacy agreement.

## **Related content**

[Contents](#)