



Home Office

Adoptions

Version 11.0

This guidance tells His Majesty's Passport Office examination staff about how adoption affects parental responsibility, nationality and passport applications.

Contents

Contents.....	2
About: Adoption: nationality and PR.....	4
Contacts	4
Publication	4
Changes from last version of this guidance	4
Adoptions and passport applications.....	6
Restricted overseas adoptions	6
Children taken outside of the UK for adoption	6
Traveling outside of the UK during adoption proceedings	7
British citizenship through adoption.....	9
Adoption: checking the age of the adoptee.....	9
Checking if the adoptee is British by birth.....	9
Adoptive parent is not a British citizen	10
Adoption: where urgent nationality registration is needed.....	10
Adoption: Magdalene Laundries	11
Nationality: adoptions in the UK	12
Adoption: UK excluding Channel Islands or Isle of Man	12
Adoptions in the UK before 1 January 1950.....	12
Adoptions in the UK between 1 January 1950 and 31 December 1982.....	13
Establishing nationality for UK adoptions between 1 January 1950 and 31 December 1982.....	14
Adoptions in the UK on or after 1 January 1983	14
Nationality: adoption in the Channel Islands or Isle of Man	15
Nationality: adoption in a British overseas territory	16
Nationality: adoption in the Falkland Islands between 1 January 1983 and 21 May 2002.....	16
Nationality: adoption in all British overseas territories after 21 May 2002.....	17
Nationality: adoption overseas	18
Countries the UK restrict adoptions from	18
Restricted adoption: how to deal with a case	19
Adoptions in China.....	19
How to establish nationality through an overseas adoption	20
Adoption: under the Hague Convention (article 23)	21
Nationality: adoption overseas by a BOTC before 30 December 2005	21

Nationality: adoption overseas by a BOTC on or after 30 December 2005	22
What habitual residence is	22
Parental responsibility through adoption	23
Overseas adoptions: for parental responsibility purposes	23
Adoption: evidence to support passport applications	24
Adoption certificates: issued before 1 June 2003	24
Adoption certificates: issued on or after 1 June 2003	24
Adoption certificates: further supporting evidence needed	25
Adoption certificates: where information is missing	25
Adoption orders	25
UK adoption orders	25
Adoption orders: overseas and British overseas territories	26

About: Adoption: nationality and PR

This guidance tells His Majesty's Passport Office examiners about UK and overseas adoption. It includes:

- how adoptions affect nationality
- the evidence we need to establish nationality when the customer is adopted
- the difference between a Hague Convention adoption and a local court adoption
- countries where adoptions are restricted and we need extra evidence before we process the application.

Contacts

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

Publication

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

- version **11.0**
- published for Home Office staff on **8 December 2025**

Changes from last version of this guidance

This guidance has been updated:

- with a new section to tell examiners what documents they need to establish BSUKC nationality for UK adoptions between 1 January 1950 and 31 December 1982.
- throughout, to change references from Child Protection and Safeguarding team (CPST) to Public Protection Specialist Safeguarding team (PP SST), following a team name change.
- with a new subsection, Adoptions: Magdalene Laundries, to tell examiners how to deal with a Magdalene Laundries application
- in the How to establish nationality through an overseas adoption section to make it clear under what circumstances a Hague Convention adoption overseas will give British citizenship to an adoptee

Related content

[Contents](#)

Adoptions and passport applications

This section tells HM Passport Office examiners about what adoptions are, and how they can affect a passport application.

Adoption is the legal process, ordered by the court, where a child or a group of siblings:

- who cannot be brought up within their birth family become full, permanent and legal members of a new family
- become full, permanent and legal members of a new family made up of a birth parent and a step-parent

An adoptive parent becomes the child's legal parent with the same rights and responsibilities as if the child was born to them. The [GOV.UK](#) page on adoption, provides further information about adoption in the UK and overseas.

When dealing with a passport application for an adopted person (in the United Kingdom or overseas), you must be aware that adoption affects:

- who holds parental responsibility (for example, who can consent to an adopted child's passport application)
- the adopted person's nationality (where the adoption takes place [in the UK](#) or a [British overseas territory](#) or they were adopted on or after 1 June 2003 under [Article 23 of the Hague Convention](#))

Restricted overseas adoptions

The adoption of children overseas is regulated by [Intercountry Adoption teams](#) in England and Wales, Scotland and Northern Ireland. The UK restricts and closely monitors the adoption of children from some overseas countries due to vulnerability considerations.

If you receive an application for a passport for [a child adopted in one of these restricted countries](#), you must ask for more information and evidence from the adoptive parents.

Children taken outside of the UK for adoption

Where a child is born in the UK, their transfer outside of the UK for the purposes of adoption is covered under Section 84 and 85 of the [Adoption and Children Act 2002](#).

In line with this legislation, a child living in the UK must not be transferred to a place outside of the UK for adoption, unless the:

- adopters have a parental responsibility order granted under Section 84 of the [Adoption and Children Act 2002](#)

- child is to be removed by a court order, under:
 - Section 49 of the [Adoption \(Scotland\) Act 1978](#)
 - Article 57 of the [Adoption \(Northern Ireland\) Order 1987](#)

If you suspect that a customer is applying for a British passport to transfer a child out of the UK, Channel Islands or the Isle of Man for the purposes of adoption without the correct authority, you must:

- not continue to process the application
- refer the application to your operational team leader (OTL) immediately, who will need to liaise with:
 - Counter Fraud team (CFT)
 - Public Protection Specialist Safeguarding team (PP SST)

Traveling outside of the UK during adoption proceedings

During adoption proceedings in the UK, if a child is to be taken abroad, the person applying for the passport must get consent from the:

- local authority with parental responsibility for the child (under section 18 of the [Adoption and Children Act 2002](#)), for adoptions in England and Wales only
- adoption agency with parental responsibility for the child (under the [Adoption \(Northern Ireland\) Order 1987](#))
- person or agency with parental responsibilities or parent rights (under section 18 of the [Adoption \(Scotland\) Act 1978](#))

If a child lives with a birth parent who has parental responsibility and the purpose of the adoption is to legalise the position of another adoptive parent. You, the examiner, must ask for the consent from the birth parent.

Where a child has been placed for adoption under section 19 of the [Adoption and Children Act 2002](#) (in England and Wales only) the prospective adopters will have parental responsibility but cannot pass on their British nationality until an adoption order has been made. You may need to ask for a copy of the court order, as there are often restrictions on the scope of the adopter's parental responsibility.

For nationality purposes, where an adoption order has been made, but the adoption has not been finalised (this usually takes place a few weeks later), a child will have a claim to British citizenship either:

- [through their birth parent](#)
- under Section 1(5) of British Nationality Act 1981 (where the child was not already a British citizen before their adoption order was granted)

If a child has a claim to British citizenship under Section 1(5) of the British Nationality Act 1981 as a result of an adoption order being issued, they will remain a British citizen regardless of whether the adoption order is finalised.

Related content
[Contents](#)

British citizenship through adoption

This section tells HM Passport Office staff how an adoptee gains British citizenship.

An adopted person may already have British nationality through their birth parents or in their own right, prior to the adoption. If they already hold British citizenship (BC) status prior to the adoption, the adoption will have not changed their existing BC status.

If the adopted person does not already hold BC status from birth, they can only gain BC status through adoption if they were a minor when they were adopted and:

- they were adopted:
 - [in a UK court](#)
 - in a qualifying [British overseas territory](#) court
 - [on or after 1 June 2003 under Article 23 of the Hague Convention](#)
- the adopter is a British citizen on the date of adoption and was habitually resident in the UK at the time of the adoption (in single adoption cases)
- at least one of the adopters is a British citizen and was habitually resident in the UK at the time of the adoption (in joint adoption cases)

Adoption: checking the age of the adoptee

When you deal with an application where the person's British nationality is dependent on an adoption, you must also consider the age of the child when they were adopted. A person can only claim British nationality through an adoption if they did not already hold British nationality and were considered to be a minor (a child) at the time of the adoption. For the purposes of British nationality, the adoptee must have been under the age of:

- 21 years if an adoption took place before 1 January 1970
- 18 years if the adoption took place after 1 January 1970

If an adoption took place above these ages, the adoptee will not have a claim to British nationality as a result of their adoption.

The customer may be able to register as a British citizen, if all the following apply:

- they were adopted in the UK by a British citizen
- the application for adoption was made before the person's eighteenth birthday
- the adoption order is made after the person has turned 18

Checking if the adoptee is British by birth

Whilst an adoptee may already be a British citizen through their birth parents, due to the sensitive nature of adoptions we should always try to establish the adoptee's claim to British nationality through the adoptive parents first. We will do this unless:

- the adoptee already holds a British passport
- the adoptee has registered or naturalised in their own right
- the adoptive parents are not British citizens

Adoptive parent is not a British citizen

If an adoption takes place and the adoptive parent is not a British citizen, the adoptee will not be a British citizen through the adoption. For example, the child will have no claim to British nationality through an adoptive parent's UK settlement or Treaty Rights.

However, the adoptee may already have a claim to British citizenship through their birth parents. If their British nationality has not already been established through their birth parents and there is no claim through the adoptive parents, you must:

1. Contact the adoptive parents and tell them the child does not have a claim through the adoption.
2. Ask the adoptive parents if they have information about the birth parents and tell them they may be able to get information and access to public records by with support from Social Services (or the adoption agency that dealt with the placement).
3. Ask the adoptive parents to get evidence of the birth parents claim to British citizenship if possible (for example, through the General Registrar's Office).

You must take particular care when dealing with these enquiries, due to the sensitive nature of the cases.

If the adoptive parents are unable to provide any supporting evidence to confirm their child's birth parents British citizenship, you must tell them to register the child with UKVI.

Adoption: where urgent nationality registration is needed

If you get a passport application for a child adopted in the UK or overseas with British adoptive parents, no automatic claim to British nationality and the parents have an urgent need to travel (in line with Urgent government business and compassionate travel guidance), you must:

1. Not refuse the application.
2. Send a guidance query and explain, the child:
 - is going through the adoption process and needs to travel urgently
 - urgently needs to be registered as a British citizen

The Quality, Examination Support team (QuEST) will email UK Visas & Immigration service (UKVI) to:

- ask them if they can register the child
- let us know when the registration is complete

- send us a scanned copy of the registration certificate

When QuEST tell you the registration is complete, you must:

- add a case note to the application showing the:
 - registration certificate number
 - date of issue
 - place of issue
 - issue the passport

The process to register a child urgently is only done in exceptional circumstances and can be very quick. If this is the case the application to register a child can be completed within a matter of days.

The Parents and guardians: consent guidance contains further information about checking parental responsibility where the child has been registered with UKVI.

Adoption: Magdalene Laundries

Between 1922 and 1999 in Northern Ireland and Ireland, unmarried mothers living in Catholic and Protestant institutions, laundries, and workhouses often had their babies taken away at birth without their consent. Most affected people were born during this time, but some may have been born outside these dates.

Some babies were forcibly adopted through official and unofficial channels. Many born in Northern Ireland were sent to Ireland or overseas to countries like the USA, Canada, and Australia.

Because of this, some customers, including descendants of those affected, may not have documents proving their British nationality.

These cases are collectively called Magdalene Laundries applications. If you think a customer might be affected, you must follow the Magdalene Laundries guidance.

Related content

[Contents](#)

Nationality: adoptions in the UK

This section tells HM Passport Office examiners about adoptions in the United Kingdom, and how they can affect a passport application.

The nationality status of a person adopted in the UK will depend on when and where the adoption took place and also how old the person was when they were adopted. Various legislation applies, depending on whether the person was adopted in the:

- Channel Islands or Isle of Man
- rest of the UK, excluding the Channel Islands or Isle of Man

Adoption: UK excluding Channel Islands or Isle of Man

In the United Kingdom (UK) (excluding the [Channel Islands or Isle of Man](#)), the nationality status of an adopted person will depend on when the adoption took place. This is due to changes in legislation around when a [minor \(the adopted child\)](#) would become a British citizen following their adoption.

If you are dealing with an application where a child was adopted in the UK you, the examiner, must find out whether the adoption took place:

- [before 1 January 1950](#)
- [between 1 January 1950 and 31 December 1982](#)
- [on or after 1 January 1983](#)

Adoptions in the UK before 1 January 1950

Where an adoption took place in the UK before 1 January 1950, under the [Adoption Act 1926](#), a court had no power to make an adoption order for a child who was not a British subject (BS).

If the child already held BS status at the time of the adoption, their adoption could take place in UK courts, regardless of whether they lived in the UK or overseas.

If the child lived overseas and did not hold BS status at the time of the adoption, the adoption could not take place in a UK court.

Adoption orders made before 1 January 1950 have no effect on the nationality status of the adopted person. More information around the nationality status can be found in the British citizenship guidance.

Where the adoption order issued in England or Wales does not show a place of birth, you must follow the Place and country of birth guidance to record the country of birth as the place of birth.

If you are dealing with an application where the child was adopted in Scotland, short adoption certificates entered in the Adopted Children Register (Scotland) before 1 October 1950 do not show the country of birth. You must contact National Records of Scotland (NRS), who can provide confirmation of the country of birth.

For applications where the child was adopted in Northern Ireland, a short adoption certificate does not usually show the adopted child's country of birth. A full adoption certificate will show the country of birth, where this happened outside of Northern Ireland. If you need to confirm the country of birth, you must contact the General Registrar's Office (GRO) for Northern Ireland.

Adoptions in the UK between 1 January 1950 and 31 December 1982

Where a child of any nationality was adopted in the UK, they will become a British subject, citizen of the United Kingdom and colonies (BSUKC) under section 8 of the [Adoption of Children Act \(1949\)](#), from the date of their adoption, if:

- they were not already a BSUKC in their own right
- they were adopted between 1 January 1950 and 31 December 1982 in a UK court
- the adopter was a BSUKC (in single adoption cases)
- the male adopter was a BSUKC (in joint adoption cases)

If the child was already a BSUKC in their own right prior to the adoption, the adoption will not change their existing BSUKC status.

If the child became a BSUKC from the date of their adoption, they will be classed as BSUKC by adoption under section 8 of the [Adoption of Children Act \(1949\)](#).

In these applications, you, the examiner, must case note the customer's nationality status as 'BSUKC by adoption, ROA section 2(1)(a) IA'71', BC 11(1) BNA'81 OTBD (other than by descent).

A female BSUKC can only pass on her citizenship to an adopted child if she is a single adopter, if a husband or male partner also adopted the child, the child will not benefit from the adopted mother's British nationality.

This was originally covered in legislation under section 8 of the Adoption of Children Act 1949 and was later covered under:

- section 19 of the Adoption Act 1958
- section 1(3) of the Adoption Act 1964 (extended to cover adoptions in the Isle of Man and Channel Islands)
- section 40 of the [Adoption Act 1976](#) (which came into force on 1 January 1988)

A child will get Right of Abode (ROA) status following their adoption, if:

- they were adopted in the UK during this time and they became a BSUKC following their adoption under section 8 of the [Adoption of Children Act \(1949\)](#)

- they were adopted in a colony or dependant territory and both the following apply:
 - child was already a commonwealth citizen
 - adoptive parent is a BSUKC by virtue of their birth in the UK or islands

From 1 January 1983, following the introduction of the [British Nationality Act 1981](#), a BSUKC with ROA will automatically become a British citizen in adoption cases.

Establishing nationality for UK adoptions between 1 January 1950 and 31 December 1982

Children born in the UK before 1 January 1983 were automatically BSUKC, provided their parents were not enemy aliens or foreign diplomats. Their birth or adoption certificate will be sufficient evidence to confirm their claim to BSUKC under section 4 of the British Nationality Act 1948.

For children who were adopted in the UK by a BSUKC father (or mother if the adoption order was solely in her name) but were not BSUKC in their own right (for example they were not born in the UK), you must ask for evidence that confirms their claim to BSUKC by adoption under section 8 of the [Adoption of Children Act \(1949\)](#).

You must ask the customer to send in:

- their full adoption certificate showing:
 - the adoption took place in the UK; and,
 - the name of the adopter or adopters
- evidence of the [adopter's BSUKC nationality](#) at the time the adoption took place

You must check the details on the documents provided to confirm the links between the child and the adopter, and their claims to British nationality.

If the full adoption certificate shows place or country of birth unknown, you must follow Place and country of birth guidance.

Adoptions in the UK on or after 1 January 1983

From 1 January 1983, if a child is not already a British citizen (BC), under 18 years old and an adoption order is made through a court in the UK, they will become a BC if either:

- the adopter is a BC on the date of adoption order
- at least one of the adopters is a BC in joint adoption cases

This is covered in the [British Nationality Act 1981](#), under section 1(5).

Where the child becomes a BC following their adoption, this will take effect from the date the adoption order was made by the court. This will also still apply if the adoption was cancelled, or later nullified.

If the child already holds BC status from birth, the adoption will not change their existing British status.

In joint adoption cases, the adopting parents do not need to be married for the child to obtain British nationality from either parent. For nationality purposes, the child will be considered British.

When you deal with an application for a person who has been adopted you must consider if you need to establish if the adoptive parent holds parental responsibility before you authorise any passport.

Nationality: adoption in the Channel Islands or Isle of Man

Section 19 of the Adoption Act 1958 was extended to the Channel Islands and Isle of Man ('the Islands') by section 1(3) of the Adoption Act 1964 (later repealed by section 40 of the [Adoption Act 1976](#)).

If a child was adopted in the Channel Islands or Isle of Man:

- before 1 April 1959, Section 1(3) of the Adoption Act 1964 was provided with retrospective effect, meaning the child will become a BSUKC from the date of their adoption (the same as an [adoption in the UK after 1 January 1950](#))
- between 1 April 1959 and 16 July 1964, they will become a BSUKC from 16 July 1964 (when the Adoption Act 1964 came into force).
- after 16 July 1964, they will become a BSUKC from the date of the adoption order

From 1 January 1983, section 1(5) of the [British Nationality Act 1981](#) applies. An adopted child will become a British citizen following adoption, in line with [adoptions in the UK on or after 1 January 1983](#).

Related content

[Contents](#)

Nationality: adoption in a British overseas territory

This section tells HM Passport Office examiners about adoptions in a British overseas territory, and how they can affect a passport application.

The nationality status of a child adopted in a British overseas territory will depend on when and where the adoption took place. For example, adoption in a British overseas territory after 21 May 2002 may confer BC status as well as BOTC status, depending on the parent's nationality status.

Various legislation applies, depending on whether the child was adopted in the:

- Falkland Islands
- rest of the British overseas territories

When you deal with an application for a person who has been adopted you must consider if the adoptive parent holds parental responsibility before you authorise any passport.

Nationality: adoption in the Falkland Islands between 1 January 1983 and 21 May 2002

The [British Nationality \(Falkland Islands\) Act 1983](#) was effective on 1 January 1983 and gives details on how people born in the Falkland Islands can claim British citizenship.

Where a minor (a child under the age of 18 years) was adopted in the Falkland Islands on or after 1 January 1983, they became a British citizen (if they were not already) from the date of the adoption order under:

- section 1(4) of [British Nationality \(Falkland Islands\) Act 1983](#), if both:
 - at the time of the adoption, at least one of the adopters was a British citizen
 - they were adopted through a court in the Falkland Islands on or after 1 January 1983 and before 21 May 2002

Where a minor has been adopted in the Falkland Islands:

- on or after 1 January 1983, they will become a BOTC from the date of the adoption under:
 - section 15(5) of the [British Nationality Act 1981](#), if at least one of the adopters was already a BOTC at the time of the adoption
- between 1 January 1983 and 21 May 2002, they will also become a British citizen under the [British Overseas Territories Act 2002](#)

If a child was adopted in the Falkland Islands on or after 21 May 2002, the child may become a British citizen under Section 1(5) of the [British Nationality Act 1981](#) (see [Nationality: adoption in all British overseas territories after 21 May 2002](#)).

If an adoption took place in the Falkland Islands before 1 January 1983, the child would not acquire British citizenship as a result of their adoption.

Nationality: adoption in all British overseas territories after 21 May 2002

People born in a British overseas territory may already hold British overseas territory, citizenship or British citizenship prior to their adoption.

From 21 May 2002, a child (under the age of 18 years) who is adopted in a British overseas territory may be able to claim British citizenship, British overseas territories citizenship or both, depending on the British nationality of their adoptive parents.

A child adopted in a British overseas territory after 21 May 2002, will become both a:

- British citizen under section 1(5) of the [British Nationality Act 1981](#), as amended by Schedule 1 to the [British Overseas Territories Act 2002](#) if at least one of the adopters is a British citizen at the time of the adoption
- British overseas territories citizen under section 15(5) of the [British Nationality Act 1981](#) if at least one of the adopters is a British overseas territories citizen (at the time of the adoption)

Related content

[Contents](#)

Nationality: adoption overseas

This section tells HM Passport Office examiners about adoptions overseas, and how they can affect a passport application.

The [Adoption and Children Act 2002](#) set out the procedures for the adoption of children from abroad by a person who lives in the UK.

These regulations make sure that children are not brought to, or taken out of the UK for adoption, without safeguards and approval by the relevant authorities. You must check where the child was born and where the adoption took place to see if this could be a restricted adoption and you must refer it to the Counter Fraud team.

If you are dealing with an application where there is an indication of abduction, trafficking or children being bought or sold, you must follow the vulnerability considerations for passports guidance.

You must also establish if the adoptive parent holds parental responsibility before you authorise any passport.

Countries the UK restrict adoptions from

Children who are brought into the UK for adoption are protected under the [Adoption \(Bringing Children into the United Kingdom\) Regulations 2003](#), which came into force on 1 June 2003. These regulations laid down the requirements that adopters must meet.

The adoption of children overseas is regulated by the Intercountry Adoption team in the:

- Department of Education (DfE) in England and Wales (for adoptions in England and Wales)
- Children and Families Directorate (for adoptions in Scotland)
- Department of Health, Family and Children's Directorate (for adoptions in Northern Ireland)

The UK does not accept (restricted) adoptions from the following countries:

- Cambodia (from 22 June 2004)
- Guatemala (from 6 December 2007)
- Nepal (from 3 May 2010)
- Haiti (from 15 October 2010)
- Ethiopia (from 21 May 2018)
- Nigeria (from 12 March 2021)

For more information on the reasons for the restrictions, see [GOV.UK](#).

Restricted adoptions apply to children adopted overseas, who do not have:

- a [Hague Convention](#) article 23 adoption
- a [UK court adoption](#)
- a claim to British citizenship through their birth parent

Restricted adoption: how to deal with a case

If you, the examiner, are dealing with an application where a restricted adoption applies, you must:

1. Carry out all standard checks on the application and supporting documents, in line with current guidance (for example, confirming nationality, identity).
2. Check the date the adoption took place, against the date the [restrictions](#) came into force.

Where the adoption has taken place before the restriction came into force, the adoption must not be treated as a restricted adoption. You must continue to deal with this application as normal, in line with guidance.

If the adoption has taken place after the restriction came into force, you must:

1. Ask the customer to provide:
 - a certificate of eligibility to adopt, issued by the [relevant UK department](#) (which depends on where the adoption took place in the UK)
 - evidence from the relevant UK department to show they have agreed to the adoption taking place
2. Check the certificate of eligibility to adopt:
 - matches the samples in Knowledge Base
 - was issued after the restrictions came into force

If you are content with the certificate of eligibility to adopt provided, you must continue to deal with the application as normal, in line with current guidance.

You must refer the application to Counter Fraud team (CFT) if the customer does not have:

- a certificate of eligibility to adopt or
- any evidence from the relevant UK department to show:
 - they have agreed to the adoption and
 - the adoption took place after the restriction came into force

You must send any documents that explain why the evidence cannot be provided with the referral. The CFT will deal with this in line with the Restricted adoptions guidance.

Adoptions in China

An adoption in China will not be recognised under UK law, if it took place before:

- 5 April 1993 and the adoptive parents were domiciled in England and Wales
- 10 July 1995 and the adoptive parents were domiciled in Scotland
- 12 February 1996 and the adoptive parents were domiciled in Northern Ireland

Adoptions made following these dates are recognised under UK law, due to China being listed in the [Adoption \(Designation of Overseas Adoptions\) Order 1973](#).

Although adoptions made after these dates are legally recognised, the child will not automatically become a British citizen (BC) following their adoption (see [How to establish nationality through an overseas adoption](#)).

How to establish nationality through an overseas adoption

Adoption overseas does not guarantee the adoptee British nationality. Their eligibility will depend on:

- how old they were at the time of the adoption
- what kind of adoption order they have
- where their adoptive British parent(s) was or were habitually resident at the time of the adoption

A person who is not already a British citizen (BC) at birth and not adopted in the UK will only have a claim to British citizenship under section 1(5) of the British Nationality Act 1981 (BNA'81) if:

- the child is under the age of 18 at the time of the adoption; and,
- at least one of the adopters is a BC on the date of the adoption; and,
- the child was adopted on or after 1 June 2003 under [Article 23 of the Hague Convention](#), in a country that is a Hague Convention signatory and:
 - the BC adopter was habitually resident in the UK (or designated territory) at the time of the adoption (in single adoption cases); or
 - in the case of a joint adoption, both adopters were habitually resident in the UK (or a designated territory) at the time of the adoption

A person who is not already a British overseas territory citizen (BOTC) at birth and was not adopted in a qualifying British overseas territory will only have a claim to British overseas territory citizenship under section 15 (5A) BNA'81 if:

- the child is under the age of 18 at the time of the adoption; and,
- at least one of the adopters is a BOTC at the time of the adoption; and,
- the child was adopted on or after 30 December 2005 under [Article 23 of the Hague Convention](#), in a country that is a Hague Convention signatory; and,
 - the parents are habitually resident in a British overseas territory

Unless the child was already a British subject, citizen of the United Kingdom and colonies (BSUKC) at the time of their adoption, a child adopted overseas in a colony before 1 January 1983, would not become a British national by adoption under the

[British Nationality Act 1981](#). This is due to the adoption taking place outside of the UK.

If the child was not already a British national or does not become a British citizen following their adoption, they can only become a British citizen if they register, under section 3(1) of the [British Nationality Act 1981](#). If this is the case you must tell the customer to contact UK Visas & Immigration service (UKVI) to register.

Adoption: under the Hague Convention (article 23)

Where the adoption has taken place under the Hague Convention under Article 23 on or after 1 June 2003, you must ask the adoptive parent to send us the Hague Convention (article 23) [adoption order](#), to confirm the adoption is:

- a Convention adoption
- in accordance with Article 23 of the Hague Convention

Some article 23 adoption orders may also state they have been issued under article 17 of the [Convention of 29 May 1993](#). These adoption orders can also be accepted for passport purposes.

Whilst many countries (including the UK) signed up to the Hague Convention not all adoptions in these countries are done under Article 23 and many more are done through local courts. Hague Convention (article 23) adoption orders will specifically record this and confirm which country the child will move to.

The Hague Convention (article 23) specifically relates to the [Convention of 29 May 1993](#), on Protection of Children and Co-operation in Respect of Intercountry Adoption.

This Convention is aimed at protecting the best interests of an adopted child, and was set up to establish a system of co-operation between the countries involved, to prevent children from being:

- abducted
- bought or sold
- trafficked

Nationality: adoption overseas by a BOTC before 30 December 2005

A child adopted overseas by a British overseas territory citizen parent before 30 December 2005, will not automatically become a BOTC as a result of their adoption.

However, under section 17(1) of the [British Nationality Act 1981](#), the Home Secretary has discretion to register any minor if they were adopted both:

- in a territory named in the [Adoption \(Designation of Overseas Adoptions\) Order 1973](#)

- by at least one adopter who is a BOTC other than by descent (OTBD)

Nationality: adoption overseas by a BOTC on or after 30 December 2005

A child adopted overseas by a British overseas territory citizen parent on or after 30 December 2005, will become a:

- British overseas territories citizen under section 15(5A) of the [British Nationality Act 1981](#) if the adoption took place under the Hague Convention Article 23 and
 - at least one of the adopters is a British overseas territories citizen (at the time of the adoption)
 - the parents are habitually resident in a British overseas territory

What habitual residence is

The courts consider 'habitual residence' to be the country where a person spends most of their year. For most people, this is the place they call home and where they live and work. Therefore, a person living in the UK for most of the year is habitually resident in the UK.

Factors such as possession of a property, type of employment contract, financial arrangements and location of bank accounts and local connections, are just some of the many factors that may be relevant to questions relating to habitual residence.

The (Commencement No.9) Order 2003 brought into force section 7 of the [Adoption \(Intercountry Aspects\) Act 1999](#). This allows the Hague Convention on the Protection of Children and Co-operation full effect regarding Intercountry Adoption.

If you receive a Hague Convention adoption certificate confirming habitual residence, you must accept this as evidence.

You must raise a guidance query if you:

- receive further evidence in addition to the Hague Convention adoption certificate, showing the adoptive parent was habitually resident elsewhere at the time of the adoption
- have any concerns about the Hague Convention adoption certificate

Related content

[Contents](#)

Parental responsibility through adoption

This section tells HM Passport Office staff about parental responsibility gained through adoption either in the UK or overseas.

Whilst not every person who is adopted automatically gains British nationality through their adoption, it does affect who holds parental responsibility (PR) for a child. PR is always granted to the adoptive parents; the birth parents may retain PR or it may be removed by the courts depending on the situation. For example, the adopter may be a step-parent and the birth parent has retained their rights.

For the purposes of parental responsibility, you must be sure HM Passport Office recognises the adoption as legal in the UK (even where there is no automatic nationality claim), if the adoption:

- took place overseas outside the UK and British overseas territories
- is not a Hague Convention (article 23) adoption

We do this to make sure the person applying on behalf of the child has PR, in line with the Parents and guardians: consent guidance.

Overseas adoptions: for parental responsibility purposes

Where an overseas adoption takes place in an overseas court and is not done under Article 23 of the Hague Convention, this is known as a local adoption. These adoptions can take place in countries that are either signed up to the Hague Convention or not.

A child adopted under a local adoption will not have a claim to British citizenship or British overseas territories citizenship (where the adoptive parent holds this status) through their overseas adoption, for the purposes of their nationality. However, these adoptions may still be recognised in the UK for parental responsibility purposes, for example, when the adoptee has a claim to British nationality through their birth parents or have registered as a British citizen. See the Parents and guardians: consent guidance for more information.

A list of countries where the UK can accept local adoptions for parental responsibility reasons only can be found in the [Adoption \(Regulation of Overseas Adoption\) Order 2013](#).

Related content
[Contents](#)

Adoption: evidence to support passport applications

This section tells HM Passport Office examiners about the evidence that we need to process a passport application when an adoption has taken place.

If you are dealing with an application where a person has been adopted, we need evidence to confirm their nationality and (if the person is a child) who has parental responsibility for them.

Adoption certificates: issued before 1 June 2003

Adoptions that took place before 1 June 2003 in the UK were registered in the UK Adopted Children Register by the Registrar General. Overseas adoptions were not registered on the UK Adopted Children Register at this time.

You must ask the customer to provide [further supporting evidence](#) to confirm the adopted child's claim to British citizenship if they were born after 1 January 1983. You must ask the customer to provide evidence of the adoptive parents claim to British citizenship, alongside the adoption certificate.

Adoption certificates: issued on or after 1 June 2003

From 1 June 2003, adoptions made outside of the UK and recognised by UK law for parental responsibility purposes may be registered in the UK Adopted Children Register by the relevant Registrar General.

For passport purposes, this means that a full UK adoption certificate, issued on or after 1 June 2003, will:

- show where the adoption took place
- not necessarily be proof of a UK adoption

The adoption may be:

- an adoption in a UK court
- an adoption overseas recognised (for parental responsibility purposes) by UK law

If a child appears to have a claim to British nationality through their adoption, you must check the adoption:

- took place in a UK court
- was a [Hague Convention](#) (article 23) adoption

If the full adoption certificate shows the adoption took place overseas and you are unable to confirm whether it was done under the Hague Convention (article 23), you

must contact the adoptive parent. If the parent confirms the adoption took place under the Hague Convention (article 23), you must ask the adoptive parent to send us a copy of the Hague certificate.

Alongside the adoption certificate, you must also ask the customer to provide [further supporting evidence](#) to confirm the adopted child's claim to British citizenship.

Adoption certificates: further supporting evidence needed

To confirm the customer's claim to British citizenship you must ask for evidence to establish a claim from the adoptee and their adoptive British parent.

Evidence may include, but is not limited to:

- the adopter's full birth certificate
- a British passport or passport number issued to the adopter
- the adoptee's full adoption certificate (on which the adopter is named)
- a copy of the adoption order

If there is no indication the adoptee is aware they are adopted, you must take care when requesting this evidence.

Adoption certificates: where information is missing

Where an adoption certificate is produced that does not show the country of birth, you must follow the place and country of birth guidance before dealing with the application.

If an adoption certificate is produced and it does not show the adopted person's date of birth, you must follow the date of birth guidance.

Adoption orders

Where a customer is adopted, the full adoption certificate (showing the adoptive parents details) should be submitted as evidence to support a passport application, unless the customer has a Hague Convention (article 23) adoption order. This applies to adoptions that took place in:

- the UK
- British overseas territories
- overseas

UK adoption orders

For UK adoptions, you can accept an adoption order instead of an adoption certificate, if the:

- adoption certificate has not yet been issued (adoption certificates can take up to four weeks to be issued)
- customer has provided a copy of the adoption order instead of the adoption certificate, but you have no other concerns with the application

From 27 May 1984, rules were introduced to state that adoption orders do not need a signature of the registrar if they are made in the County court. If the adoption was made in domestic courts, the order must be signed by either the:

- Justice of the Peace
- Clerk of the court

If you have concerns about the authenticity of a UK adoption order, you must contact the UK court where the order was made.

Adoption orders: overseas and British overseas territories

Overseas and British overseas territory adoption orders that are recognised in the UK, may be accepted as evidence of:

- parental responsibility
- the child's name
- the child's date of birth
- the child's place of birth

If the adoption order was granted under the [Hague Convention \(article 23\)](#), it can also be accepted as evidence of nationality.

Related content

[Contents](#)