



Department
for Education

Adoptions: restricted list

**List of countries where special
restrictions are in place under the
Children and Adoption Act 2006**

April 2023

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Cambodia: Special Restrictions on Adoptions from Abroad (Cambodia) Order 2008

Date order in force

1 August 2008

Reasons

The Order places on a statutory footing the suspension of adoptions from Cambodia that is currently in place. On 22 June 2004, the Minister for Children (Margaret Hodge) announced a temporary suspension of adoptions of Cambodian children by UK residents. The suspension was introduced in response to evidence that the safeguards in the Cambodian adoption system were insufficient to prevent children being adopted without proper consents being given by their birth parents and improper financial gain being made by individuals involved in the adoption process. The specific areas of concern included:

- evidence relating to the systematic falsification of Cambodian official documents related to the adoption of children;
- evidence relating to the extensive involvement of adoption facilitators in the adoption procedure in Cambodia even though Cambodian law expressly forbids facilitators participating in the adoption process;
- evidence relating to the procurement of children for intercountry adoption by facilitators, including by coercion and by paying birth mothers to give up their children; and
- concern about the prevalence of children trafficking and corruption generally in Cambodia.

On 27 September 2007 the Parliamentary Under-Secretary of State for Children, Schools and Families (Kevin Brennan) announced a review of the suspension introduced in 2004, the purpose of which was to update the information on which the suspension was based, to find out what concerns, if any, remain valid and whether there are any other concerns about practices taking place.

On 2 April 2008 following that review, the Parliamentary Under-Secretary of State announced that the suspension remained in place. Evidence from the review demonstrated that:

- adoption legislation, practice and procedure in Cambodia remain insufficient to ensure the proper protection of children and their families;

- lifting the suspension would expose Cambodian children and their families to an increased risk of improper practices that are contrary to the principles of the Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption (the Hague Convention) and the United Nations Convention on the Rights of the Child.

The Cambodian government has requested assistance in this area from the Secretariat of the Hague Convention. However, there is no evidence to demonstrate that there have been substantive changes to practice on the ground since the announcement of the outcome of the review. The Parliamentary Under Secretary of State, in the name of the Secretary of State, is of the view that, because of practices taking place in Cambodia, it would be contrary to public policy to further the bringing of children into the United Kingdom from Cambodia as specified in section 9 (2) of the Children and Adoption Act 2006.

Steps

None prescribed

Guatemala: Special Restrictions on Adoptions From Abroad (Guatemala) Order 2008

Date order in force

1 August 2008

Reasons

The Order places on a statutory footing the suspension of adoptions from Guatemala currently in place. On 6 December 2007, the Parliamentary Under Secretary of State announced an immediate suspension of adoptions of Guatemalan children by UK residents in response to concerns about adoption practice in Guatemala.

The suspension was introduced in response to evidence demonstrating that: there are insufficient safeguards in the Guatemalan adoption system to prevent children being adopted without proper consents being given and improper financial gain being made by individuals in the adoption process. In particular that: there is a trade in babies being sold for overseas adoption; and mothers being paid, or otherwise encouraged, to give up children for adoption. Such practices are contrary to the principles of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and the United Nations Convention on the Rights of the Child.

Guatemala has recently passed legislation implementing the Hague Convention, however there is no evidence to demonstrate this has resulted in substantive changes in practices in connection with the adoption of children or the eradication of the improper practices which occasioned the statement of 6 December 2007. The Parliamentary Under Secretary of State, in the name of the Secretary of State, is of the view that, because of practices taking place in Guatemala, it would be contrary to public policy to further the bringing of children into the United Kingdom from Guatemala as specified in section 9 (2) of the Children and Adoption Act 2006.

Steps

None prescribed

Nepal: Special Restrictions on Adoptions from Abroad (Nepal) Order 2010

Date order in force

3 May 2010

Reasons

The Order was made in response to evidence in a report published by the Hague Bureau in February 2010 following their Technical Assistance mission to Nepal. The report found that Nepal has insufficient procedures in place to establish whether a child is adoptable. It also found evidence of a lack of support for birth parents about the legal effects of relinquishing their child for adoption and no procedures in place for the finding of a permanent family in Nepal for the child. The specific areas of concern included:

- failure to adhere to the key principles of the United Nations Convention on the Rights of the Child, such as the complete absence of the principle of best interests of the child;
- an inadequate legal framework (despite recent legislation). The report specifically recommends that Nepal suspend adoptions temporarily whilst it puts new legislation and improved procedures in place;
- falsification of documents;
- lack of transparency and accountability for the money brought into Nepal from intercountry adoptions.

Such practices are contrary to the principles of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption ('the Hague Convention') and the United Nations Convention on the Rights of the Child.

In 2007, Nepal introduced a moratorium on intercountry adoptions whilst it made changes to its processes, intended to resolve serious issues of malpractice, and specifically the introduction of a new adoption act. UNICEF subsequently collected information on intercountry adoptions in Nepal and their findings published in 2008, were intended to assist Nepal in improving its procedures and legal framework. The findings of the UNICEF report were similar to those of the Hague Bureau's report. Nepal reopened intercountry adoptions in November 2009, having signed the Hague Convention in April 2009. The Hague Bureau's Report found that most of the problems identified by UNICEF in 2008 had not been resolved.

As a result of the evidence contained in the Hague Bureau's report, the then Secretary of State took the view that it would be contrary to the public policy to further the bringing of children into the United Kingdom from Nepal as specified in section 9(2) of the Children and Adoption Act 2002.

Steps

Transmission to the adoption agency of "matching information" received from the Nepalese authorities.

Confirmation to the UK Borders Agency that the prospective adopters are approved to adopt and that all required processes have been followed.

Haiti: Special Restrictions on Adoptions from Abroad (Haiti) Order 2010

Date order in force

15 October 2010

Reasons

It was recently established that Haiti is now accepting new intercountry adoption applications following a self-imposed moratorium after the earthquake in January 2010.

This Order has been made in response to up to date information indicating that the infrastructure in Haiti remains very weak.

The evidence suggests that the government authorities in Haiti that normally deal with child protection and are responsible for the administration of intercountry adoptions are not in a position to ensure that the correct processes are being followed. There are indications that the disaster has made a system which was already inadequate worse.

The evidence has been provided by several reputable organisations, including UNICEF, World Vision, and International Social Service (ISS). The evidence falls into two categories:

- a) general advice against intercountry adoptions for a period of two years following a natural disaster; and
- b) evidence about practices and systems in Haiti. A full report published by International Social Service in September, and its executive summary published earlier by the Hague Bureau refers in particular to the following:
 - no competent authority in place to ensure internal adoption procedures are complied with;
 - neither Haiti nor Receiving States are in a position to ensure family reunification and other domestic solutions had been exhausted;
 - few efforts are made to confirm adoptability of children, and no preparation of children prior to transfer to new country; and
 - lack of proper consent of parents to adoption.

World Vision advised that the infrastructure in Government institutions in Haiti is inadequate, such that key child protection institutions are still very weak, under resourced and not in a position to effectively administer Inter-country adoption processes.

As a result of this evidence the Parliamentary Under Secretary of State, in the name of the Secretary of State, is of the view that it would be contrary to public policy to further the bringing of children into the United Kingdom from Haiti as specified in section 9 (2) of the Children and Adoption Act 2006.

Steps

None prescribed

Ethiopia: Special Restrictions on Adoptions from Abroad (Ethiopia) Order 2018

Date order in force

21 May 2018

Reasons

The Order has been made in response to significant child safeguarding concerns about practices and procedures in the Ethiopian intercountry adoption system. This is based on evidence received through international partners including Central Adoption Authorities and diplomatic missions. The evidence shows a pattern of cases of unethical practice and procedural irregularities within the Ethiopian system.

The specific areas of concern included:

- private orphanages receiving remuneration in relation to child placement decisions and false claims in relation to children available for adoption;
- practices against accepted international standards for intercountry adoption and contrary to the principles of the United Nations Convention on the Rights of the Child, in relation to the best interests of the child;
- a lack of certainty around the legal guarantees in the Ethiopian adoption process regarding issues such as child matching; and
- a lack of satisfactory reassurance, guarantees or clarification that future intercountry adoption applications from Ethiopia will be able to be processed and finalised in line with satisfactory international standards.

Such practices are contrary to the principles of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption ('the Hague Convention') and the United Nations Convention on the Rights of the Child. There is therefore a lack of confidence that adoptions from Ethiopia meet the requirements we expect in regards to the adoption process and to ensure adoption is the best outcome for the children.

As a result of this evidence the Parliamentary Under Secretary of State, in the name of the Secretary of State, is of the view that it would be contrary to public policy to

further the bringing of children into the United Kingdom from Ethiopia as specified in section 9 (2) of the Children and Adoption Act 2006.

Steps

None prescribed

Nigeria: Special Restrictions on Adoptions from Abroad (Nigeria) Order 2021

Date order in force

12 March 2021

Reasons

The Order has been made in response to significant child safeguarding concerns due to issues affecting the Nigerian intercountry adoption system. This is based on evidence received through international partners including Central Adoption Authorities and diplomatic missions.

The specific areas of concern included:

- difficulties confirming the background and adoptability of children;
- unreliable documentation;
- concerns about corruption in the Nigerian adoption system;
- evidence of organised child trafficking within Nigeria; and
- concerns about weaknesses in checks completed by Nigerian authorities in relation to adoption applications from prospective adopters who are habitually resident in the United Kingdom and therefore are likely to in fact be intended to be intercountry adoptions. This includes weaknesses in pre and post adoption monitoring procedures. There is an absence of checks as to whether the adoption is intended to be an intercountry adoption in light of the habitual residence of applicants and accordingly whether prospective adopters have been assessed and approved by a UK adoption agency and issued with relevant UK authority documentation (e.g. certificate of eligibility to adopt) to proceed with an intercountry adoption from Nigeria.

Such practices are contrary to the principles of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption ('the Hague Convention') and the United Nations Convention on the Rights of the Child. There is therefore a lack of confidence that adoptions from Nigeria meet the requirements expected in regard to the adoption process and to ensure adoption is the best outcome for the children.

As a result of this evidence the Parliamentary Under Secretary of State, in the name

of the Secretary of State, is of the view that it would be contrary to public policy to further the bringing of children into the United Kingdom from Nigeria as specified in section 9 (2) of the Children and Adoption Act 2006.

Steps

Where a certificate of eligibility has been issued before 12th March 2021 the Secretary of State may continue to provide confirmation to UK Visas and Immigration that the prospective adopters are approved to adopt and that all required processes have been followed.



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