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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 182**

**The Adoptions with a Foreign  
Element (Scotland) Regulations 2009**

**PART 2**

**BRINGING CHILDREN INTO, AND TAKING  
CHILDREN OUT OF, THE UNITED KINGDOM**

**CHAPTER 1**

**BRINGING CHILDREN INTO THE UNITED KINGDOM**

**Conditions applicable in respect of a child brought into the United Kingdom**

**4.—(1)** This regulation prescribes the conditions for the purposes of section 58(6) of the Act in respect of a child brought into the United Kingdom in circumstances where section 58 applies.

**(2)** Prior to the child's entry into the United Kingdom, the prospective adopters must—

- (a)** receive from the Secretary of State notification in writing that the Secretary of State has issued a certificate confirming to the relevant foreign authority—
  - (i)** that the prospective adopters have been assessed and approved as eligible and suitable to be adoptive parents in accordance with the Adoption Agencies Regulations; and
  - (ii)** that if entry clearance and leave to enter and remain, as may be necessary, is granted and not revoked or curtailed, and an adoption order is made or an overseas adoption<sup>(1)</sup> is effected, the child will be authorised to enter and reside permanently in the United Kingdom;
- (b)** before visiting the child in the State of origin—
  - (i)** notify the adoption agency of the details of the child to be adopted;
  - (ii)** provide the adoption agency with any information and reports received from the relevant foreign authority; and
  - (iii)** discuss with the adoption agency the proposed adoption and any information and reports so received;
- (c)** visit the child in the State of origin (and, where the prospective adopters are a couple, each of them must so visit the child); and
- (d)** after that visit—
  - (i)** confirm in writing to the adoption agency that the prospective adopters have done so and wish to proceed with the adoption;
  - (ii)** provide the adoption agency with any additional reports and information received on or after that visit; and

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<sup>(1)</sup> The expression “overseas adoption” is defined in section 67 of the Act.

(iii) notify the adoption agency of the date the prospective adopters expect to enter the United Kingdom with the child.

(3) On entering the United Kingdom, the child must be accompanied by the prospective adopters (and, where the prospective adopters are a couple, the child must be accompanied by both members of the couple unless the adoption agency and the relevant foreign authority have agreed that it is necessary for only one of them to do so).

(4) Except where an overseas adoption is, or is to be, effected, the prospective adopters must within the period of 14 days beginning with the date on which the child is brought into the United Kingdom give notice to the relevant local authority—

(a) of the child’s arrival in the United Kingdom; and

(b) of the prospective adopters' intention—

(i) to apply for an adoption order in accordance with section 18(2) of the Act; or

(ii) not to give the child a home.

(5) In a case where the prospective adopters have given notice in accordance with paragraph (4) and subsequently move their home into the area of another local authority, they must within 14 days of so moving confirm in writing to that authority—

(a) the child’s arrival in the United Kingdom; and

(b) that notice of the prospective adopters' intention has been given in accordance with paragraph (4)(b).

(6) In this regulation, “entry clearance” has the same meaning as in the Immigration Act 1971(2).