

## Adoption in the UAE

while guiding you through Bringing a new child into the family is always emotional. But if you throw the complex process of adoption into the mix, it can be overwhelming – especially for UAE expats. Emirates

Woman shares a very personal experience the red tape of adoption in the UAE

I've wanted to adopt since I was little, as I saw a family with adoptive children and thought it was amazing. When my husband James and I decided to start a family, the thought of adopting excited me much more than having a biological child. We both work with children and have a heart for orphans so we saw it as a privilege to provide a family for a child who needed one.

“We had already met other families who had successfully adopted out here, so we weren't worried. Dr Tosatto at Synergy Integrated Medical Centre was our first point of contact for the home study, as we knew he had successfully guided many couples through the UAE side of the adoption process. We also relied heavily on the Adoption Support Group in Dubai, which is an informal network.

“We went through a facilitator in Ethiopia and were matched twice. The first time, unfortunately, we hit paperwork problems and had to be re-matched. This was really painful, as we imagined the first child as part of our family. But we reminded ourselves of our goal – to give any child a home.

“Eventually we were contacted to say we had been matched with Roba. Unsure what was happening with the paperwork, we flew to Ethiopia. He was five months old and a very happy baby. When we first held him he giggled at us and we fell in love. We knew the moment that we met him that he was our son.

“We spent the next week running around doing medical tests and beginning the Ethiopian side of the paperwork, as well as trying to cram in as many cuddles as we could with Roba. Leaving him and flying back to Dubai while we waited for a court date was tough. Unfortunately there was some controversy in Roba's region, so we had a painfully long delay. Six months later we got a court date, and could go back to Ethiopia to collect our son.

“We spent two beautiful weeks getting to know him in his birth country while we organised a passport and exit documents. Then finally, after what seemed like an agonising wait, we took Roba home to Dubai.

“Immigration rules had just changed in the UAE so we had to bring him into the country on a visitors visa and then apply for UAE residency via the Human Committee in Abu Dhabi, which was graciously granted soon after. We also applied for British Citizenship to have the adoption recognised in the UK, and this has recently been granted.

“The whole process took 10 months, and the road was bumpy, but when our dear child wakes up in his new bed every morning, I know it was all worth it. People sometimes ask me how much the adoption cost but we decided not to track the money. Roba is loved so deeply – it has been a joy to watch him catch up developmentally, and grow in personality and confidence. I don't ever want to put a price on that. We are blessed to have him in our lives

A recent Unicef report suggests there are up to 210 million orphans worldwide. Each of them has a different story, but all of them are looking for a loving family. For prospective parents, the journey can be

long and rife with emotion, especially as laws vary between countries. Add in an extra hurdle – living outside your home country – and adoption can seem too daunting to imagine. But many UAE expats have successfully added to their family this way.

“Adoption is not illegal,” says Dr Raymond Hamden, Clinical and Forensic Psychologist at Human Relations Institute and Clinics (HRIC), debunking a myth that the UAE doesn’t authorise adoption. While Emiratis can’t ‘adopt’, they can become guardians for local orphans. Expatriates may not adopt from within the UAE. However, there are systems in place to allow them to do so from overseas.

Before going ahead with the adoption process, prospective parents must contact their embassy. They give advice on adoption laws in respective home countries and ensure that adoptive children can obtain citizenship.

From there, the first step is a home study programme, which assesses the suitability of parents, and counsels them on their journey. This typically takes eight to ten weeks and consists of ‘homework’ and weekly therapy sessions. “It can be used to aid the prospective parents in preparing to raise an adoptive child, and rule out those who aren’t ready,” says Sabine Skaf, Clinical Psychologist at HRIC, who run a home study programme. “But the ultimate purpose is for the benefit of the child, not the parents.”

## **CHILD PROTECTION**

While the home study may seem harsh, it’s the psychiatrists’ job to protect children. As Sabine explains: “Most adoptive parents have tried to biologically have a child and it hasn’t been successful for them. We encounter a lot of grief, frustration, blame and guilt, which can lead on to depression. This may not constitute the healthiest environment for a child.”

Fertility treatment is often a stressful time, so those who have undergone IVF are advised to wait until emotions have settled. It needs to be a decision that both husband and wife make together, with the foundations of a solid marriage. On a much more serious scale, red flags that halt adoption completely include a criminal record, lying or withholding information, and some psychiatric disorders.

## **OPEN UP**

Those who have wholehearted reasons for bringing a child into their family are likely to find the home study beneficial. Lorna Gore insists the process is a necessary and positive one, explaining, “As well as assessing your suitability for parenthood, it makes you and your partner ask very important questions and discuss any issues. I think all parents should have to do it, not just adoptive parents.”

There’s also a significant amount of learning involved in the home study process, which equips couples for the future. How to discuss birth parents and keeping a connection to the child’s home country are all topics that are explored in depth.

## **HEADING ABROAD**

While the home study process is taking place, most prospective parents are already in touch with an adoption facilitator or agency in their selected country, who set up the adoption and take care of paperwork. Typically, you can apply to one agency at a time.

Experts recommend choosing a country carefully, and going with a reputable agency who have facilitated lots of adoptions. The Adoption Support Group Dubai is a great place to seek advice from families who have already been through the process with various agencies.

Once parents are matched with a child, the agency helps to set a court date, fill out all the relevant paperwork and obtain exit documentation. But that’s not the end of the paperwork. On return to the UAE, an application for residency must be submitted, as well as an application for citizenship in the parent’s home country.

It may sound stressful – and there’s no doubt that it is – but Dr Raymond is keen to remind couples why the process is so bureaucratic. “Nations may have some barriers, but this is usually to guard against human trafficking, dubious reasons, organ sales, or slavery,” he explains.

That said, from initial contact with a home study provider to collecting a new bundle of joy, it doesn’t usually take as long as people think. While there are some horror stories of people going through years of heartache, some have the process finalised in a couple of months. “Commonly it takes nine months,” says Dr Raymond. “Almost the same time frame as the natural process; it’s all in the delivery...”

For more information on the home study contact Human Relations Institute and Clinics via [hridubai.com](http://hridubai.com). For advice from adoptive parents contact Adoption Support Group Dubai via [groups.yahoo.com/neo/groups/asgdubai](http://groups.yahoo.com/neo/groups/asgdubai)

## **LORNA'S 10 STEPS**

\*While the steps Lorna went through are a useful guide, please remember every case is different

**1** Complete the home study

**2** Have a home assessment

**3** Gather and submit paperwork which needs to be certified by three countries (UAE, UK and Ethiopia for us)

**4** Contact an adoption facilitator in your chosen country (Ethiopia for us)

**5** Wait to be matched to a baby/child

**6** Fly out to meet the child and complete further paperwork

**7** Await court date and fly out to child's birth country again

**8** Apply for visa and bring child back to the UAE

**9** Apply to your county of origin for citizenship

**10** Frequent reports back to birth country on the development and wellbeing of your child up to 18 years of age

## **QUESTIONS TO DISCUSS WITH YOUR PARTNER BEFORE ADOPTING**

- Why do I/we want to adopt?
- Is it altruistic or an alternative to not medically being able to conceive?

- Do we agree on our respective ethics and morals as benchmarks?
- Do we have marital problem and is this a fix-it method?
- Can we provide a financially stable life style for our child(ren)?
- Do we agree on our respective values and attitude about life in general?
- How do we plan to education our child(ren)?
- Do we agree on spiritual development?
- Can we trust each other to be supportive parents?
- Do we agree on our respective traditions and customs practiced?

The laws of the UAE prohibit adoption within the UAE by non-

Emirati couples. This means that only Emirati citizens holding UAE passports may adopt abandoned children from the UAE. Expatriate couples residing in the UAE must look abroad to adopt children, typically to Ethiopia or Mexico. The adoption process for expatriates can still be conducted from the United Arab Emirates, regardless of the nationality of the parents

Abandoned children that have been born in the UAE obtain can obtain UAE citizenship and a UAE passport. This is set out at Article 2(e) of the Federal Law 10 of 1975, which amends the Federal law 17 of 1972. The law states that a child will be deemed abandoned in the UAE unless proved otherwise.

Under Sharia law, it is encouraged for parents to care for a child that is not their biological child, and nurture that child as if he was their own. However it is prohibited for those parents to give the child their own surname. The Federal laws of the UAE (based on Sharia laws) circumvent this issue by allowing the adoptive parents to nominate the child's first name, whereas the Court would order the child's surname.

In practice the children being adopted within the UAE are always abandoned, therefore their true identity at the time of adoption is not known. It is therefore possible for the Court to nominate the child's new surname, making it the same as the adoptive father's.

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After qualifying as a lawyer in his native Egypt within the fields of Criminal and Public Law, Mr. Mohsen Elhais has been practicing in Dubai for the past seven years. Working exclusively with Al Rowaad Advocates, Hassan is an effective leader of the company, the spokesperson and driving force. Hassan has a strong ethical stance with regards to the place of the law firm and its work on behalf of the client, from clarity on the legal process through to the fee system.

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