

Migration and legal family formats in the UK: Northern Ireland

by Brian Sloan ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

Edited by Kees Waaldijk,² Marie Digoix,³ Natalie Nikolina,² Giuseppe Zago,² Daniel Damonzé,² Arianna Caporali,³ Kamel Nait Abdellah ³

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 4 – Migration)

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¹ Dr Brian Sloan (College Lecturer, Director of Studies and Fellow in Law, Robinson College, Cambridge, www.law.cam.ac.uk/people/academic/bd-sloan/409) is grateful for the useful comments that Dr Andy Hayward (Lecturer in Family Law, Durham Law School, Durham University) made on an earlier version of the answers in this section of the database.

² [Grotius Centre for International Legal Studies](#), Leiden University, Netherlands, www.leiden.edu.



Universiteit
Leiden
The Netherlands

³ Institut national d'études démographiques, Paris, France, www.ined.fr.



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The six sections of the questionnaire

The interactive LawsAndFamilies Database is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper 64(2016)*, www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Northern Ireland

The answers concerning Northern Ireland can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in the UK: Northern Ireland by Brian Sloan (Section 1)

Income, troubles and legal family formats in the UK: Northern Ireland by Brian Sloan (Section 2)

Parenting and legal family formats in the UK: Northern Ireland by Brian Sloan (Section 3)

Migration and legal family formats in the UK: Northern Ireland by Brian Sloan (Section 4)

Splitting up and legal family formats in the UK: Northern Ireland by Brian Sloan (Section 5)

Death and legal family formats in the UK: Northern Ireland by Brian Sloan (Section 6)

So this paper is based on **Section 4 (Migration)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 4.1 Partner of national citizen**
- 4.2 Partner of national citizen (foreign status)**
- 4.3 Partner of (non-EU) foreigner**
- 4.4 Partner of EU citizen (foreign status)**
- 4.5 Foreign status as impediment to marry**
- 4.6 Foreign status and inheritance**
- 4.7 Citizenship**
- 4.8 Recognition of joint adoption**
- 4.9 Recognition of second-parent adoption**
- 4.10 General background regarding migration**

In the following pages of this paper, first the answer to question 4.10 is presented, followed by the answers to questions 4.1 to 4.9.

4.10 - General background regarding migration (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding migration, then please do so here.

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Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Migration and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-UK NI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.01 - Partner of national citizen**

When one partner is a residing national citizen, while the other is a foreigner from another continent, will the foreign partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside. As to the meaning of 'residing', see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes 2005	2016 Yes 2000	2016 Yes 2000
			N/A 0000	No, but 0000	No, but 0000
<p>References to legal sources: British Nationality Act 1981.</p> <p>Asylum and Immigration Act 1996.</p> <p>UK Immigration Rules: https://www.gov.uk/guidance/immigration-rules.</p>		<p>References to legal sources: British Nationality Act 1981.</p> <p>Asylum and Immigration Act 1996.</p> <p>UK Immigration Rules.</p>		<p>References to legal sources: British Nationality Act 1981.</p> <p>Asylum and Immigration Act 1996.</p> <p>UK Immigration Rules.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Paragraph 281 of the Immigration Rules sets out the requirements for leave of a spouse or civil partner of a UK citizen to enter the UK and remain for an initial period (relating broadly to the genuineness of the marriage or civil partnership and the ability to maintain oneself). The initial period may be extended under paragraphs 285 and 287, and indefinite leave to remain will be granted if the requirements of paragraph 287 have been met.</p>		<p>Explanations and nuances: See under Marriage.</p>		<p>Explanations and nuances: Paragraph 295A of the Immigration Rules sets out the conditions for an "unmarried or same-sex partner" of a citizen to enter and reside in the UK. Before 2000, the matter was discretionary.</p>	

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Migration and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-UK NI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.02 - Partner of national citizen (foreign status)**

When one partner is a residing national citizen, while the other partner is a foreigner from another continent, and this couple married/registered in the country of the foreigner, will the foreign partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 0000	2016 Yes, but 2005	2016 Yes, but 2000	2016 Yes 2005	X	X
	Yes, but 2001	No, but 1998	Yes, but 2000	X	X
	N/A 0000	N/A 0000	No, but 1989	X	X
			N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: British Nationality Act 1981.</p> <p>Asylum and Immigration Act 1996.</p> <p>UK Immigration Rules.</p>		<p>References to legal sources: British Nationality Act 1981.</p> <p>Asylum and Immigration Act 1996.</p> <p>UK Immigration Rules.</p> <p>Civil Partnership Act 2004.</p>			
<p>Explanations and nuances: Paragraph 281 etc. of the Immigration Rules (addressed in question 4.01) applies if the marriage or civil partnership conducted abroad is valid. There are, however, limitations on the recognition of the relationship itself: a same-sex marriage, for example, will be recognised only as a civil partnership at best in Northern Ireland.</p>		<p>Explanations and nuances: See under Marriage. While "overseas opposite sex civil unions...are not legally recognised in the UK" (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274449/140122_CP_con_doc_pdf__docx.pdf; see also section 216 of the Civil Partnership Act 2004), parties to them could presumably rely on the immigration provisions for cohabitants. This matter was discretionary before 2000.</p>			

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Migration and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-UK NI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.03 - Partner of (non-EU) foreigner**

When both partners are foreigners from another continent, and one of them is residing in the country, will the other partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes, but 2005	2016 Yes, but 2000	2016 Yes, but 2000
			N/A 0000	No, but 0000	No, but 0000
References to legal sources: British Nationality Act 1981. Asylum and Immigration Act 1996. UK Immigration Rules.		References to legal sources: British Nationality Act 1981. Asylum and Immigration Act 1996. UK Immigration Rules.		References to legal sources: British Nationality Act 1981. Asylum and Immigration Act 1996. UK Immigration Rules.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The same rules apply to the spouses of foreign citizens from another continent as apply to spouses of UK citizens (see question 4.1), provided the spouse residing in the UK has been granted indefinite leave to remain.</p>		<p>Explanations and nuances: The same rules apply to the civil partners of foreign citizens from another continent as apply to civil partners of UK citizens (see question 4.1), provided the civil partner residing in the UK has been granted indefinite leave to remain.</p>		<p>Explanations and nuances: The same rules apply to the informal partners of foreign citizens from another continent as apply to partners of UK citizens (see question 4.1), provided the partner residing in the UK has been granted indefinite leave to remain.</p>	

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Migration and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-UK NI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.04 - Partner of EU citizen (foreign status)**

When one partner is a foreign EU citizen who is residing in the country, while the other is a foreigner from another continent, and this couple married/registered/cohabited in the country of the EU citizen, will the non-EU partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 2004	2016 Yes, but 2005	2016 Yes, but 2000	2016 Yes 2005	2016 Yes 2004	2016 Yes 2004
No, but 1973	Yes, but 2001	No, but 1998	Yes, but 2000	Yes, but 2000	Yes, but 2000
? 0000	N/A 0000	N/A 0000	No, but 1989	No, but 0000	No, but 0000
			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: British Nationality Act 1981.</p> <p>Asylum and Immigration Act 1996.</p> <p>UK Immigration Rules.</p> <p>Directive 2004/38/EC.</p> <p>EEC Regulation 1612/68.</p>		<p>References to legal sources: British Nationality Act 1981.</p> <p>Asylum and Immigration Act 1996.</p> <p>UK Immigration Rules.</p> <p>Directive 2004/38/EC.</p>		<p>References to legal sources: British Nationality Act 1981.</p> <p>Asylum and Immigration Act 1996.</p> <p>UK Immigration Rules.</p> <p>Directive 2004/38/EC.</p>	
<p>Explanations and nuances: Subject to the implementation of the referendum result on the UK's membership of the EU, the spouse of a non-British EU national who has a right to reside in the UK will be allowed to reside in the UK under Directive 2004/38/EC as "family member" of an EU citizen (art. 2(2)). See also art. 10(1) of EEC Regulation 1612/68.</p>		<p>Explanations and nuances: Subject to the implementation of the referendum result on the UK's membership of the EU, the registered partner of a non-British EU national who has a right to reside in the UK will be allowed to reside in the UK under Directive 2004/38/EC as a "family member" of an EU citizen. Art. 2(2) includes in the definition of "family member" a "partner with whom the Union citizen has contracted a registered partnership" that is treated as equivalent to marriage.</p> <p>An overseas registered partner whose relationship is not recognised as a civil partnership will presumably be able to use the provisions applicable to cohabitants.</p>		<p>Explanations and nuances: Subject to the implementation of the referendum result on the UK's membership of the EU, cohabitants of non-British EU citizens will be allowed to reside in the UK if they are partners "with whom the Union citizen has a durable relationship", duly attested (Directive 2004/38/EC, art. 3(2)).</p> <p>For the situation before 2004, see question 4.3.</p>	

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Migration and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-UK NI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.05 - Foreign status as impediment to marry**

When the couple got married or registered abroad, will this relationship then be recognised as an impediment to marry someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 0000	2016 Yes 2005	2016 Doubt 1998	2016 Yes 2005	X	X
	No 2001	N/A 0000	No 1989	X	X
	N/A 0000		N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Matrimonial Causes (Northern Ireland) Order 1978, art. 13(1)(d).</p> <p>Civil Partnership Act 2004, section 3(1)(b) and Part 5, Chapter 2.</p>		<p>References to legal sources: Matrimonial Causes (Northern Ireland) Order 1978, art. 13(1)(d).</p> <p>Civil Partnership Act 2004, section 3(1)(b) and Part 5, Chapter 2.</p> <p>Norrie, K. (2006). "Recognition of Foreign Relationships under the Civil Partnership Act 2004". <i>Journal of Private International Law</i>, 2, 137.</p>			
<p>Explanations and nuances: If a marriage contracted abroad is recognised as a marriage or a civil partnership in Northern Ireland, this will be an impediment to a subsequent marriage or civil partnership.</p>		<p>Explanations and nuances: If a registered partnership contracted abroad is recognised as a civil partnership in Northern Ireland, this will be an impediment to a subsequent marriage or civil partnership. It has been seen that an opposite-sex registered partnership will not be so recognised, but it is unclear whether such a relationship would be denied any recognition whatsoever (see, eg, Norrie, K. (2006). "Recognition of Foreign Relationships under the Civil Partnership Act 2004". <i>Journal of Private International Law</i>, 2, 137, 150-155).</p>			

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Migration and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-UK NI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.06 - Foreign status and inheritance**

When the couple got married or registered abroad, will this relationship then be recognised as regards inheritance in the absence of a testament?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 0000	2016 Yes, but 2005	2016 No 2005	2016 Yes, but 2005	X	X
	No 2001	No 1998	No 1989	X	X
	N/A 0000	N/A 0000	N/A 0000	X	X
References to legal sources: Administration of Estates Act (Northern Ireland) 1955. Civil Partnership Act 2004. Collins, L. et al (2015). "Dicey, Morris & Collins on the Conflict of Laws". (15th ed). London: Sweet & Maxwell.		References to legal sources: Administration of Estates Act (Northern Ireland) 1955. Civil Partnership Act 2004. Collins, L. et al (2015). "Dicey, Morris & Collins on the Conflict of Laws". (15th ed). London: Sweet & Maxwell.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: If the marriage is recognised (whether as a marriage or a civil partnership) in Northern Ireland, the Northern Irish intestacy rules will apply. It should be noted, however, that in England "the general rule is that succession to immovables is governed, not by the law of the deceased's domicile, but by the lex situs", (Collins, L. et al (2015). "Dicey, Morris & Collins on the Conflict of Laws". (15th ed). London: Sweet & Maxwell, [26-015]) and the same will be true of Northern Ireland.</p>		<p>Explanations and nuances: If the registered partnership is recognised as a civil partnership in Northern Ireland, the Northern Irish intestacy rules will apply. It should be noted, however, that in England "the general rule is that succession to immovables is governed, not by the law of the deceased's domicile, but by the lex situs" (Collins, L. et al (2015). "Dicey, Morris & Collins on the Conflict of Laws". (15th ed). London: Sweet & Maxwell), and the same will be true of Northern Ireland.</p>			

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Migration and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-UK NI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.07 - Citizenship**

Does a relationship of this type make it easier for a foreign partner to obtain citizenship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes 2005	2016 No 0000	2016 No 0000
			N/A 0000		
References to legal sources: British Nationality Act 1981, section 6 and schedule 1.		References to legal sources: British Nationality Act 1981, section 6 and schedule 1.		References to legal sources: British Nationality Act 1981, section 6 and schedule 1.	
Explanations and nuances: The residence period for naturalisation is reduced for spouses as compared to single applicants, specifically three years instead of five.		Explanations and nuances: The residence period for naturalisation is reduced for civil partners as compared to single applicants, similarly to the position for marriage.		Explanations and nuances: The residence period is the same for cohabitants as for single applicants for British citizenship.	

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Migration and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-UK NI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.08 - Recognition of joint adoption**

When the partners have jointly adopted a child while residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes, but 2013	2016 Yes, but 2013	2016 Yes, but 2013
			Yes, but 2005	? 0000	? 0000
			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Adoption (Northern Ireland) Order 1987.</p> <p>Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption 1993.</p> <p>Adoption (Intercountry Aspects) Act (Northern Ireland) 2001.</p> <p>Registration of Foreign Adoptions Regulations (Northern Ireland) 2003.</p> <p>Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003.</p> <p>Adoption of Children from Overseas Regulations (Northern Ireland) 2002.</p>		<p>References to legal sources: Adoption (Northern Ireland) Order 1987.</p> <p>Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption 1993.</p> <p>Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 Registration of Foreign Adoptions Regulations (Northern Ireland) 2003.</p> <p>Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003.</p> <p>Adoption of Children from Overseas Regulations (Northern Ireland) 2002.</p>		<p>References to legal sources: Adoption (Northern Ireland) Order 1987.</p> <p>Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption 1993.</p> <p>Adoption (Intercountry Aspects) Act (Northern Ireland) 2001.</p> <p>Registration of Foreign Adoptions Regulations (Northern Ireland) 2003.</p> <p>Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003.</p> <p>Adoption of Children from Overseas Regulations (Northern Ireland) 2002.</p> <p>In the Matter of M (Adoption: Joint Residence Order: Same Sex Couple) [2004] NIFam 3 (a decision of the Family Division of the Northern Ireland High Court).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Recognition of foreign adoptions is governed by a number of complex legal provisions. Some countries' adoption orders are specifically not recognised. Courts can refuse to recognise an adoption if it is contrary to public policy, and the Hague Convention on Intercountry Adoption allows the refusal of recognition of the adoption orders of another contracting state if the recognition would be manifestly contrary to the public policy of the state being asked to recognise the orders.</p>		<p>Explanations and nuances: See under Marriage. It seems unlikely that a Northern Irish court would have held an overseas adoption by civil partners to be contrary to public policy even while (until 2013) such an adoption was not possible in Northern Ireland (see question 3.10).</p>		<p>Explanations and nuances: See under Marriage. It is possible that a Northern Irish court would have held an overseas adoption by cohabitants to be contrary to public policy for some of the period while (until 2013) such an adoption was not possible in Northern Ireland (see question 3.10). That said, an adoption order for a sole applicant combined with a joint residence order in favour of the adopter and her same-sex cohabiting partner was granted (apparently for the first time) in 2004: In the Matter of M (Adoption: Joint Residence Order: Same Sex Couple) [2004] NIFam 3.</p>	

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Migration and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-UK NI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.09 - Recognition of second-parent adoption**

When one partner has become the second parent of a child of the other partner, by way of adoption while the partners were residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes, but 2013	2016 Yes, but 2013	2016 Yes, but 2013
			Yes, but 2005	? 0000	? 0000
			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Adoption (Northern Ireland) Order 1987.</p> <p>Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption 1993.</p> <p>Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 Registration of Foreign Adoptions Regulations (Northern Ireland) 2003.</p> <p>Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003.</p> <p>Adoption of Children from Overseas Regulations (Northern Ireland) 2002.</p>		<p>References to legal sources: Adoption (Northern Ireland) Order 1987.</p> <p>Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption 1993.</p> <p>Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 Registration of Foreign Adoptions Regulations (Northern Ireland) 2003.</p> <p>Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003.</p> <p>Adoption of Children from Overseas Regulations (Northern Ireland) 2002.</p>		<p>References to legal sources: Adoption (Northern Ireland) Order 1987.</p> <p>Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption 1993.</p> <p>Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 Registration of Foreign Adoptions Regulations (Northern Ireland) 2003.</p> <p>Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003.</p> <p>Adoption of Children from Overseas Regulations (Northern Ireland) 2002.</p>	
<p>Explanations and nuances: See question 4.8.</p>		<p>Explanations and nuances: See questions 4.8, 3.9 and 3.10.</p>		<p>Explanations and nuances: See questions 4.8, 3.9 and 3.10.</p>	