

Northumberland County Council

Information on Habitual Residence and Domicile Requirements.

Are you a UK resident or a recent resident in UK?

You must be domiciled or be habitually resident in the British Islands for at least a year to apply for an adoption order.

Why?

Adoption agencies need to establish that you have a settled home in this country and that you intend to stay so that you can provide security and stability. In the majority of cases, children in care have always lived in England and would be English speaking. It would be very confusing for a child who has already coped with an unsettled start in life, to be placed with adopters who intended to move to another country soon after adoption. Where this does happen the merits for this would need to be decided according to the individual needs of the child.

Need to research further? The legal points to know

Domicile and habitual residence are legal concepts that are undefined and subject to case law. Wherever there is an issue about your domicile and habitual residence status, you should seek independent legal advice. The British Islands is a legal term that refers collectively to United Kingdom of Great Britain and Northern Ireland ; the Bailiwick of Jersey; the Bailiwick of Guernsey (including Alderney, Herm, and Sark); and the Isle of Man.

Habitual residence depends on the quality of residence, not just duration and requires an element of intention. Factors such as owning property, type of employment contact, financial arrangements and other factors may be relevant in deciding if someone has habitual residence. Someone who leaves the British Islands to take up employment elsewhere may acquire habitual residence in that Country but also retain habitual residence in the British Islands. This would include members of the armed forces who are deployed on duty abroad.

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