



Freedom of Information Request – FA 25/09/01875

Application numbers

- The number of Adoption visa (subclass 102) applications lodged each financial year for the last three years.

Financial year of lodgement	Number of applications lodged
2022-23	89
2023-24	78
2024-25	92

- The number of Australian citizenship by descent applications lodged each financial year for the last three years.

Financial year of lodgement	Number of applications lodged
2022-23	18,239
2023-24	18,800
2024-25	20,473

Processing times

- The average processing time for Adoption visa (subclass 102) applications over the last three financial years.

Financial year	Average processing time
2022-23	8 months
2023-24	5 months
2024-25	5 months

- The average processing time for Australian citizenship by descent applications over the last three financial years.

Financial year	Average processing time
2022-23	75 days
2023-24	84 days
2024-25	90 days

Revenue

- The total revenue generated from Adoption visa (subclass 102) and Australian citizenship by descent applications per year over the last three financial years.

	2022-23 \$m	2023-24 \$m	2024-25 \$m
Subclass 102 Adoption Visa Revenue	0.3	0.2	0.3
Citizenship by Descent applications			
First Applicant	4.4	5.1	5.7
Concurrent Applicants	0.4	0.4	0.5
Total Citizenship by Descent Revenue	4.8	5.5	6.3

Notes:

- Source: Department of Home Affairs (internal documents)

Caveats:

- This information is provided for the specific purpose of this request.*
- It is the responsibility of the area providing the Department of Home Affairs information to external stakeholders to ensure that the disclosure is in accordance with the ABF Act, Australian Privacy Principles or other relevant legislation.*
- Data for the 2025-26 financial year is drawn from a dynamic system environment and is correct at the time of publication but may differ from previous or future reporting.*
- Regarding Immigration data, the Department's current policy is to mask numbers which are less than five as <5, noting we are reviewing the confidentiality method for the future.*
- Current program year figures are subject to variation. The data is sourced from our global Departmental systems. There can be delays in transmission of information, therefore data for current program year should always be considered provisional.*

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Family Visas VAC Talking Points

Visa Application Charge (VAC)

- The VACs applied across visa programs, including Family Stream visas, are classified as general taxation. VACs are set by the Government in line with the policy objectives of each visa category. A range of considerations are taken into account when setting the VAC for a visa, including the Government's policy intention, the size and the composition of the Migration Program and the overall impact upon the Budget.
- VACs are adjusted annually, usually in line with the Consumer Price Index. There is no nexus between the cost to process a visa and the VAC. As general taxation, all revenue is returned to Government to provide services to the community.
- Permanent visa holders are entitled to a range of Government services, such as Medicare and the Adult Migrant English Program, and the cost of the VAC may only partially offset the actual cost of a migrant to the Australian community.
- It is a legal requirement prescribed under the *Migration Regulations 1994* for a VAC to be paid in order for a visa application to be valid. Where applicable, two VAC instalments are payable. A smaller first instalment prior to assessment, and a larger instalment on finalisation, this minimises the potential burden to applicants.
- Further information about visa options for joining family in Australia is available on the Department's website: [explore visa options join family](#).

VACS – Waivers, reductions and partner visa

- There is no provision in the Family program to waive, reduce, or stagger the cost of a Partner visa application.
- Visa Application Charges (VAC) are classified as general taxation, and are set by Government in accordance with policy objectives. They are subject to annual indexation.
- Partner visa holders are entitled to a range of Government services, such as Medicare and the Adult Migrant English Program. Consequently, the initial cost of the VAC may only partially offset the actual cost of a partner migrant to the Australian community.
- Further information about Partner visas is available on the Department's website at: <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder/join-family>. Information on fees and charges for visas is at: <https://immi.homeaffairs.gov.au/visas/getting-a-visa/fees-and-charges>.

VAC question and answers (ADD2022/3368718)

Q. What is a Visa Application Charge (VAC)?

- The VAC is the amount of money, in Australian dollars, that must be paid for a visa application paid for by visa applicants. In some cases there is no VAC.

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OFFICIAL**Q. Does indexation apply to primary and secondary applicants?**

- The indexation of first instalment VACs applies to both primary and secondary applicants.

Q. Will the increase of the VAC affect visa applications?

- Historical analysis of visa application volumes demonstrates that small to medium price changes (up to 15 per cent) has had negligible impacts on application lodgement trends.
- Any change in VACs reflects a relatively small proportion of the total costs of visiting or migrating to Australia.

Q. Was there ever a relationship between VAC revenue collected and the departmental cost of processing visa applications?

- VAC was reclassified in 2015-16 to reflect a sustained change in the level of revenue received as compared to the costs incurred by the Department in processing visas.

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Procedures Advice Manual

Permanent Entry Visas

5 Adoption (Class 102)

1st edition
December 1989



Department of Immigration, Local Government and Ethnic Affairs

Document 3

Procedures Advice Manual, Permanent
Entry Visas, 1st edition December 1989

Contents

- 1 What this Topic is about
- 2 Legislative framework
- 3 Requirements
- 4 Explanation of requirements
- 5 Processing guidelines

1 What this Topic is about

- 1.1 This topic covers the specific requirements to be met by applicants for a class 102 permanent entry visa.
- 1.2 This class comprises:
- child under 18 for adoption from overseas
 - child under 18 who has been adopted by Australian citizens/permanent residents while they were genuinely resident overseas.
- 1.3 The objective of this class is to facilitate the permanent entry of children who have been adopted overseas by Australian citizens/permanent residents or who have been approved for adoption by Australian citizens/permanent residents in accordance with agreed Commonwealth/State guidelines as reflected in requirements for entry under this class.

2 Legislative framework

- 2.1 The prescribed criteria for a class 102 visa are set out in Part 1 of Schedule 2 to Migration Regulations (at Item 3). The prescribed criteria are:
- the criteria specified in Regulation 46
 - the following criteria
 - B¹ (assurance of support, if required, for child who has been adopted by Australian citizen/permanent resident while overseas)
 - X – B (assurance of support – for “child for adoption”)
 - C (sponsorship by adoptive parent)
 - D (public interest criteria)
 - E (family unit members to meet health and public interest criteria and in relation to minor children, criteria in relation to custody and guardianship)
 - H¹ (health criteria)
- 2.2 Regulation 46 states:

"46. The additional criteria in relation to an adoption visa are the following criteria:

- a) the applicant:
 - i) is a child for adoption; or
 - ii) is a child who has not turned 18 adopted by an Australian citizen or an Australian permanent resident while overseas (in this subparagraph called "the adoptive parent") where:
 - A) the adoptive parent has been residing overseas for more than 12 months at the time of the application; and
 - B) the Minister is satisfied that that residence overseas has not been contrived to circumvent the requirements for entry to Australia of children for adoption, and
 - C) the adoptive parent has lawfully acquired full and permanent parental rights by the adoption; and
 - D) the relevant authorities of the relevant overseas country have approved the departure of the child to Australia;
- b) the laws relating to adoption of the country in which the child is normally resident have been complied with.

3 Requirements

- 3.1 To be granted a class 102 visa, applicants must satisfy the following requirements:
 - be a "child for adoption" (as in 4.1 below)
 OR
 - be a child under 18 who has been adopted by an Australian citizen/permanent resident while overseas
 AND
 - be sponsored by a person who is an Australian citizen or permanent resident and who is the other party to the relationship on which the application is based
 - have an Assurance of Support (if a "child for adoption")
 - are to be considered against the requirements of
 - SPONSORSHIPS (FORM 40)

- CUSTODY OF MINOR CHILDREN
- FAMILY UNIT AND DEPENDENCY
- ASSURANCES OF SUPPORT (for "child for adoption" and, if required, for child who has been adopted by an Australian citizen/resident while overseas)
- IMMIGRATION (GUARDIANSHIP OF CHILDREN) ACT 1946
- are to be assessed against the requirements of
 - BONA FIDES
 - CHARACTER (if 16 years of age or over)
 - HEALTH
 - SETTLEMENT
- are to be checked for the applicability of
 - SPECIAL PROCEDURES FOR PARTICULAR COUNTRIES/NATIONALITIES
- are to be considered as to whether they include
 - PEOPLE EXCLUDED FROM RE-ADMISSION TO AUSTRALIA
 and if so, be processed accordingly;
- are subject to
 - REVIEW BY MIGRATION INTERNAL REVIEW OFFICE
 - FEES
 - ENTRY PROGRAM MANAGEMENT
 - REPORTING

- 3.2 All of the matters listed above are explained in full detail in Subjects with corresponding names.

4 Explanation of requirements

- 4.1 Reference to "child for adoption" means
 - a person resident in an overseas country who has not turned 18 in the case where:
 - an unmarried person who is an Australian citizen or an Australian permanent resident, or spouses at least one of whom is an Australian citizen or an Australian

- permanent resident, have undertaken in writing to adopt the child; and
- the child welfare authorities of the relevant State or Territory in Australia have approved that person or those spouses as suitable adoptive parents for that child; and
- the relevant authorities of the overseas country have approved the departure of the child for adoption in Australia or in the custody of the adoptive parents.

5 Processing guidelines

- 5.1** Applications in this class are to be processed in accordance with
- Topic 2 in this Subject; and
 - the additional or amending guidelines for this class set out below.

5.2 Principles of inter-country adoption

- 5.2.1** In 1986 Commonwealth and State Ministers with responsibility for welfare matters endorsed a set of principles for entry of children to Australia for adoption. These principles are reflected in the Migration Regulation governing entry under this class.

5.3 Children under 18 for adoption from overseas

- 5.3.1** Processing Sponsorships: Sponsorships are normally lodged at Australian processing offices but may also be sent directly to the overseas post by the sponsor.

- 5.3.2** *Sponsorships lodged in Australia* must be forwarded to overseas posts together with:
- written evidence that the proposal to adopt the specific child (see 5.3.5) is supported by the relevant State/Territory adoption authority;
 - an assurance of support (Form 28):

- although assurances of support are not generally lodged until an application is ready for approval, adoptive parents should lodge them together with the sponsorship Form 40 so that the appropriate checks can be carried out before the adoptive parents need to travel overseas.
- evidence of payment of the application fee.

5.3.3 Sponsorships lodged overseas must be accompanied by:

- written evidence that the proposal to adopt the specific child (see 5.3.5) is supported by the relevant State/Territory adoption authority:
 - if this evidence is not provided, the overseas post must cable the following details to the Australian processing office to confirm that the State/Territory adoption authority supports the adoption proposal:
 - full names and dates of birth of the adopting parent(s)
 - their residential address in Australia
 - full name, sex and date of birth of child
 - whether or not a legal adoption has been effected in the country of residence of the child, and the name of the adoption agency through which the adoption is being arranged
 - whether a parent is still in Australia.
- an assurance of support (Form 28):
 - this should be provided by the adoptive parent(s) *after* approval is obtained from the relevant State/Territory adoption authority. The assurance of support is to be forwarded by the overseas post to the Australian processing office for assessment.
- payment of the application fee.

- 5.3.4** Where an application Form 47 does not accompany necessary supporting documentation as listed in 5.3.3, overseas posts should seek from the responsible adoption agency an application Form 47 which has been completed by the child's legal guardian.

- 5.3.5** Applications are to be assessed against the following criteria:
- the proposal to adopt the specific child is supported by the relevant State/Territory adoption authority:
 - this is generally in the form of an approval letter issued to the adoptive parents which identifies the child by name, sex and date of birth

- the child is free for adoption and the proper processes have been followed in the overseas country:
 - the laws of the overseas country have been complied with
 - the rights and wishes of the relinquishing parent(s) have been protected;
 - or
 - where the parents are not known the child has been declared legally free for adoption by the Government
 - the child has been approved to leave the overseas country with their adoptive parents, or prospective adoptive parents, for adoption in Australia.

5.3.6 A passport alone is not regarded as sufficient evidence that the child has been approved to leave the country. The documentation lodged in support of the adoption should be examined to confirm that the adoption authorities in the country are aware that an inter-country adoption has taken place and have not raised any objection to the removal of the child from the home country.

5.3.7 The overseas post should cable the relevant Australian processing office with the following details of all children approved for adoption from overseas:

- name, date of birth and sex
- details of visa issue
- travel details
- details of adoptive parents
- intended address in Australia
- whether the adoption is to take place in Australia;

OR

- whether the adoption order has been recognised/ratified by the relevant State court (this will only occur in a very small number of cases).

5.3.8 The Australian processing office should immediately pass this information to the local State/Territory adoption authority which will normally exercise a delegated power of supervision over the placement under the Immigration (Guardianship of Children) Act.
For further information see Subject: IMMIGRATION (GUARDIANSHIP OF CHILDREN) ACT 1946.

5.3.9 Relative adoption

Cases where Australian citizens/residents seek to sponsor the migration of a related child differ in certain respects from those involving unrelated children:

- it is necessary to distinguish between those cases involving genuine adoption by relatives and those involving adoption for the sole purpose of obtaining a migration concession.

5.3.10 Relative adoption proposals must be assessed against the criteria outlined at 5.3.5, but officers should be aware that it may not always be in the child's best interests to be adopted by relatives in Australia.

5.3.11 A careful assessment of the merits of each case should be made. In making such an assessment, the following points could be considered as indicating that migration is *not* appropriate:

- one or both of the natural parents are willing and able to fill a normal parental role towards the child or can be expected to do so in the foreseeable future;
- the physical and emotional well-being of the child is secure in the home country with family members or in another satisfactory arrangement;
- the primary reason for the proposed migration is
 - to improve the child's opportunities for education, employment or material advancement;
 - to meet the needs or desires of the sponsors without due regard to the best interests of the child;
 - there is no parent/child relationship and no reasonable prospect of such a relationship between the child and adoptive parents;
- by the time the child reaches 18 years of age:
 - the adoptive parent(s) will not have had a significant role in the raising, maintenance and education of the child;
 - there will not have been a significant period of dependence (not merely financial) on the adoptive parent(s).

5.3.12 Where the overseas post has serious doubts about the relative adoption proposal they may wish to consult with the relevant Australian State/Territory child welfare authority about the particular case.

5.3.13 Where one or both natural parents are known to be living, the post should ensure that rights of custody have been fully and permanently transferred to the sponsors by a process which is legally valid in the home country. Interview of the parent(s) may be appropriate. An interview may also be necessary where there is doubt about the identity of the child or, in the case of older children, for counselling.

5.3.14 Orphaned relative children of Australian citizens/permanent residents should be considered against the requirements of visa class 104 (see Topic 7 in this Subject).

5.3.15 Immigration (Guardianship of Children) Act 1946
Children under 18 for adoption from overseas enter Australia under the provisions of the Immigration (Guardianship of Children) Act 1946 if:

- they are not in the care of a "close relative" (see Subject: FAMILY UNIT AND DEPENDENCY)
OR
- the adoption is one which is not automatically recognised in the State in which the adoptive parents are domiciled.

5.3.16 The Immigration (Guardianship of Children) Act 1946 provides for the Minister of Immigration, Local Government and Ethnic Affairs to be the guardian of the child until a legal adoption order is granted by an Australian court or the child reaches 18 years of age.

5.3.17 The powers and functions of guardianship are delegated to nominated officers of State/Territory welfare authorities who monitor the care of the child for the required period.

5.3.18 For further information see Subject: IMMIGRATION (GUARDIANSHIP OF CHILDREN) ACT 1946.

5.4 Children under 18 adopted by Australian citizens/residents while overseas

5.4.1 The adoptive parents must have been living outside Australia for a period of at least 12 months; such residence, in the officer's judgement, not having been contrived to avoid the requirements for entry to Australia for a child under 18 for adoption from overseas (as in 5.3 above). Officers should

satisfy themselves that the sponsors have other reasons for residing overseas eg employment or business:

- Where doubts exist about the reasons for extended residence overseas, officers should seek verification of passport details and previous movements outside Australia from the International Movement Records Section in Canberra.

5.4.2 The laws of the overseas country must have been complied with and the child welfare authorities in that country must approve of the child travelling to Australia with the adoptive parents.

5.4.3 The adoption order must give full and permanent parental rights to the adopter(s); orders which only grant guardianship, custody or other lesser rights would not satisfy this requirement.

5.4.4 Australian State/Territory welfare support is *not* required for applicants who have been adopted by Australian citizens/permanent residents who have been residing overseas for more than 12 months.

5.4.5 Applications which do not meet these requirements must be assessed against requirements relating to children under 18 for adoption from overseas (see 5.3).

8.6.13 Officers should use discretion in deciding whether an interview is necessary to determine any of the above points and/or whether to conduct a settlement assessment. Applicants with dependent children should be interviewed.

8.7 Children under 18 years for adoption from overseas (1A3)

8.7.1 This category is for children whose sponsors are resident in Australia and have been assessed as suitable adopters by Australian welfare authorities. Children adopted by Australians who are genuinely resident overseas on a long-term basis should be considered under sub-category 1A2 (unmarried children if part of the family unit).

8.7.2 In 1985 Commonwealth and State Ministers with responsibility for welfare matters commissioned a review of the practice of intercountry adoption and subsequently endorsed the following principles which underlie policy for the entry of children for adoption. Officers should give weight to these principles in deciding the merits of a case:

- . intercountry adoption is a service for children where the rights, welfare and interests of each child shall be paramount
- . the proposed placement is supported by the relevant State/Territory Welfare Department in Australia following professional welfare assessment (for exceptions see 8.5.6)
- . the laws and regulations of the overseas country have been complied with and the child has been approved to leave the country in the permanent custody of their adoptive parents
- . the rights and wishes of the relinquishing parent or parents are protected
- . Australian authorities are satisfied that the child is not being procured by force, duress or financial incentive
- . the child meets the health requirements for entry to Australia

8.7.3 Immigration (Guardianship of Children) Act 1946

Children entering Australia for the purposes of adoption who are not in the care of a close adult relative do so under the provisions of the Immigration (Guardianship of Children) Act which provides for the Minister for Immigration, Local Government and Ethnic Affairs to be the guardian. The powers and functions of guardianship are delegated to nominated officers of State/Territory welfare authorities who monitor the care of the child until a legal adoption order is granted by an Australian court or the child reaches 18 years of age.

8.7.4 Accordingly, details of every visa issue in this category should be passed to State/Territory welfare authorities (via Australian processing offices) so that appropriate follow-up action may be taken.

8.7.5 Sponsors should be advised at the time of approval that the existence of a legal custody document in the overseas country may not have legal force in Australia, and that legal advice on the question of obtaining an Australian adoption order, or the validation of a foreign adoption or guardianship order should be obtained on return to Australia.

8.7.6 In cases where the child has been adopted overseas the Immigration (Guardianship of Children) Act will not apply if the adoption is one that is recognised in the State in which the adoptive parents are domiciled. The child should however be processed under the requirements applying to children under 18 years for adoption from overseas, unless the sponsoring parents meet the overseas residential requirements as detailed in paragraph 8.5.

8.7.7 Lodgement of sponsorships

Sponsorships should normally be lodged at Australian processing offices, but may be sent directly to overseas posts by the client. They should be accompanied by written evidence that the specific adoption proposal is supported by State/Territory adoption authorities. Where such support has not been obtained, sponsors should be advised to contact the adoption authorities in their State/Territory of residence to be assessed as adopting parents (before lodging the sponsorship if possible). Australian processing offices in receipt of sponsorship forms should forward these to overseas posts for assessment.

8.7.8 The overseas post should assess applications against the following criteria before visas are issued:

- . the specific adoption proposal is supported by the relevant State/Territory adoption authorities, ie:

- If the sponsorship is lodged in Australia the Australian processing office will have provided verified written evidence that the adoption proposal is supported by the State/Territory authorities
- if the sponsorship is lodged at the overseas post the following details must be cabled to the Australian processing office in all cases to confirm that the State/Territory adoption authority supports the adoption proposal:
 - . full names and dates of birth of adopting parent(s)
 - . their residential address in Australia
 - . full name, sex and date of birth of child
 - . whether or not a legal adoption has been effected in the country of residence of the child, and the name of the adoption agency through which the adoption is being arranged
 - . whether a parent is still in Australia.
- . The child is free for adoption and the proper process in the overseas country has been followed, ie:
 - the laws and regulations of the overseas country have been complied with
 - the rights and wishes of the relinquishing parent(s) have been protected or the child is considered to be abandoned e.g its parents are not known
 - the couple (or individual) have been deemed by the placing government or agency as suitable parent(s) for the child.

The record of court proceedings and other relevant documents presented with the application should be examined to determine whether these requirements are satisfied. The onus is on adopters to present documentation which demonstrates this but if doubts can not otherwise be resolved checks should be undertaken with local adoption authorities or courts.

- . Immigration requirements are satisfied, ie:

- the child meets health requirements
 - the adoption has not been undertaken for the principal purpose of gaining residence in Australia and circumventing immigration requirements applying in other categories (see 8.7.9)
 - the child meets character requirements (if 16 years of age or more).
- . The overseas country will allow the child to travel to Australia, ie:
- the child has been approved to leave that country for adoption overseas or in the custody of their newly adoptive parent(s);

(A passport alone is not regarded as signifying approval; the documentation lodged in support of the adoption should be examined to confirm that the adoption authorities in the country are aware that an intercountry adoption has taken place and have not raised any objection to the removal of the child from the home country.)

8.7.9 Concern may sometimes arise about the genuineness of an adoption proposal, in particular where the sponsor is related to the child and the natural parent(s) are still alive. In assessing cases officers should bear in mind that the custody of a child by relatives in Australia may not always be in the spirit for which migration concessions for adoption are offered.

In addition to the requirements stated above, the following points should be considered when assessing cases of adoption by relatives, and could form a basis for refusal:

- . one or both of the natural parents are willing and able to fill a normal parental role towards the child or can be expected to do so in the foreseeable future;
- . the physical and emotional well-being of the child is secure in the home country with family members (or in another satisfactory arrangement);
- . the primary reason for the proposed migration is
 - to improve the child's opportunities for education, employment or material advancement;
 - to meet the needs or desires of the sponsors without due regard to the best interests of the child

- . there is no parent/child relationship and no reasonable prospect of such a relationship between the child and the prospective adoptive parents
- . by the time the child reaches 18 years of age:
 - the adoptive parent(s) will not have had a significant role in the raising, maintenance and education of the child;
 - there will not have been a significant period of dependence (not merely financial) on the adoptive parent(s).

8.7.10 Where one or both natural parents are known to be living, the post should ensure that rights of custody have been fully and permanently transferred to the sponsors by a process which is legally valid in the home country. Interview of the natural parent(s) may be appropriate.

8.7.11 The decision to refuse an application not regarded as genuine (in spirit or in fact) should be taken at the ASO 7 level or above.

8.7.12 Interviews will be necessary only where there is doubt about the identity of the child or, in the case of older children, for counselling.

8.7.13 Overseas posts should advise the relevant Australian processing office by cable of full details of visa issue to an adopted child (see 8.6.14). The Australian processing office should telex this information to the adoptions section of the State/Territory adoption authorities. The State/Territory adoption authorities should also be advised whether the child will be entering Australia under the provisions of the Immigration (Guardianship of Children) Act (see 8.7.3).

8.7.14 The overseas post should cable Settlement Planning Branch, Central Office and the relevant Australian processing office with the following details of all children approved under 18 years approved for adoption from overseas.

- . name, date of birth and sex
- . details of visa issue
- . travel details

- . details of adoptive parents
- . intended address in Australia
- . whether the adoption is to take place in Australia or, if a full order has been obtained overseas, whether the adoption order has been recognised/ratified by the relevant State Court.

8.8 Orphaned unmarried relatives under 18 years of age (1A4)

8.8.1 This category provides for the migration of orphaned unmarried children under 18 years of age when they cannot satisfactorily be cared for in the home country and it is in their best interests to enter permanently into the care of relatives in Australia. Newly orphaned children and children who have been orphaned for some time but whose care arrangements in the home country have broken down may be considered in this category. Children for whom legal adoption arrangements for adoption in Australia have already been made overseas are to be processed in the category applying to children under 18 years for adoption from overseas.

8.8.2 While this category applies to double orphans (ie. whose both parents are dead), approval may be given also where the parent with whom the child has been living has died and the whereabouts of the other parent is unknown.

8.8.3 Sponsorship may be accepted without reference to the State or Territory child welfare authorities provided the overseas post is satisfied that the proposed arrangements for the accommodation, maintenance and care of the child are adequate. The views of the State or Territory child welfare authorities are to be sought in doubtful cases through referral to the relevant Australian processing office. Where those authorities have reservations, the sponsor is to be informed that action on the sponsorship will be suspended until the requirements of the child welfare authorities have been satisfied.

8.8.4 The post should interview the child and family members or other interested parties as appropriate to determine that the child is in fact orphaned and is available for the new custody arrangement. Evidence of the circumstances should be requested as appropriate e.g Death Certificates, medical papers, court orders etc. In the case of older children, counselling as to the consequences of approval may be appropriate.