

## Facts about Child Adoptions in Bangladesh

Bangladesh law permits its own citizens to apply for legal guardianship of children. Under Bangladeshi law, the 1982 Guardianship and Wards Amendments Ordinances granting legal guardianship of Bangladeshi children to dual citizens. For Example- American / Canadian / British / Australian / Schengen citizen who is also a Bangladeshi citizen.

Bangladeshi dual Citizens who have legal guardianship of a Bangladeshi minor should note that for immigration purposes, guardianship and adoption are not the same. Simple, conditional or limited adoptions are more accurately described as legal guardianship are not considered valid adoptions for U.S.A, Canada, UK, Australia, Schengen and other develop countries immigration purposes.

Adopting Bangladeshi child from Bangladesh is not like adopting a child from China, Vietnam, Korea, Ukraine, Russia, or other countries.

"The legal requirements and provisions of law of adoption as referred to 'Legal Custody and Guardianship' prevailing in legal framework of Bangladesh fulfills the provisions of international law of adoption for the caring of an orphan.

The positive factors of The Guardianships and Wards Act 1890 prevailing in Bangladesh has statutory provisions governing adoption or legal mechanism for all Bangladeshi Citizens regardless of any religion for adoptions as referred to legal custody and guardianship to exist.

Bangladesh Law does not permit Foreigners / Foreign Citizens to be the legal guardian of children. Only Bangladeshi citizen by born or a Bangladeshi citizen who is also by naturalized citizen of a foreign country can obtain guardianship of a Bangladeshi child.

Adopting a Bangladeshi child from Bangladesh is only possible by dual citizen as referred to Non-Resident Bangladeshi (NRB) or Foreign resided Bangladeshi Citizen as referred to Dual Citizen. Bangladesh is not a party to Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption. Bangladeshi law does not allow for full adoptions of Bangladeshi children. Therefore, Foreign resided Bangladeshi Citizens (Dual Citizens) considering adoption of Bangladeshi children must obtain guardianship from a Bangladeshi court and subsequently adopt the child in abroad.

The children available for adoption in Bangladesh are usually orphaned due to poverty or the stigma of being an unwed mother. There are also children with special needs living in government orphanages.

### What is the process of Adoption / Legal Guardianship and Visa?

The process of obtaining legal guardianship of a child in Bangladesh and applying for an adoption / immigrant visa for that child requires that prospective adoptive parents meet complex Bangladesh and Foreign countries legal requirements. All Foreign Embassies / Consulates / High Commission situated in Bangladesh give each application careful consideration on a case-by-case basis to ensure that the legal requirements of both countries have been met for the protection of the prospective adoptive parent(s), the biological parent(s) or orphanage and the child.

There have been a number of instances in which foreign resided Bangladeshi Citizens have been poorly advised by legal practitioners and have entered into fostering / adoption arrangements do not meet the complex Bangladesh and Foreign Country's legal and immigration requirements. Adoptions that do not meet these requirements will not meet the requirements for the issuance of aforesaid country's visa for the child.