



Information Fact Sheet: Intercountry and Overseas Adoption

Purpose

This Fact Sheet is intended to assist New Zealand citizens or residents who are thinking about adopting a child from another country. It has been prepared by the New Zealand agencies involved in the intercountry adoption process and is intended to provide an integrated source of information.

Recent legislative changes relating to international adoptions (September 2025)

Please note: The Government has recently made some temporary changes to New Zealand's law relating to international adoption. This Fact Sheet has been updated to reflect those changes, which you can read more about here: [Adoption Law Reform | New Zealand Ministry of Justice](#)

1. Seek specialist advice

The information in this Fact Sheet is a summary and is not intended to replace independent advice. Adopting a child from overseas can be complicated. We strongly advise that **before** commencing the process you:

- seek independent legal advice from a lawyer experienced in overseas adoption; and
- contact the New Zealand government agencies referred to in this Fact Sheet (see contact details below).

2. New Zealand Residents adopting a child from a Hague Convention Country

New Zealand is a signatory to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (the 'Convention')¹. The Convention has been incorporated into New Zealand law through the Adoption (Intercountry) Act 1997.

Any adoption that involves:

- one or more adoptive parent(s) from a country that is signatory to the Convention (a 'Contracting State'); and
- a child who is living in another Contracting State (country)

must be undertaken in accordance with the process set out in the Convention. This requires the exchange of information between "Central Authorities", who must be satisfied that the adoption is in the best interests of the child.²

The responsibilities of Central Authorities are to:

- establish that the child is adoptable
- give due consideration to the child's adoption in its country of origin
- determine that intercountry adoption is in the child's best interests
- be satisfied that after counselling, the necessary consents to the adoption have been given freely, with no financial inducements
- give due consideration to the child's wishes and opinions, if age and maturity appropriate.

¹ [HCCH | #33 - Status table](#)

² As per the United Nations Convention on the Rights of the Child:

https://www.unicef.org.nz/_data/assets/pdf_file/0020/4556/CRCSummary_NZ_Bilingual.pdf

The Central Authority of the receiving country must:

- determine that the prospective adoptive parents are eligible and suited to adopt
- provide pre-adoption training and counselling
- determine that the child will be authorised to enter and reside permanently in that country.

The New Zealand Central Authority

The Chief Executive of the Ministry for Children, Oranga Tamariki (Oranga Tamariki) is the Central Authority for New Zealand. If you want to adopt a child from a country that is a Contracting State to the Convention, and you are:

- a New Zealander living in New Zealand; or
- a New Zealand resident habitually resident in New Zealand

you **must** apply to Oranga Tamariki and follow the Convention process.

Please note: If you are a New Zealander habitually resident in another Contracting State, and you wish to adopt a child resident in a third Contracting State, you must contact the Central Authority of the State where you habitually reside. For example, if you are a New Zealander habitually resident in Germany and you wish to adopt a child from the Philippines and bring that child into Germany, then you must contact the German Central Authority.

Effect of a Convention adoption

If all the requirements of the Convention are met, a Certificate under Article 23 of the Convention will be issued. This confirms that the adoption has complied with the requirements of the Convention and has the same effect as an Adoption Order made by the New Zealand Family Court.

Failure to follow the Hague Convention process

Failure to follow the Convention process in circumstances when you should have will likely mean that the adoption is not granted or is not able to be recognised in New Zealand or other Contracting States. This in turn will affect your ability to obtain New Zealand citizenship or a New Zealand visa for the child.

Contracting States with which New Zealand has an intercountry adoption programme

New Zealand has formalised intercountry adoption programmes with six Hague Convention Contracting States: Chile, Hong Kong, India, Lithuania, the Philippines and Thailand. Please check with Oranga Tamariki prior to taking steps to progress an overseas adoption as these programmes are subject to change.

Prospective intercountry adoptive parents can make an application to adopt through these programmes. Adopting from outside these programmes will be complicated, time consuming and less likely to be successfully completed. Further information about the adoption processes for these programmes can be found at: [Adopting a child from overseas | Oranga Tamariki – Ministry for Children](#).

3. New Zealanders who seek to adopt a child from an overseas country when the Convention does not apply

Not all adoptions involving a child from an overseas country will progress under the Convention process. The Convention will not usually apply if you want to adopt a child and you are:

- a New Zealander wanting to adopt a child from a country that is not a Contracting State; or
- a New Zealander living overseas and you meet the test of being 'habitually resident' in that overseas country. In some situations, it may not be clear whether a person is 'habitually resident' in a country and legal advice should be sought at the earliest instance.

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Instead, you may either:

- apply for an adoption order through the New Zealand Family Court, but only if the Court determines there are exceptional circumstances (you are strongly advised to seek independent legal advice on this matter); or
- follow an overseas adoption process in the country that you and/or the child are in (see below).

Overseas adoptions

Overseas adoptions are adoptions that take in a foreign jurisdiction where the Convention does not apply. Because overseas adoptions are processed in accordance with the laws of the relevant country, **the New Zealand government cannot assist in any way.**

If you have obtained an overseas adoption and you are a New Zealand citizen, the Department of Internal Affairs will determine whether the adoption can be recognised in New Zealand for the purpose of registering the New Zealand citizenship of the child.

Immigration New Zealand will determine whether the adoption can be recognised for the purpose of obtaining a visa.

Obtaining a visa for your adopted child

Immigration New Zealand is responsible for the granting of visas to enter New Zealand for all people not travelling on a New Zealand passport.

Any child adopted overseas must be granted the appropriate visa by Immigration New Zealand before they can travel to New Zealand.

The fact that the child has been adopted does not, of itself, entitle the child to be granted a visa to travel to New Zealand. Immigration Officers must assess whether the child meets the requirements for a visa to be granted.

Visa applications submitted on or after 18 September 2025 that are made on the basis of an overseas adoption will not normally be approved, unless the adoption occurred in a country listed in Schedule 1AAB of the Adoption Act 1955 which you can find here: [Exempt countries](#).

You can find more information about the requirements for a visa via Immigration New Zealand's website: [Bringing children: Immigration New Zealand](#)

Citizenship

There is **no automatic right** to New Zealand citizenship for children adopted overseas by a New Zealand citizen. The role of the Department of Internal Affairs is to establish any claim(s) to New Zealand citizenship that a child adopted in a country outside New Zealand may have, following the finalisation of the adoption.

Overseas adoptions that take place on or after 18 September 2025 will no longer be recognised for citizenship purposes, unless the adoption occurred in a country listed in Schedule 1AAB of the Adoption Act 1955 which you can find here: [Exempt countries](#).

There are several ways of obtaining New Zealand citizenship in relation to an adoption that was finalised overseas:

1. **Descent:** A child adopted overseas may have their New Zealand citizenship by descent registered if:
 - a. one adoptive parent was a New Zealand citizen 'otherwise than by descent' (i.e. is a citizen by birth or grant) at the effective date of the final adoption order, **and**
 - b. the child is under 14 years old at the time of the adoption; **and**
 - c. the adoption meets the following requirements in the Adoption Act 1955:
 - i. the adoption is legally valid according to the law of where the adoption took place; **and**
 - ii. the adoptive parents have a right greater to that of any natural parent in providing day-to-day care for the person; **and**

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iii. **EITHER:**

- i the adoptive parents have a right greater to or equal with that of any natural parent in respect of any property passing to the parents in the event of the person dying; **OR**
- ii the adoption was made by a court or appropriate authority in a country listed in paragraph (c)(i) of the definition of 'overseas adoption' (see section 2 of the Adoption Act 1955 which you can find here: [Section 2](#)); **and**
- d. **EITHER** the adoption took place before 18 September 2025; **OR**
- e. the adoption took place on or after 18 September 2025 in an overseas country listed in Schedule 1AAB of the Adoption Act 1955 which you can find here: [Exempt countries](#).

If those conditions are met, an application can be made for citizenship by descent to be registered in accordance with section 7(2) of the Citizenship Act. Information on how to register citizenship by descent is available on the DIA website [Register as a citizen by descent and get a passport | New Zealand Government](#)

2. **By Grant:** The Minister may grant citizenship if the requirements in section 8 of the Citizenship Act 1977 are met. More information about these requirements is available on the DIA website: [Requirements for NZ citizenship | New Zealand Government](#)

Important points to note

- Adoptions proposed or undertaken in overseas jurisdictions or outside the Convention pose risks for all parties:
 - there is no guarantee that a child adopted overseas will be able to enter New Zealand or obtain New Zealand citizenship
 - an overseas country's law may appear to be compatible with New Zealand law, but an individual adoption may still fail to meet the legal requirements for recognition in New Zealand
 - if the overseas country is a Contracting State to the Convention and the process set out in the Convention has not been followed, the child will not be able to enter New Zealand or obtain New Zealand citizenship.
- You must be living in New Zealand for the New Zealand Central Authority to undertake the suitability assessment required by the Convention. If you are living overseas, the New Zealand government will not be able to provide you with any supporting documentation outside of the Convention process unless there is a formal request from an overseas adoption agency, Court or government agency.
- **Beware of opting for an adoption in an overseas country if that country is a Contracting State to the Convention.** Even if you do not intend for the child to live in New Zealand, opting for an overseas adoption in place of a Convention process, can cause difficulty, such as:
 - an inability to provide local authorities with the documentation they require to support your adoption application (this may result in the adoption not proceeding)
 - an inability to obtain New Zealand citizenship or residence for the child
 - an inability to obtain a visitor's visa for the child, should you wish to visit friends and family in New Zealand in the future.
- The process is usually lengthy, and prospective parents should use caution throughout. We recommend that you seek and follow advice from the relevant authorities. In addition, we recommend that you obtain independent legal advice. We will work to expedite matters relating to adoptions with which we are involved. However, this does not extend to circumventing required process in order to expedite adoption applications.

IN-CONFIDENCE

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- New Zealand government agencies cannot:
 - provide legal advice
 - certify, in the absence of a proper assessment, that you are of good character
 - provide a letter of “no objection” for overseas authorities
 - provide supporting documentation except as part of the Convention process or if there is a formal request from an overseas adoption agency, Court or government agency
 - obtain exit permits for adopted children in order for them to leave their country of origin.

The New Zealand government will not participate in the irregular movement of children across borders

Disclaimer: The relevant New Zealand government Ministries endeavour to provide the most up to date accurate information in this Fact Sheet. However, adopting a child from overseas can be complicated. We strongly advise that **before** commencing the process you seek independent legal advice from a lawyer experienced in overseas adoption and contact the New Zealand government agencies referred to below.

Contacts

Oranga Tamariki – Ministry for Children - has responsibility for facilitating adoption processes involving New Zealand citizens and permanent residents.

Email: webadoption@ot.govt.nz or nzca_adoptions@ot.govt.nz

Phone: 0508 FAMILY (0508 326 459) from within New Zealand

Phone: +64 9 912 3820 from outside New Zealand

Immigration New Zealand - a service line of the Ministry of Business, Innovation and Employment - takes care of all New Zealand immigration issues.

Phone: 0508 558 855 within New Zealand but outside Auckland

Phone: 09 914 4100 Auckland

Phone: +64 9 914 4100 from outside New Zealand

Department of Internal Affairs - administers applications for New Zealand citizenship and issues New Zealand passports.

Email: staykiwi@dia.govt.nz

Freephone 0800 22 51 51 within New Zealand

Phone: +64 4 463 9361 outside New Zealand

Ministry of Foreign Affairs and Trade – provides consular support to New Zealanders when overseas

See:

<https://www.safetravel.govt.nz/contact-us>

Ministry of Justice – administers New Zealand’s adoption legislation.

See: [Adoption Law Reform | New Zealand Ministry of Justice](#)

References

All legislation referred to in this Fact Sheet can be found at this website: www.legislation.govt.nz