

How NRIs can adopt kids in India, bring them to UAE



LEGAL VIEW
ASHISH MEHTA

Q: I want to adopt my sister-in-law's son as her husband died and she is not in a position to look after him financially. Can you guide me through the legal formalities to bring him here on a residence visa once I complete all the adoption procedures in India?

A: The adoption laws in India are governed by Hindu Adoption and Maintenance Act, 1956, which is applicable for Hindus, Sikhs, Jains and Buddhists. Whereas Guardians and Wards Act of 1890 is applicable for Christians, Muslims, Parsis and Jews. However, since you are a Non-Resident Indian (NRI), you should approach the Central Adoption Resource Authority, which is governed by the Ministry of Women & Child Development, Government of India (the 'Authority'), to apply and complete the procedures to adopt the son of your sister-in-law.

The Authority may issue 'No Objection Certificate' (NOC) in favour of the proposed adoption in the format at Schedule X, within 10 days from the date of receipt of the acceptance of the child by the prospective adoptive parents and letter of approval or permission of the receiving country as per Article 5 and Article 17 of the Hague Adoption Convention, wherever applicable. A copy of the NOC shall also be endorsed to all concerned and posted in Child Adoption Resource Information and Guidance System

forthwith. Since UAE is not a signatory to Hague Adoption Convention, you may have to comply with any other additional document like an affidavit or an undertaking by your sister-in-law that she has no objection for you to adopt her son in the UAE based on the adoption granted by the Authority in India.

The same document should then be signed by a notary public and duly legalised in India by Ministry of External Affairs and UAE Embassy in India and thereafter by the Ministry of Foreign Affairs & International Co-operation in the UAE.

The adoption certificate issued by the Authority is to be duly legalised in India and UAE as mentioned hereinabove. After meeting all the aforementioned requirements, you may apply for residence visa for the applicant.

We assume that you are a non-Muslim as generally adoption is not recognised in Islam if the adopted child is not related to you. However, taking care and sponsoring an abandoned child or an orphan is allowed and encouraged through various organisations in the UAE.

It is recommended that you take further advice by a legal counsel in India and from the authorities in India for procedures of adoption in India. Upon completion of the adoption formalities in India, you make approach the Emirates Red Crescent Authority or the Dubai Foundation for Women and Child in the emirate of Dubai for further clarifications.

Know the law



If your child has attained the age of majority, you may approach the educational institution where he/she is studying to check whether they are able to provide a student visa for your child. If your child is a minor, he/she can only be sponsored by the parents.

outside the UAE and have to join my new employer by mid-December 2018. However, my two kids are studying here and their examination will end only by April. They need to stay in the UAE until they take their exams. Please let me know if there is any provision to extend their visa.

A: You have not mentioned the age of your children. If your children have attained the age of majority, you may approach the educational institution where they are studying to check whether they are able to provide a student visas for your children.

Further, if your children are minor, they can only be sponsored by the parents and therefore, in such a scenario, you may request your current employer not to cancel your residence visa until the children's education is completed in April 2018. You may contact the Directorate General of Residency and Foreigners Affairs to obtain specific advice on your query.

Ashish Mehta is the founder and Managing Partner of Ashish Mehta & Associates. He is qualified to practise law in Dubai, the United Kingdom, Singapore and India. Full details of his firm on: www.amalawyers.com. Readers may e-mail their questions to: news@khaleejtimes.com or send them to Legal View, Khaleej Times; PO Box 11243, Dubai.



Know the law

An NRI should approach the Central Adoption Resource Authority, which is governed by the Ministry of Women & Child Development, Government of India, to apply and complete the procedures to adopt

Can my kids stay in UAE to take exams even if I leave?

Q: Is there any kind of visa which allows students to complete their academic year? I have got a job