

## UK parents and surrogacy in the USA



Will I be treated as a parent in the UK if I am named on a US birth certificate?

UK law will treat your surrogate (and her husband, if she is married) as the legal parents of your child, irrespective of what your US birth certificate or any court order says. You will need to make an application to the UK court to become the parents and to obtain a British birth certificate.

What paperwork do I need to travel home with my child?

It is very important that you obtain a British passport or an entry clearance visa stamped in your child's US passport before you travel to the UK, to avoid any problems at border control. Which is the best route will depend on whether your surrogate is married, your nationality status and your child's biological parentage.

What do I need to do when I get home to the UK?

You need to apply to the family court for a parental order, which extinguishes the legal motherhood of your surrogate and gives you both joint parental status. Married, unmarried and same sex couples can apply, and there is a strict deadline – you must submit your application within six months of the birth.

What does the process of applying for a parental order involve?

Currently parental order applications in international surrogacy cases are heard in the High Court. You will need to submit an application to the London Family Proceedings Court within six months of your child's birth, and your application will be referred from there to the High Court. Documentation (including statements setting out your story and detailed legal arguments) will need to be filed, and the court will also appoint a court reporter who will prepare a report and may ask to represent your child in the proceedings.

How do I make sure my child is British?

Your child will be born British if your surrogate is unmarried and if the biological father is British (and was not himself born British outside the UK). If your child is not born British, he or she will become British when a parental order is granted. You may also be able to apply to the Home Office for British nationality to be granted on a discretionary basis.



Am I breaking any laws in the UK if I enter into a commercial surrogacy arrangement in the US?

Although it is illegal in the UK for commercial agencies to broker surrogacy arrangements in the UK, you, as intended parents, do not break the law by engaging a foreign agency or by paying a surrogate more than her reasonable expenses.

How long will it take to get this?

This depends on your circumstances. Generally speaking, parents can expect to stay in the USA for somewhere between two weeks and two months after the birth. You can often shorten the application process by contacting the British Embassy before your child is born and making sure you submit a complete application.

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