

Since 2001, many countries, including the United States, the United Kingdom, France, and Australia, banned their citizens from adopting children from Cambodia. Weak laws and lax enforcement had created a grave human trafficking problem. The Royal Government of Cambodia has since instituted reforms to prevent child trafficking and comply with the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption.

On December 3, 2009, Cambodia passed the Law on Inter-country Adoption to protect the basic rights and interests of children adopted by foreign citizens. One major change from the former adoption practice is that all inter-country adoptions must now be handled by authorized agencies. Unauthorized private companies and orphanages can no longer handle inter-country adoptions directly.

Under the new Law, the Ministry of Social Affairs Veterans and Youth Rehabilitation is the Central Authority responsible for inter-country adoptions in Cambodia. Currently, the Central Authority is working to create the Inter-Country Adoption Administration (ICAA), which will be in charge of maintaining a confidential list of eligible children and processing applications. The ICAA aims to be fully functioning by April 2011.

Agencies that wish to facilitate inter-country adoptions in Cambodia must receive authorization from the adoption authority of their home country and from the Central Authority in Cambodia. Before the Central Authority can accept agency applications from a certain country, the Central Authority and the receiving country's adoption authority must agree on the number of agencies allowed from the receiving country. To receive authorization from the Central Authority in Cambodia, the agency must meet the following



criteria:

1. Have been accredited by the competent authority of the receiving country to set up an agency in Cambodia;
2. Pursue only non-profit objectives and fulfill the conditions established in legal provisions concerning non-profit legal persons, associations, or NGOs, or other relevant legal provisions pertinent to the characteristics of such agencies; and
3. Be directed and staffed by persons qualified by their ethical and moral standards and by training and experience to work in the field of inter-country adoption.

The agency will then submit its application as an inter-country adoption agency to the Central Authority for final approval. A copy of the application should also be sent to the receiving country's embassy in Cambodia. The Law on Inter-Country Adoption provides the list of documents required:

1. Application for authorisation with approval by and recognition of the Ministry of Foreign Affairs and International Cooperation;
2. A brief description of the background and activities of the agency;
3. A certified copy of its accreditation from the receiving country;
4. A duly certified copy of its registration letter as a non-profit legal person;
5. The statute and internal regulations of the agency;
6. A brief curriculum vitae and photographs of the members of its board of directors or management board;
7. The curriculum vitae of the person(s)



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ABOUT US

BNG Legal is a leading Cambodian law firm providing comprehensive legal services to foreign and local clients.

Registered with the Bar Association of the Kingdom of Cambodia, our legal professionals combine international standards with local expertise.

We differentiate ourselves by coupling a deep understanding of the local business environment with international professionalism and integrity.

We facilitate business, investment and trade between Cambodia and the rest of the world through innovative and cost-effective legal services.

Superior knowledge of local protocol, local procedure, and local people is necessary for any business to succeed in Cambodia.

Conducting daily business in Cambodia, BNG Legal is up to date with the newest procedures and requirements, helping clients efficiently and successfully complete any project.

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authorized to represent the agency in inter-country adoption matters, which must not be more than two persons that are not directors, vice-directors, or staff members of any orphanage in the Kingdom of Cambodia;

8. Proof that each representative as stipulated in the above item 7 has no criminal record in his/her state of origin, and in the state of his/hr last residence, if different;

9. Bilateral Agreement on Cooperation in respect of Inter-Country Adoption between the Kingdom of Cambodia and the country of the ICA agency if such party is not a State Party to the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption;

10. An audited financial report and any agreements to provide humanitarian aid or support to orphanages in the Kingdom of Cambodia;

11. Any such other requirements which the Ministry of Social Affairs deems necessary

in the best interests of children as set forth in authorization procedures.

According to the Law, the Central Authority will grant or deny approval of the inter-country adoption agency within sixty days from receipt of the application. If the agency is approved, the authorization is valid for two years and may be renewed.

The Ministry has yet to define all of the above steps in detail. BNG anticipates that this will be finalised when the new law is implemented.

This new screening of agencies will help to ensure that those working in the area of inter-country adoption are well trained and thoroughly monitored. In the end, what Cambodia wants is for her children to be with good families and living in safe homes.

If you have further questions regarding inter-country adoption agencies, or inter-country adoption in general, please contact us at info@bnglegal.com.

Agency Approval Process

Accreditation from the Adoption Authority in the receiving country



- Submit application as an inter-country adoption agency to the Central Authority in Cambodia
- Submit a copy of the application to the receiving country's embassy in Cambodia



60 days

Central Authority will inform the agency of its decision in writing