

Reg 1.04 Adoption

(1) A person (in this regulation called the adoptee) is taken to have been adopted by a person (in this regulation called the adopter) if, before the adoptee attained the age of 18 years, the adopter assumed a parental role in relation to the adoptee under:

- (a) formal adoption arrangements made in accordance with, or recognised under, the law of a State or Territory of Australia relating to the adoption of children; or
- (b) formal adoption arrangements made in accordance with the law of another country, being arrangements under which the persons who were recognised by law as the **parents** of the adoptee before those arrangements took effect ceased to be so recognised and the adopter became so recognised; or
- (c) other arrangements entered into **outside Australia** that, under subregulation (2), are taken to be in the nature of adoption.

(2) For the purposes of paragraph (1)(c), arrangements are taken to be in the nature of adoption if:

- (a) the arrangements were made in accordance with the usual practice, or a recognised custom, in the culture or cultures of the adoptee and the adopter; and
- (b) the child-parent relationship between the adoptee and the adopter is significantly closer than any such relationship between the adoptee and any other person or persons, having regard to the nature and duration of the arrangements; and
- (c) the Minister is satisfied that:
 - (i) formal adoption of the kind referred to in paragraph (1)(b):
 - (A) was not available under the law of the place where the arrangements were made; or
 - (B) was not reasonably practicable in the circumstances; and
 - (ii) the arrangements have not been contrived to circumvent Australian migration requirements.