

Frequently Asked Questions

1. What is an illegal birth registration?

Illegal birth registration occurs where the persons named on a child's birth certificate are not in fact the child's birth parents. In these cases, the "adoptive" parents' names appear on the birth certificate, rather than the birth parents. In some cases, the person in question may have two birth certificates. In other cases, there may only be one, the incorrect registration.

While these cases are often referred to as "illegal adoptions" in the media, it is important to note that there was no adoption order in the vast majority of these cases.

2. How many illegal birth registrations have there been?

When Tusla, the Child and Family Agency took possession of the files of St. Patrick's Guild Adoption Society, they reviewed their contents. Social workers have to date confirmed 151 cases of illegal birth registrations in the files of St. Patrick's Guild.

3. How can they be confirmed?

The St. Patrick's Guild files were unique in that they contained the marker "adopted from birth" which raised suspicions upon receipt of the files by Tusla. While it had long been suspected that illegal birth registrations happened in Ireland, this was the first time that there was evidence of a high enough standard to allow confirmation in individual cases.

4. What action was taken on foot of the discovery of the St. Patrick's Guild cases?

An Independent Review into Illegal Birth Registrations was commissioned in 2018 to investigate whether there are markers to indicate a practice of illegal birth registration in the records of other adoption agencies and similar institutions as was found on the St Patrick's Guild files. The publication of the review had to await the final report of the Mother and Baby Home Commission, as it encroached on the work of that Commission.

5. What agencies were reviewed in the Independent Review?

The review examined a total of 1,496 records from 25 adoption agencies, 5 nursing homes which acted as "informal adoption agencies", and 6 boarding out services selected geographically to provide national coverage.

6. Why are the names of agencies anonymised?

The Minister is conscious that each of the records sampled represents a part of an individual's life. In order to ensure that no person who was resident in/born in or adopted through any of these agencies can be identified, they are anonymised.

7. What are the conclusions of the Review?

The review shows, as the Commission of Investigation into Mother and Baby Homes also concluded, that some practices in the past fell far short of what would be expected today.

There was no comparable marker in the files of other agencies to indicate the practice of illegal birth registration with sufficient documentary evidence on the files to enable a threshold to be reached to allow the confirmation of an illegal birth registration in an individual case.

The report also concludes that a wider review of adoption files is unlikely to yield evidence that would confirm illegal birth registrations to the necessary level of certainty.

8. What does the Minister propose to do in relation to access to records?

The priority of the Minister for Children, Equality, Disability, Integration and Youth and his Government colleagues is to put in place a robust, responsive and resourced service which will assist any person who has been adopted or boarded out and seeks information on their birth and early life, or who knows or has any suspicions that they may have the subject of an illegal birth registration, to access the support and information that they need.

To this end, the immediate priority of the Minister and the Government is access to information and records for individuals, by bringing forward legislative proposals on information and tracing. Minister O’Gorman is engaging intensively with the Attorney General on bringing forward Heads of a Bill in the coming weeks, which will then be the subject of pre legislative scrutiny.

9. What is the Minister doing for individuals whose births were illegally registered?

In relation to the specific St. Patrick’s Guild cases, the Minister has convened a cross Departmental Group to identify and consider all the issues arising for those individuals as a result of their illegal birth registration, and to propose solutions, including legislative solutions if required. The Group is to bring forward a set of integrated proposals within a two month window. Minister O’Gorman will then seek to engage with the individuals in question, to ensure that the proposals address their needs.

10. What further steps is the Minister taking in relation to illegal birth registrations, following the publication of the independent review?

As a follow on from the review, the Minister has requested the Special Rapporteur on Child Protection to consider the very significant complexities and challenges, including the deep ethical issues, which arise in relation to the issue of illegal birth registrations, and to propose an appropriate course of action in terms of any further potential review, analysis or investigation.

**Department of Children, Equality, Disability, Integration and Youth.
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