

# Legal system may lead many UK parents abroad to find a surrogate

December 13 2018

---

As more and more parents travel overseas to find a surrogate, a new study published in Human Fertility is the first to compare the experiences of those who carry out surrogacy in the UK with those who go abroad. The research highlights important problems faced by parents, which could influence UK surrogacy law.

A new study is the first to compare the [experiences](#) of people who have carried out [surrogacy](#) in the UK with those who go overseas, for example, to countries such as USA, India and Georgia. The [research](#), led by Dr. Vasanti Jadva at the Centre for Family Research, University of Cambridge, in collaboration with NGA Law and Brilliant Beginnings, surveyed over 200 people who had either already had a child through a surrogate, were in the process, or were planning a surrogacy arrangement.

Almost half (42 percent) of [parents](#) who chose to find a surrogate in the UK did so to foster a closer relationship with the surrogate, while almost all (97 percent) of those opting to go to the US did so to access a better legal framework, which includes being recognised as the legal parents of the child from birth. In addition, although the laws surrounding surrogacy vary by state in the US, many states allow commercial surrogacy and it is generally easier to find a surrogate than it is in the UK.

Although the US offers a more secure legal framework, it comes with a hefty price tag, and the study found that going to the US simply wasn't

affordable for many parents who considered it.

Those who found a surrogate in other, more affordable countries – such as India, Thailand or Ukraine – experienced greater delays and difficulties in obtaining the necessary legal documents on their return to the UK. One couple returning from India reported a delay of 6 months in getting a passport for their child.

The UK has a notoriously challenging legal landscape for those seeking surrogacy arrangements. Profit-making surrogacy agencies are illegal in the UK and surrogacy arrangements are not legally enforceable, which means the surrogate remains the legal mother of the child until a Parental Order is made, often many months after the birth.

Estimates suggest that the number of children being born through surrogacy in the UK has tripled in the past few years. But until now, very little has been known about why people go to these countries or their experiences of the process.

The findings of this new study highlight the stress and anxiety that parents can face when travelling abroad for surrogacy, particularly in trying to obtain legal parenthood when back in the UK, but also caused by the lack of legal security in the UK.

"UK surrogacy law is outdated and struggling to cope with the strain of modern surrogacy experience both in the UK and globally," said co-author Natalie Gamble.

The Law Commission (the independent body responsible for reviewing the law in England and Wales) has started a project to substantively review surrogacy law. As lead author and Senior Research Associate at the University of Cambridge, Dr. Vasanti Jadva, added: "We hope our findings will feed into the Law Commission's review of surrogacy law as

they highlight how people's experiences can differ depending on the country in which they conduct their surrogacy arrangement."

**More information:** Vasanti Jadva et al. Cross-border and domestic surrogacy in the UK context: an exploration of practical and legal decision-making, *Human Fertility* (2018). [DOI: 10.1080/14647273.2018.1540801](https://doi.org/10.1080/14647273.2018.1540801)

Provided by Taylor & Francis

Citation: Legal system may lead many UK parents abroad to find a surrogate (2018, December 13) retrieved 20 April 2024 from <https://medicalxpress.com/news/2018-12-legal-uk-parents-surrogate.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.