



U.S. Citizenship and Immigration Services

Intercountry Adoption Overview

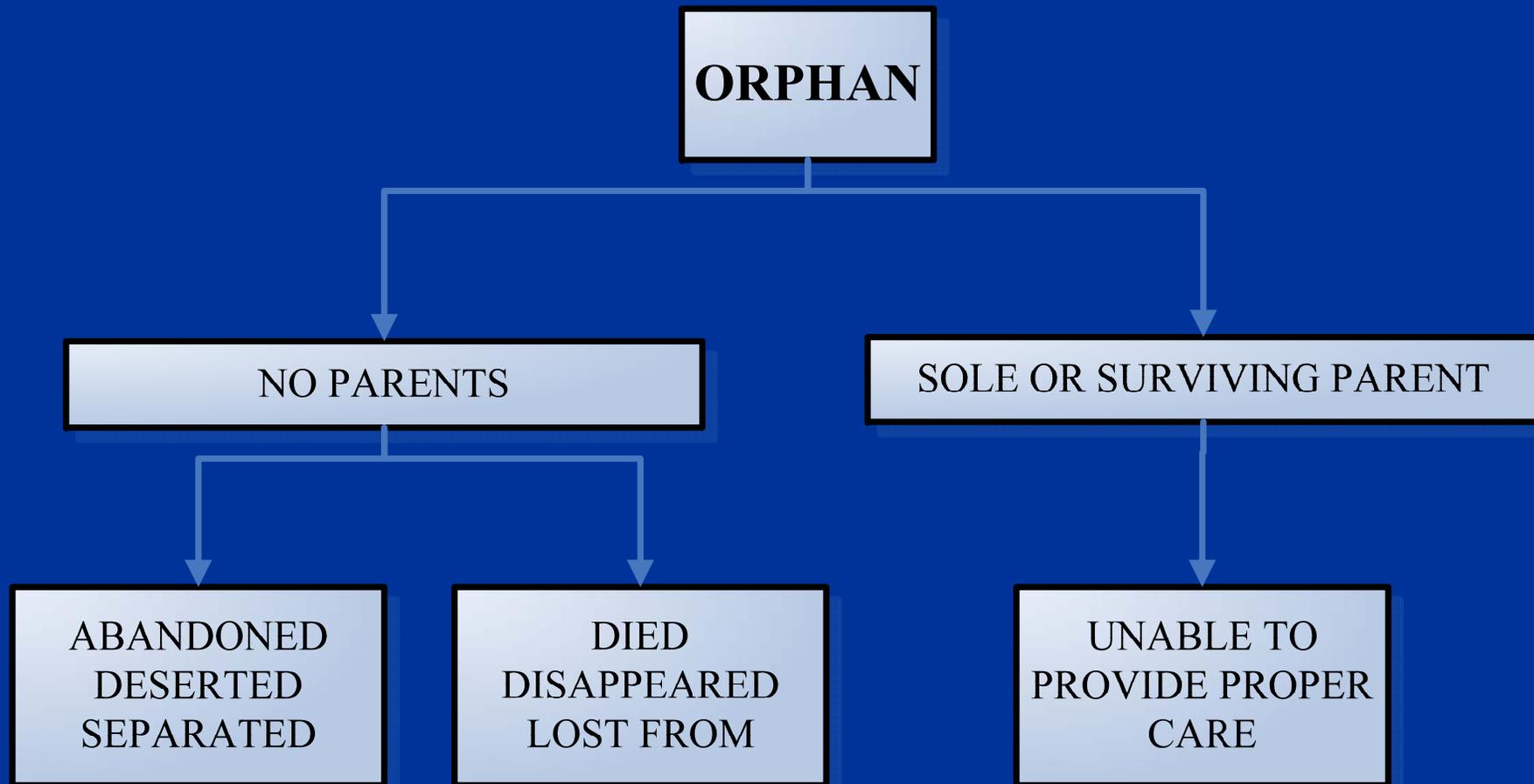
May 18, 2010

Intercountry Adoption in Non-Hague Countries

Orphan Definition:

INA §101(b)(1)(F)

Anatomy of Orphan Definition



ORPHAN FORMS

- **Form I-600A**: Application for Advance Processing of Orphan Petition
 - To determine the eligibility and suitability of prospective adoptive parents (PAPs) to adopt. Includes home study.
- **Form I-600**: Petition to Classify Orphan as an Immediate Relative
 - No fee if filed within 18 months of an approved I-600A.
 - To establish eligibility of the child as an orphan.

Classic Orphan Case Process

- PAPs decide to adopt
- PAPs files Form I-600A (Advance Processing of Orphan Petition)
- Form I-600A approved
- Child overseas identified
- PAPs travel overseas, meet and adopt the child(ren)
- PAP files Form I-600 (Petition to Classify Orphan as an Immediate Relative)
- Form I-600 approved if child is an orphan
- Child immigrates to US
 - Automatically becomes a citizen (IR3)
 - Automatically becomes a citizen after adoption in the US (IR4)

Recent Changes to Orphan Process

- USCIS now permits:
 - One-time no fee extension of the Form I-600A
 - One-time no fee re-fingerprinting
 - One-time no fee change of country notificationWritten requests must be submitted and an updated home study will be required for the extension. Effective August 6, 2007
- All communication (cables) previously sent to consular posts now go to National Visa Center (NVC). Effective July 5, 2007

Intercountry Adoption in Hague Convention Countries

Convention Adoptee Definition:

INA §101(b)(1)(G)

*Convention on Protection of Children and
Co-operation in Respect of Intercountry
Adoption (Hague Adoption Convention)*

The goal of the Convention is to protect the children, birth parents and adoptive parents involved in intercountry adoptions.

The Hague Adoption Convention

Hague Adoption Convention establishes:

- internationally agreed upon rules and procedures for adoptions between countries that have a treaty relationship under the Convention
- a Central Authority in each country to ensure one authoritative source of information and point of contact
 - U.S. Department of State is the U.S. Central Authority
 - DHS has been delegated central authority functions relating to immigration applications and petitions

April 1, 2008

- All intercountry adoption cases filed on or after April 1, 2008, by a U.S. citizen habitually resident in the United States seeking to adopt and bring to the United States a child habitually resident in any Convention country* must follow the Hague process, as specified in the Hague interim rule unless the adoption occurred prior to April 1, 2008.
- Grandfather provisions may apply

* *Any country that has a treaty relationship with the U.S. under the Convention.*

Grandfathering for Transition Cases

- The Hague Adoption Convention will not apply to prospective adoptive parents who filed Form I-600A or Form I-600 prior to April 1, 2008.
- *Provided* the child's Convention country permits continuation under current U.S. orphan regulations.

** The Hague Adoption Convention will not apply to an adoption that occurred prior to April 1, 2008.

What is a “Grandfathered” I-600A?

- A Grandfathered Form I-600A is filed to continue the orphan process for an adoption in a Hague Convention Country that began before April 1, 2008.
- A new Form I-600A that is filed after April 1, 2008, will be considered “grandfathered” only if:
 - the new Form I-600A is filed before expiration of a previous Form I-600A, *AND*
 - the previous Form I-600A that is about to expire was itself filed before April 1, 2008; *AND*
 - no Form I-600 has been filed on the basis of the previous Form I-600A.

How do you file a Second Form I-600A for a Grandfathered case?

- If the prospective parents live in the United States, file at the USCIS Dallas Lockbox facility:
- If the prospective parents live abroad, file at the USCIS field office having jurisdiction over the applicant's residence abroad, or at the USCIS Dallas Lockbox facility if they have a proposed residence in the United States.
- The application packet must include:
 - Appropriate filing fee(s)
 - Supporting documentation *either*:
 - Valid *Form I-600A Approval Notice* for a Form I-600A filed prior to April 1, 2008
 - Approval notice of extension of a Form I-600A filed prior to April 1, 2008
 - Acknowledgement Notice for a Form I-600A filed prior to April 1, 2008, *and/or*
 - Fee receipt

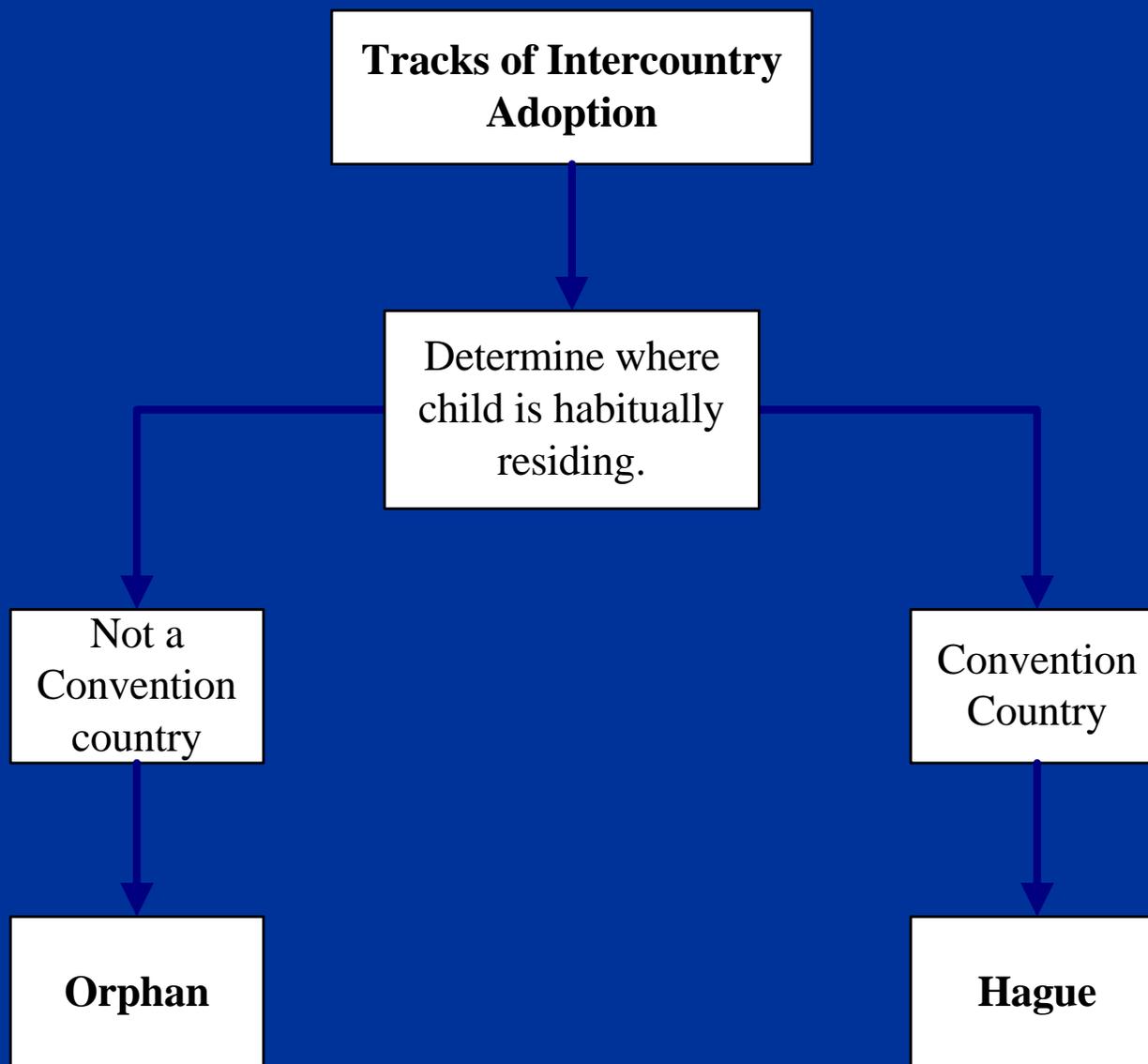
How do you file a Second Form I-600A for a Grandfathered case?

- A written statement, signed under penalty of perjury, attesting that a Form I-600 has not been filed on the application.
 - i.e.) Where original approval or Form I-600A (filed prior to April 1, 2008) has been issued for more than one child, the PAP would attest that the corresponding number of Forms I-600 had not yet been filed.
- USCIS must receive the properly filed application no more than 90 days before the expiration date of the approval of the one-time “extension” of the approved Form I-600A *before* the validity expires.

*Otherwise...the Hague Adoption
Convention applies if:*

- Child is habitually resident in one Convention country AND
- Prospective adoptive parent (PAP) is habitually resident in another Convention country AND
- The child will immigrate or move to the PAP(s)' country as a result of, or for purposes of, the adoption.

Orphan or Convention Adoption?



Hague Adoption Forms

USCIS published two new forms in order to implement the Hague Convention.

- Form I-800A: Application for Determination of Suitability to Adopt a Child from a Convention Country (3 Supplements)
- Form I-800: Petition to Classify a Convention Adoptee as an Immediate Relative (1 Supplement)

Hague Adoption Forms

- Form I-800A must be filed in every case to begin the immigration process in a Convention adoption.
- Home study must be filed with Form I-800A unless State of residence forwards it directly to USCIS after its review.
- USCIS must approve Form I-800A before a child is *entrusted* into the care of PAPs and before Form I-800 in behalf of a Convention adoptee may be filed.
- *Why?* - The Convention requires prospective adoptive parents to be found suitable and eligible to adopt a child from a Convention country before a placement for adoption may be made.

Centralization

- A special unit at the USCIS National Benefits Center (NBC) processes *ALL* Hague adoption applications and petitions.
- As of April 2010, this same unit now receives and processes *ALL* orphan adoption applications and petitions that are filed domestically.

How to Contact NBC

- Toll Free Number: 877-424-8374
- Local Number : 816-251-2770
- Fax: 816-251-2799
- Email: NBC.Hague@DHS.gov

Helpful Tips for Inquiries

- Full name of applicant or petitioner and spouse (if any)
- Date the application or petition was filed
- USCIS office where application or petition was filed
- Case Identification # (SIMS # for Hague cases)
- Processing times
- Privacy Waivers