

111th Congress

November 30, 2010

124 Stat. 3058

S. 1376

An Act

To restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as 'International Adoption Simplification Act'.

SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION REQUIREMENT.

Section 212(a)(1)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by striking 'section 101(b)(1)(F),' and inserting 'subparagraph (F) or (G) of section 101(b)(1);'.

SEC. 3. SIBLING ADOPTIONS.

Section 101(b)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as follows:

'(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption,

done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, Provided, That—

`(I) the Secretary of Homeland Security is satisfied that proper care will be furnished the child if admitted to the United States;

`(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

`(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

`(IV) the Secretary of Homeland Security is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Secretary of Homeland Security may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

`(V) in the case of a child who has not been adopted—

`(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

`(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child's proposed residence; and

`(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

`(iii) subject to the same provisos as in clauses (i) and (ii), a child who—

`(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i);

`(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and

`(III) is otherwise described in clause (i), except that the child is younger than 18 years of age at the time a petition is filed on his or her behalf for classification as an immediate relative under section 201(b).'

SEC. 4. EFFECTIVE DATE.

(a) In General- Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) Exception- An alien who is described in section 101(b)(1)(G)(iii) of the Immigration and Nationality Act, as added by section 3, and attained 18 years of age on or after April 1, 2008, shall be deemed to meet the age requirement specified in subclause (III) of such section if a petition for classification of the alien as an immediate relative under section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)) is filed not later than 2 years after the date of the enactment of this Act.

Speaker of the House of Representatives.

Vice President of the United States and

President of the Senate.