



March 26, 2012

Executive Summary

Grandfathering of Non-Hague Adoption Cases

Overview

On January 31, 2012, U.S. Citizenship and Immigration Services (USCIS) hosted a stakeholder engagement to discuss changes to the process of “grandfathering” certain adoption cases as orphan cases when the U.S. and another country become partners under the Hague Adoption Convention. The call focused particularly on cases for Chinese and Guatemalan children as these are the countries from which there are currently “grandfathered” cases.

Background

The U.S. became a Hague Adoption Convention partner with China and Guatemala on April 1, 2008. At that time, there were many U.S. families in the process of adopting children from China and Guatemala under the orphan process. USCIS allowed those U.S. families’ cases to be “grandfathered” under the non-Hague process so that they could process their cases to completion as orphan cases.

Prospective adoptive parents could continue under the orphan process if they completed the adoption or filed either of these Forms before April 1, 2008:

- Form I-600A, [Application for Advance Processing of Orphan Petition](#); or
- Form I-600, [Petition to Classify Orphan as an Immediate Relative](#).

Generally, a Form I-600A approval is valid for 18 months. There also can be a one-time, no-fee extension for an additional 18 months. Therefore, a family’s first Form I-600A approval can be valid for up to 36 months. In addition, USCIS permitted prospective adoptive parents with “grandfathered” cases to file a *new* Form I-600A with the required fee no more than 90 days before the final expiration of their first Form I-600A. The second Form I-600A approval was also valid for 18 months with a one-time, no-fee extension for an additional 18 months. In total, a family could file two Form I-600As that combined could be valid for up to 72 months (6 years).

USCIS believes that there are approximately 650 cases from China and 16 cases from Guatemala that are reaching the end of their 72 month time frame. These families filed before April 1, 2008,

(the date the Hague Adoption Convention went into effect) and are now wondering what the next steps are.

Cases from China

Prospective adoptive parents whose second no-fee extension is nearing expiration must continue under the Hague process by filing a Form I-800A, [*Application for Determination of Suitability to Adopt a Child from a Convention Country*](#). The Central Authority of China has stated that prospective adoptive parents wishing to convert their orphan case to a Hague case would maintain their “place in line” for a match with a Chinese child. Families may submit their old home study information with relevant updates, including all additional requirements of the Hague Adoption Convention. The Form I-800A approval will be valid for the duration of time that the fingerprints are valid, which is approximately 15 months. Under the Hague process, families may file Form I-800A, Supplement 3 for a one-time, no-fee extension.

Expedited Cases

On a case-by-case basis, USCIS will consider expediting Form I-800A applications and Form I-800 petitions. Typically a possible match with a child within a few weeks would not be sufficient grounds to expedite a case. Currently, based on the average processing time for both Forms I-800A and I-800 normal processing should be adequate in these circumstances. If there is a medical emergency, or if the family needs to travel, and their case has been delayed *through no fault of their own*, those cases may be expedited for final processing. Please keep in mind, however, that even expedited processing takes time. If a family delays filing until the last minute, USCIS will still need to schedule fingerprints, review the file and the evidence, process the case, and send the file to the Department of State’s National Visa Center. Accordingly, the USCIS National Benefits Center (NBC) may not be able to overcome delays based on last minute filing.

Contact Information for China Cases:

- Phone: 1-877-424-8374
- Email: nbc.hague@dhs.gov or nbc.adoptions@dhs.gov

Cases from Guatemala

The Hague process is currently unavailable for Guatemala as the Department of State, in its capacity as the U.S. Central Authority, has determined that Guatemala’s adoption system is not Hague compliant. Unlike the adoption process in China where a family is matched with a child late in the adoption process, most families pursuing a grandfathered Guatemalan case received a match several years ago.

USCIS is aware of only a handful of pending Guatemalan cases where a family with a “grandfathered” case has not filed their Form I-600 petition on behalf of their matched child. The following information pertains only to this small group of Guatemalan prospective adoptive parents.

These prospective adoptive parents whose second no-fee extension is nearing expiration must file Form I-600 on behalf of their matched child *before* their Form I-600A approval expires to preserve their grandfathered status. Prospective adoptive parents may either:

- File a Form I-600 petition with USCIS Guatemala City either in person or through a legal representative. The filing should include as much supporting documentation on behalf of the specific child as available. Please email USCIS Guatemala City with any questions: Guatemala.adoptions@dhs.gov.

OR

- Parents may also choose to file their Form I-600 petition domestically at the Dallas Lockbox facility. The Lockbox facility will forward accepted petitions to the USCIS National Benefits Center (NBC), which will transfer them to USCIS Guatemala City for final adjudication.

Prospective adoptive parents, of course, are still required to submit all required supporting documentation before USCIS Guatemala City can make a final decision on their case.

Please note that prospective adoptive parents who have already filed Form I-600 petitions prior to April 1, 2008, or on the basis of a “grandfathered” Form I-600A are not affected in any way by this information. USCIS Guatemala City will continue to process your case as it moves through the Guatemalan adoption process and will contact you directly if additional information is needed.

Where to File

Please visit www.uscis.gov for the most up to date form instructions and information on where to file. The information below is valid at time of posting.

<u>Form</u>	<u>Information Link</u>	<u>File In-Person</u>	<u>Regular Mail</u>	<u>Express Mail and Courier Service</u>
I-800A	I-800A Information	N/A	USCIS P.O. Box 660087 Dallas, TX 75266	USCIS ATTN: Hague 2501 S. State Hwy. 121 Business, Suite 400, Lewisville, TX 75067
I-600	I-600 Information	For in-person filing instructions with USCIS Guatemala City, please contact: Guatemala.Adoptions@dhs.gov	USCIS P.O. Box 660088 Dallas, TX 75266	USCIS ATTN: Adoption 2501 S. State Hwy. 121 Business, Suite 400, Lewisville, TX 75067