



U.S. Citizenship and Immigration Services

Intercountry Adoption Overview

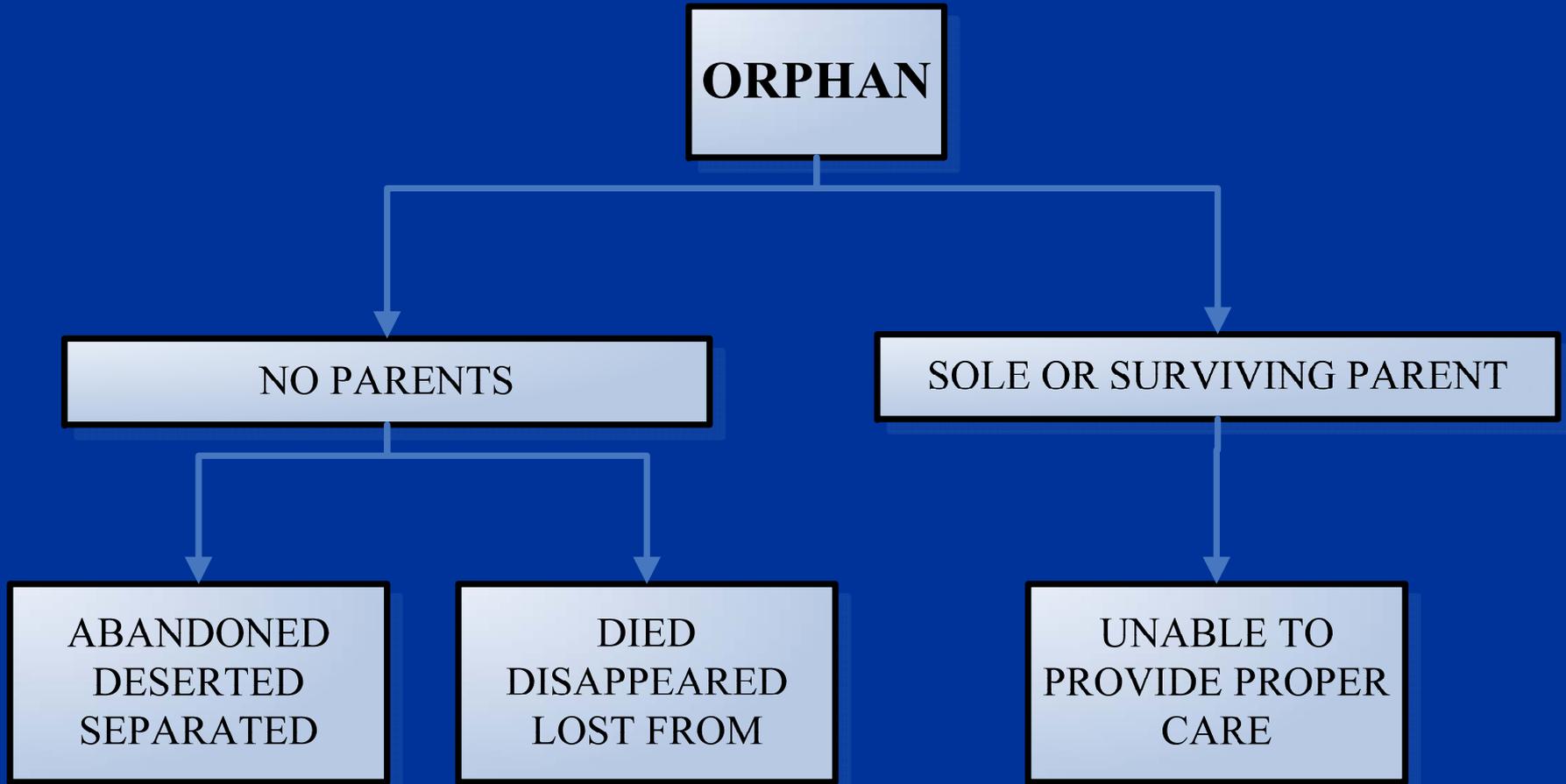
May 18, 2010

Intercountry Adoption in Non-Hague Countries

Orphan Definition:

INA §101(b)(1)(F)

Anatomy of Orphan Definition



ORPHAN FORMS

- 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.
- 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 I-600A (Advance Processing of Orphan Petition)
- I-600A approved
- Child overseas identified
- PAPs travel overseas, meet and adopt the child(ren)
- * I-600 (Petition to Classify Orphan as an Immediate Relative)
- 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 I-600A
 - One-time no fee re-fingerprinting
 - One-time no fee change of country notification
 - Written 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?

- File at the USCIS field office having jurisdiction over the applicant's current residence.
- 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

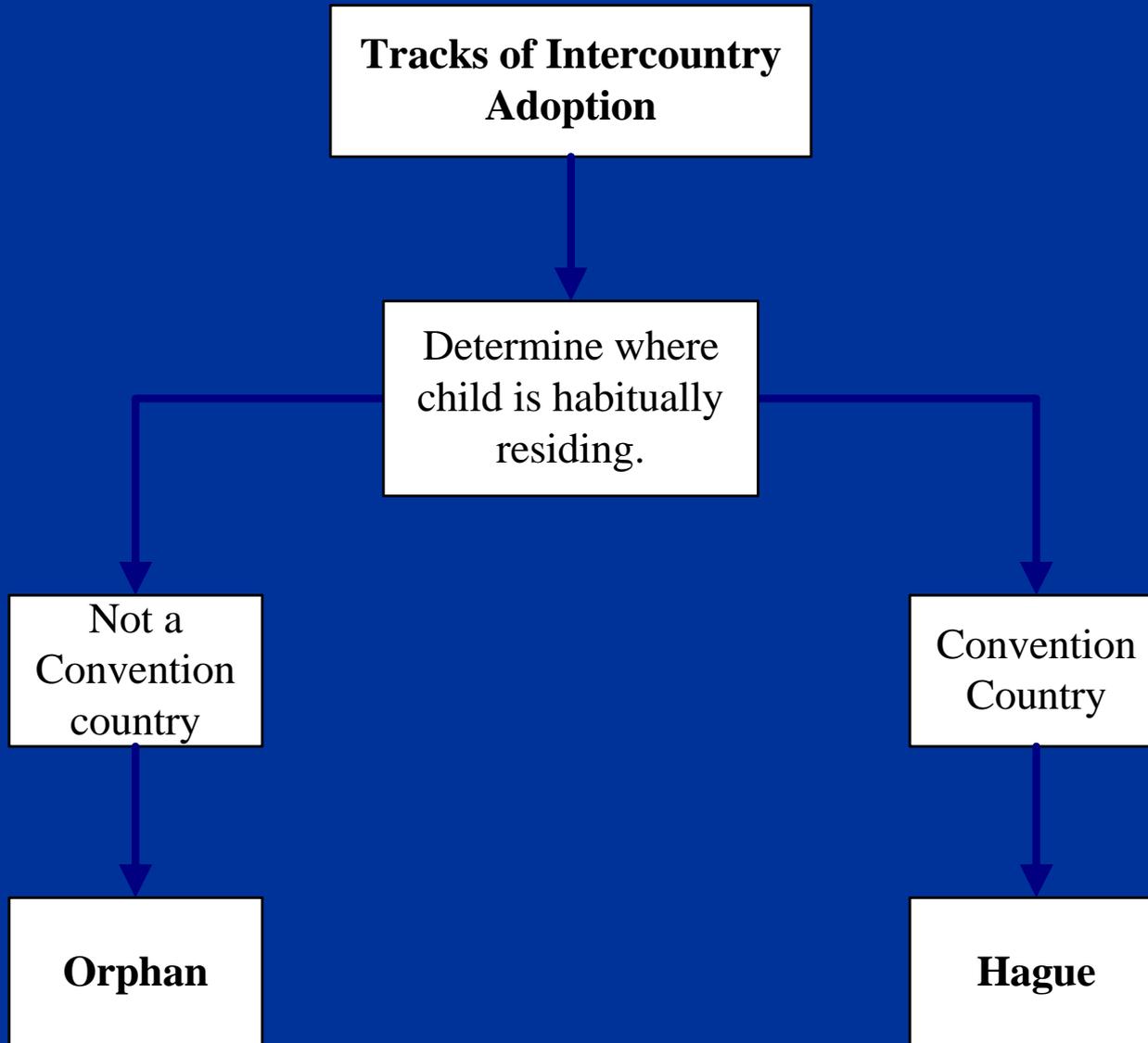
How do you file a Second Form I-600A for a Grandfathered case?

- 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.

- I-800A: Application for Determination of Suitability to Adopt a Child from a Convention Country (3 Supplements)
- 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