



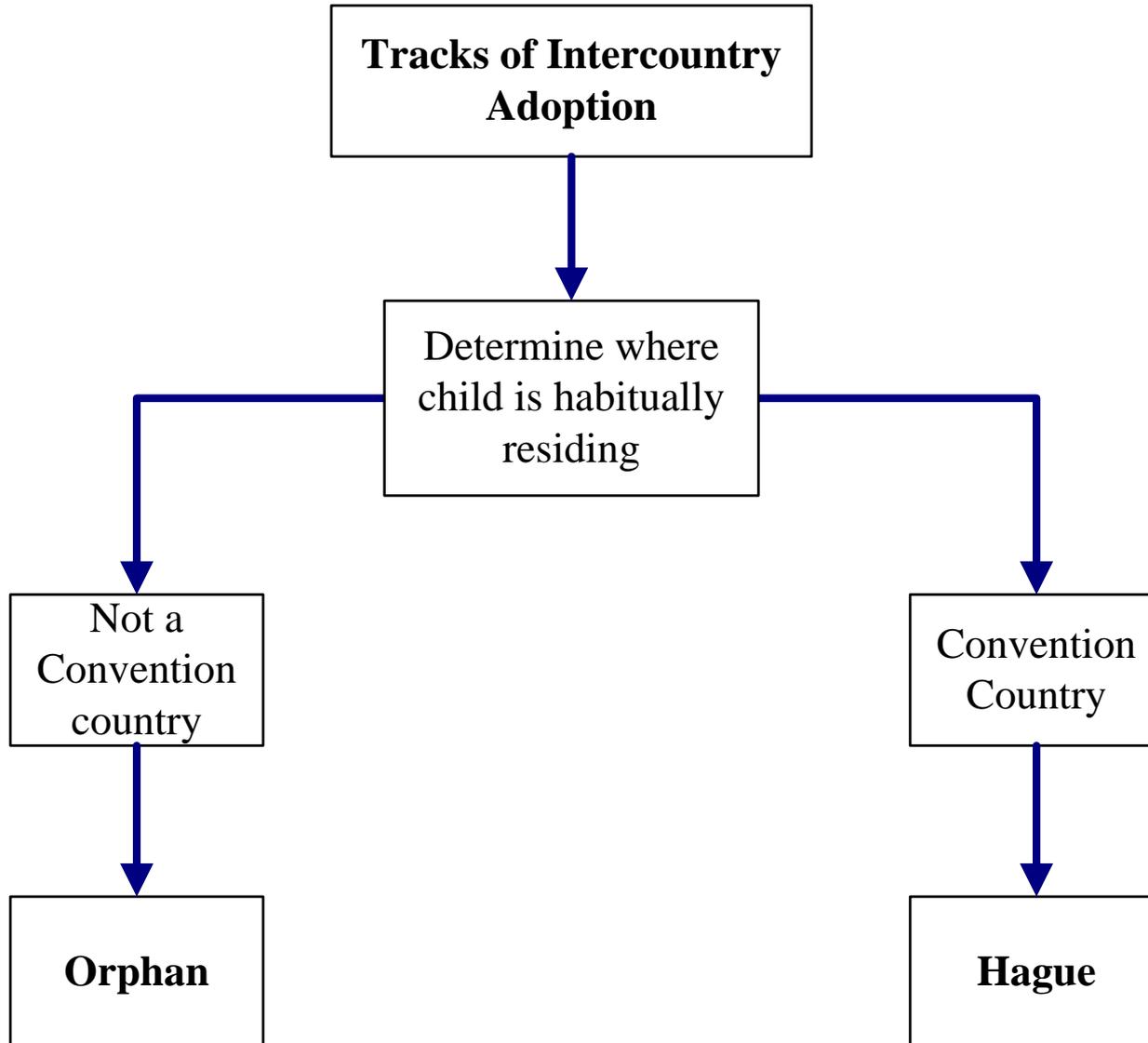
U.S. Citizenship and Immigration Services

Intercountry Adoption Overview

April 15, 2015

This presentation provides a general overview of the key elements of the USCIS Orphan and Hague Adoption Convention rules. It is not a substitute for the actual laws and regulations, nor is it a comprehensive summary of the laws and regulations governing the international adoption process.

Orphan or Hague Convention Adoption?



Intercountry Adoption in Non-Hague Countries

Orphan Definition:

INA §101(b)(1)(F)

Classic Orphan Case: Step 1

- Prospective adoptive parent (PAP) decides to adopt
- PAP files Form I-600A, *Application for Advance Processing of an Orphan Petition*
- Form I-600A approved
 - Valid for 18 months
 - PAP may request a one-time, no-fee:
 - Extension of approval
 - Change of country
 - Re-fingerprinting
 - PAP must report any significant changes to the household after Form I-600A approval

Classic Orphan Case: Step 2

- Child(ren) overseas identified
- PAP travels overseas, meets and adopts the child(ren)
- PAP files Form I-600, *Petition to Classify Orphan as an Immediate Relative*
 - USCIS/DOS conducts investigation
 - Approved if child is a qualifying orphan
- PAP files visa application with U.S. Embassy or consulate
 - If visa issued, the child immigrates to U.S.
 - IR-3 visa: In most cases, child automatically becomes a U.S. citizen
 - IR-4 visa: In most cases, child automatically becomes a U.S. citizen after adoption in the U.S.

Pre-adoption Immigration Review (PAIR) Program

Primary Goal	Review the child's eligibility earlier in the adoption process
Process	<ul style="list-style-type: none">• PAPs must file the Form I-600 before the adoption is finalized or legal custody is granted• USCIS or State conducts the required orphan investigation → if favorable, PAIR letter issued and adoption completed
PAIR countries	Taiwan and Ethiopia

Universal Accreditation Act (UAA)

Primary Goal:	Requires all agencies or persons to be accredited or approved under the same Hague standards
Effective Date:	July 14, 2014
Impacts:	<ul style="list-style-type: none">• Home studies• Primary providers• Extends certain “Hague” definitions

Intercountry Adoption in Hague Convention Countries

Convention Adoptee Definition:

INA §101(b)(1)(G)

April 1, 2008

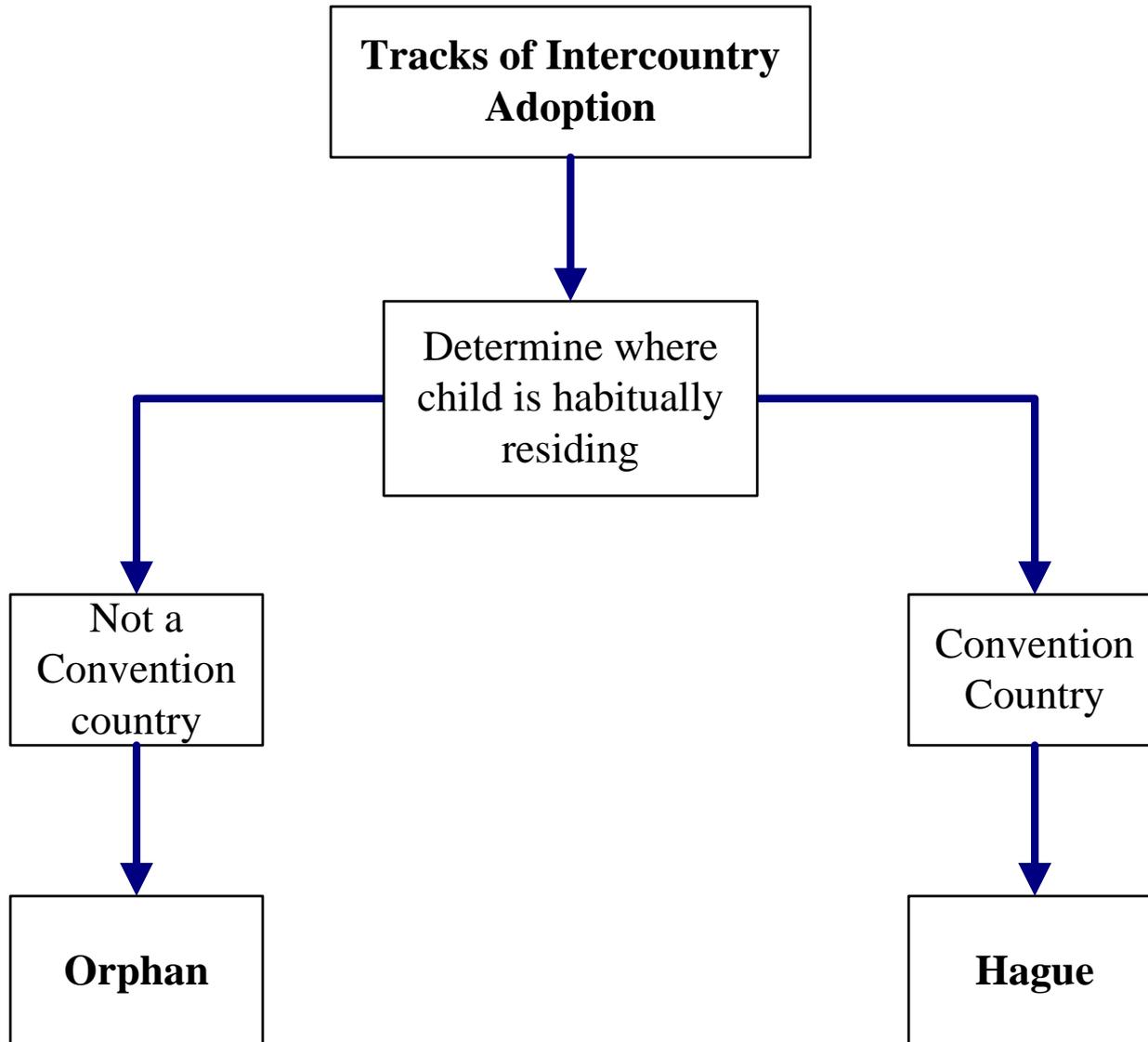
- All intercountry adoption cases filed on or after April 1, 2008, by a U.S. citizen habitually resident in the United States seeking to adopt and bring to the United States a child habitually resident in any Convention country* must follow the Hague process, as specified in the Hague interim rule unless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

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

Hague Adoption Convention applies after April 1, 2008, 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?



Classic Hague Case: Step 1

- PAP decides to adopt a child from a Hague Convention country
- PAP files Form I-800A, *Application for Determination of Suitability to Adopt a Child from a Convention Country*
- Form I-800A approved
 - Valid for 15 months (clock starts when the first FPs clear)
 - PAP may request a one-time, no-fee (Form I-800A, *Supp 3*):
 - Extension
 - Change of country
 - Re-fingerprinting
 - USCIS must approve Form I-800A before a child is *entrusted* into the care of PAPs and before Form I-800 on behalf of a Convention adoptee may be filed. *

Classic Hague Case: Step 2

- Child overseas identified and matched by the Central Authority of the child's country
- PAP files Form I-800, *Petition to Classify a Convention Adoptee as an Immediate Relative*
 - Must include Hague related documentation from child's country
 - Must be filed prior to the adoption
- Form I-800 provisionally approved
 - Child must appear to meet the definition of Convention Adoptee
 - PAP has not completed the adoption yet at this stage

Classic Hague Case: Step 3

- PAP travels overseas and files visa application with U.S. Embassy or consulate
- Embassy communicates with the Central Authority in the child's country
- PAP adopts the child
- U.S. Embassy/consulate grants final approval of Form I-800, issues Hague Adoption Certificate and the appropriate visa
 - IH-3 visa: In most cases, child automatically becomes a citizen
 - IH-4 visa: In most cases, child automatically becomes a citizen after adoption in the U.S.

Transition Cases

- The United States permits certain cases that are pending to be completed under the non-Hague process during another country's transition to Hague
- *Provided* the child's Convention country permits continuation under current U.S. orphan regulations
- Transition plans vary

Congressional Inquiries

Helpful Tips/Information to include when contacting USCIS:

- Full name of applicant or petitioner and spouse (if any)
- Date the application or petition was filed
- Case Identification # (SIM #, if available)
- Processing times
- Privacy Waivers: *NECESSARY*

About this Presentation

- Author: USCIS OLA
- Date of last revision: May 11, 2015
- This presentation is current only as of the date of last revision.
- This presentation contains no sensitive Personally Identifiable Information (PII).
- Any references in documents or text, with the exception of case law, relate to fictitious individuals.

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