

**Congress of the United States**  
**Washington, DC 20515**

March XX, 2023

**RECEIVED**

By ESEC at 2:37 pm, Apr 04, 2023

Dear Secretaries Blinken and Mayorkas:

We write to request that the Department of Homeland Security implement a humanitarian parole policy for certain Ukrainian orphans, in consultation with the Department of State and the Government of Ukraine. The proposed program, outlined below, would be based on the successful Humanitarian Parole Policy for Certain Haitian Orphans, announced and implemented in 2010, which served roughly 1,200 orphan children. The new program would provide a time-limited safe haven for the estimated 300 Ukrainian orphans who were involved in an adoption process with a U.S. family at the time of the Russian invasion of Ukraine. A humanitarian parole policy for certain Ukrainian orphans would provide these children respite in the United States for the duration of the war while maintaining Ukrainian sovereignty in matters of international adoption.

At the time of Russia's invasion of Ukraine, approximately 200 families in the United States were engaged in the process to adopt a child from Ukraine, in many cases identifying children who had been previously hosted in the families' homes. Advocates for these families estimate that 300 Ukrainian children were in the adoption process at the outbreak of the war.<sup>1</sup> The international adoption process takes several years and typically involves extensive vetting of potential parents by both U.S. and Ukrainian authorities. However, following Russia's invasion, the Ukrainian government suspended its international adoption programs, leaving families unable to complete the adoption process. Children who had developed a relationship with their U.S. families were evacuated to shelters across Europe as a temporary reprieve from the dangers of the war. Since then, many American parents have remained in contact with their prospective adoptees, often traveling to Europe to visit these children.<sup>2</sup>

While evacuating these children to shelters in Europe was a reasonable temporary step, after a year of conflict and continued uncertainty about the duration of the war, the humanitarian parole program should be implemented to serve affected Ukrainian orphans and the U.S. families who wish to offer them a loving home. Many of the affected families have contacted our offices asking for a solution to temporarily host their prospective adoptive children in a proven safe, stable environment until the Ukrainian government resumes its adoption process. We believe there is precedent to achieve this through the humanitarian parole program, a statutory authority the administration is currently exercising to welcome displaced Ukrainian adults and which the U.S. has repeatedly employed to welcome persons in need during times of international crisis.

DHS was presented with a similar challenge following the January 12, 2010, earthquake in Haiti. Many U.S. families who had been in the process of adopting a child from Haiti wished to provide temporary respite to their adopted child in the immediate aftermath of the earthquake. In response, on January 18, 2010, DHS announced a Humanitarian Parole Policy for Certain Haitian Orphans<sup>3</sup>. Under this program, children who, prior to the earthquake, had been confirmed with certain conditions by the

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<sup>1</sup> "Stuck" Ukrainian Orphan Fact Sheet by Ukraine Children's Advocates for Respite Effort, January 26, 2023.

<sup>2</sup> <http://ukrainecare300.org/conditions-for-orphans/>

<sup>3</sup> <https://www.aila.org/infonet/uscis-dhs-humanitarian-parole-policy-haitian>

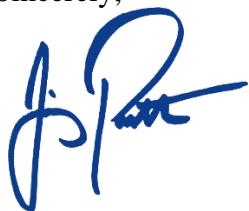
Haitian government or by an established adoption service provider as orphans eligible for international adoption were allowed to enter the United States temporarily. The Obama-Biden administration evaluated these children's situations on a case-by-case basis under its humanitarian parole authority. Prospective adoptive parents were required to provide evidence of suitability for adoption, such as a background check or an approved form I-600A *Application for Advance Processing of and Orphan Petition*. DHS established points of contact for applicants and U.S. sponsors to petition for parole and respected the Haitian government's authority to grant custody of impacted minors, winding the program down when requested.<sup>4</sup>

We ask DHS and the State Department to establish a similar program, in consultation with the Ukrainian government, to allow established prospective adoptive parents to initiate a case with DHS and sponsor the parole of a Ukrainian orphan with which that prospective parent has a documented relationship, similar to Category 2 of the Humanitarian Parole Policy for Certain Haitian Orphans. This program would be temporary in nature, offering parole for periods of one to two years, consistent with other humanitarian parole programs. We believe this action should be taken with urgency and without any further delay.

While the administration has statutory authority to independently offer parole to a defined group through a special humanitarian parole program, we respect the sovereignty of Ukraine, the custody it exercises over orphans in its charge, and the authority the Ukrainian government exercises to determine its independent adoption policies. We recognize that any humanitarian parole program offered to Ukrainian orphans, as wards of the state, must be announced and implemented in concert and full cooperation with the Ukrainian government. To that end, we request the State Department to work with its partners in the Ukrainian government to secure its support and consent for this proposal.

As members of Congress we have heard extensively from our constituents about their desire to support their prospective adoptive children during this historic crisis. Our constituents respect the international adoption process, and wish to offer an unequivocally temporary reprieve to children they view as members of their own family. These families represent the highest values of our country, and we ask that you support them by establishing a humanitarian parole policy for certain Ukrainian orphans. We thank you for your consideration and stand ready to assist you in this critical effort.

Sincerely,



Jimmy Panetta  
Member of Congress  
19<sup>th</sup> District, California

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<sup>4</sup>[https://permanent.fdlp.gov/gpo43838/Special%20Humanitarian%20Parole%20Program%20for%20Haitian%20Orphan%20Fact%20Sheet%20\\_%20USCIS.pdf](https://permanent.fdlp.gov/gpo43838/Special%20Humanitarian%20Parole%20Program%20for%20Haitian%20Orphan%20Fact%20Sheet%20_%20USCIS.pdf)



U.S. Citizenship  
and Immigration  
Services

April 21, 2023

The Honorable Jimmy Panetta  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Panetta:

Thank you for your April 4, 2023, letter to the Department of Homeland Security (DHS). I am responding on behalf of the Department. We acknowledge the concerns of prospective adoptive parents who are trying to bring their prospective adoptive children home, and specifically their interest in parole.

U.S. Citizenship and Immigration Services (USCIS) received numerous questions from the public on how the situation in Ukraine is impacting Ukrainian children. In response, we published a new webpage called “Adoption Information: Ukraine<sup>1</sup>”. The Ukrainian government expressed concern to the Department of State about moving Ukrainian children out of Europe, especially for adoption. The Ministry of Social Policy of Ukraine stated adoption in Ukraine is “impossible” at this time. Although USCIS is still accepting Form I-600A applications and Form I-600 petitions for Ukraine, based on the Ukrainian government’s statement, if a petitioner has not already completed all the required adoption steps in Ukraine, beginning or continuing the adoption process may not be possible at present.

On June 11, 2022, the government of Ukraine announced that hosting programs may resume in certain circumstances but will not apply to children who are considered orphans or deprived of parental care under Ukrainian law. As the situation evolves, USCIS recommends monitoring the Department of State’s website for updates. The link can be found at the aforementioned “Adoption Information: Ukraine” webpage or directly at “[Updated – Information for U.S. Citizens in the Process of Adopting Children from Ukraine](#)”<sup>2</sup>.

USCIS may use its discretion to authorize parole for urgent humanitarian or significant public benefit reasons. Any consideration of parole is on a case-by-case basis. For adoption-related parole requests, as for any parole request, USCIS considers any compelling

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<sup>1</sup>“Adoption Information: Ukraine” <https://www.uscis.gov/adoption/country-information/adoption-information-ukraine>

<sup>2</sup> “Updated – Information for U.S. Citizens in the Process of Adopting Children from Ukraine” <https://travel.state.gov/content/travel/en/News/Intercountry-Adoption-News/updated-information-for-u-s--citizens-in-the-process-of-adopting.html>

circumstances of the individual situation. USCIS does not approve parole requests for adoption-related cases without evidence of compelling, extenuating circumstances so as not to circumvent important safeguards that exist in regular adoption-based immigration processes, such as determinations that a child is an orphan or available for intercountry adoption. Additionally, parole does not provide children with the benefits of U.S. immigration status that adoption-based immigration provides. For example, many children who come to the United States based on adoption are admitted as U.S. citizens or as lawful permanent residents (Green Card holders); however, a child who is paroled must take additional steps to apply and qualify for a Green Card or become a U.S. citizen, if they are even eligible, based on their individual circumstances.

We remain committed to working with prospective adoptive families to assist them to the greatest extent possible during this challenging time. We thank you for reaching out on behalf of adoptive and prospective adoptive families and children.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou  
Director