

National Council for Adoption Annual Conference/USCIS Panel

Sept. 21, 2021

On Sept. 21, 2021, U.S. Citizenship and Immigration Services (USCIS) participated in a virtual panel at the National Council for Adoption annual conference. USCIS representatives provided updates and answered many questions submitted in advance. The discussion covered four main topics:

- Engagement;
- Hot topics;
- Case processing; and
- Forms, regulations, and policy.

The following summarizes updates provided during the panel, pre-submitted questions addressed during the panel, and pre-submitted questions we did not have time to address during the panel.

Engagement With Adoption Stakeholders

Contacting USCIS

- We continue to provide adoption stakeholders with a direct line to USCIS to engage on adoption cases through the National Benefits Center (NBC) Adoptions Unit.
- We recently added information to our [Adoption Contact Information webpage](#) to further promote direct engagement with adoption stakeholders. Some updates include:
 - Clarifying that attorneys and adoption service providers may contact the NBC Adoptions Unit with inquiries, in addition to adoptive parents;
 - Explaining how adoption stakeholders can reach out on Form I-130 adoption cases (previously, the page only indicated how to reach out on orphan and Hague Adoption Convention cases);
 - Describing how to reach out to USCIS about general (or non-case-specific) adoption issues at any time by contacting the Public Engagement Division; and
 - Adding information on how to make an expedite request for adoption cases.

Soliciting public input

- In April 2021, USCIS published in the Federal Register a “Request for Public Input on Identifying Barriers Across U.S. Citizenship and Immigration Services Benefits and Services.” We received over 7,000 total comments in response to this request, including some from adoption stakeholders. While USCIS will not respond individually to all 7,000-plus comments, we are working through the adoption-related comments to identify any appropriate updates—such as policy or web improvements—that will address them.

- In July 2021, we issued a stakeholder message via GovDelivery requesting additional feedback and questions specific to intercountry adoption. We are reviewing the feedback and, where appropriate, we have made website and other updates. In addition, where appropriate, responses to non-case-specific inquiries will be available to the public in our USCIS [Electronic Reading Room](#) (ERR).
- We thank everyone who submitted questions or feedback to us. We have been reviewing your input. For example, many of the updates to our Adoption Contact Information Page resulted from input you provided.

Website updates

- Your feedback has led to numerous other website developments. Recent updates include:
 - Publishing a section on adoption and COVID-19 on our [USCIS Response to COVID-19](#) webpage. This page reviews some of the flexibilities USCIS offers that may help adoptive parents during this time. The page also provides information on agency-wide flexibilities that may help, including extended deadlines to respond to notices such as requests for evidence or notices of intent to deny issued from March 1, 2020, through Jan. 15, 2022;
 - Making updates to our [Universal Adoption Act \(UAA\)](#) webpage to make primary provider requirements more visible and make the page more user-friendly;
 - Updating webpages related to [suitability](#) and [suitability-related changes](#);
 - Publishing a new webpage on [Adult Adoptees and Citizenship](#); and
 - Adding information to our [Hague](#) and [orphan](#) process pages explaining how to access case tools and case-processing information.
- In addition to ongoing enhancements to our existing webpages, we are also working to completely overhaul all our adoption webpages over the next few years. We aim to make these pages more user-friendly, streamlined, and informative.
 - As the first phase of this effort, we will be consolidating and streamlining webpages on suitability determinations and home study requirements. We will consolidate five existing webpages on home study requirements into one. We will publish this new home study page along with the new adoption volume for the USCIS Policy Manual. See Forms, Regulations, and Policy below.
 - We will then revamp the rest of our adoption webpages.

Hot Topics

Noncitizen adoption

- Some have asked why adoptive parents who are not U.S. citizens cannot use the Hague Convention adoption process and instead must use the family-based Form I-130 process (which is available when an adoptive parent is either a U.S. citizen or lawful permanent resident).

- We direct people to information on our website to help them understand the adoption processes they may be able to pursue. For more information, you may see:
 - Our [Hague Process](#) page
 - Our [Orphan Process](#) page
 - Our [Family-Based Petition Process](#) page

COVID-19 vaccination requirement

- There is a recent [USCIS COVID-19 news alert](#) and [CDC guidance on visa-related COVID-19 vaccination requirements](#).
- Beginning Oct. 1, 2021, we will require full COVID-19 vaccination for all immigrants who need to undergo an immigration medical exam. Although this will apply to immigration medical examinations that are signed on or after Oct. 1, there is a blanket waiver available if the vaccine:
 - Is not age-appropriate;
 - Is not routinely available where the medical examination occurs;
 - Is not medically appropriate; or
 - Is limited in supply, so receiving the vaccination would cause significant delay.

Case Processing

Processing times

- Processing times for our orphan and Hague intercountry-adoption-related forms (Form I-600A, Form I-600, Form I-800A, and Form I-800) are posted on the [Check Case Processing Times](#) page.
 - We provide a range for each form that shows how long **most** cases take to process. Some cases may take more or less time, but most should be complete within the time frames listed.
 - Current USCIS processing times for orphan and Hague forms are between 2.5 and 4.5 months. We received feedback that USCIS processing times can affect the validity of dossier-related adoption documents. We continue to prioritize adjudication of adoption-related applications and petitions. We will continue to evaluate internal processes and procedures to maximize efficiency and minimize processing times.
 - While processing times did increase due to COVID-19, we have mitigated most COVID-related delays, and processing has mostly returned to pre-COVID time frames.
- While we do not currently have publicly available processing time information for Form I-130 petitions for adopted children, we expect these to be available by the end of 2021.

Orphan determination/Not Clearly Approvable (NCA)/consular return

- Regulation requires the Form I-604 orphan determination to verify a child is eligible to be classified as an orphan under U.S. law. Someone asked why there is no time limit to process Form I-604 determinations and said some families have been waiting over two years. The length of the Form I-604 determination process depends on the complexity of issues that need to be resolved in a particular case, and it can significantly impact the processing time for an orphan petition. Generally, DOS conducts Form I-604 determinations and is responsible for processing times.
- It is important to understand the three possibilities for when Form I-604 determinations can be made:
 - For petitions filed directly with the Department of State (DOS) abroad, the Form I-604 determination occurs before final adjudication. If the Form I-604 process reveals concerns, or the petition is otherwise NCA, DOS must forward it to USCIS for further processing.
 - For petitions filed with the NBC, we generally approve the petition first (if documentation provided with the petition establishes eligibility) then send the case to DOS to conduct the Form I-604 determination. If the Form I-604 process raises sufficient concern, DOS must return the case to USCIS for review as a consular return.
 - For petitions filed with the NBC, we can request the Form I-604 in advance if we have an articulable reason. After DOS completes the Form I-604 determination, they return the petition to NBC to continue the adjudication process.
- Generally, DOS conducts Form I-604 determinations on our behalf, so we defer to DOS on processing times. We strive to minimize any delays that prevent children from being with permanent families, and we have discussed this concern with DOS. COVID-19 and other in-country capacity and safety issues have greatly affected the length of orphan determinations in some instances. The [Department of State Non-Convention Adoption Cases webpage](#) has some basic information about Form I-604 determinations that may be helpful.

Mailing/filing processes and biometrics delays

- We have received feedback that certain notices were sent to incorrect addresses or individuals.
 - Although we believe we have addressed this issue, if this continues to occur, please [contact the NBC](#) and provide the receipt number for the affected case so we can research and determine why this error occurred.
 - Early during the COVID-19 pandemic, the USCIS lockbox experienced a delay in processing incoming applications (called a front-log). This front-log initially affected adoption cases, but we have since put processes in place to prioritize

adoption cases at our lockbox facility. We are now receiving adoption cases at pre-COVID-19 levels.

- The COVID-19 pandemic also caused fingerprint appointment delays due to Application Support Center (ASC) closures and reduced appointment capacity. To address this, USCIS instituted a special process to ensure adoptive families could complete the biometrics process. Now, all ASCs are operational again, and we are timely scheduling biometrics appointments.

A-File requests and file delays

- We have received questions about file delays, including for naturalized U.S. citizen prospective adoptive parents (PAPs).
 - USCIS generally reviews all immigration records associated with an applicant, petitioner, or beneficiary. We store these records at various facilities across the country. COVID-19 has created delays obtaining records from certain facilities. We are discussing ways to minimize these COVID-related delays.

Request for evidence (RFE) length/consistency

- We have received feedback that our RFEs are too long and inconsistent.
 - In response, we are reviewing our outgoing notices to see how we can improve them.
 - Specific examples of inconsistencies can help us assess the need for improvements or training. Please email any examples, with receipt numbers, to the NBC, Attn: Supervisor. For non-case-specific suggestions, please email public.engagement@uscis.dhs.gov.

RFE reasons

- We received questions about why many cases get RFEs. Here are some of the main RFE trends we see, by case type:
 - Form I-800 reasons
 - The petition does not include a Form I-864, Affidavit of Support Under Section 213A of the INA, or a Form I-864W, Request for Exemption for Intending Immigrant's Affidavit of Support;
 - The English translations are incomplete;
 - The adoptive child does not meet the age or special needs restrictions the home study preparer recommended; or
 - A significant change occurred within the PAP's home (such as a change of residence, a child in home turning 18, etc.), but the PAP has not filed a Supplement 3 with an updated home study.
 - Form I-600 reasons
 - The primary provider lost its accreditation or approval; or

- There is not enough evidence that the child meets the immigration definition of orphan.
 - Form I-600A and/or Form I-800A reasons
 - The PAP filed a Form I-800A or a Supplement 3 without a home study;
 - An accredited agency needs to review and approve the home study; or
 - The home study or updated home study is missing some required information, such as:
 - ✓ An adequate assessment of children in the home: Home study preparers must identify each child resident in the home by name, date of birth, country of birth, alien registration number (if any), and relationship to the PAPs; or
 - ✓ Questions about unregulated custody transfer (UCT): Home study preparers must ask PAPs and adult members of the household (AMHs) targeted or tailored questions about any UCT.

Communication with USCIS on cases

- We have heard concerns about the USCIS phone system – specifically, that you can receive a call from an officer but cannot call them back.
 - We are uncertain whether this feedback refers to the USCIS Contact Center or the NBC Adoptions Unit. Continue to direct orphan and Hague Convention adoption inquiries to the NBC. Direct Form I-130 adoption-related inquiries to the USCIS Contact Center or use our [online self-service case tools](#).
 - Please provide any specific feedback you may have on these processes to public.engagement@uscis.dhs.gov.
- We have also heard that the NBC should improve email-related officer communication with agencies and families.
 - Please note that the NBC Adoptions Unit cannot provide you with legal advice.
 - One of the primary purposes of the call and e-mail center is to make families aware of the status of a currently filed adoption application, petition, or supplement.
- USCIS encourages families to use:
 - The [USCIS adoption](#) and DOS online resources that we have developed in response to public feedback;
 - The guidance and help of an accredited or approved adoption service provider (ASP) for questions on intercountry adoption; and/or
 - An attorney or accredited representative for any legal matters.

E-Filing, email, and efficiencies

- We received several questions or comments about what we are doing to improve case processing efficiencies and suggestions that we use email, text alerts, e-processing, etc.

- Many privacy constraints affect the NBC's capacity in this area. Electronic submission of applications, petitions, and supporting documentation requires a secure account.
- USCIS' online secure accounts (called MyUSCIS) are not yet available for adoption forms, but the agency is moving in this direction. E-filing is now available for Form I-130 cases.
- Certain documents, such as home studies, must contain an original signature, which you cannot submit by e-mail.
- We only have the technical capability to send text alerts for certain application/petition receipts.

Authorized providers and primary provider requirement

- Someone asked whether we require evidence of a primary provider when PAPs submit a home study.
 - We do not require evidence of a primary provider with a home study or a suitability application.
 - Every home study must be conducted by an authorized home study preparer (licensed in the state or jurisdiction). If an accredited agency does not conduct the home study, then an accredited agency must review and approve it. (This requirement does not apply to home studies conducted by public authorities in the United States or in other countries.)
 - We will issue an RFE if a home study is deficient in any required area, including evidence of preparation by an accredited agency or review and approval by an accredited agency.
 - We do require evidence of a primary provider at the petition stage, unless a case is grandfathered under the Universal Accreditation Act (UAA). Special requirements also apply to home studies in UAA-grandfathered cases. The NBC will determine if a case is UAA-grandfathered based on the evidence presented with the filing. See our [UAA webpage](#) for more information.
 - Our [Home Study Guidelines webpage](#) explains the requirement for home studies. It includes information about who may prepare a home study and when we require review or approval.

Suitability and adult members of the household (AMH)

- Someone asked for clarity and guidance on non-resident adults (nannies, babysitters, grandparents, etc.) in households and who is an AMH.
 - Under 8 CFR 204.301, an AMH is anyone whose presence in the home or whose contact with the home is relevant to the PAP's suitability, based on the facts of the case.
 - There is no one-size-fits-all answer to this question. It is up to the officer's discretion to look at the scenario and a person's contacts and possible impact on

the home. Someone whose presence in the adoptive family's home is significant, continuous, or ongoing may be considered an AMH.

Suitability and special needs

- Someone asked if home study preparers still need to spell out specific conditions that families are willing, able, and approved to parent.
 - All home studies conducted in conjunction with the proposed adoption of a child with special needs must discuss the PAP's preparation, willingness, and ability to provide proper care to such a child.
 - The home study must include a specific recommendation and discussion of the reasons for the recommendation.
 - We are not medical experts, and we understand that most of you are not medical experts either. Terms like mild, moderate, or severe may be subjective or open to interpretation. For this reason, we need as much specificity and detail as possible (such as a non-exhaustive list of acceptable conditions) so our officers can make a suitability determination. It also aids countries of origin as they match children with families who can meet their specific needs.

Relative adoption cases

- Someone asked whether we are seeing any new trends with relative adoption cases and if we can provide any points for ASPs to keep in mind when processing relative adoption cases.
 - We do see relative adoption cases from Hague Convention countries that do not follow the proper Hague Convention steps. We also see cases where a child is not eligible as a Hague Convention adoptee (for example, because they have two living birth parents who are not incapable of providing proper care) or as an orphan (for example, because there is a direct relinquishment from the birth parents to the adoptive parent).
 - The home study should discuss the PAP's suitability and the suitability of the adoptive home (including any children in the home or any AMHs). You must clearly disclose the relative relationship on the Form I-800 petition.

Forms, Regulations, and Policy

Forms

- We recently updated the Form I-600/A series. The current versions are dated 12/21/19. This update makes two main changes:
 - First, it clarifies information on which Affidavit of Support form an adoptive parent should file with their immigrant visa application with the DOS.
 - Which form an adoptive family must file depends on whether the child will automatically acquire U.S. citizenship (under INA section 320) after being

admitted into the United States. Adoptive families need to submit a [Form I-864, Affidavit of Support Under Section 213A of the INA](#) (or [Form I-864EZ](#)) if the child will **not** automatically acquire U.S. citizenship or a [Form I-864W, Request for Exemption for Intending Immigrant's Affidavit of Support](#), if the child **will** automatically acquire U.S. citizenship.

- Second, it adds a new supplement, [Form I-600A/I-600, Supplement 2, Consent to Disclose Information](#). Adoptive families may file this supplement to give USCIS consent to disclose information about their case to their primary ASP, home study preparer, or any other individual or entity (other than their attorney or accredited representative). We understand that some of you think we should further streamline the disclosure process. We appreciate the feedback and will examine this possibility.
- We also received feedback that we need to improve how we explain the pre-adoption requirements questions on Form I-600A and Form I-600. We are discussing this suggestion.

Fee Rule

- Someone asked us to address what happened to proposed new USCIS fees, creation of a Supplement 3 for orphan cases, and changing the Form I-600A approval period to mirror the 15-month biometric validity period.
 - A district court preliminarily enjoined the Fee Rule that made these changes, so we cannot implement or enforce any part of the rule. We will publish any new USCIS rules in the [Federal Register](#). For now, the Form I-600A biometric validity period remains 18 months.

Policy-related updates

- We are pleased to announce that our new adoption volume in the USCIS Policy Manual is almost ready for publication.
 - While this is a “new” volume for our policy manual, it is not new guidance. This volume consolidates and clarifies existing guidance from our Adjudicator’s Field Manual (also known as the AFM). This is part of a broader effort to update and incorporate all AFM guidance into the USCIS Policy Manual and eventually retire the AFM.
 - By clarifying requirements, this publication begins to address some of the adoption-related comments we received in the [Request for Public Input](#) we published earlier this year.
 - This initial publication essentially builds the framework for adoption guidance in the Policy Manual. This may help promote consistency in adjudications, including RFE issuance.
- The Policy Manual will streamline our ability to make additional policy updates in the future as needed.

- We acknowledge the feedback many of you sent about the importance of timely and transparent intercountry adoption processes. We look forward to improving our policies to address stakeholder concerns while maintaining critical safeguards to protect adoptive children.
- We would like your continued input on adoption policy. You may submit your feedback and suggestions for adoption policy updates to us at any time at uscispolicymanual@uscis.dhs.gov.

Upcoming changes

- When federal agencies, including USCIS, propose new regulations or forms or changes to existing regulations or forms, they generally publish notices in the [Federal Register](https://www.federalregister.gov/) (which you can find at [federalregister.gov](https://www.federalregister.gov/)). These notices generally provide a specific time period to receive public comments. You may submit comments at [regulations.gov](https://www.regulations.gov/), following the instructions in the Federal Register notice about the specific rule, form, or other information collection.
- You can also sign up with USCIS to receive automatic notifications, including information regarding new regulations, policies, forms, or changes to them, and engagements. Our [main adoption webpage](#) has a link to sign up:
 - 1) Scroll down to the box that says, “Get updates by email.”
 - 2) Enter your email address and click “Submit.”
 - 3) Select the topics you wish to subscribe to. Scroll down to check the adoption box.
 - 4) Click "Save.”

Resources

Resource	Link
Adoption Webpages	uscis.gov/adoption
USCIS Response to COVID-19	uscis.gov/about-us/uscis-response-to-covid-19
Electronic Reading Room	uscis.gov/records/electronic-reading-room
Case Processing Times Tool	egov.uscis.gov/processing-times/
Self Service Online Tools (for Form I-130s)	egov.uscis.gov/e-request/Intro.do
NBC Adoptions Unit	NBC.Adoptions@uscis.dhs.gov
Non-case Specific Questions or Feedback	Public.Engagement@uscis.dhs.gov
Policy Manual Feedback	USCISPolicyManual@uscis.dhs.gov
Sign-up for Automatic Notifications	public.govdelivery.com/accounts/USDHSCIS/subscriber/new
Federal Register	federalregister.gov