Intercountry Adoption Overview

U.S. Citizenship and Immigration Services

2019
This presentation provides a general overview of the key elements of the USCIS orphan and Hague Adoption Convention processes and the Form I-130 process.

It is not a substitute for the actual laws and regulations, nor is it a comprehensive summary of the laws and regulations governing the intercountry adoption process.
Three Adoption Avenues

1. Hague Adoption process
2. Orphan (or Non-Hague) Adoption Process
3. Family-Based Form I-130 Process
Along with the Department of State, USCIS plays a key role in the intercountry adoption process at:

- Field Operations Directorate/ National Benefits Center (NBC)
- Refugee, Asylum and International Operations Directorate (RAIO)

The NBC is the centralized processing location for all domestically filed (Hague and non-Hague) intercountry adoption-related applications and petitions.
USCIS Roles

Policy:
• USCIS issues policy guidance related to the adjudication of intercountry adoption-related applications and petitions, as well as implements regulatory and form revisions related to adoptions.

Suitability and Eligibility of Prospective Adoptive Parents (PAPs):
• USCIS has sole authority to determine whether PAP(s) are suitable and eligible to adopt.

Eligibility of Child:
• USCIS (together with DOS) has the authority to determine if an adopted child is eligible to immigrate to the United States under U.S. immigration law.
Two Primary Intercountry Adoption Avenues

Orphan and Hague Processes

- Only available to U.S. citizens
- Which process depends on which country…
General Orphan and Hague Process
Steps and Similarities

• Prospective adoptive parents, or PAPs, have a home study completed.
• PAP(s) apply to USCIS to be found suitable and eligible to adopt.
• PAP(s) file a petition with USCIS for a specific child who they have adopted or will adopt.
• USCIS approves petition if child is eligible to be classified as an “orphan” or a “Convention adoptee.”
• PAP(s) apply to Department of State (State) to obtain a visa for the child.

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Intercountry Adoption of Children from Convention Countries
Hague Process

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. . .

* Exceptions may apply
Hague Process

**Step 1:** Form I-800A application *(always 1st)*
- Child matched with PAP by Central Authority in child’s country of origin

**Step 2:** Form I-800 petition *(always 2nd)*
- Provisional approval
- PAPs obtain legal custody/ adopt child

**Step 3:** DS-260 visa application *(IH-3/4 visa)*

**Step 4:** Certificate of Citizenship or LPR card
Intercountry Adoption of Children From Non-Hague Countries
Typical Orphan Process

**Step 1**: Form I-600A application

**Step 2**: Form I-600 petition (+ Form I-604)

**Step 3**: DS-260 visa application (IR-3/4 visa)

**Step 4**: Certificate of Citizenship or LPR card

**Note**: It is possible to combine Steps 1 & 2 as a concurrent/“combo” filing

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Immediate Relative Petition

Form I-130 Process
Form I-130 Process

Adopted Child

• Final adoption: Before the child’s 16th birthday (or 18th birthday for qualifying natural sibling)
• 2 years legal custody
• 2 years joint residence*

*Note: If a child is from a Hague country and adopted by a U.S. citizen, the USC petitioner generally must satisfy the 2 year joint residence and legal custody requirements by residing with the child outside the United States
Form I-130 Adoptions

• **Legal custody** – a formal grant of custody from a court or authorized governmental entity

• **Full eligibility must exist at the time of filing**

• **How are 2 years joint residence and 2 years legal custody reviewed?**
  • Reviewed independently
  • Shorter periods of time can be combined to reach total of 24 months, but a series of mere visits will not meet joint residence requirement
  • If only one parent adopts the child, that parent must accrue the 2 years of joint residence and legal custody. If both parents adopt, the non-petitioning parent can meet the legal custody and joint residence requirements, but the 2 years of legal custody and joint residence cannot be split between adoptive parents

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U.S. Citizenship for Adopted Children
### Lawful Permanent Resident Card or Certificate of Citizenship

<table>
<thead>
<tr>
<th>Visa Classification</th>
<th>What child receives</th>
</tr>
</thead>
<tbody>
<tr>
<td>If admitted with an <strong>IR-2 visa</strong></td>
<td>LPR Card/ (“Green Card”) by mail</td>
</tr>
<tr>
<td>If admitted with an <strong>IR-3 or IH-3 visa</strong></td>
<td>Certificate of Citizenship by mail if all INA 320 requirements are met</td>
</tr>
<tr>
<td>If admitted with an <strong>IR-4 or IH-4 visa</strong></td>
<td>LPR Card/ (“Green Card”) by mail</td>
</tr>
</tbody>
</table>
Evidence of U.S. Citizenship

U.S. Passport

- Issued by U.S. Department of State
- Visit travel.state.gov for more information including full instructions, current fees and application.

U.S. Certificate of Citizenship

- Issued by USCIS
- Visit uscis.gov for more information, including full instructions, current fees, and application.
Families Residing Abroad

Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322

• For a child who regularly resides in a foreign country to apply for U.S. citizenship based on the child’s parent

• Must establish eligibility under INA 101(b)(1) and meet all conditions of INA 322
Exception for Children of U.S. Military

The child of U.S. citizen military service members accompanying their parent abroad on official orders can become naturalized without having to travel to the United States for any part of the process.
Congressional Inquiries

Helpful 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)
- Case timeline
- Privacy Waivers: *NECESSARY*

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NBC Adoption Contact Info

To contact NBC:

Call 877-424-8374 (domestic callers)
913-275-5480 (international callers)

Email nbc.adoptions@uscis.dhs.gov
About this Presentation

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