

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

PUBLIC COPY

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services



F2

DATE: Office: NATIONAL BENEFITS CENTER

FILE: 

JUN 23 2011

IN RE: Applicant:   
Beneficiary:

APPLICATION: Application for Determination of Suitability to Adopt a Child from a Convention  
Country Pursuant to 8 C.F.R. § 204.310

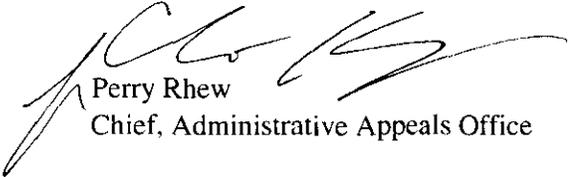
ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

  
Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The director denied the Form I-800A, Application for Determination of Suitability to Adopt a Child from a Convention Country, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The director determined that the applicant failed to show that she had sufficient financial resources to adopt a child, and she failed to provide a written statement, signed under penalty of perjury, regarding her history of child abuse/neglect. The application was denied accordingly. On appeal, the applicant has provided additional evidence and explanation in support of her application.

Section 101(b)(1)(G) of the Act, 8 U.S.C. § 1101(b)(1)(G), governs the immigration of children who are adopted, or are coming to the United States to be adopted, by U.S. citizens under the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993 ("Convention").

"For immigration purposes, a home study is a process for screening and preparing an applicant who is interested in adopting a child from a Convention country." 8 C.F.R. § 204.311. The applicant's home study must contain, among other things, an assessment of the applicant's finances, including:

- (i) A description of the applicant's income, financial resources, debts, and expenses.
- (ii) A statement concerning the evidence that was considered to verify the source and amount of income and financial resources.

8 C.F.R. § 204.311(h)(1). Further,

Any income designated for the support of one or more children in the applicant's care and custody, such as funds for foster care, or any income designated for the support of another member of the household, must not be counted towards the financial resources available for the support of a prospective adoptive child.

8 C.F.R. § 204.311(h)(2).

Additionally, the home study preparer must inquire about any history of abuse or violence as an offender. 8 C.F.R. § 204.311(j). The evaluation must include:

- (1) The dates of each arrest or conviction or history of substance abuse, sexual abuse or child abuse, and/or family violence; or,
- (2) If not resulting in an arrest, the date or time period (if occurring over an extended period of time) of each occurrence and

(3) Details including any mitigating circumstances about each incident.

Each statement must be signed, under penalty of perjury, by the person to whom the incident relates.

*Id.*

The record reflects that the applicant is a 60-year-old unmarried U.S. citizen who intends to adopt two children with special needs who are habitual residents of Bulgaria. The applicant's household currently includes 13 adopted children. The applicant filed the instant Form I-800A on December 7, 2010. On February 10, 2011, the director requested the following evidence: a properly executed Form I-800A; proof of U.S. citizenship; the applicant's divorce decree; tax records; a detailed financial statement; certified documentation showing final dispositions of all child abuse/neglect investigations; a written statement, signed under penalty of perjury, regarding each incident of child abuse/neglect; and a copy of the results related to a child abuse registry clearance. The director reviewed the applicant's response, and found it insufficient to establish eligibility. The director denied the application, and the applicant timely appealed.

The director determined that the applicant failed to show sufficient financial resources to support the prospective adoptive children. Specifically, the director noted that the applicant's most recent tax return showed a total annual income of \$324.00. Further, the director correctly determined that the applicant's monthly income of \$9,098.38 cannot be counted towards the financial resources available for the prospective adoptive children because these funds are designated for the support of the applicant's other adopted children. *See* 8 C.F.R. § 204.311(h)(2).

On appeal, the applicant submitted a Statement of Financial Condition compiled by a Certified Public Accountant and a statement explaining her financial situation. *See Statement of Financial Condition*, dated Mar. 25, 2011 (prepared by Carter & Company, P.S.); *Letter in Support of Appeal*, dated Mar. 28, 2011. Although the applicant has insufficient income, her financial statement indicates sufficient financial resources. Specifically, the applicant reports assets of \$263,246 in checking, savings and investment accounts. *See Statement of Financial Condition* (reflecting accounts with Chase Bank, Salal Credit Union, and Waddell & Reed); *see also Home Study* at 9 (verifying review of bank and retirement statements). Further, the applicant owns her own home, reportedly valued at \$596,200. *See Statement of Financial Condition*; *see also Home Study* at 9 (verifying review of homeowner's insurance policy and county property tax records). The applicant's liabilities total \$335,683. *See Statement of Financial Condition* (reflecting mortgage of \$222,042 and equity line of credit in the amount of \$113,641). Here, the evidence indicates that the net value of the applicant's assets is \$630,963, which significantly exceeds the current poverty line for a family of 16 at \$68,190. Accordingly, the evidence, as supplemented on appeal, shows that the applicant's financial resources are sufficient to support the prospective adoptive children.

The director also determined that the applicant failed to provide a written statement, signed under penalty of perjury, regarding her previous referrals to Washington State Child Protection Services

for allegations of child abuse or neglect. On appeal, the applicant resubmitted a written and notarized statement regarding her three referrals to Child Protective Services of Washington State, including the phrase that the statement was signed under the penalty of perjury. The applicant also submitted records showing that all three referrals were declared "unfounded." Accordingly, the documentation submitted on appeal complies with the requirements set forth in 8 C.F.R. § 204.311(j).

Section 291 of the Act, 8 U.S.C. § 1361, provides that the burden of proof is on the applicant to establish eligibility for the benefit sought. Here, the applicant has sustained her burden and overcame the grounds for the denial of her application. Accordingly, the appeal will be sustained, and the matter remanded for further processing to ensure that all other eligibility requirements have been met.

**ORDER:** The appeal is sustained. The matter is remanded to the director for further processing of the application.