



Questions and Answers

April 1, 2008

INTERCOUNTRY ADOPTION INSTRUCTIONS *Post-Hague Adoption Convention Implementation*

What is the New Hague Adoption Convention?

The *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* (Hague Adoption Convention) is an international treaty that provides important new safeguards to protect the welfare of children, birth parent(s) and adoptive parent(s) engaged in intercountry adoptions.

When does the Hague Adoption Convention go into Effect?

The Hague Adoption Convention enters into force with respect to the United States on April 1, 2008. Effective April 1, 2008, intercountry adoptions between the United States and other Convention countries must comply with the Hague Adoption Convention standards.

What is Changed under the Hague Adoption Convention Standards?

The Hague Adoption Convention changes the immigration component of the intercountry adoption process. Previously, there was one procedure and one set of forms that governed the immigration component of the intercountry adoption process. One of the changes resulting from the implementation of the Hague Adoption Convention is that there are now two separate immigration processes for intercountry adoption, each with a distinct set of forms (Hague and non-Hague). The correct process to follow and the correct forms to use is determined by whether the country from which the child is to be adopted is a Convention country or a non-Convention country. Accordingly, prospective adoptive parent(s) must first determine the country from which they will adopt before they begin the immigration process.

What are the New Forms?

Effective April 1, 2008, Hague Adoption Convention cases are processed on Form I-800A, *Application for Determination of Suitability to Adopt a Child from a Convention Country*, and Form I-800, *Petition to Classify Convention Adoptee as an Immediate Relative*. Non-Hague Convention (or Orphan) adoption cases are still processed on USCIS Forms I-600A, *Application for Advance Processing of Orphan Petition*, and I-600, *Petition to Classify Orphan as an Immediate Relative*. These forms are available on the USCIS website: uscis.gov.



How do I Know Which Countries are Convention Countries?

As of this date, there are 75 nations where the Hague Adoption Convention is in force. A Convention country is any country that is a party to the Hague Adoption Convention *and* the U.S. Department of State has determined that the Convention is in force between the United States and that other country. A list of these Convention countries may be found on the Department of State website: <http://travel.state.gov/>.

Where will Intercountry Adoptions Forms be Filed?

The filing procedures remain the same for non-Convention countries - See instructions for Form I-600A and Form I-600. For a Convention adoption, U.S. citizen prospective adoptive parent(s) residing in the United States should file their forms with the domestic USCIS field office having jurisdiction over their place of residence. U.S. citizen prospective adoptive parent(s) residing abroad may also continue to file with an overseas USCIS field office having jurisdiction over their residence. In addition, a United States consular office may accept the initial filing where there is no USCIS presence in the country of residence. However, all I-800A and I-800 forms received in the field offices (including overseas consular or USCIS offices) will be forwarded to the National Benefits Center where centralized processing will be conducted. Please note these filing procedures are currently under revision and any updates to current filing procedures will be provided on the USCIS website.

What are the Filing Fees for the Forms?

The filing fee for Form I-600A and Form I-600 (non-Hague Convention forms) has not changed. The filing fee for Form I-600A and Form I-600 remains \$670. However, no fee is required for the first Form I-600 filed for a child on the basis of an approved Form I-600A.

The application fee for Form I-800A (Hague Adoption Convention form) is \$670. The filing fee for Form I-800A, Supplement 3, *Request for Action on an Approved I-800A* is \$340, unless otherwise noted. No fee is required for the first Form I-800 filed for a child on the basis of an approved Form I-800A.

Is There a Fingerprinting Requirement and Fee?

Each prospective adoptive parent, and any adult member of their household, must submit fingerprints for the required background check. The fee for fingerprinting is \$80.00 for each prospective adoptive parent and any adult members of the household. For prospective adoptive parent(s) residing overseas, there is no USCIS fee for fingerprinting. The U.S. Department of State consular office or military installation abroad may still charge a fingerprinting fee according to its own requirements.

What if My Case is in Process in a Convention Country before April 1, 2008?

If Form I-600A or I-600 was filed prior to April 1, 2008, the case may continue to be processed according to current regulations for eligibility as an orphan. If the Form I-600A was filed prior to April 1, 2008, it may be extended once and a subsequent Form I-600 may be filed and processed under existing U.S. orphan regulations.



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It is important to note that the law in some Convention countries may require that any adoption in process on April 1, 2008, be started anew under the rules of the Hague Adoption Convention, regardless of the fact that the United States provides for the grandfathering of orphan cases filed prior to April 1, 2008. In such cases, the adoption must be processed under the Hague Adoption Convention procedures and a Form I-800A would be required. Prospective adoptive parents with cases in process should consult with their adoption service provider.