



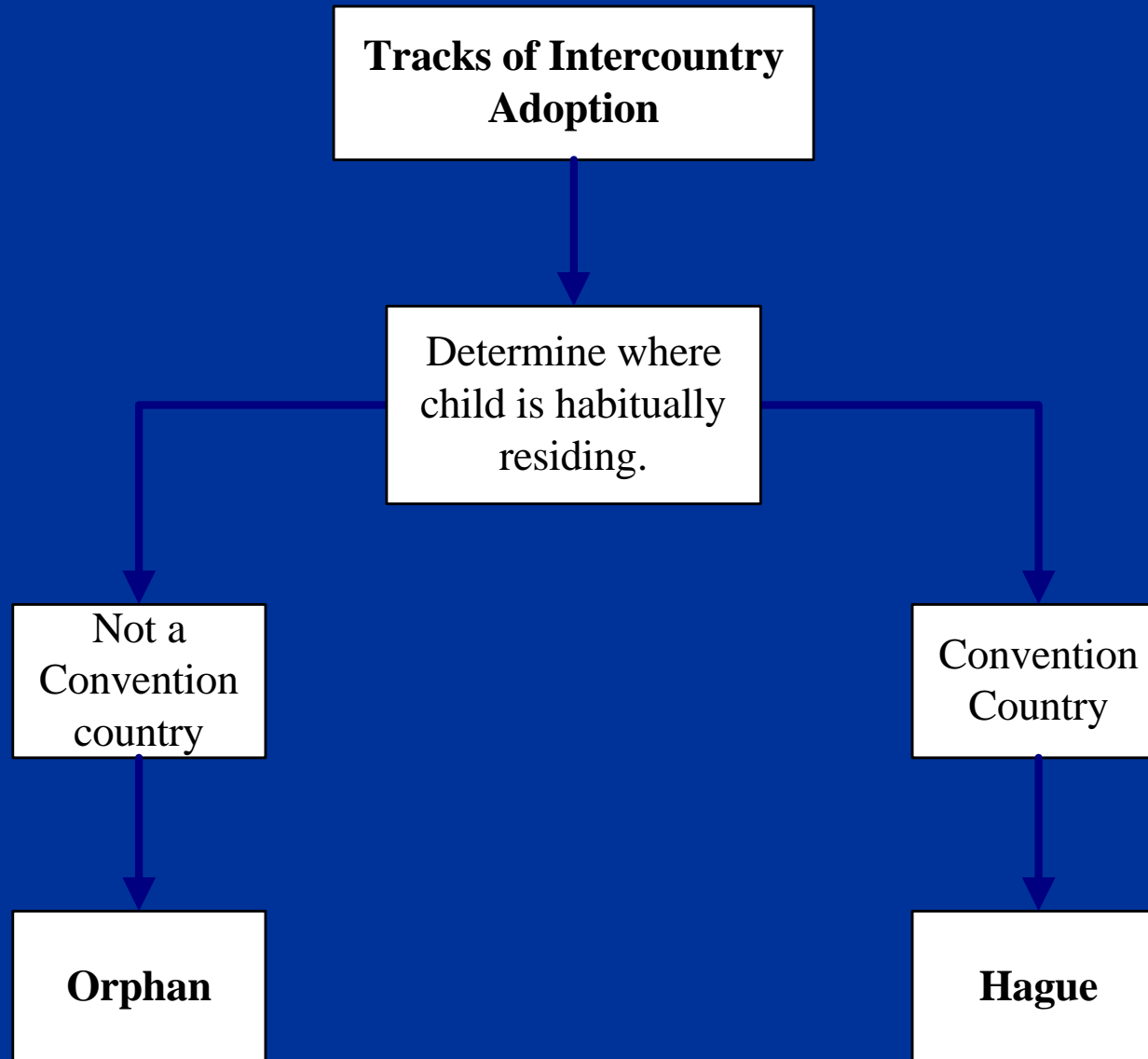
U.S. Citizenship and Immigration Services

Intercountry Adoption Overview

March 2011

This presentation provides a general overview of key elements of the USCIS Orphan and Hague Adoption Convention rules. It is not a substitute for the actual laws and regulations, nor is it a comprehensive summary of the laws and regulations. In the case of any inconsistencies between this presentation and the laws and regulations, the language of the laws and regulations for the Orphan process and Hague Adoption Convention governs.

Orphan or Hague Convention Adoption?



Intercountry Adoption in Non-Hague Countries

Orphan Definition:

INA §101(b)(1)(F)

Regulations:

8 CFR 204.3

ORPHAN FORMS

- **Form I-600A**: *Application for Advance Processing of Orphan Petition*
 - To determine the eligibility and suitability of Prospective Adoptive Parent(s) (PAP) to adopt; includes home study.
 - Fee: \$720 + \$85 biometrics fee for each PAP and adult member of the household
- **Form I-600**: *Petition to Classify Orphan as an Immediate Relative*
 - To establish eligibility of the child as an orphan.
 - Fee: No fee if filed within 18 months of an approved Form I-600A
 - \$720 for each additional petition
 - Sibling exception

Classic Orphan Case: Step 1

- PAP decides to adopt
- PAP files Form I-600A application
 - Home study submitted
 - Fingerprints taken: \$85 fee for each PAP and adult member of household
- Form I-600A approved
 - Valid for 18 months
 - PAP may request a one-time, no-fee extension

Classic Orphan Case: Step 2

- Child overseas identified
- PAP travels overseas, meets and adopts the child(ren)
- PAP files Form I-600 petition
 - USCIS/DOS conducts I-604 verification
 - Approved if child is a qualifying orphan
- PAP files visa application with U.S. Embassy or consulate
 - If visa issued, the child immigrates to U.S.
 - IR-3 visa: In most cases, child automatically becomes a citizen
 - IR-4 visa: In most cases, child automatically becomes a citizen after adoption in the U.S.

Intercountry Adoption in Hague Convention Countries

**Convention Adoptee
Definition:**

INA §101(b)(1)(G)

April 1, 2008

- 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* must follow the Hague process, as specified in the Hague interim rule unless the adoption occurred prior to April 1, 2008.
- Grandfather provisions may apply

* *Any country that has a treaty relationship with the U.S. under the Convention.*

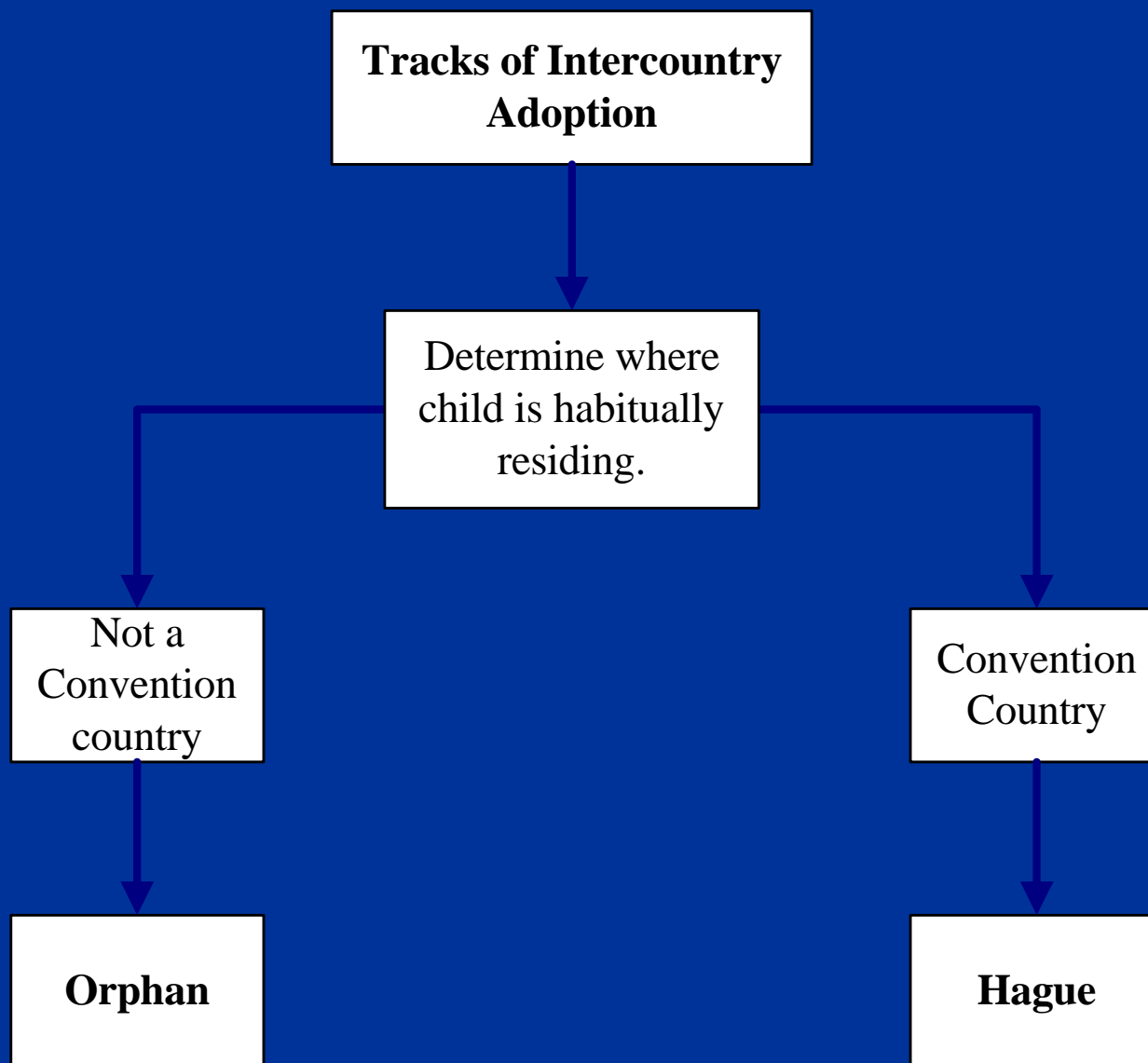
Grandfathering for Transition Cases

- The Hague Adoption Convention does not apply to prospective adoptive parents who filed Form I-600A or Form I-600 prior to April 1, 2008.
 - *Provided* the child's Convention country permits continuation under current U.S. orphan regulations and the Form I-600A approval is valid when the Form I-600 is filed.
- ** The Hague Adoption Convention does not apply to an adoption that occurred prior to April 1, 2008.

*Otherwise...the Hague Adoption
Convention applies if:*

- Child is habitually resident in one Convention country AND
- Prospective adoptive parent (PAP) is habitually resident in another Convention country AND
- The child will immigrate or move to the PAP(s)' country as a result of, or for purposes of, the adoption.

Orphan or Convention Adoption?



Hague Adoption Forms

- *Form I-800A*: *Application for Determination of Suitability to Adopt a Child from a Convention Country* (3 Supplements)
 - To determine the eligibility and suitability of PAPs to adopt; includes Hague compliant home study
 - Fee: \$720 + \$85 biometrics fee for each PAP and adult member of the household
- *Form I-800*: *Petition to Classify a Convention Adoptee as an Immediate Relative* (1 Supplement)
 - To establish eligibility of the child as a Convention Adoptee
 - Fee: No fee if filed within 15 months of Form I-800A validity start date
 - \$720 for each additional petition
 - Sibling exception

Classic Hague Case: Step 1

- PAP decides to adopt a child from a Hague Convention country
- PAP files Form I-800A
 - Must include a Hague compliant home study
- Form I-800A approved
 - Valid for 15 months (clock starts when the first FPs clear)
 - PAP may request a one-time, no-fee extension (Form I-800A, *Supp 3*)
 - USCIS must approve Form I-800A before a child is *entrusted* into the care of PAPs and before Form I-800 in behalf of a Convention adoptee may be filed.

Classic Hague Case: Step 2

- Child overseas identified
- PAP files Form I-800 petition
 - Must include Hague related documentation from the child's country
- Form I-800 provisionally approved
 - Child must appear to meet the definition of Convention Adoptee
 - PAP may only adopt after provisional approval
- PAP travels overseas and adopts the child

Classic Hague Case: Step 3

- PAP files visa application with U.S. Embassy or consulate
- U.S. Embassy/consulate grants final approval of Form I-800, issues Hague Adoption Certificate and the appropriate visa
 - IH-3 visa: In most cases, child automatically becomes a citizen
 - IH-4 visa: In most cases, child automatically becomes a citizen after adoption in the U.S.

Congressional Inquiries

Helpful Tips/Information to include:

- Full name of applicant or petitioner and spouse (if any)
- Date the application or petition was filed
- USCIS office where application or petition was filed
- Case Identification # (SIMS # if available)
- Processing times
- Privacy Waivers: ***NECESSARY***

Thank you for your attention.

