



# KNOW YOUR RIGHTS

## Intercountry Adoption

### **What is intercountry adoption?**

It is a process of adopting children from foreign countries.

### **Who can be adopted through intercountry adoption?**

A child who is not yet 16 (or 18 for older siblings) and meets the Immigration and Nationality Act definition of an orphan:

- The child has no parents OR
- A sole or surviving parent who is unable to care for the child and has, in writing, irrevocably released the child for emigration and adoption. A sole or surviving parent's inability to care for the child would be based on local (not U.S.) standards. Only a sole or surviving parent may release a child for adoption to a particular person.

### **Who handles intercountry adoption?**

Only private agencies arrange intercountry adoptions. Always check the agency reputation by contacting the Department of Health and Family Services in your state and by checking the Better Business Bureau to see if there have been any complaints about the agency.

### **How can I identify what countries allow intercountry adoption?**

The U.S. State Department has a web site that provides country by country adoption guidelines: [http://travel.state.gov/family/adoption\\_country.html](http://travel.state.gov/family/adoption_country.html) (or call 202-736-9130)

### **What steps do I need to take when adopting from foreign country?**

Once you start working with a private agency handling adoption in a country you choose to adopt from, you will have to compile the necessary documentation for the home study and document file for the foreign court. The list of documents will be provided to you by the agency. Once approved by the agency you must file an "Application for Advance Processing of an Orphan" (INS form I-600A) with a local Immigration and Naturalization Services office. A single adoptive parent must be a U.S. citizen and at least 25 years of age. After the foreign court approves legal adoption and grants permission for a child to immigrate to the U.S., you must file a "Petition to Classify an Orphan as an Immediate Relative" (INS form I-600) as well as the "Affidavit of Support" (INS form I-864) and three most recent IRS tax returns. Before issuing immigrant visa to the child the Department of State Consular Office will conduct an orphan investigation in order



to check the status and medical condition of a child. For more information please see Administration for Children & Families at:

[http://naic.acf.hhs.gov/pubs/f\\_inter.cfm](http://naic.acf.hhs.gov/pubs/f_inter.cfm)

### **How can I secure citizenship for my child?**

The Child Citizenship Act of 2000 confers an automatic U.S. citizenship on a child adopted from abroad by a U.S. citizen. There is no need to apply for naturalization for your adoptive child.

### **What is the Hague Convention on Intercountry Adoption?**

The Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption of 29 May 1993 is a multilateral treaty that sets out minimum adoption norms and procedures between the parties of the Convention. Its goal is to protect the children, birth parents and adoptive parents as well as to prevent child-trafficking and other abuses.

In 2000 the United States passed "The Intercountry Adoption Act" which would implement the Hague Convention. It is expected that the federal regulations will be in place and the Convention will take effect in the U.S. by early 2006. To find out more about the Hague Convention see:

<http://www.hcch.net/e/conventions/menu33e.html>

### **What countries do not permit adoption by lesbians and gays?**

You should be aware that some countries do not permit adoption by lesbians and gays explicitly or implicitly through ban of single person adoption. One such example is China, which requires a signed statement from single applicants stating that she or he is unmarried and not homosexual. You should inquire with your agency whether a particular country permits single persons and/or lesbian and gay adoption.