



Intercountry Adoption: Where Do I Start?



The number of Americans adopting children from other countries grew dramatically from 1990, when 7,000 children received visas to come to the United States for adoption, through 2004, when 22,884 children received such visas. After peaking in 2004, these numbers began to decline, and the statistics

What's Inside:

- Deciding if intercountry adoption is right for your family
- Deciding what country your child will come from
- Finding an adoption services provider
- Adopting your child
- Meeting immigration and citizenship requirements
- Adjusting to your new family



for fiscal year 2008 show that 17,433 children were adopted through intercountry adoption that year.¹

Intercountry adoption continues to be an option for parents who choose to adopt. This factsheet provides an overview of the intercountry adoption process. Depending on your State, your adoption services provider, and the country from which you adopt, the steps in this adoption process may vary. For example, some families will first select an adoption services provider; their choice of country will then be limited to the countries with which that agency works. In every case you must meet the basic requirements of U.S. immigration law.

Deciding If Intercountry Adoption Is Right for Your Family

What You Should Know

Intercountry adoption is just one way to build a family through adoption. Other options include adoption from domestic foster care and domestic infant adoption. Many families consider the following issues when deciding whether intercountry adoption is right for them:

- **Adoptive parent requirements.** U.S. Citizenship and Immigration Services (USCIS), which must approve all intercountry adoptions, has two basic eligibility requirements for prospective adoptive parents: Petitioners must be

¹ Numbers courtesy of the U.S. Department of State: http://adoption.state.gov/news/total_chart.html

THE HAGUE CONVENTION

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (the Convention) is a multilateral treaty between the United States and approximately 75 other countries. The Convention provides safeguards to protect children and families involved in adoptions between participating countries. The Convention also works to prevent the abduction, sale, or trafficking of children.

The process for adopting from Convention and non-Convention countries differs. Adopting a child from a participating country and working with a Hague-accredited adoption services provider is the best way to ensure your adoption will reflect the safeguards enacted by the Hague Convention. For more information, see the Information Gateway factsheet *Intercountry Adoption From Hague Convention and Non-Hague Convention Countries* at www.childwelfare.gov/pubs/factsheets/hague.pdf

U.S. citizens and, if unmarried, must be at least 25 years old when they file the petition to adopt. For married couples, USCIS has no age requirement and only one spouse must be a U.S. citizen.

- **Timeframe.** Like any adoption, intercountry adoption involves some uncertainty. The length and predictability of the process vary depending on the

country, agency, lawyer, and individual child involved, but it generally takes from 1 to 4 years to complete an intercountry adoption.

- **Child circumstances.** Children in other countries need adoptive families for many of the same reasons children in the United States need foster care and adoptive families. These reasons may include abandonment, poverty, illness or death of the parents, or family issues such as substance abuse, child abuse, or neglect. Children may have health or emotional problems related to these reasons. There also may be cultural factors that contribute to the child's need for a permanent family, including the government's policies on population control, the country's economy, or others. It is helpful to understand what these factors are in the specific countries you are considering.
- **Child's age.** The Office of Immigration Statistics, U.S. Department of Homeland Security, reports that in 2006 approximately 42 percent of children adopted internationally were younger than 12 months old, and another 42 percent were between 1 and 4 years old. According to U.S. immigration law, children must be younger than 16 years old on the filing date of the immigration petition in order to be eligible to immigrate to the United States for purposes of adoption. (There are some exceptions to this. See page 2 of *I am a U.S. Citizen: How Do I Immigrate an Adopted or Prospective Adopted Child or Help My Adopted Child Become a U.S. Citizen or U.S. Permanent Resident?* at www.uscis.gov/files/article/A3eng.pdf)

- **Eligibility for adoption and immigration to the United States.** U.S. Immigration laws (the Immigration and Naturalization Act and the Intercountry Adoption Act of 2000) require children entering the United States for purposes of adoption to be classified as "orphans" (if they are from non-Convention countries) or as "Convention adoptees" (if they are from Convention countries), as defined by these laws. Convention adoptees must have parents who are "incapable of providing proper care." (See *I am a U.S. Citizen: How Do I Immigrate an Adopted or Prospective Adopted Child or Help My Adopted Child Become a U.S. Citizen or U.S. Permanent Resident?* at www.uscis.gov/files/article/A3eng.pdf)

ADOPTION OF RELATIVES

Prospective adoptive children who are related to the petitioners/prospective adoptive parent(s) must qualify for adoption and immigration to the United States under all the same criteria as unrelated children. Relatives may be able to adopt if the children qualify as orphans or Convention adoptees. The requirements depend on the country in which the relative lives. (Information regarding specific requirements can be found on page 3 of *I am a U.S. Citizen: How Do I Immigrate an Adopted or Prospective Adopted Child or Help My Adopted Child Become a U.S. Citizen or U.S. Permanent Resident?* at www.uscis.gov/files/article/A3eng.pdf)

Some Places to Go

Compare the different ways to adopt. Read the Child Welfare Information Gateway (Information Gateway) publications *Adoption Options: A Factsheet for Families* (www.childwelfare.gov/pubs/f_adoptionoption.cfm) and *Adoption Options at-a-Glance: A Companion Guide for Families* (www.childwelfare.gov/pubs/f_adoptionoptionglance.cfm). These and other Information Gateway publications can be located through the Online Catalog on the Information Gateway website: www.childwelfare.gov/catalog

Deciding What Country Your Child Will Come From

What You Should Know

Countries from which children are most frequently adopted internationally (also called “sending countries”) include developing nations in Asia, Central and Eastern Europe, Africa, and Central and South America. Each country has different intercountry adoption rules. Parents often find it helpful to compare adoption programs in several countries before making a final decision.

Here are some things to think about when selecting a country:

- **Hague Convention participation.** Requirements differ when you adopt from a country that has joined the Hague Convention versus a non-Convention

country. As of September 2008, more than 75 countries were Convention members. (See box, page 2.) Find a list of Convention countries on the State Department website at: www.adoption.state.gov/hague/overview/countries.html

- **Eligibility requirements for adoptive parents.** In addition to U.S. immigration rules, each country may have its own requirements for prospective adoptive parents based on such characteristics as age, marital status, sexual orientation, and others. Each State also has its own requirements.
- **Ages of available children.** The ages of children needing adoptive families vary widely, from 3 or 4 months to 16 years, depending on the country. The Convention and laws in some sending countries require that efforts be made to place infants with families in that country before they can be placed with a family overseas. In those countries, infants younger than 4 or 5 months old may not be available for intercountry adoption. Some countries have regulations prohibiting the separation of siblings.
- **Ethnicity/Race/Culture.** Depending on the country you select, your child’s ethnic, racial, and cultural background might be different from your own. Resources for transracial or transcultural families are available on the Information Gateway website: www.childwelfare.gov/adoption/types/families/trans_info.cfm
- **Child’s placement setting: Institution or foster care.** In many sending countries, children who need permanent

families are cared for in institutions or orphanages. Children who spend early months or years in institutions typically show delays in growth and development. Some countries place children waiting for permanent families with foster families. Research suggests that foster families may offer the child better opportunities to form attachments with caregivers. However, many factors affect the quality of foster care overseas.

- **Travel requirements.** Most countries require prospective adoptive parents to travel to the country to complete the adoption process. The number of trips (generally one or two) and the required length of stay in the country vary. A few countries will allow the child to be escorted to the United States by someone other than an adoptive parent, but costs may not be significantly lower than for the family to travel. Even when not required, parents have found many benefits from traveling to the child's country of origin.
- **Cost.** Costs also vary widely depending on the country and service provider. They can range from \$10,000 to \$40,000 or more. See the Information Gateway publication *Costs of Adopting: A Factsheet for Families* for more information about costs for intercountry and other types of adoption: www.childwelfare.gov/pubs/s_cost/index.cfm

Some Places to Go

The State Department website provides a country-by-country guide to the adoption process in many countries (<http://adoption.state.gov/news/notices.html>) and information about the Hague Convention

FINDING SUPPORT

Talking with other adoptive parents about their experiences in different countries can help you with your decision. You can meet other parents through a support group for families who have adopted from certain countries or regions. Find a listing of adoptive family support groups in the National Foster Care and Adoption Directory, available on the Information Gateway website at www.childwelfare.gov/nfcad

on Intercountry Adoption (http://adoption.state.gov/pdf/PAP_Guide-1.pdf).

Find information on the USCIS website about restrictions on adopting from areas experiencing political unrest or natural disasters by consulting *How Do I Apply to Bring a Foreign-Born Orphan to the United States?* (www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=5da2194d3e88d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=173e8c03ef929110VgnVCM1000004718190aRCRD)

You can find a current list of the signatory countries of the Convention at www.adoption.state.gov/hague/overview/countries.html

The *Report on Intercountry Adoption* contains an overview of costs, requirements for prospective adoptive parents, and other information for many countries. Ordering information is available on the Adoption Resource Center of Connecticut website: www.arcct.org/included.htm

Finding an Adoption Services Provider

What You Should Know

The country from which you plan to adopt may help determine which adoption services provider you use. Only Hague-accredited adoption services providers may place children from Convention countries and provide other adoption services in a Convention adoption. Accredited (or “approved”) adoption services providers must comply with the Intercountry Adoption Act of 2000 and Hague regulations, which are designed to protect everyone involved (adopted children, adoptive parents, and birth parents). For example, providers must disclose to prospective adoptive parents an itemized list of fees and estimated expenses prior to providing any adoption services.

For some non-Convention adoptions, you may work through a licensed adoption agency or you may work with an adoption lawyer or a private adoption agency as required by State regulations. The U.S. Department of State strongly recommends that families work with a reputable provider licensed by the State in which it is located and experienced in intercountry adoption. Nonagency intercountry adoptions may incur additional risks (including unethical practices, potential for an adoption to be overturned, and immigration difficulties). To help you determine whether an adoption services provider is reputable, see the tips in Information Gateway’s *How to Assess the Reputation of Licensed, Private Adoption*

Agencies (www.childwelfare.gov/pubs/twenty.cfm).

Take time to research and carefully select your adoption services provider. An experienced, reputable adoption services provider should be willing to walk you through the adoption process, help you prepare to become adoptive parents (through educational classes on parenting and adoption issues or referrals to such programs), contact USCIS about immigration regulations and forms, help you handle problems along the way, and provide support after you bring your child home. Before deciding on a provider, attend information sessions or orientations and ask questions about the services provided. Reputable adoption providers will answer your questions openly. These initial sessions are usually free. Visiting several different providers may help you find the one that best meets your needs.

Questions to ask adoption services providers:

- Is the provider accredited for Hague Convention adoptions?
- By which State is the provider licensed? Is the license in good standing?
- How long has the provider been involved in intercountry adoptions?
- In which countries does the provider have intercountry adoption programs? How long have they had programs in those countries?
- How many children has the provider placed (from the country of interest)?
- What are the provider’s minimum requirements for prospective parents?

- How does the provider prepare parents for an intercountry adoption?
- Does the adoption provider have its own overseas staff or use the services of facilitators or lawyers?
- How do the provider's contacts (such as facilitators or lawyers) working in other countries identify children needing families?
- What are the fees? (Ask for a detailed list of expenses and schedule for payment.)
- What, if any, is the refund policy if an adoption does not occur?
- What services are provided after your child comes home? How long are they available?
- Does this provider offer all adoption services? Which other organizations may be involved in providing some of these services in a specific case? (For example, if your adoption provider is only helping conduct your home study, ask which other providers may be helping to identify a child for adoption, obtain the termination of the birth parents' parental rights, or monitor the case until the adoption is finalized. See the Information Gateway factsheet *Intercountry Adoption From Hague Convention and Non-Hague Convention Countries* for more information: www.childwelfare.gov/pubs/factsheets/hague.pdf)

Find more questions to ask in "What to Ask Before Choosing an Adoption Agency" from *Adoptive Families* magazine: www.adoptivefamilies.com/articles.php?aid=327

Some Places to Go

The U.S. Department of State maintains a list of adoption services providers accredited or approved to provide services in Convention adoptions: <http://adoption.state.gov/hague/accreditation/agencies.html>

Some countries allow only organizations that are permitted by that country's government to place children internationally. The U.S. Department of State's *Country-Specific Adoption Fliers* provide information about whether a specific country has such a requirement: <http://adoption.state.gov/countryinformation.html>

Adopting Your Child

What You Should Know

Your adoption services provider should provide you with all of the information you need to successfully meet eligibility requirements to adopt your child. For example, all prospective adoptive parents will need to complete a home study, submit immigration forms, and put together a dossier (a collection of the family's personal records—which vary by country but may include proof of a family's identity, finances, health, and character—required in order for the country's legal system to process the adoption).

A few months to a year or more after completing the required paperwork, your family will be matched with a specific child for possible placement. This process varies greatly depending on the country and adoption provider involved. In a few

non-Hague Convention countries, families might be allowed to be directly involved in this step by visiting orphanages and viewing photolists of waiting children. Waiting to be matched with a child is often one of the hardest and most unpredictable parts of the adoption process. Tips for helping families deal with the wait are in the Joint Council on International Children's Services publication *Coping and Difficulties and Delays As You Wait For Your Child* at www.jcics.org/Waiting.pdf

When a specific child is identified, you will receive a referral (a packet of information about the child). This packet usually includes the child's picture and information on the child's health and history. In the case of an abandoned child, medical information and history may be limited to the period of time since the child's placement in the orphanage or institution. You will have a period of time to review the information and decide whether you can meet this child's needs. Ask your provider or a doctor any questions you have before you accept the placement. Take as much time as you need to feel comfortable with your decision, paying particular attention to the information related to the child's health, prenatal health (if known), placement history, and expected emotional or mental health needs. It is better to stop the process prior to meeting the child if you are unsure about whether you can make the changes necessary to incorporate him or her into your family.

- **Health information.** The type and quality of available medical information will vary depending on the country. Reputable providers will give you as much information as possible about a child's

background and medical history, but they cannot guarantee the information is accurate or complete. Many factors influence the health of children who need families in other countries. Children often have health conditions that are common in developing countries but can be prevented or easily treated in the United States. Children's health also can be affected by living in institutions. A doctor familiar with intercountry adoption can help you understand the information you receive about the child's health and development. Prospective adoptive parents who plan to make two trips to the child's country might even make a video of the child on the first trip and ask a doctor to evaluate it. See the "Some Places To Go" section below for links to international adoption clinic websites.

- **Expected emotional or mental health needs.** Children in other countries enter their country's child placement systems for many of the same reasons children enter foster care in the United States, including parental substance abuse or prenatal exposure to alcohol and other drugs, physical abuse, or neglect. In many countries, children waiting for adoption live in institutions, where they are sometimes exposed to physical or sexual abuse and/or neglect. It is important to be aware of the possible effects of these experiences on children's emotional and mental health, so you can have realistic expectations about your child's future needs. While the vast majority of adoptions are successful, research shows that families that have realistic expectations about what it will take to

meet a child's needs and how those needs might affect family life, the parents' relationship, and other children living in the home are more likely to be successful.

The legal adoption or guardianship process begins after you accept a referral for a specific child. In some countries, families are required to travel to the child's country of origin to finalize the adoption in the foreign court. In others, guardianship of the child will be transferred to the prospective adoptive parents or to their agency, but they must finalize the adoption in U.S. courts to fulfill USCIS requirements.

Even if a trip is not required, experiencing your child's country of origin firsthand can give you a deeper understanding of what his or her life was like before joining your family. Traveling with a group of other prospective adoptive parents can help you form supportive relationships with other adoptive families that can last for years.

Some Places to Go

The USCIS publication *The Immigration of Adopted and Prospective Adoptive Children* explains USCIS regulations, details requirements for prospective adoptive parents, and provides links to forms for intercountry adoption:
www.uscis.gov/files/nativedocuments/adopt_book.pdf

The University of Minnesota's International Adoption Clinic website provides information about the health of children adopted from other countries:
www.med.umn.edu/peds/iac/preadoption/challenges.html

The American Academy of Pediatrics provides a State-by-State directory of pediatricians with a special interest in adoption and foster care medicine:
www.aap.org/sections/adoption/default.cfm

Prepare for travel to your child's country of origin by reading the *Adoptive Families* magazine article "The Top 10 Secrets of Successful Adoption Travel":
www.adoptivefamilies.com/pdf/10_tips.pdf

CAUTION

In the case of a child from a Convention country, it is important that you do not adopt or accept legal custody of the child until:

- USCIS has provisionally approved the petition to classify the Convention adoptee as an immediate relative (Form I-800) AND
- The U.S. Department of State has advised the Central Authority of the child's country that the prospective adoptive parents have been found suitable and the child appears eligible to come to the United States if adopted or if legal custody for the purpose of adoption is granted

Meeting Immigration and Citizenship Requirements

What You Should Know

There may be additional actions required by U.S. immigration law, State law, your child's country of origin, or your adoption provider before or after you bring your child home. Requirements will vary depending on the type of immigrant visa your child received (see box). Your adoption provider can tell you more about what must be done in your specific case. You may need to:

- **Submit postplacement reports and pictures.** Not all countries require follow-up reports; some require annual reports for 5 years or longer. Ensuring these reports get filed in a timely manner helps foster positive relationships between the United States and your child's country of origin, paving the way for future intercountry adoptions.
- **Readopt your child in a U.S. court and obtain a U.S. birth certificate.** It is generally a good idea to readopt if your child is *not* from a Convention country. If your child is from a Convention country, readoption is not required. See the Readoption section of the Information Gateway website for more information on State laws and why readopting in the United States may be beneficial in some cases: www.childwelfare.gov/adoption/types/intercountry/readoption.cfm
- **Obtain proof of your child's U.S. citizenship.** A Certificate of Citizenship

issued by USCIS, or a U.S. passport, provides proof of U.S. citizenship for children who become citizens through adoption. (See box on the following page.)

- **Obtain a Social Security Number for your child.** The Social Security Administration will assign your child a social security number before you obtain proof of U.S. citizenship; however, you will need to provide proof that a full and final adoption has been completed. Records will not show your child is a U.S. citizen until you provide this proof.

Some Places to Go

The Social Security Administration provides information on how to prove citizenship for an adopted child: www.ssa.gov/immigration/children.htm

The Child Citizenship Act of 2000 provides that foreign-born children who have been admitted for permanent resident status in the United States and adopted by a U.S. citizen parent living in the United States automatically become U.S. citizens as soon as the requirements of the Act are met. Find more about the requirements of the Act on the Citizenship section of the USCIS website: www.uscis.gov/citizenship

Form N-600, Application for Certificate of Citizenship, can be found on the USCIS website: www.uscis.gov/n-600

PROOF OF CITIZENSHIP

A Certificate of Citizenship issued by USCIS or a U.S. passport issued by the U.S. Department of State provides proof of U.S. citizenship for children who become citizens through adoption. This is different from the certificate provided with Convention adoptions, issued at the time of adoption and affixed to the foreign adoption decree by the U.S. Department of State, stating that the adoption is in compliance with the Convention. For more information about Convention adoptions, see the Information Gateway factsheet *Intercountry Adoption From Hague Convention and Non-Hague Convention Countries* at www.childwelfare.gov/pubs/factsheets/hague.pdf

The process for obtaining the Certificate of Citizenship depends on the type of visa your child was issued. Ask your agency which type of visa your child was issued, or check the stamp in his or her passport.

- **IR-3 Visa:** A child with a full and final adoption in his or her country of origin, entering the United States on an IR-3 visa, generally automatically becomes a citizen upon entering the country. In these cases, the child will receive a Certificate of Citizenship from USCIS within 45 days of entering the United States. (There are exceptions to this process for U.S. military employees and those who work for the U.S. Department of State.)
- **IR-4 Visa:** If your child entered the United States on an IR-4 visa, you must finalize your child's adoption in a U.S. court to satisfy Child Citizenship Act requirements (unless the child was officially adopted in the child's country *and* the child's State of residence in the United States recognizes the foreign adoption without a requirement to readopt). Your child automatically will become a U.S. citizen on the day the adoption is finalized in the United States provided the child is under the age of 18 on the date of adoption. You may then apply for a Certificate of Citizenship by submitting Form N-600, Application for Certificate of Citizenship and the filing fee to the local USCIS district office or suboffice (www.uscis.gov/n-600).

It is possible to obtain a passport from the State Department (http://travel.state.gov/passport/passport_1738.html) for a child before receiving the Certificate of Citizenship, but the adoption must be full and final according to Federal law. The "full effect" of a foreign adoption decree means that adoptive parents and adopted children have the same rights and obligations as they would have if a State court had issued the adoption decree.

Adjusting to Your New Family

What You Should Know

Adjusting to a new family and culture may be challenging for your child. Children who have spent most of their early lives in an institution must adjust to living in a family. Receiving one-on-one attention, sleeping alone, and owning things may be completely new experiences. Children often have trouble with new eating and sleeping schedules, in addition to changes in diet, tastes, smells, and numerous other cultural differences. Keeping some items familiar to the child, such as a favorite blanket or article of clothing or familiar-looking items from the child's country of origin, may ease the transition as well as provide important mementos for the future. Older children also may struggle with language, school, and cultural issues and will need more time to adjust.

Soon after your child arrives in the United States, you may consider taking him or her for a thorough checkup with a doctor who has experience in intercountry adoption. There are a number of clinics around the country that specialize in international adoption medicine. (See *Some Places to Go*, below.)

Your family also must adjust to your new status as a transcultural and possibly transracial family. Parents who have not joined an adoptive parent support group may wish to do so to share the joys of parenting, learn from each other's experiences, and help each other through

challenges. Adoptive parents also need to be aware of the impact that the adoption of a child from a different country may have on other children in the family and on extended family members.

During this transition and throughout your lives as an adoptive family, adoption agency staff may be a valuable source of support. Some adoption agencies provide services for adoptive families, from about 6 months to several years after placement, to make sure your child is adjusting well. During this time, adoptive parents can also locate resources and referrals for additional services they need. It is normal for adopted individuals and their families to need support beyond this initial transition period. See Information Gateway's factsheet on postadoption services for more information about adoption services and their benefits: www.childwelfare.gov/pubs/f_postadoption.cfm

Some Places to Go

The American Academy of Pediatrics offers a directory of pediatricians with a special interest in adoption and foster care medicine: www.aap.org/sections/adoption/SOAFCAAdoptionDirectory2.pdf

A listing of clinics that specialize in international adoption medicine can be found at: www.comeunity.com/adoption/health/clinics.html.

Information about follow-up medical exams and screening tests for children adopted internationally is offered by:

- The Centers for Disease Control and Prevention (CDC): wwwn.cdc.gov/travel/yellowBookCh8-Adoptions.aspx

- The University of Minnesota International Adoption Clinic: www.med.umn.edu/peds/iac/postadoption/screeningtests.html
- *Adoptive Families* magazine: www.adoptivefamilies.com/pdf/AskMD_JA03.pdf

Find more information about children's needs after adoption on the Information Gateway website:

- Obtaining background information: www.childwelfare.gov/pubs/f_background.cfm
- Children who spent time in institutions: www.childwelfare.gov/adoption/types/intercountry/institutions.cfm
- Attachment difficulties: www.childwelfare.gov/adoption/postadoption/families/chall_attachment.cfm
- Transracial/transcultural families: www.childwelfare.gov/adoption/types/families/transracial.cfm

Rainbowkids.com: The International Adoption Publication is an online resource designed to educate and support families built through intercountry adoption: www.rainbowkids.com

Additional Resources

Office of Immigration Statistics. (2008). *2007 Yearbook of Immigration Statistics*. Retrieved December 5, 2008 from www.dhs.gov/xlibrary/assets/statistics/yearbook/2007/ois_2007_yearbook.pdf

U.S. Citizenship and Immigration Services. (2003). *How Do I Apply to Bring a Foreign-Born Orphan to the United States?* Updated link retrieved December 15, 2008, from www.uscis.gov/portal/site/uscis/menuitem.m.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=5da2194d3e88d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=173e8c03ef929110VgnVCM1000004718190aRCRD

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