



INTERCOUNTRY ADOPTION

U.S. PROCEDURES FOR INCOMING TRANSITION CASES

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (the Convention) entered into force for the United States on April 1, 2008. The Convention governs all adoptions between the United States and other countries party to the Convention.

Some cases that were started before April 1, 2008, have not been completed and are considered by the United States to be *transition cases*.

The U.S. Intercountry Adoption Act of 2000, the U.S. legislation implementing the Convention, mandated that the Departments of State and Homeland Security develop procedures to address transition case issues. The transition procedures for incoming cases are as follows:

- If the Application for Advance Processing of an Orphan Petition (**Form I-600A**) or Petition to Classify an Orphan as an Immediate Relative (**Form I-600**) has been **filed and received by U.S. Citizenship and Immigration Services (USCIS)** before April 1, 2008, then the Convention and the IAA will not apply to the adoption, as long as the I-600A remains valid at the time the I-600 is filed.
- **Once approved, an I-600A application may be extended**, thus extending the time that a transition case may take to be completed in the country of origin after April 1, 2008. When a family requests an extension of their approval to adopt, they need to meet certain update requirements, including providing any new or changed information affecting the home study and fingerprints for an updated criminal background check.
- Transition cases **will continue to be processed in accordance with the immigration regulations for non-Convention adoptions** which were in effect at the time the case was filed. Non-Convention procedures differ from the new Convention adoption procedures.
- **If a prospective adoptive parent wants to change a transition case to a Convention case, the entire application and petition process must be started anew.** Convention cases have different processing requirements, and an I-600A or I-600 cannot be converted into the I-800A and I-800 form(s) that are required for a Convention case.
- The practical consequence of the transition rule is that **the country of origin will see both Convention and non-Convention cases involving families from the United States until all the transition cases have been completed.** Some transition cases may take many months to be completed.

Office of Children's Issues



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For more information please see our website at travel.state.gov
Or contact the U.S. Central Authority at AdoptionUSCA@state.gov



U.S. PROCEDURES FOR OUTGOING (EMIGRATING) TRANSITION CASES

As of the Convention's entry into force for the United States on April 1, 2008, all emigrating (outgoing) adoption cases between the United States and member countries are also governed by the Convention.

Some cases that were started before April 1, 2008, have not been completed and are considered by the United States to be transition cases.

The U.S. Intercountry Adoption Act of 2000, the U.S. legislation implementing the Convention, mandated that the United States develop procedures for transition cases. The transition procedures for outgoing (emigrating from the U.S.) cases are as follows:

- If the prospective adoptive parent(s) **"initiated the adoption process in their country of residence with the filing of an appropriate application"** before April 1, 2008, the Convention does not apply to an outgoing Convention case.
- The Department considers the phrase "initiate the adoption process in their country of residence with the filing of an appropriate application" in the context of the IAA's transition rule for outgoing cases to mean a **formal, written effort** undertaken prior to April 1, 2008, to initiate the adoption process in the prospective adoptive parent(s)' country of residence **filed with (received by) an authorized entity in that country.**
- Such formal, written efforts that the Department is aware of would generally consist of a **written application or request to start the adoption process filed with the foreign Central Authority**, the responsible government office, or any other entity delegated the authority to receive such applications/requests. This could include, depending on the legal structure of the country, an application for screening of prospective adoptive parent eligibility to adopt filed with the appropriate entity authorized to conduct home studies.
- **If prospective adoptive parents prefer to have their case proceed under the U.S. Hague rules, they may withdraw their application and initiate their national adoption process over again**, de novo, as of April 1, 2008.
- The "appropriate application" procedures, above, address only when a case may be subject to the U.S. transition rule and thus not subject to the Convention. **The procedures do not address what the receiving country may consider to be an appropriate application** for its own domestic intercountry adoption approval purposes or processes.
- The practical consequence of the transition procedures is that **the receiving country will see both Convention and non-Convention cases from the United States until all the transition cases have been completed.** Some transition cases may take many months to be completed.

***Note:** This document is not a substitute for the Hague Intercountry Adoption Convention, the Intercountry Adoption Act of 2000 (IAA), or its implementing regulations, nor is it a comprehensive summary of the regulations. In the case of any inconsistencies between this document and the Convention, the IAA, or the regulations, the language of the Convention, the IAA, or the regulations governs.*

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