



# USCIS Update

Feb. 11, 2009

## **USCIS ANNOUNCES THE STATUS OF CAMBODIAN ADOPTIONS**

### *Intercountry Adoptions Under the Hague Adoption Convention*

WASHINGTON – U.S. Citizenship and Immigration Services (USCIS) today clarified that it continues to be unable to approve any Form I-600, *Petition to Classify Orphan as an Immediate Relative*, filed for a child to be adopted from Cambodia. Also, the Department of State (DOS) has advised USCIS that DOS has determined that Cambodia is not currently meeting its obligations under *The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* (Hague Adoption Convention). As a result, DOS consular officers cannot issue the required Hague Adoption Certificate or Hague Custody Declaration. Therefore USCIS is unable to approve any Form I-800, *Petition to Classify Convention Adoptee as an Immediate Relative*, filed for a child to be adopted from Cambodia at this time.

Certification of compliance with the Hague Adoption Convention and the Intercountry Adoption Act of 2000 is required under the procedures for Hague Convention adoptee cases. Since prospective adoptive parents cannot complete the immigration process for an adopted child from Cambodia at this time, they are strongly urged not to file Form I-800A, *Application for Determination of Suitability to Adopt a Child from a Convention Country*, identifying Cambodia as the country from which they seek to adopt.

The Hague Adoption Convention entered into force for the United States on April 1, 2008. The Hague Adoption Convention provides important safeguards to protect the welfare of children, birth parent(s) and adoptive parent(s) engaged in intercountry adoptions. Effective April 1, 2008, new intercountry adoptions between the United States and other Hague Convention countries must comply with the Hague Adoption Convention standards. Cambodia also ratified the Hague Adoption Convention in 2007. In the United States, Hague Convention adoptions are processed on USCIS Forms I-800A and I-800.

Before the United States and Cambodia ratified the Hague Adoption Convention, Cambodian intercountry adoption cases were processed on USCIS Forms I-600A, *Application for Advance Processing of Orphan Petition*, and I-600, *Petition to Classify Orphan as an Immediate Relative*. However, the Immigration and Naturalization Service, USCIS' legacy agency, suspended U.S. orphan visa petition processing in Cambodia on Dec. 21, 2001 due to fraud, irregularities, and allegations of child-buying in the Cambodian adoption process. Because these concerns persist, DOS has determined it is not able to issue Hague Adoption Certificates or Hague Custody Declarations in Cambodia. It is important to note that this Cambodian suspension remains in effect for all Form I-600 (orphan) petitions filed before April 1, 2008.

USCIS will promptly advise the public when it can commence processing of Forms I-800 for Hague Convention adoptions from Cambodia.