



Fact Sheet

February 29, 2008

HAGUE ADOPTION CONVENTION

New Forms and Centralized Review for Intercountry Adoptions

Background

The Hague Adoption Convention is a treaty, which enters into force with respect to the United States on April 1, 2008. The Hague Adoption Convention strengthens protections for children, birthparents and prospective adoptive parent(s), and establishes internationally agreed upon rules and procedures for adoptions between countries that have a treaty relationship under the Hague Adoption Convention (Convention countries). It ultimately provides a framework for member countries to work together to ensure that children are provided with permanent, loving homes, that adoptions take place in the best interests of a child, and that the abduction, sale or traffic in children is prevented.

Forms I-800A and I-800

Two new USCIS forms are introduced for use in a Hague Adoption Convention adoption: Form I-800A, Application for Determination of Suitability to Adopt a Child from a Convention Country, and Form I-800, Petition to Classify Convention Adoptee as an Immediate Relative. These forms and the instructions to the forms are available on the Internet at www.uscis.gov.

A prospective adoptive parent files Form I-800A to initiate the immigration process when the prospective adoptive parent is a U.S. citizen and intends to adopt a child who habitually resides in a Hague Adoption Convention country. Form I-800A and supporting evidence are required for USCIS to determine the eligibility and suitability of the prospective adoptive parent(s) to adopt a Convention child.

After approval of Form I-800A, and after an adoption placement has been proposed, the prospective adoptive parent files Form I-800. In adjudicating the I-800 form, USCIS assesses the eligibility of a child who habitually resides in a Hague Convention country as a Convention adoptee prior to adoption by a U.S. citizen prospective adoptive parent. Form I-800 and supporting evidence are required for USCIS to determine the child's eligibility for classification as a Convention adoptee.

Centralization

USCIS will launch a new business process to streamline the adjudication of Form I-800A and Form I-800 under the Hague Adoption Convention. Effective April 1, 2008, USCIS will establish a special unit that will process all Hague intercountry adoption applications and petitions at the USCIS National Benefits Center (NBC). This special unit will also provide customer service support to prospective adoptive parents who have filed Form I-800A or Form I-800. The new centralized business process does not apply to Form I-600A, Application for



Advance Processing of Orphan Petition, or Form I-600, Petition to Classify Orphan as an Immediate Relative.

General Filing Instructions

Form I-800A: On April 1, 2008, there will be an interim filing procedure in anticipation of a future direct mail program. In late 2008, USCIS will announce the effective date and mailing address for the future direct mail program. Until that time, the following filing instructions should be followed:

- Prospective adoptive parent(s) who reside in the United States should file Form I-800A with the USCIS office having jurisdiction over their place of residence.
- Prospective adoptive parent(s) who reside outside the United States should generally file Form I-800A with the USCIS office abroad having jurisdiction over their place of foreign residence. More detailed filing information is provided in the instructions to Form I-800A.
- Once properly filed and receipted at a USCIS office, all I-800A forms will be forwarded to the NBC for adjudication and decision.

Form I-800: Form I-800 may only be filed during the validity period of an already approved Form I-800A. Prospective adoptive parent(s) must always file Form I-800 with the NBC. The Notice of Approval for Form I-800A will provide a specific address and filing instructions for Form I-800.

Applicants should be aware that neither Form I-800A nor Form I-800 can be filed before April 1, 2008.

Hague Adoption Convention: Use of Orphan Process for Transitional Cases

Prospective adoptive parent(s) who file Form I-600A or Form I-600 prior to April 1, 2008, may continue to process their adoptions under the current orphan regulations, if the laws of the country of the child's origin allow for continuation under the orphan regulations. Note that some countries may require processing under Hague Adoption Convention rules regardless of when processing with USCIS was initiated. In such cases, the adoption needs to be processed under the Hague Adoption Convention procedures. Note that the new NBC process will apply only to Hague Adoption Convention cases, and *not* orphan cases. Prospective adoptive parents who seek to adopt a child under the orphan process will continue to follow the filing rules for Form I-600A or Form I-600. For more information about orphan transition cases, see USCIS Questions and Answers: USCIS Issues Interim Rule Establishing New Procedures for Adopted Children under the Hague Convention (Oct. 4, 2007), available on the USCIS website.

As of February 26, 2008, 75 countries have become parties to the Hague Adoption Convention. To obtain a current listing of Convention countries, visit the U.S. Department of State website at www.travel.state.gov.