

## INTERCOUNTRY ADOPTION UNDER THE HAGUE ADOPTION CONVENTION: STEPS IN THE U.S. PROCESS

### *The 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 adoptions between the United States and the over 100 countries party to the Convention. The adoption process under the Convention includes requirements and steps that prospective adoptive parents (PAPs) must follow if planning to adopt a child from a Convention country:

**Adoption service providers:** Every adoption service provider (ASP) providing services in connection with an intercountry adoption in the United States must be accredited or approved. U.S. ASPs are subject to federal oversight by the Department of State and its designated accrediting entity, Intercountry Accreditation and Maintenance Entity, Inc. (IAAME). Only accredited or approved providers (or public domestic authorities) may perform certain key adoption services in connection with Convention adoption cases, so PAPs will need to work with one. Please see the [Adoption Service Provider](#) page on our website for information on how to identify an accredited or approved adoption service provider.

**USCIS procedures and forms:** PAPs must complete U.S. Immigration and Citizenship Services (USCIS) Forms I-800A (*Application for Determination of Suitability to Adopt a Child from a Convention Country*) and I-800 (*Petition to Classify Convention Adoptee as an Immediate Relative*). Form I-800A must be filed with and approved by USCIS prior to filing Form I-800. PAPs must identify the country from which they plan to adopt in their initial application.

**U.S. visa eligibility:** A consular officer must determine whether a child appears to meet the criteria for visa eligibility before the adoption is finalized or custody is granted in the child's country of origin (COO). After the adoption or grant of custody, Department of State consular officers in Convention countries issue a Hague Adoption Certificate or Hague Custody Certificate, grant final approval of the I-800 petition, and issue the child an immigrant visa in the IH-3 or IH-4 category (or B-2 non-immigrant visa in certain cases).

**U.S. citizenship:** Acquiring and documenting U.S. citizenship for an adopted child is a critical final step in the adoption journey. Information on citizenship for an internationally adopted child can be found in the Adoption Process — How to Adopt section at [adoption.state.gov](https://adoption.state.gov).

**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.*



### PAP chooses an ASP

- Signs contract and has home study completed



### Form I-800A (suitability and eligibility application for PAP)

- PAP submits I-800A with completed home study to USCIS
- PAP and adult members of the household submit biometrics (checked against criminal and abuse registries)



#### I-800 denied

PAP may be barred from resubmitting for 1 year, pending possible appeal with USCIS



### Form I-800A approved

- 15 month validity from biometric clearance date, extensions possible
- USCIS notifies PAP of approval



### Convention country matches PAP with child

- ASP transmits I-800A approval notice to COO, including home study
- COO accepts PAP
- COO matches PAP with a child
- COO transmits Article 16 report (medical and social history of the child) to PAP through ASP
- PAP, generally, has at least 2 weeks to decide whether to accept the match. This depends on country requirements. IF THE MATCH IS ACCEPTED, then:



### Form I-800 (petition for child to immigrate)

- PAP submits Form I-800 to USCIS with Article 16 report and any evidence relating to the child, statement of no prior contact, and any waiver applications deemed necessary by USCIS



#### I-800 denied

PAP may be barred from resubmitting for 1 year, pending possible appeal with USCIS



### Form I-800 provisionally approved

- USCIS provisionally approves I-800 and any waiver applications filed with I-800
- USCIS sends file to Department of State. Embassy will notify PAP once the file is received and on next steps for processing



#### Waiver denied

Case ends, pending possible appeal with USCIS

Department of State (DOS) action      USCIS action

Adoption Service Provider (ASP)      Country of Origin (COO)

Prospective Adoptive Parent (PAP)      U.S. Citizenship & Immigration Services (DHS-USCIS)



Visa application (DS-260 or DS-160) filed by PAP or ASP



**Consular officer abroad (embassy or consulate) reviews the case**

- Initial evaluation of visa eligibility/Convention process compliance
- If NO PROBLEMS OR INELIGIBILITIES ARE FOUND (that are not covered by an approved waiver) - consular officer notes that child appears to be eligible for a visa

**Unable to confirm Convention requirements met**

- I-800 returned to USCIS as not clearly approvable  
USCIS may:
- Approve—return case to consular officer
- Deny—case ends (pending appeal)



**Consular officer sends Article 5/17 letter to COO's Central Authority**

**PAPs may not complete the adoption or grant of custody until after the consular officer issues the Article 5/17 letter which:**

- Notifies COO of PAP's suitability to adopt
- Notifies COO that, based on information currently available, the child will be able to enter/reside permanently in the United States
- Constitutes DOS agreement for the adoption to proceed

**Possible ineligibilities found**

- If no waiver available—visa refused and case ends
- If waiver available—PAP notified may request waiver
- If waiver denied—case ends



**Article 23 certificate or equivalent for grants of custody issued**

- PAP completes adoption or grant of custody in COO
- Competent authority in COO certifies the adoption or grant of custody has occurred in accordance with the Convention (Article 23 certificate)
- May be sent by the COO directly to the consular officer



**PAP/ASP requests visa interview at embassy or consulate**

- PAP/ASP must have the valid adoption or custody decree

**Unable to confirm Convention requirements met**

- I-800 returned to USCIS as not clearly approvable  
USCIS may:
- Approve the I-800 (this does not obligate DOS to issue the visa)
- Deny the I-800 —case ends (pending appeal)
- Issue a Request for Evidence or Notice of Intent to Deny
- Consular officer may still decline to certify compliance with Convention requirements—I-800 returned to USCIS



**Hague Adoption/Custody Certificate and I-800 final adjudication**

- Consular officer reviews case to determine if the adoption process was conducted in compliance with Convention requirements.
- IF NO NEW PROBLEMS ARE FOUND, consular officer issues a Hague Adoption or Custody Certificate
- Consular officer approves Form I-800



**Visa adjudication**

- Consular officer reviews application again for visa ineligibilities
- IF NO NEW INELIGIBILITIES ARE FOUND, Consular officer issues IH-3 or IH-4 immigrant visa (or B-2 nonimmigrant visa in certain cases)