



Intercountry Adoption From Hague Convention and Non-Hague Convention Countries

The process for adopting a child from another country (intercountry adoption) changed in some significant ways with the U.S. ratification of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (the Convention). The Convention went into effect in the United States on April 1, 2008. The Convention is designed to promote the best interests of children, biological families, and adoptive families and to prevent the abduction, sale, and trafficking of children. In this country, the U.S. Department of State has overall responsibility for implementing the Convention, although the U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security also plays a significant role.

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As of August 2013, approximately 89 nations are parties to the Convention (U.S. Department of State, Bureau of Consular Affairs, Office of Children's Issues, 2013). (To view the list of countries, visit http://adoption.state.gov/hague_convention/countries.php.) When a U.S. citizen wants to adopt a child from any of these nations, Convention rules apply. When adopting a child from a country that is not a party to the Convention (a non-Convention country), the rules of the orphan visa process apply.

This factsheet is designed to provide basic comparative information about the two types of intercountry adoption, as well as resources for more detailed information. It is a companion piece to *Intercountry Adoption: Where Do I Start?* (https://www.childwelfare.gov/pubs/f_inter/index.cfm). Prospective parents are encouraged to read that publication for more complete information on the intercountry adoption process and related decisions. Prospective parents should also check the websites of the U.S. Department of State (<http://www.adoption.state.gov/>) and USCIS (<http://www.uscis.gov/adoption>).

Note: This factsheet is intended to provide a general overview of intercountry adoption. It is not intended to serve as a detailed directory of legislation, nor is it intended to provide legal advice. For more detailed information, check with an accredited or approved adoption services agency or attorney. For a list of accredited or approved providers, visit the Department of State's adoption services provider search at http://adoption.state.gov/hague_convention/agency_accreditation/agency_search.php.

Table: Comparison of Adoptions From Convention vs. Non-Convention Countries

Use the table below to view similarities and compare differences in the process for the two types of intercountry adoption—from Convention and non-Convention countries.

Variable	Type of Adoption	
Participating countries	<p style="text-align: center;">Convention</p> <p>For an up-to-date list of all Convention countries, go to http://adoption.state.gov/hague_convention/countries.php. The Convention countries from which the most children were adopted in the United States in 2012 were:</p> <ul style="list-style-type: none"> • China • Colombia • India (U.S. Department of State, Bureau of Consular Affairs, Office of Children’s Issues, 2013) 	<p style="text-align: center;">Non-Convention</p> <p>The non-Convention countries from which the most children were adopted in the United States in 2012 were:</p> <ul style="list-style-type: none"> • Ethiopia • Russia • Republic of Korea (U.S. Department of State, Bureau of Consular Affairs, Office of Children’s Issues 2013)
Accreditation of adoption providers (e.g., agencies)	<p style="text-align: center;">Both types of adoption</p> <p>The Intercountry Adoption Universal Accreditation Act of 2012 (UAA) (P.L. 112-276) was signed into law on January 13, 2013, and goes into effect on July 13, 2014. Under the UAA, all agencies or persons providing any of the defined intercountry adoption services must (1) be accredited or approved to the standards set forth in the Convention, regardless of whether the case falls under the Convention or the orphan (non-Convention) process, (2) be supervised by an accredited or approved provider, or (3) be exempted from accreditation. Adoption services include the following:</p> <ul style="list-style-type: none"> • Identifying a child for adoption and arranging an adoption • Securing the necessary consent to termination of parental rights and to adoption • Performing a background study on a child or a home study on a prospective adoptive parent and reporting on such a study • Making nonjudicial determinations of the best interests of a child and the appropriateness of an adoptive placement for the child • Monitoring a case after a child has been placed with prospective adoptive parents until final adoption • Assuming custody and providing (including facilitating the provision of) child care or any other social service pending an alternative placement, when necessary because of a disruption before final adoption [22 CFR § 96.2]¹ <p>To be approved or accredited, providers must meet eligibility requirements in nine areas, including ethical practices, information disclosure, and service planning. For the complete Federal regulations (22 CFR Part 96), see http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title22/22cfr96_main_02.tpl. The Council on Accreditation (http://coanet.org/) is the Department of State-designated accrediting entity.</p> <p>To find an accredited and approved service provider, visit http://adoption.state.gov/hague_convention/agency_accreditation/agency_search.php. For a list of agencies denied accreditation, visit http://adoption.state.gov/hague_convention/agency_accreditation/deniedagencies.php.</p> <p>Note: In the Federal regulations for the Convention, nonprofit agencies are “accredited,” while individuals and for-profit agencies providing services are “approved.”</p> <p>Each Convention country determines which accredited or approved service providers are permitted to perform adoption services in its country and may have their own accreditation requirements.</p>	

¹ For information on adoption disruption, refer to Information Gateway’s *Adoption Disruption and Dissolution* at https://www.childwelfare.gov/pubs/s_disrup.cfm.

Variable	Type of Adoption	
<p>Home study</p> <p>The home study must be approved by the USCIS and must include specific information about the parents and their suitability. Countries of origin may have their own home study requirements, too. Home studies often focus on a variety of issues, including financial considerations; parental physical, mental, emotional, and behavioral health; placement suitability; and the parents' eligibility to adopt from the specific country.</p>	Both types of adoption	
	<p style="text-align: center;">Convention</p> <p>A home study must be conducted by an individual or entity defined as a home study preparer for Convention cases. This includes a public domestic authority, an accredited agency, an approved person, a supervised provider, an exempted provider, or others who hold the proper licenses or authorizations.</p> <p>For additional information about the Hague home study process, visit http://www.uscis.gov/adoption/home-study-information/hague-home-study/hague-home-study-guidelines.</p> <p>Parents must choose the country of the child to be adopted before the home study is conducted.</p>	<p style="text-align: center;">Non-Convention</p> <p>Parents may have a home study conducted by an adoption provider licensed in their State before they decide from which country they are likely to adopt. The home study must comply with USCIS home study requirements (see http://www.uscis.gov/adoption/home-study-information/orphan-home-study/orphan-home-study-guidelines).</p> <p>Parents may have the home study completed before they finalize their selection of a country.</p>
<p>Applicable forms</p>	<p style="text-align: center;">Convention</p> <ul style="list-style-type: none"> • USCIS Form I-800A, <i>Application for Determination of Suitability to Adopt a Child From a Convention Country</i> (http://www.uscis.gov/i-800a). This form is required and must be filed and approved by USCIS before a child is matched with a family. Its approval signifies that you have been approved as an adoptive parent. • USCIS Form I-800, <i>Petition to Classify Convention Adoptee as an Immediate Relative</i> (http://www.uscis.gov/i-800). This form is filed only after all consents for release of the child have been made by the child's country and after the Central Authority in the child's country determines that intercountry adoption is in the child's best interest. Its approval signifies that you have been approved as adoptive parents for a specific child. 	<p style="text-align: center;">Non-Convention</p> <ul style="list-style-type: none"> • USCIS Form I-600A, <i>Application for Advance Processing of Orphan Petition</i> (http://www.uscis.gov/i-600a). This optional form can be completed and filed before a specific child is identified. The approval of this form signifies you have been approved as adoptive parents. • USCIS Form I-600, <i>Petition to Classify Orphan as an Immediate Relative</i> (http://www.uscis.gov/i-600). This is a form that requires proof that the child is an orphan and fulfills other requirements necessary for the child to be permitted to immigrate to the United States. The approval of this form signifies your adoption of the child.

Variable	Type of Adoption	
Requirements regarding prospective parents	Both types of adoption	
	Parents must be approved by the USCIS on the basis of information they provide about their background, health, financial stability, and other characteristics in a home study document. If married, prospective parents must go through the adoption and immigration process together, and at least one spouse must be a U.S. citizen. If single, the prospective parent must be a U.S. citizen. The USCIS will conduct background and criminal checks on all household members aged 18 and older. Individual countries may have specific eligibility requirements for parents regarding age, marital status, health, income, and more.	
	Convention	Non-Convention
	Parents must be habitually resident in the United States. For a definition of habitually resident, visit http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&rgn=div5&view=text&node=8:1.0.1.2.8&iarno=8#8:1.0.1.2.8.3.1.4 . Unmarried parents must be at least 24 years of age when they file Form I-800A and at least 25 years old when they file Form I-800.	Other requirements may apply according to the agency or service provider the parents use. Parents do not have to be habitually resident. Unmarried parents must be at least 25 years old when they file Form I-600.
Requirements regarding the child to be adopted	Both types of adoption	
	The child 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, such as when the child is a biological sibling of an adoptee and is under the age of 18. For more information, refer to <i>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?</i> at http://www.uscis.gov/sites/default/files/USCIS/Resources/A3en.pdf .)	
	Convention	Non-Convention
	The child must be habitually resident in a Convention country. The Central Authority of the child’s country determines that the child is eligible for intercountry adoption. Two birth parents may be living but may release the child for adoption if they are incapable of caring for the child. If one birth parent has died or disappeared or has abandoned, or deserted the child, the remaining birth parent is not required to show that he or she is incapable of providing care.	The child must meet the definition of an orphan: Both birth parents must have died or disappeared or must have abandoned or deserted the child. Or, if the child has a sole or surviving parent, the remaining parent must be incapable of providing proper care and irrevocably release the child for emigration and adoption. The child also must meet any requirements of his or her country for intercountry adoption.
Parent training	Both types of adoption	
	Parents are required to complete at least 10 hours of training prior to the adoption, which is separate from any home study requirement. Countries of origin may have additional training requirements for parents. Parents may be exempted from training by the primary provider if the parents already have completed other sufficient training.	
Costs and payments	Both types of adoption	
	Parents, agencies, and service providers are prohibited from giving money or other favors to a child’s birth parents or other individuals or agencies as an inducement to release the child for adoption. The service provider must disclose fees and estimated expenses in writing for such services as conducting the home study, child care, translations, travel, and contributions to child welfare service programs in the child’s country.	

Variable	Type of Adoption	
Involvement of USCIS	Convention	Non-Convention
	<p>USCIS must determine the eligibility and suitability of parents (Form I-800A) before a child is matched with the parents and before a Convention petition (Form I-800) may be filed for a specific child. For more information, visit http://www.uscis.gov/adoption/immigration-through-adoption/hague-process.</p>	<p>To approve Form I-600, USCIS determines whether the child to be adopted is either classified as an orphan or is an eligible biological sibling. Adoption in another country does not guarantee that the child will be able to enter the United States. USCIS also reviews Form I-600A, if submitted.</p> <p>Prospective parents may also apply for advance processing. For more information, visit http://www.uscis.gov/adoption/immigration-through-adoption/orphan-process.</p>
Involvement of the U.S. Department of State	Convention	Non-Convention
	<p>The Department of State issues IH-3 visas for children coming to the United States with full and final adoptions completed abroad and IH-4 visas for children coming to the United States to be adopted.</p>	<p>The Department of State issues IR-3 visas for children coming to the United States with full and final adoptions completed abroad. It issues IR-4 visas for children who are coming to the United States to be adopted, who were adopted abroad by only one parent who is married, or who were not seen by the parent(s) prior to or during the adoption.</p>
Complaints	Both types of adoption	
	<p>All accredited and approved providers are required to have a policy for handling complaints. If the person complaining is not satisfied with the provider's response, there is a web-based complaint registry: http://adoptionusca.state.gov/HCRWeb/WelcomeForm.aspx.</p> <p>Complaints made through the registry are passed on to the accrediting entity for investigation.</p> <p>Parents also may complain to their State's adoption agency licensing authority (see the National Foster Care and Adoption Directory Search at https://www.childwelfare.gov/nfcad for a list) or the Better Business Bureau.</p>	

Frequently Asked Questions About Intercountry Adoption

What are the different types of service providers for Convention adoptions?

There are three different types:

- **Primary providers** must be accredited according to the standards set forth in the Convention, including the implementing law and regulations. They ensure the delivery of all six adoption services by providing the services themselves or by arrangements with other providers, including domestic and foreign supervised providers, public authorities, and others.
- **Supervised providers** may be agencies, organizations, or individuals (including facilitators or attorneys) in

the United States or foreign countries. The supervised provider must meet certain requirements and enter into a written agreement with the primary provider to conduct their services in an ethical manner consistent with the Convention and applicable U.S. law and regulations. Supervised providers may provide some of the six services under the supervision of the primary provider. They may not supervise other providers.

- **Exempt providers** are not accredited or approved. They include social work professionals or organizations that conduct a home study of parents or a background study on a child. The study must be reviewed and approved by a Convention-accredited primary provider.

For more information, visit the U.S. Department of State website at http://adoption.state.gov/adoption_community/agencies/supervised.php.

How should I select an adoption service provider?

Prospective parents need to have a full understanding of the adoption service provider's services as well as the costs of those services before, during, and after the adoption. The services include the six adoption services outlined in the law plus other services, such as translation, document review, travel, third-party fees, and postplacement and postadoption reports. They should know whether the primary provider or a supervised provider will be responsible for each service. This information should be in writing. Service providers vary widely in the services they offer.

For help selecting a provider, read Information Gateway's *How to Assess the Reputation of Licensed, Private Adoption Agencies* at <https://www.childwelfare.gov/pubs/twenty.cfm>.

How can my family receive services after we adopt?

Adoptive families, including those who adopt from other countries, may at some point need to access postadoption services. Prospective adoptive families should begin working with their adoption services providers to determine potential service needs before the adoption is finalized. The Federal Government encourages States to provide postadoption services to any family that needs them, including those that adopted from other countries (U.S. Department of Health and Human Services, Administration for Children and Families, 2014). Examples of postadoption services include support groups; therapy or counseling; respite care; camps, social events, and heritage activities; and educational resources (Child Welfare Information Gateway, 2012).

With the increasing ease of finding personal information online worldwide, more and more adopted children, including those adopted from other countries, and their birth families are finding each other through the Internet (Pinderhughes, Matthews, Deoudes, & Pertman, 2013).

Adoptive families may want to request assistance from their adoption services provider about how they can support their children in safely navigating the Internet if they search for birth relatives and how the family can navigate any newly established relationships with the child's birth family. (For more information about open adoption and contact with birth families, visit Child Welfare Information Gateway at <https://www.childwelfare.gov/adoption/adoptive/contacts.cfm>.) The availability of services may vary depending on your State or locality. To view more information on potential postadoption services by State, visit Child Welfare Information Gateway's Adoption Assistance by State at https://www.childwelfare.gov/adoption/adopt_assistance/questions.cfm?quest_id=7.

The following are additional resources for postadoption services:

- Post Adoption (U.S. Department of State) http://adoption.state.gov/adoption_process/how_to_adopt/postadoption.php
- *Finding and Using Postadoption Services* (Child Welfare Information Gateway) https://www.childwelfare.gov/pubs/f_postadoption.cfm
- *Selecting and Working With a Therapist Skilled in Adoption* (Child Welfare Information Gateway) https://www.childwelfare.gov/pubs/f_therapist.cfm

How can I adopt a relative from overseas?

The prospective parents and child must meet all the same requirements of U.S. immigration law, regardless of whether the child is a relative. This is true for Convention and non-Convention adoptions. For more information, visit the U.S. Department of State website at http://adoption.state.gov/adoption_process/who_can_adopt/relatives.php.²

² A third way to legally bring an adopted child to reside permanently in the United States is the immediate relative process. For more information, visit <http://www.uscis.gov/adoption/immigration-through-adoption/other-adoption-related-immigration>.

Under the Convention, can children from the United States still be adopted by citizens of other countries?

The primary focus of the Convention is on serving the best interests of children who either have no parents or whose parents are unable to care for them. There is general agreement that such children are best served through placement with family members or, if that is not possible, placement with another family in their home country. Therefore, it is only after these possibilities have been given due consideration that a child might be eligible for placement in another country. In addition, the prospective adoptive parents must petition a U.S. State adoption court with jurisdiction over the case to adopt the child and must present all supporting evidence required by State law. The State court must find that the adoption is consistent with the Convention safeguards and in the child's best interests. The court is responsible for issuing the final adoption decree or grant of custody for purposes of emigration and adoption in another country.

The U.S. State Department has information about these adoptions from the United States (outgoing cases) at http://adoption.state.gov/hague_convention/outgoing.php.

Additional Resources

U.S. Department of State. Offers information for prospective parents and adoption professionals, including booklets on specific countries, news and alerts on intercountry adoption, Convention information, and more: <http://www.adoption.state.gov>

- Hague vs. Non-Hague Adoption Process
http://adoption.state.gov/hague_convention/hague_vs_nonhague.php
- *Intercountry Adoption From A to Z*
http://adoption.state.gov/content/pdf/Intercountry_Adoption_From_A_Z.pdf
- The Universal Accreditation Act of 2012
http://adoption.state.gov/hague_convention/agency_accreditation/universal_accreditation_act.php

- *The Hague Convention on Intercountry Adoption: A Guide for Prospective Adoptive Parents*
http://adoption.state.gov/content/pdf/PAP_Guide_1.pdf
- Immigrant Visa Process
http://adoption.state.gov/us_visa_for_your_child/visas.php
- Alerts & Notices
http://adoption.state.gov/country_information/alerts_notices.php

U.S. Citizenship and Immigration Services. Provides information on Convention and non-Convention adoptions and the immigration of adopted children into the United States: <http://www.uscis.gov/adoption>

- *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?*
<http://www.uscis.gov/sites/default/files/USCIS/Resources/A3en.pdf>
- After Approval of Orphan and Hague Application
<http://www.uscis.gov/adoption/after-approval/after-approval-orphan-and-hague-application>
- Bringing Your Internationally Adopted Child to the United States
<http://www.uscis.gov/adoption/bringing-your-internationally-adopted-child-united-states>

Child Welfare Information Gateway. Offers general adoption information and resources specific to intercountry adoptions: <https://www.childwelfare.gov/adoption/types/intercountry>

- *Intercountry Adoption: Where Do I Start?*
https://www.childwelfare.gov/pubs/f_inter/index.cfm
- Adopting Children From Another Country
https://www.childwelfare.gov/adoption/adoptive/other_country.cfm
- After Intercountry Adoption
https://www.childwelfare.gov/adoption/adopt_parenting/intercountry/
- National Foster Care and Adoption Directory
<https://www.childwelfare.gov/nfcad>

U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. Provides information about health issues and the intercountry adoption process, including finding a medical provider in the United States:
<http://www.cdc.gov/immigrantrefugeehealth/adoption/index.html>

Joint Council on International Children's Services. Seeks to advance the overall well-being of vulnerable children in 52 countries: <http://www.jointcouncil.org/>

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