

## **International Adoption**

**Pennsylvania Bar Institute  
December 2009**

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**A-1. What is an international adoption?**  
(incoming case)

- 1. Child residing outside of U.S.**
- 2. In accordance with laws of country.**
- 3. Results in immigration of the child**
- 4. Given recognition by U.S.**

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**A-2. What is an international adoption?**  
(outgoing case)

- 1. Child residing in the U.S.**
- 2. In accordance with U.S. law**
- 3. Results in emigration of the child**
- 4. Given recognition by foreign country**

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**B. Laws governing international adoption**

1. State adoption law
2. U.S. Federal adoption law
3. Laws of the foreign govt
4. International law

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**C. Hague vs. Non-Hague adoption**

(Non-Hague)

**INA 101(b)(1)(E) & (F)**

**E = "Adopted Child"**

**F = "Orphan"**

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**D. Hague vs. Non-Hague adoption**

(Hague)

**INA 101(b)(1)(G)**

**"Accredited Agencies"**

**"Approved Persons"**

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**E. Hague Convention & international adoption**

- 1. What adoptions are impacted?**
- 2. Accreditation & approval process**
- 3. Responsibility & regulation**

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**F-1. Regulated Adoption Services**  
(under Hague)

- 1. Identifying child or arranging an adoption**
- 2. Securing consent to adoption**
- 3. Performing background study**

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**F-2. Regulated Adoption Services**  
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- 4. Determining best interests of the child**
- 5. Post-placement monitoring until final adoption**
- 6. Providing disruption services**

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**G. Determining Hague adoptions & understanding Habitual Residency**

1. Look at countries of parties
2. Determine habitual residency
3. If 2 Hague countries are represented, it is a Hague Convention adoption

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**H. Grandfathered cases**

1. CIS approval must remain valid
2. Approval may be renewed multiple times
3. May be overridden by foreign country requirements

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**I. International adoption process**

1. Paperwork processing
2. Travel to receive child and complete adoption (occasional escort)
3. Return home to U.S.
4. Legal steps after returning home

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**J. Child's immigration to the U.S.**

- 1. IR-3            IH-3
- 2. IR-4            IH-4

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**K. Citizenship for child**

- 1. Automatic citizenship
- 2. Re-adoption required

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**L. Internationally adopted children entering U.S.**

- 1. 2008 – 17,438 children adopted by U.S. citizens
- 2. 2007 – 19,613 children adopted by U.S. citizens

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**M. Top Ten Countries of Origin 2008**

4,123 Guatemala  
3,909 China  
1,861 Russia  
1,725 Ethiopia  
1,065 South Korea  
751 Vietnam  
457 Ukraine  
380 Kazakhstan  
307 India  
306 Colombia

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**N. Risks associated with international adoptions**

1. Foreign country risks
2. Health risks
3. U.S. risks

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**O. Attorney's role in international adoptions**

1. Assist client in understanding
2. Assist after family returns home with child
3. Adoption agency has primary role

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**P. Registering the adoption**

- 1. In State court (23 Pa. C.S.A. §2908)**
- 2. Adoption certificate in Hague cases.**

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