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Adoption for Expats

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ADOPTION FOR EXPATS

1. How do I start the adoption process if I live overseas ?

The steps for an overseas adoption are as follows but do not necessarily need to be completed in this order:

- a. Decide on a country to adopt from. Seek assistance from your social worker, do your own research and talk with agencies as to what countries work best for overseas families.
- b. Obtain a homestudy

If prospective parents reside abroad, an appropriate public or private adoption agency licensed, or otherwise authorized, by any State in the United States to place children for adoption, must review and favorably recommend the home study before it is submitted to USCIS. Now that the Hague has been implemented by the U.S., it is necessary to use a social worker who is employed by the adoption agency.

You can start gathering the following information which may be needed during the process. Copies can be used for the homestudy

1. Certified Birth Certificates for each member of the family.
 2. Certified Marriage Certificate
 3. Photocopy of state police clearance in states where you have lived for the last 5 years, stating "no criminal record". For a Hague adoption, this is more detailed.
 4. Photocopy of financial statement
 5. Photocopy of medical from your doctor on his letterhead stating positive condition of physical/mental health. Find out what form is needed from your country of adoption and have this signed at the same time so you do not need to see the doctor twice. The form for your dossier may also work for your homestudy.
 6. Autobiography
 7. Reference letters
- c. Get USCIS/immigration preapproval
File an I 600A with supporting documentation.
Have fingerprints taken
Submit homestudy
 - d. Prepare paperwork (dossier) for your country of adoption

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This is somewhat different for each country

2. What are some of the problems I might face and how can I overcome them ? Is it ever impossible to adopt because I live abroad?

Attached is an adoption notice from the Dept of State posted in 4/2010. It indicates that if you live abroad in a Hague country such as Germany, Spain, UK, France or Italy, you need to get clarification from your social worker, agency or adoption attorney if you plan to complete an international adoption.

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The Department of State wishes to notify U.S. citizens living abroad in another Hague Adoption Convention country who plan to adopt a child residing in the United States or a third country, that the country where the adoptive parents live may require them to follow local adoption laws and procedures as the receiving country in a Convention adoption, in order for the child to enter that country legally.

Prospective adoptive parents should therefore consult the Central Authority of the receiving country prior to initiating an adoption. Contact information for Central Authorities can be found in the **Country Information** section of this website. Prospective adoptive parents may also contact the Office of Children's Issues to seek assistance in accessing information from the receiving country to understand the applicable adoption and immigration requirements.

The receiving country may require that an adoption be processed as a Hague Convention intercountry adoption *even in cases where the child and the prospective adoptive parents are U.S. citizens*. Adoptive parents' failure to comply with local adoption laws and procedures to which their adoption may be subject could result in the adopted child's inadmissibility to enter the receiving country.

The main issue is what country are you adopting from and what is your status in the country where you reside?

- If you are a temporary resident abroad, such as military or government worker, and you are adopting in a Non Hague country such as Ethiopia, you should not have a problem.
- If you are a temporary resident but want to adopt in a Hague country such as China, you need to get written permission from the adoption authorities in your country of residence before you proceed. If you do not do this, you might

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complete your adoption but have difficulty obtaining a visa for your child to reside with you abroad.

- If you are a permanent resident residing in a Hague country overseas such as Germany or Italy, and you do not have a residence in the U.S. , you should go to the adoption authorities in your country of residence before you proceed so you do not have problems bringing your child home.

3. WHAT IS THE HAUGE PROCESS AND HOW DO I KNOW IF I HAVE TO COMPLETE A HAGUE PROCESS?

The process is determined by the country you are adopting from. The process of adoption is somewhat different for Hague vs. non Hague countries.

If you are adopting from a non Hague country such as Ethiopia, you file an I 600A with USCIS. In order to get an IR3 visa from a non Hague country , you must see your child before the adoption is final. In Ethiopia, it is now required that you attend the court hearing which means you will automatically qualify for an IR3 visa. If you receive an IR3 visa, that means the adoption is final when you leave the country of adoption and you are not required to readopt in the U.S. You can get an immediate passport for your child in the U.S. and return to your country of residence. In a country such as Morocco, you will receive a guardianship and an IR4 visa which means you must finalize your adoption in a U.S. state before you can get a passport for your child and bring them home.

Typically with an IR3 visa, your child becomes an automatic citizen upon touching U.S. soil. If you live overseas, and you are not military or a government worker, you need to file an N600K to get a certificate of citizenship. Please note that although a military base overseas is considered U.S. soil, it does not comply with the requirement to step foot on U.S. soil.

The exception to this requirement to file an N600K is to travel to Honolulu. You can get both a passport and a certificate of citizenship immediately. If you travel anywhere else in the U.S. to get an expedited passport , you must file an N600K and schedule an interview at a later time, somewhere at a USCIS office in the U.S. in order to get a COC (Certificate of Citizenship).

If you are adopting from a Hague country such as China, you file an I 800A with USCIS . An I 800A is more complicated than an I 600A. It requires more paperwork and typically takes longer to complete.

4. Do I have to get permission to adopt from my country of residence if I am American and want to adopt from the U.S. or another country. Can I adopt from the U.S. if I am not American ?

If you are a U.S. citizen and you live abroad, it depends on your status and your country of residence and country of adoption. I will try to break this down into categories.

If you are military , gov't worker or temporary resident and want to adopt from a Non Hague country such as Ethiopia , you should not have problems.

If you are military , gov't worker or temporary resident living abroad and you want to adopt from a Hague country such as China, you need to get written permission from your country of residence to work through the U.S. system. Otherwise you may have difficulty getting a visa for your child.

If you live overseas and want to adopt from the U.S. , you need to be sure that you can finalize in a U.S. state, get a U.S. court order and passport for your child as well as a visa for the country of residence before you go back to that country with your child. If not, you might be denied entrance. Domestic adoptions are becoming more complicated since the Hague was implemented.

If you are a permanent resident outside of the U.S. and you do not have a U.S. domicile, you must adopt from your country of residence unless you can get permission from them to work through the U.S. system.

If you are not a U.S. citizen, you can adopt from the U.S. if you establish residency in a U.S. state and work with an agency who is open to such a domestic adoption.

5. Can I do an independent adoption?

That depends on what country you want to adopt from .

Countries such as China and Ethiopia only work with licensed adoption agencies. You cannot adopt independently there. Countries such as Morocco and Ukraine, allow independent adoption.