



November 19, 2021

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Policy Alert

SUBJECT: Adoptions

Purpose

U.S. Citizenship and Immigration Services (USCIS) is publishing a volume in the [USCIS Policy Manual](#) regarding adoptions. This guidance incorporates basic requirements for the submission of adoption-based applications and petitions to USCIS.¹

Background

Each year, thousands of U.S. citizens and lawful permanent residents adopt children from other countries. The adoption or legal custody of a foreign-born child alone does not provide U.S. immigration status to the child or enable the child to travel to the United States. Congress enacted legislation so that eligible foreign-born adoptees can obtain citizenship or lawful immigration status in the United States.

An adoptive parent must use one of three processes to facilitate a child's immigration to the United States based on adoption: the Hague Adoption Convention, orphan (non-Hague), or family-based petition process.² This volume describes which process an adoptive parent should follow and the requirements for each process.

Through this initial publication, USCIS will begin to address some of the adoptions-related comments that USCIS received in response to the Identifying Barriers Across U.S. Citizenship and Immigration Services (USCIS) Benefits and Services; Request for Public Input,³ specifically, clarifying eligibility and filing requirements. Further, this publication builds the framework for adoptions guidance in the USCIS Policy Manual, facilitating future policy updates and clarifications.

This guidance consolidates, clarifies, and replaces Chapters 21.4(d)(5), 21.5, 21.6, and 21.16 of the Adjudicator's Field Manual (AFM), as well as the AFM's related appendices.

¹ The guidance does not update or affect the specific requirements for an adopted child to acquire U.S. citizenship addressed in Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens [[12 USCIS-PM H](#)].

² The adoption (or legal custody for purposes of emigration and adoption) of a foreign-born child by a U.S. citizen or lawful permanent resident does not alone convey U.S. immigration status to the child or enable the child to travel to the United States.

³ See [86 FR 20398](#) (Apr. 19, 2021).

Policy Highlights

Volume 5, Part A: Adoptions Overview

- Outlines the different processes and which process an adoptive parent petitioner generally must follow.
- Affirms restrictions for U.S. citizens on filing a family-based petition for an adoptee beneficiary from a Hague Adoption Convention country.
- Incorporates and clarifies guidance regarding adoption order validity.
- Incorporates guidance regarding authorized adoption service providers (for the Hague Adoption Convention and orphan processes).

Volume 5, Part B: Adoptive Parent Suitability Determinations

- Incorporates and clarifies guidance for USCIS determinations of a prospective adoptive parent's suitability and eligibility and home study requirements (for the Hague Adoption Convention and orphan processes).
- Affirms existing guidance regarding the Application for Advance Processing of an Orphan Petition ([Form I-600A](#)) and the Application for Determination of Suitability to Adopt a Child from a Convention Country ([Form I-800A](#)).

Volume 5, Part C: Child Eligibility Determinations (Orphan)

- Incorporates existing guidance regarding the eligibility of a child to immigrate as an orphan based on a Petition to Classify Orphan as an Immediate Relative ([Form I-600](#)).

Volume 5, Part D: Child Eligibility Determinations (Hague)

- Incorporates existing guidance regarding the eligibility of a child to immigrate as a Hague Convention Adoptee based on a Petition to Classify Convention Adoptee as an Immediate Relative ([Form I-800](#)).

Volume 5, Part E: Family-Based Adoption Petitions

- Incorporates and clarifies existing guidance regarding the process by which a U.S. citizen or lawful permanent resident petitions for an adopted child, based on a Petition for Alien Relative ([Form I-130](#)).
- Incorporates existing guidance into the Policy Manual regarding how the restrictions for U.S. citizens on filing a family-based petition for an adoptee beneficiary from a Hague Adoption Convention country apply when the child is physically present in the United States.

Citation

Volume 5: Adoptions, Parts A-E [[5 USCIS-PM](#)].