

IMMIGRATION LAW AND ADOPTIONS

Justine M. Daly



WHAT IS THE HAGUE CONVENTION ON INTERCOUNTRY ADOPTIONS?

- Primary purpose of this Convention is to prevent the abduction, sale of, or traffic in children (good intentions)
- Applies to all adoptions between signatory states
- Requires that countries who are party to the Convention establish a Central Authority to be the authoritative source of information and point of contact in that country
- Each contracting State has agreed to establish safeguards to prevent abduction, sale and trafficking in children for adoption

WHAT YOU NEED TO KNOW ABOUT THE HAGUE CONVENTION AS A PRIVATE ATTORNEY

- Adoption Services Include:
 1. Identifying a child for adoption and arranging an adoption;
 2. Securing the necessary consent for termination of parental rights and to adoption;
 3. Performing a home study and reporting on prospective adoptive parents or a background study and report on a child;
 4. Making non-judicial determinations of a child's best interests and of the appropriateness of an adoptive placement;
 5. Monitoring a case after a child has been placed with prospective adoptive parents until final adoption; and
 6. Assuming custody of a child and providing childcare or any other social service, when necessary, because of a disruption pending alternative placement.
- As of July 14, 2014, because of the passage of the UNIVERSAL ACCREDITATION ACT- UAA, all prospective adoptive parents adopting internationally must work with a accredited or approved primary provider. The primary provider is responsible for ensuring that all six adoption services are provided and for supervising and being responsible for supervised providers where used.
- Therefore, as a private attorney, you CANNOT engage in any of the above adoption services if you are not an approved or accredited primary provider under the Hague Convention. The Council on Accreditation (COA), a national accrediting entity, is designated by the US Department of State to provide Hague Accreditation and Approval.

HOW CAN A CHILD BORN ABROAD IMMIGRATE TO THE US AFTER ADOPTION?

- I-130 Family Petition [INA § 101(b)(1)(E)]
- Non Hague Orphans - I-600's [INA § 101(b)(1)(F)]:
- Hague Orphans - I-800's [INA § 101(b)(1)(G)]:



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Immigration Law and Adoptions

Also available as part of the eCourse

[2016 Immigration and Nationality Law eConference](#)

First appeared as part of the conference materials for the
40th Annual Conference on Immigration and Nationality Law session
"Adoptions and Immigration Law"