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International Adoption

Overview

There are two legal ways to bring adopted child in the U.S. One is “**Adoption of a child based on 2-year residence,**” and the other is “**Adoption of an orphan.**”

Qualifying Criteria

1. Adoption of a child based on 2-year residence

- Adopt the child before the age of 16 or, in limited situations relating to the adoption of siblings, before the age of 18;
- The adopted child must have been in the legal custody of and has resided with the adopting parent(s) for at least 2 years before the petition is filed;
- The 2-year legal custody and residence requirements may take place before or after the adoption is final;
- Legal custody and residence are accounted for in the aggregate;
- A person petitioning for this type of adoption of child does not need to be a U.S. citizen, a lawful permanent resident can do.

2. Adoption of an orphan

- A foreign orphan is a foreign child who does not have any parents because of death or disappearance of, abandonment, or desertion by, or separation or loss from, both parents;
- An orphan can be also a foreign-born child with a sole or surviving parent who is unable to provide for the child's basic needs, consistent with the local standards of the foreign sending country, and has, in writing, irrevocably released the child for emigration and adoption;
- A married U.S. citizen and spouse or an unmarried U.S. citizen at least 25 years of age may file an orphan petition;
- If the child is adopted abroad, a final decree of adoption must be submitted.

Filing Procedure and Documents

1. Adoption of a child based on 2-year residence

- Submit Form I-130 to USCIS Service Center
- Proof of legal custody
- Proof of 2-year residence
- Proof of final adoption decree

2. Adoption of an orphan

- Submit Form I-600, Petition to classify orphan as an immediate relative, to USCIS District Office
- Proof of approval of the I-600A, if applicable for advance processing
- Proof of child's age and identity
- Proof that the child is an orphan
- Proof of final adoption decree

Filing Fees

The current governmental filing fees are \$190.00 for Form I-130 and \$545.00 for Form I-600.

Timeframe

The current processing time for Form I-130 is about 7-8 months and for Form I-600/A is about 6-7 months, depending on the Service Center and District Office.