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Fee Waiver Provision of the Adoptive Family Relief Act in the DRC

On October 16, 2015, President Obama signed the Adoptive Family Relief Act (Public Law 114-70) which amends section 221(c) of the Immigration and Nationality Act to allow immigrant visa fees to be waived or refunded for legally adopted children or children coming to the U.S. to be adopted by a U.S. citizen under certain circumstances.

In accordance with this law, children adopted by U.S. citizens and issued a U.S. immigrant visa in the Democratic Republic of the Congo, on or after March 27, 2013, based on a legal adoption or custody for purposes of adoption in the United States, will not be required to pay visa renewal or replacement fees if:

- the child was unable to use the original immigrant visa during the period of its validity as a direct result of extraordinary circumstances, including the denial of an exit permit; and
- such inability was attributable to factors beyond the control of the adopting parent or parents.

The Department will publish full implementing regulations for the Adoptive Family Relief Act's fee waiver and fee refund provisions.

Procedure for waiving the visa fee for renewal: If you are currently in the process of renewing your child's visa and these criteria apply to you, you will not be required to pay the visa renewal fee. U.S. Embassy Kinshasa has been notified of these changes to the Immigration and Nationality Act and will process visa renewal applications accordingly. All other visa renewal requirements still apply.

Refund Requests: The Department of State is establishing the necessary steps to process refunds in accordance with established law and procedures. If you already paid a fee to renew a visa issued on or after March 27, 2013, and these criteria apply to you, and you desire to request a refund, you will have the opportunity to do so when the new refund procedure is put in place. A separate Adoption Notice will be published about obtaining fee refunds under the Adoptive Family Relief Act.