

## UAA Grandfathering Guidance

**Are there “grandfathering” provisions in the UAA? When is a case UAA grandfathered? What about cases already begun well before the UAA effective date, July 14, 2014?**

- The UAA does not apply if either of the following occurred before July 13, 2013:
  - Prospective adoptive parents filed the I-600 or the I-600A. See UAA Section 2(c)(1). OR
  - Prospective adoptive parents “initiated *the adoption process with the filing of an appropriate application in a foreign country sufficient such that the Secretary of State is satisfied.*” See UAA Section 2(c)(2).

### **Interpretive Guidance for the Transition Provisions (UAA Grandfathering):**

- Department of State officer or USCIS adjudicating officer will first determine whether a case is UAA grandfathered under UAA Section 2(c)(1).
- If a case is not covered by UAA Section 2(c)(1), a case can still be UAA grandfathered under UAA Section 2(c)(2) if the Department of State officer or USCIS adjudicating officer finds that one of the following occurred before July 13, 2013:
  - a. Prospective adoptive parents **submitted an application** to the relevant competent authority; or
  - b. Prospective adoptive parents **accepted a match** proposed by a competent authority or appropriate entity.
- **Submitting an application** to the relevant competent authority.
  - An application filed with a competent authority **need not designate a specific child**.
  - What constitutes an application will vary from country to country. The officer will consider the country-specific adoption process.
  - “Competent authority” is defined in 22 CFR 96.2 and means “a court or governmental authority of a foreign-sending country that has jurisdiction and authority to make decisions in matters of child welfare, including adoption.” This must be a court or governmental authority.
  - Focus is on a competent authority with jurisdiction and authority at the time the application was filed. Whether the authority is still in operation or still has jurisdiction later in the process is irrelevant.
- **Accepting a match** proposed by a competent authority or appropriate entity.
  - The match may either be proposed by a competent authority (defined above) or an appropriate entity, which includes a licensed orphanage or adoption service provider (ASP) authorized by the country to make the placement.

- **Contracting with or submitting documents to an adoption service provider is not sufficient.** PAPs contracting with an ASP to provide adoption services in the case or submitting documents to the ASP shall not be construed as meeting Section 2(c)(2).
- The date of the match can generally be inferred from any official records of the placing agency concerning the match or from contemporaneous records of the adoption service provider. If that is not available, the officer may consider other credible evidence.
- If the State Department or USCIS officer cannot determine the date of match, the match cannot be the basis for grandfathering the case.

[For further information on grandfathering, see the USCIS website.](#)