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Haiti

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Alert: Guidance on Converting Haitian Intercountry Adoptions from Simple to Full (Plenary)

The Department of State (Department) and the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) wish to advise U.S. prospective adoptive parents, adoptive parents, and adoption service providers (ASPs) of new details provided by the Haitian Central Authority, *L'Institut du Bien-Etre Social et de Recherches* (IBESR). In response to requests for additional guidance following the Department's [September 10 adoption alert](#), IBESR and the Tribunal of First Instance confirmed that **intercountry adoptions of Haitian children completed as simple adoptions on or after November 15, 2013 must be converted to plenary adoptions.**

According to IBESR and the Tribunal of First Instance, adoptions where the decree does not clearly indicate that an adoption was plenary are considered to be simple adoptions, even if the decree refers to a previous consent to a plenary adoption. IBESR also advised that children whose adoptive parents only complete simple adoptions may not be eligible for exit letters, which are required for children to legally depart Haiti with their adoptive parents. Families whose adoptions are not yet finalized are strongly encouraged to ensure the consents and adoption judgments or decrees explicitly note that the adoptions are plenary.

The following guidance applies to all cases where U.S. adoptive parents completed simple adoptions of Haitian children on or after November 15, 2013, including cases currently pending with the U.S. Embassy in Port-au-Prince's Consular Section or USCIS Port-au-Prince Field Office. It is unclear how long the conversion process will take.

We recognize these additional delays cause hardship for children and their adoptive families. Please be assured the Department and USCIS will continue to urge that conversions be completed as smoothly and quickly as possible. The Department and USCIS are also planning a trip to Port-au-Prince in mid-October to discuss Hague Adoption Convention (Convention) case processing, and plan to raise any outstanding questions regarding the simple-to-plenary conversion process in meetings with IBESR.

Transition cases: Adoptive parents, their ASPs, and their legal representatives must follow the steps outlined below to convert simple adoptions to plenary adoptions.

- **Request IBESR authorize the conversion:** To request IBESR's assistance with converting a simple adoption into a plenary adoption, adoptive parents or their legal representatives must appear at IBESR's offices in Port-au-Prince in person with the dossier, all original case documents, and a copy of [IBESR's bulletin](#) on converting cases.
 - Adoptive parents or their legal representatives who are able to appear at IBESR's offices in Port-au-Prince with the previously noted documents and at the same time as the biological parents might be able to complete the IBESR authorization step on the same day. Adoptive parents whose children were abandoned, or their legal representatives, do not need to be accompanied by the commune mayors at this stage of the process. *Note:* IBESR has noted requests for conversion will be easier to process Tuesdays through Fridays.
 - Once IBESR meets with the biological families, if applicable, IBESR will issue a confirmation of the consents to a plenary adoption (*preconsentement*, or pre-consent, form) and give the form to the adoptive parents or their legal representative.

- Adoptive parents or their legal representatives must then submit IBESR's new pre-consent form to the Tribunal of First Instance, along with a formal request for a hearing.
- *Confirm consents at the Tribunal of First Instance:* If the original consent to simple adoption was provided in front of a judge of the Tribunal of Peace, the consenting individual(s) should re-appear before the Dean of the Tribunal of First Instance to give or confirm their consent to a plenary adoption. In relinquishment cases, the biological family's consent should be confirmed before the same Tribunal of First Instance where the simple adoption was finalized. In abandonment cases, the consent can be confirmed by the commune mayor or one of his/her two delegates. *Note:* While a provision exists under which the judge may exercise his/her discretion without obtaining confirmation of consent after determining that attempts were made to bring birth family members or commune mayors to the Tribunal, it is unclear how or when this discretion would be exercised.
- *Complete adoption conversion:* The Tribunal of First Instance will review the case and issue a new adoption judgment (*homologation* document), which must ensure the adopted child's surname matches that of his/her adoptive parent(s).
- It is currently unclear whether the new judgments or updated decrees will again need to be stamped by the Director General of Taxation, attested at the National Archives, or legalized by the Tribunal of First Instance, Ministry of Justice, and Ministry of Foreign Affairs. The Department and USCIS will continue requesting that adoptive families who are converting their simple adoptions to plenary adoptions not have to go through this process a second time, and will provide further information as it becomes available.
- *Passport:* If the new adoption judgment changed the child's surname, obtain a new passport for the child.

Convention cases: The Department and USCIS continue to engage with IBESR on how to process Convention cases where the adoption was completed before the U.S. Embassy in Port-au-Prince issued the Article 5/17 letter (out of order cases). Families proceeding through the Convention process **who have already completed simple adoptions are encouraged to wait** until the Department and USCIS can provide further guidance on out-of-order Convention cases before filing their Form I-800A applications/Form I-800 petitions. **Families whose Convention adoptions are not yet finalized are strongly cautioned to not complete a plenary adoption until after the U.S. Embassy in Port-au-Prince issues the Article 5/17 letter.** Once the letter is issued, families and their ASPs should ensure the consents and adoption judgments or decrees explicitly note that the adoptions are plenary.

For further information regarding this notice, please contact the Department's Office of Children's Issues via email at Adoption@state.gov. For case specific inquiries, please contact the U.S. Embassy Port-au-Prince Adoption Unit at PAPadoptions@state.gov. Please continue to monitor our website for updates on adoptions in Haiti.