

# INTERCOUNTRY ADOPTION

Bureau of Consular Affairs • U.S. Department of State

## **Annual Report on Intercountry Adoptions Narrative**

The Fiscal Year (FY) 2014 Annual Report on Intercountry Adoption was published on March 31, 2015 in compliance with Section 104 of the Intercountry Adoption Act of 2000. It provides statistical data and other information on intercountry adoptions from October 1, 2013 through September 30, 2014. The Annual Report is released after a thorough review of the available data to ensure the information is accurate. This review includes reaching out as necessary to U.S. Embassies and consulates as well as to adoption service providers.

Table 1 provides the number of intercountry adoptions that involved immigration to the United States. This data is based on the number of immigrant visas issued in FY 2014 to children who met the definition of orphan or Convention adoptee under the Immigration and Nationality Act (INA) and for whom a full and final adoption or grant of custody for the purpose of adoption in the United States was granted in accordance with local laws in the child's country of residence.

### **Overview of FY 2014 Report**

In FY 2014, consular officers issued 6,441 immigrant visas to children who were adopted abroad, or who were coming to the United States to be adopted by U.S. citizens. Families in all 50 states plus the District of Columbia, Guam, and the Virgin Islands welcomed children from 99 countries.

The intercountry adoption process varies significantly across countries, and can be impacted by sometimes rapidly changing economic, social, and political factors within each country. In FY 2014, we saw an increase in intercountry adoptions from a handful of countries of origin, including Haiti, and South Korea. Adoptions

took place for the first time in several years from countries such as Kyrgyzstan and Romania. In other countries, including Ethiopia and China, the number of intercountry adoptions decreased. In the majority of countries, however, we see small fluctuations up and down from year to year. For more information regarding adoption in individual countries please visit [adoption.state.gov](http://adoption.state.gov).

Changes in the number of adoptions from a specific country of origin may be attributed to changes inside those countries, including changing policies towards adoption and social change. In FY 2014, the U.S. Embassy in Kinshasa continued to process visa applications for Congolese children adopted by U.S. citizens with full and final adoption decrees issued by Congolese courts, despite the Democratic Republic of Congo's (DRC) continued suspension of exit permits for Congolese children adopted by foreigners. The January 1, 2013 implementation of the Russian law banning the adoption of Russian children by U.S. citizens again contributed to a decrease in the number of intercountry adoptions to the United States.

As intercountry adoption has continued to evolve, however, the Department's unwavering support of intercountry adoption has remained constant. We believe that intercountry adoption should be one of a range of options to provide for the welfare and best interests of children in every country. We continue to encourage the availability of intercountry adoption as an option for those children after due consideration has been given to possibilities for a loving, permanent family in the country of birth.

### **Department of State Engagement to Support Intercountry Adoption**

During FY 2014, the Department of State's Bureau of Consular Affairs' Office of Children's Issues (CI) as well as U.S. Embassies and consulates around the world worked tirelessly to support intercountry adoption as a viable option for children. The Department worked through diplomatic channels at every level to promote intercountry adoption as an option for children, to address inhibiting factors that prevent its availability, and to strengthen processes and procedures currently in place to protect all parties involved. This included hundreds of meetings with foreign adoption authorities, regular meetings with Hague Convention partners, and coordination within the Department of State and other U.S. government agencies.

In FY 2014, CI welcomed several foreign delegations interested in discussing matters of intercountry adoption to Washington, DC and participated in meetings

with individuals and organizations from a wide range of backgrounds. Consular officers in the field maintained regular communication with their foreign counterparts and CI sent several delegations to support these efforts. In addition, CI participated in a number of domestic engagements to provide information on intercountry adoption and to remain accessible to the adoption community.

The Department views the adoption community as a valuable component of its efforts, and receives useful input and information from numerous members of this community. CI strives to maintain open communication in this regard through informal communication, the organization of in-person and remote meetings, participation in public and private conferences, and the publication of adoption notices and alerts. This allows CI to relay information about ongoing developments as well as to gather information. You may communicate directly with the Office of Children's Issues anytime by writing to [AskCI@state.gov](mailto:AskCI@state.gov).

The Department sees FY 2015 as an opportunity to continue diplomatic engagement and outreach efforts as well as proactively identify the potential for increased cooperation. These efforts may make intercountry adoption a viable option in more countries.

### **Spotlight on Adoptions in Individual Countries of Origin in FY 2014:**

#### **China:**

The Chinese government continues its efforts to promote the domestic adoption of children in need of permanency, which corresponds to a world-wide decrease in the overall number of intercountry adoptions. In FY 2014, U.S. families provided homes to 2,040 children from China.

#### **Democratic Republic of the Congo:**

While immigrant visas continued to be issued to children from the DRC in FY 2014, the Government of the Democratic Republic of the Congo's (GDRC) suspension of exit permits to Congolese children adopted by foreigners remains in place. To date, only a few exceptions to the exit permit suspension have been made by the GDRC for medically urgent cases and for cases with final approval before the suspension went into effect. On September 25, 2014, the GDRC announced that the suspension would remain in effect until the DRC promulgates adoption reforms.

In spite of the Congolese government's September 2013 exit-permit suspension for adopted children, Congolese courts have continued to process adoption decrees.

The U.S. Embassy in Kinshasa continues to process visa applications for Congolese children adopted by U.S. citizens with full and final adoption decrees issued by Congolese courts, and continues to press the Congolese government to lift the suspension to allow adopted children to be united with their U.S. families.

### **Ethiopia:**

The decline in the number of intercountry adoptions in Ethiopia this year has several causes. Over the past several years, the Government of Ethiopia has been working to strengthen intercountry adoption procedures at both the federal and regional levels. A number of regions have been working with the international community to provide family preservation and reunification assistance to vulnerable children and families as part of a deinstitutionalization program for children in orphanages. The federal Ministry of Women, Children, and Youth Affairs set forth new standardization guidelines for the regional approvals necessary for intercountry adoptions. Regional authorities have also tightened their control over the intercountry adoption process. While there have been statements by individuals within the Government of Ethiopia expressing a desire to see the number of intercountry adoptions decline, the primary intent of the efforts made by the Government is to reduce the number of vulnerable children and to strengthen the country's social welfare system to preserve families and encourage domestic adoption.

### **Guatemala:**

During FY 2014, Embassy Guatemala City issued 29 immigrant visas to children adopted from Guatemala by U.S. citizens. This was a slight increase from the previous year. These adoptions were initiated before the Government of Guatemala instituted a suspension on new intercountry adoption applications in December 2007, amid concerns of widespread fraud and corruption in the intercountry adoption process. Of the approximately 3,000 pending Guatemalan adoption cases identified in 2008, only 15 cases currently awaiting resolution remain. The Department of State continues to work closely with the Government of Guatemala on the resolution of all pending adoptions.

### **Haiti:**

Adoptions from Haiti increased in FY 2014 as the Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption (Convention) entered into force for Haiti on April 1, 2014. All adoptions initiated on or after April 1, 2014, must now follow the Convention process. However, the Haitian Central Authority, IBESR, agreed to process as a transition (non-Convention) case, any case in which a Form I-600 or I-600A was filed before April 1, 2014, as long

as matching occurs by April 1, 2016. Form I-600A extensions will be permitted during the two-year transition, but may not extend past the April 1, 2016 deadline.

IBESR recently accepted re-authorization applications from adoption service providers. As of December 18, 2014, there are 18 U.S. accredited adoption service providers authorized by the Haitian Central Authority to provide adoption services for Haitian adoptions.

The United States strongly supports the Government of Haiti's commitment to strengthening its child welfare system and the integrity of its domestic and international adoption process.

**Kyrgyzstan:**

In FY 2014, nine adoptions were completed following Kyrgyzstan's suspension of intercountry adoption in 2009. Kyrgyzstan reformed its adoption laws and set in place procedures for the authorization of adoption service providers. The Government of Kyrgyzstan has now authorized seven U.S. - based accredited adoption service providers. Kyrgyzstan has completed all pending cases whose dossiers were updated by the waiting families and has begun processing new cases.

**Romania:**

FY 2014 saw the first adoptions from Romania since 2009. The Office of Children's Issues has been in ongoing communication with the Romanian Adoption Central Authority to discuss adoption processing issues, recent developments in Romania's child welfare system, and how intercountry adoption can be an option to provide permanency for children in need. In April 2012, an adoption law went into effect in Romania that extended the criteria for prospective adoptive parents to include relatives up to the fourth degree of kinship, the spouse of the child's natural parent, and Romanian citizens who are habitually resident abroad.

**Russia:**

During FY 2014, the Russian government continued to prohibit U.S. citizens from adopting Russian children. Russian Federal law 272-FZ, which entered into force on January 1, 2013, prohibited the adoption of Russian children by U.S. citizens. This law led to the drastic decline in intercountry adoptions by U.S. families. Following the enactment of Russia's adoption ban, the Russian Supreme Court issued guidance to city and regional courts that allowed the completion of adoption cases only if a court decision had been made before January 1, 2013. Russian

officials have consistently maintained that there will be no flexibility in Russia's interpretation of the Russian Supreme Court guidance.

While the FY 2014 report shows two immigrant visas issued to children adopted from Russia in FY 2014, it is important to note that an immigrant visa petition can be filed any time after the completion of an adoption up until the child's 16<sup>th</sup> birthday. It is not necessary that a petitioner file a visa application the same year an adoption decree is granted.

The Department of State continues to encourage the availability of intercountry adoption as an option for Russian children after due consideration has been given to placement in Russia. In our conversations with the Russian government, we have highlighted the devastating impact this ban has had on children who have met and bonded with their prospective adoptive parents, and encouraged a resolution in adoptions that were in process prior to January 1, 2013. Despite these efforts, we have no reason to believe that the Russian government will allow the resumption of intercountry adoption with the United States in the near future.

### **South Korea:**

Adoptions from South Korea more than doubled in FY 2014. This follows Korean authorities approving very few cases from December 2012 through May 2013 as a result of South Korea's efforts to implement the Special Adoption Law passed in August 2012. Beginning in June 2013, South Korea once again began processing larger numbers of adoptions. It is important to note that the Special Adoption Law has not changed the South Korean government's publicly stated policy of encouraging domestic over foreign adoptions and reducing (by 10 percent annually) the number of children available for intercountry adoption.

### **Increase in the Number of Outgoing Intercountry Adoptions**

U.S. children were placed with families in ten countries including Canada, Mexico and the United Kingdom which, like the United States, are both countries of origin and receiving countries. In FY 2014, the number of outgoing adoptions reported to the Office of Children's Issues involving children habitually resident in the United States to adoptive parents abroad increased slightly. We attribute this increase to the Department's outreach with adoption service providers, state adoption authorities, and the adoption community.

Since April 1, 2008, over 400 children habitually resident in the United States have been adopted abroad. The numbers have increased each fiscal year, with 25 cases

reported in FY 2008 increasing to 96 in FY 2014. These numbers include Convention, non-Convention, relative, and non-relative adoptions. While the majority involves infants, there has been a gradual increase in adoptions from the U.S. foster care system since 2010. The top receiving countries for children adopted from the United States are Canada, the Netherlands, and Ireland (in order of number of adoptions). The top sending states are Florida, South Carolina, California, and New Jersey.

The Annual Report only addresses outgoing adoption reported to the Department. We suspect that a number of outgoing adoptions have not been reported, which is why the Department has increased its outreach and education efforts to state domestic authorities by participating in workshops, hosting webinars, and creating an online reporting form on the [adoption.state.gov](http://adoption.state.gov) website.