

# Figeroux & Associates

(718) 834-0190

26 COURT STREET\* SUITE 701, BROOKLYN, NEW YORK 11242

FAX (718) 222-3153

## FOREIGN ORPHAN ADOPTION

A U.S. citizen can adopt an orphan from a foreign country, but they must meet certain requirements.

### ORPHAN ELIGIBILITY

Orphan means a child whose natural parents are either deceased, have disappeared, or have permanently and legally deserted or abandoned a child, or if only one parent is absent, the other parent hasn't remarried and is incapable of providing child care that meets the standard of living in their country.

**Be careful:** Some parents may put a child into an orphanage temporarily, without giving up all their parental rights, in which case the child isn't eligible to immigrate.

In addition, the orphan must be living outside the U.S. and, if not already adopted by the U.S. parents, must either be in the U.S. parents' custody or in the custody of an agent acting on their behalf in accordance of local law. **The child must be under 16 years of age when the initial visa petition (that starts the green card process) is filed.**

### ADOPTING PARENTS REQUIREMENTS

- At least one of the parents must be a U.S. citizen; and if the other parent is not a U.S. citizen, he or she must be legally present in the United States.
- If the adopting parent is single, he or she must be at least 25 years of age.
- There are no age restrictions if the petitioner is married.

### ORPHAN IMMIGRATION PROCEDURE

The orphan adoption process begins when the United States citizen parents submit a visa petition to a USCIS service center.

Parents who have a particular child in mind would use USCIS form I-600, accompanied by documents proving the petitioner's U.S. citizen status and qualifications to adopt, his or her marriage to the other parent, completion of a home study (by the state government or an approved agency) and any preadoption requirements in the state where they live, and the child's age, orphan status, legal custody status, and availability for adoption. The

petition must be accompanied by an application fee and a fingerprinting or biometrics fee for each person who is 18 years or older who is living in the house of the adopted parent. The parents may submit the visa petition either before or after the legal adoption is completed; and if it has been completed, they should also include the adoption certificate.

If parents know what country they are adopting from but have not identify the particular child, they can fill out form I-600A which will save them time by allowing them to satisfy some of the adoption requirements existing in the laws of the U.S. state where they live.

**Are you interested in a consultation on the legal issues listed below? Then please check your choice(s) below and we will schedule a meeting with an attorney.**

- Tax & Financial Planning For Individuals & Businesses
- Save Your Home From Foreclosure
- Estate Planning & Wills
- How to get a green card

**COMMENTS:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*SUMMER 2011*