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The Agreement between the United States of America and the Russian Federation Regarding Cooperation in Adoption of Children

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Submitted by Editor on Jul 14th 2011

Fact Sheet and QA

Introduction

The Department of Homeland Security and the Department of State announced on, July 13, 2011, that Secretary of State Hilary Clinton and Russian Foreign Minister Sergey Lavrov signed a bilateral adoptions agreement that will strengthen procedural safeguards in adoptions between our countries.

This Agreement will provide additional safeguards to better protect the welfare and interests of children and all parties involved in intercountry adoptions. Under the Agreement, only adoption agencies authorized by the Russian Government will be able to operate in Russia and provide services in adoptions covered by the Agreement, except in the case of an adoption of a child by his or her relatives. This will largely eliminate independent adoptions from Russia and create a better defined framework for intercountry adoptions between the United States and Russia. The Agreement also includes provisions designed to improve post-adoption reporting and monitoring and to ensure that prospective adoptive parents receive more complete information about adoptive children's social and medical histories and anticipated needs.

The United States is committed to working with the Russian Federation on implementing the provisions laid forth in this Agreement as soon as it enters into force.

USCIS and the Department of State will publish criteria, procedures, and clear guidance related to the Agreement on www.uscis.gov/adoption ^[2] and <http://adoption.state.gov> ^[3] prior to

the Agreement's entry into force.

Questions & Answers

Q. What does the Agreement mean for the U.S. adoption program in Russia?

A. This Agreement strengthens the protections in place for the children and families involved while preserving a robust adoption program between the two countries. It creates a framework for a system in which the family will receive more complete information on the child earlier in the process so that the prospective adoptive parents can receive targeted preparation and training before the adoption. The Agreement also improves post-placement follow-up to ensure that the adopted child and family receive the support they need so that they all can thrive.

Q. Now that the Agreement has been signed, will there be any interruption in the processing of cases for U.S. families adopting from Russia?

A. We do not anticipate any interruption in the processing of adoptions from Russia as we move to implement this Agreement or once it has been fully implemented.

Q: When will the Agreement enter into force?

A. The Agreement will enter into force upon the exchange of notes from the U.S. and Russian governments. The exchange of notes will take place only after both sides have completed internal procedures necessary for entry into force, which for Russia means approval by its Duma and establishment of other internal procedures for implementing the Agreement.

The U.S. Department of State and the U.S. Citizenship and Immigration Services (USCIS) will provide on their websites procedures and clear guidance related to the Agreement prior to its entry into force. Please monitor www.adoption.state.gov ^[4] and www.uscis.gov/adoption ^[2] for more information.

Q. Can families continue to file Form I-600A, Application for Advance Processing of Orphan Petition, and Form I-600, Petition to Classify Orphan as an Immediate Relative, now that the Agreement has been signed?

A. Yes. Pending entry into force of the Agreement prospective adoptive parents may continue to file Forms I-600A and Forms I-600 with USCIS under existing procedures, in accordance with the form instructions. USCIS will inform the public of the date that the Agreement will enter into force and what additional or different steps may become necessary at that time.

Q. If a family began adoption proceedings before the Agreement enters in to force, will they have to restart proceedings upon Agreement execution?

A. The Agreement specifically allows cases which have had their dossier already submitted to the Russian authorities to continue under the pre-Agreement system. Prospective adoptive parents who have not submitted dossiers upon Agreement execution may need to change adoption service providers, as not all providers will remain authorized. However, families will not be required to file a new Form I-600A if their Form I-600A was filed or approved while working with the previous adoption service provider and remains valid.

Q. If a family is working with an adoption agency that does not receive authorization to continue working in Russia after the Agreement enters into force, will they be able to complete their case?

A. Yes, but the family may have to transfer the case to a new adoption service provider that is authorized to work in Russia. If a case is covered by the transition provision, it may be completed under the pre-Agreement procedures.

Q. How will we know which cases may proceed under the pre-Agreement procedures and which cases must follow the new procedures?

A. Once the Agreement enters into force, USCIS will coordinate with the Department of State (DOS) and the Russian authorities to identify all cases that can be processed under the pre-Agreement procedures and we will provide additional guidance at that time.

Q. When will guidelines and instructions about the new procedures be available?

A. We anticipate that the United States and Russia will need additional time to discuss implementation procedures for the Agreement once the Russian Duma has ratified it. After ratification and completion of implementation discussions, USCIS and DOS will publish specific guidance.

Q. We understand that under the Agreement, the Russian Government may institute a pre-approval requirement for U.S. families adopting from Russia. Would this procedure lengthen the processing time?

A. Although we do not anticipate that a pre-approval step will lengthen the process significantly for most cases, there are two instances in which delays could occur: 1) If there is a delay in the receipt of the detailed medical and psycho-social history of the child from the Russian authorities, or 2) If USCIS finds, during the pre-approval review, that the family does not appear to be prepared and/or has not been evaluated by the home study preparer as capable of meeting the needs of the specific child they intend to adopt.

Q. Why is a pre-approval process helpful?

A. Under the current system, USCIS cannot review information about the child being adopted until after the parents have completed adoption proceedings in Russia and become legally responsible for the child. Many times prospective adoptive parents only receive full medical and psycho-social information about the child immediately before the court proceedings to complete the adoption. Parents then have a very brief time to decide whether to complete the adoption or obtain an amended home study and Form I-600A approval, if necessary. Pre-approval will allow USCIS to make a preliminary determination on a child's orphan status and to flag any concerns before the adoption takes place.

Q. Would pre-approval guarantee that the Form I-600 will be approved once the adoption is finalized in Russia?

A. Pre-approval cannot be taken as a guarantee of final approval, because it is always possible that new, additional information will come to light that ultimately prevents the approval of the Form I-600 petition. However, in other countries where pre-approval systems have been in place, experience shows that pre-approval allows for problems to be addressed

earlier in the adoption process creating a more streamlined process for the family.

Q. The Agreement will require to adoption agencies to report when an adopted child received U.S. citizenship. How will the adoption agency know that the child has received U.S. citizenship?

A. The Agreement is crafted to cover only adoptions of children who will ultimately be granted IR-3 immigrant visas. When a child with an IR-3 immigrant visa lawfully enters the United States with his or her adoptive parents with the intent to reside permanently in the territory of the United States, that child, by operation of law, acquires U.S. citizenship upon entry.

For additional questions and answers on the agreement, please visit <http://adoption.state.gov>

[3] .

Agency:

DHS [5]

DOS [6]

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[2] <http://www.uscis.gov/adoption>

[3] <http://adoption.state.gov/>

[4] <http://www.adoption.state.gov/>

[5] <https://immigration.com/agencies/agency/dhs>

[6] <https://immigration.com/agencies/agency/dos>