



I am a U.S. citizen

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How do I help my adopted child immigrate to the United States or become a U.S. citizen?



U.S. Citizenship
and Immigration
Services

This guide explains three different ways to help an adopted child born abroad become a lawful permanent resident (LPR) or a U.S. citizen. Each process is distinct and has different eligibility requirements.

- The first way is through the **Orphan process**, which generally requires you to file **Form I-600A, Application for Advance Processing of an Orphan Petition**, and **Form I-600, Petition to Classify Orphan as an Immediate Relative**. For your adopted child to qualify as an orphan they must satisfy the criteria for an orphan described in the Immigration and Nationality Act (INA) § 101(b)(1)(F).
- The second way is through the **Hague process**. The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention) went into effect for the United States on April 1, 2008. Therefore, if you want to adopt a child who is habitually resident¹ in a country that is also party to the Hague Adoption Convention, you must follow the Hague process. Under this process, you must file **Form I-800A, Application for Determination of Suitability to Adopt a Child from a Convention Country**, and **Form I-800, Petition to Classify Convention Adoptee as an Immediate Relative**. For your adopted child to qualify as a Convention adoptee they must satisfy the criteria for a Convention adoptee described in INA § 101(b)(1)(G). The U.S. Department of State (DOS) is the designated U.S. Central Authority, and USCIS processes all related immigration applications and petitions and issues all provisional petition approvals. Unless an exception applies, if you are adopting a child from a country that is party to the Hague Adoption Convention, you should use the Hague process.
- The third way is through the **family-based immigrant petition process**, which requires you to file **Form I-130, Petition for an Alien Relative**. For your adopted child to qualify as an immediate relative, they must satisfy the criteria for an adopted child described in INA § 101(b)(1)(E). Generally, you should not file a Form I-130 Petition for a child from a Hague Convention country unless you are able to show the Hague Convention does not apply to your adoption.

¹ A child is generally considered habitually resident in their country of citizenship. However, a child living outside the country of the child's citizenship may be deemed habitually resident in the child's country of actual residence based on a determination by the Central Authority or another competent authority.

In addition to legal requirements for each process under U.S. law, each country has its own specific adoption requirements that you must follow. Because the Orphan and Hague processes are different, it is recommended that you research specific country requirements before beginning the immigration and adoption process. Whether the adopted child's country of origin is a Hague Adoption Convention country or not will typically determine which process you should use. To view a list of countries the U.S. recognizes as Hague Adoption Convention countries, please go to adoption.state.gov.

I. The Orphan Process

Who qualifies as an orphan under the Orphan process?

To be considered an orphan under U.S. immigration law, a child must be a foreign-born child who has:

- No legal parents because each parent has died or disappeared or has abandoned or deserted the child, or because of separation from or loss of each parent; or
- A sole or surviving parent who is incapable of providing proper care, specifically the inability to provide for the child's basic needs, consistent with local standards of the foreign sending country, and who has irrevocably released the child (in writing) for emigration and adoption.

Who can file an Orphan process application or petition?

You must be a U.S. citizen. If you are not married, you must be at least 24 years old when you file a Form I-600A and at least 25 years old when you file a Form I-600. If you are married and your spouse lives with you in the United States, your spouse must have lawful immigration status in the United States. If you are married, you and your spouse must go through the immigration and adoption process on behalf of an adopted child together.

How do I apply under the Orphan process?

There are two ways to apply under the Orphan process.

- **Option 1: File Form I-600A and Form I-600 separately.** You must meet the processing requirements, which are designed to protect you, the child, and the birth family. For example, each adult member (18 years of age or older) of your household will need to be fingerprinted, and USCIS will conduct background and criminal checks on each one. Unless an exception applies, you must have

a home study prepared by someone who is authorized under DOS regulations and local law to conduct home studies. What often takes the most time is getting your home study, obtaining personal documents, and completing background and criminal checks. Option 1 allows you to complete these steps early by filing Form I-600A first.

1. Step one is to file Form I-600A. The Form I-600A focuses on your suitability and eligibility as adoptive parent(s). USCIS cannot approve your Form I-600A until you submit the home study. If you did not submit a home study along with the Form I-600A, you have up to one year after filing to submit the home study. After USCIS approves the Form I-600A and you identify a child for adoption, you are ready to begin the next step.
2. The second step is to file Form I-600, which focuses on whether the child qualifies as an orphan under U.S. immigration law. Unless an exception applies, you must submit evidence with the Form I-600 that you are working with a primary provider. The primary provider must be an accredited or approved adoption service provider authorized by DOS. You may not file a Form I-600 for a child who is already in the United States unless the child is in parole status and has not been adopted in the United States.

Depending on whether you live in the United States or abroad, you may have different filing options. You may file Form I-600 with USCIS or with DOS at a U.S. Embassy or Consulate. If you live in the United States and plan to travel abroad to file the Form I-600 in the child's country, you must have an approved Form I-600A to file your Form I-600 with the appropriate U.S. Embassy, Consulate, or USCIS international field office. Please visit *Filing Instructions for Form I-600, Petition to Classify Orphan as an Immediate Relative*, on the USCIS website for specific information regarding filing [options](#).

An orphan determination must be conducted in every orphan case to confirm the child's eligibility for orphan status. Depending on where you file, either USCIS (if present in the child's country) or DOS will conduct the orphan determination.

Once your Form I-600 petition is approved and orphan determination is completed, you can apply for an immigrant visa with DOS to permit your child to travel to the United States.

- **Option 2: File Form I-600 together with evidence for Form I-600A:** If you have identified the child you want to adopt but have not filed a Form I-600A yet, you may request that USCIS make both determinations—your suitability and eligibility as an adoptive parent and whether the child qualifies as an orphan—at the same time. To do so, file just the Form I-600 petition and supporting documents, along with all required documents to support Form I-600A. This is also referred to as a “combo filing.”

If USCIS approves your “combo” filed Form I-600, it means you have been found suitable and eligible to adopt an orphan and it has been determined that the child qualifies as an orphan. Either USCIS or DOS will review and confirm the child's eligibility for orphan status. Note that this consolidated filing process will not shorten the time it takes to adjudicate your suitability and eligibility and determine the child's eligibility. Also the child you wish to adopt usually must remain abroad for the duration of the adjudication. Therefore, if you have not yet been matched with a child, it is recommended that you consider filing a Form I-600A application first (see Option 1) and wait for it to be approved before you travel.

Filing instructions and forms are available on our website at uscis.gov.

For additional information on primary providers visit the DOS website at adoptions.state.gov.

How old can a child be under the Orphan process?

You generally must file Form I-600 before the child's 16th birthday. The adoption can occur after the child's 16th birthday, but only if you filed the Form I-600 before that day. Generally, the official filing date is the date USCIS receives your Form I-600 with the proper fee (if any) and original signature.

- **Sibling Exception:** You may file a Form I-600 after the child's 16th birthday, but before the child's 18th birthday only if the orphan is the birth sibling of another foreign born child who has immigrated (or will immigrate) based on an adoption by the same adoptive parent(s). If the other sibling immigrates as an orphan, then the Form I-600 for the other sibling must have been filed before that sibling's 16th birthday. If the other sibling immigrates as an adopted child under INA 101(b)(1)(E), rather than as an orphan, the actual adoption must have occurred before that sibling's 16th birthday.
- **Form I-600A Filed When a Child is 15 Years of Age:** If you filed your Form I-600A after the child's 15th birthday, but before the child's 16th birthday, USCIS will deem the Form I-600A filing date to be the Form I-600 filing date provided both of these requirements were met:
 - o Form I-600A was filed after the child's 15th birthday, but before the child's 16th birthday (or, if applicable, after the child's 17th birthday, but before the child's 18th birthday); **and**
 - o Form I-600 is filed not more than 180 days after initial approval of Form I-600A.

What happens after the Form I-600 is approved?

After the Form I-600 petition is approved by either USCIS or the U.S. Embassy or Consulate **and** a favorable orphan determination is completed, you can apply for your child's immigrant visa. If eligible, DOS will issue the proper visa to enable your child to travel to the United States.

- **IR-3 visa:** Generally, your child will automatically become a U.S. citizen when admitted to the United States with an IR-3 immigrant visa, provided that the child will reside in the United States in your legal and physical custody before reaching the age of 18. An IR-3 immigrant visa is generally issued if: (1) at least one of the adoptive parents personally saw or observed the orphan before or during the adoption proceedings abroad and (2) you (and your spouse if married) obtained a final adoption abroad. If eligible, the child should automatically receive a Certificate of Citizenship in the mail.
- **IR-4 visa:** Generally, a child admitted with an IR-4 visa will acquire U.S. citizenship once the adoptive parents complete the adoption in the United States, provided that the child resides in the United States in the legal and physical custody of the adoptive parent(s) before reaching the age of 18. When the child is admitted to the United States, the child will be mailed a Permanent Resident Card. An IR-4 immigrant visa is generally issued if: (1) neither parent has seen or observed the child before or during the adoption proceedings, (2) you will complete the final adoption in the United States, (3) only one parent of a married couple adopted the child, or (4) the child is admitted to the U.S. on or after their 18th birthday.

If the child later meets the conditions under INA § 320, including finalizing the adoption, the child will automatically acquire U.S. citizenship. You can apply for a Certificate of Citizenship for your child by filing a [Form N-600, Application for Certificate of Citizenship](#), with fee. If the child is over 18 years old when they are admitted to the United States or is otherwise not eligible for automatic U.S. citizenship, the child may apply for U.S. citizenship by filing [Form N-400, Application for Naturalization](#), with fee when they are eligible. For additional information about the Form N-400 naturalization process and eligibility requirements, please visit the [Citizenship Through Naturalization](#) page on our website.

For more information about the Orphan process, go to uscis.gov/adoption or call the National Benefits Center (NBC) Adoptions Center at 877-424-8374 (domestic callers) or 913-275-5480 (international callers).

II. The Hague Process

Who qualifies as an adoptee under the Hague process?

To be considered a Hague Convention adoptee under U.S. immigration law, the child must be a foreign born child who:

- Is habitually resident in a Hague Convention country;
- Will be adopted by a U.S. citizen who is habitually resident in the United States; and
- Has his or her last legal custodian(s) freely give written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption. The last legal custodian(s) may be:
 - Two living natural parents who are incapable of providing proper care for the child;
 - One natural parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, or abandonment or desertion by, the other parent; or
 - Other persons or institutions that retain legal custody of the child.

Who can file a Hague process application or petition?

You must be a U.S. citizen. If you are not married, you must be at least 24 years old when you file a Form I-800A, and at least 25 years old when you file a Form I-800. If you are married and your spouse lives with you in the United States, your spouse must have lawful immigration status in the United States. If you are married, you and your spouse must go through the immigration and adoption process on behalf of an adopted child together.

How do I apply under the Hague process?

You must meet the processing requirements, which are designed to protect you, the child, and the birth family. Each adult member (18 years of age or older) of your household will need to be fingerprinted, and USCIS will conduct background and criminal checks on each adult household member. You must have a home study prepared by someone who is authorized under DOS regulations and local law to conduct home studies.

1. Step one is to file Form I-800A. This form focuses on your suitability and eligibility as adoptive parent(s) to adopt a child from a Hague Convention country. You must submit your home study with the Form I-800A unless your state of residence must first approve the home study and then forward it to USCIS. After a Form I-800A application is approved and you are matched with a child for adoption by the Central Authority in the child's country of origin, you are ready to begin the next step. In the Hague process, you must always file the Form I-800A first and then file the Form I-800. If you do not follow this order, your child may not be able to immigrate to the United States. You may not accept any adoption placement before USCIS has approved the Form I-800A.
2. The second step is to file the Form I-800. You may file Form I-800 only after USCIS approves the Form I-800A. Form I-800 focuses on the child's eligibility as a Hague Convention adoptee. If it appears that the child will qualify as a Hague Convention adoptee after being adopted abroad, USCIS will provisionally approve the Form I-800 and notify the U.S. Embassy or Consulate. The Embassy or Consulate will then communicate to the Central Authority in the child's country of origin that the adoption may proceed. (This step is often called transmission of the "Article 5" letter.)
3. The third step is to complete the adoption. You may not adopt or take legal custody of the child until (1) you have an approved

Form I-800A and a provisionally approved Form I-800, and (2) DOS has notified the Central Authority of the child's country of origin that the adoption or custody proceeding may proceed by sending the Article 5 letter. After the adoption or custody is granted, the U.S. Embassy or Consulate will issue final approval of the Form I-800, the Hague Adoption or Custody Certificate, and a visa to come to the United States if the child is eligible.

Filing instructions and forms are available on our website at uscis.gov.

For additional information about who qualifies as an authorized preparer visit the DOS website at adoption.state.gov.

How old can a child be under the Hague process?

If you adopt through the Hague process, you must file Form I-800 before the child's 16th birthday. Generally, the official filing date is the date USCIS receives your Form I-800 with the proper fee (if any) and original signature.

- **Sibling exception:** A Form I-800 may be filed after the Convention adoptee's 16th birthday, but before the Convention adoptee's 18th birthday, but only if the Convention adoptee is the birth sibling of another foreign born child who has immigrated or will immigrate based on an adoption by the same adoptive parents. If the other sibling immigrates as a Convention adoptee or orphan, then the Form I-800 or Form I-600 (respectively) for the other sibling must have been filed before that sibling's 16th birthday. If the other sibling immigrates as an adopted child under INA § 101(b)(1)(E), rather than as a Convention adoptee or orphan, the actual adoption must have occurred before that sibling's 16th birthday.
- **Form I-800 Filed When a Child is 15 Years of Age:** If the Central Authority in the selected Convention country places the child with you for adoption more than 6 months after the child's 15th birthday but before the child's 16th birthday, you must still file the Form I-800 before the child's 16th birthday. However, if the required evidence is not yet available (such as the adoption or legal custody order), you may submit a statement from the primary adoption service provider (accredited or approved person under 22 C.F.R. 96), signed under penalty of perjury under U.S. law, confirming that the Central Authority has, in fact, made the adoption placement on the date specified in the statement. Submission of the Form I-800 with this statement will satisfy the statutory requirement that the petition must be submitted before the child's 16th birthday. Note that no provisional or final approval of Form I-800 will be granted until the required evidence has been submitted. When submitted, the required evidence must show that the Central Authority did, in fact, make the adoption placement decision before the child's 16th birthday.
- **Form I-800A Filed When a Child is 15 Years of Age:** If you filed your Form I-800A after the child's 15th birthday, but before the child's 16th birthday, USCIS will deem the Form I-800A filing date to be the Form I-800 filing date provided both of these requirements were met:
 - Form I-800A was filed after the child's 15th birthday, but before the child's 16th birthday (or if applicable, after the child's 17th birthday, but before the child's 18th birthday); **and**
 - Form I-800 is filed not more than 180 days after initial approval of Form I-800A.

What happens after the Form I-800 is approved?

After the Form I-800 is provisionally approved by USCIS and the U.S. Embassy or Consulate has contacted the Central Authority of the Hague Convention country, you can travel abroad and complete the adoption or obtain legal custody and bring the child to the United States to complete the final adoption here. Regardless of whether or not you complete the adoption abroad or obtain legal custody, the U.S. Embassy or Consulate will issue the final approval of the Form I-800, the Hague Adoption or Custody Certificate, and the proper visa for the child to enter the United States.

- **IH-3 visa:** Generally, your child will automatically become a U.S. citizen when admitted to the United States with an IH-3 immigrant visa, provided that the child will reside in the United States in your legal and physical custody before reaching the age of 18. An IH-3 immigrant visa is generally issued if you and your spouse (if married) complete the final adoption before the child enters the United States. If eligible, the child should automatically receive a Certificate of Citizenship in the mail.
- **IH-4 Visa:** Generally, a child admitted with an IH-4 visa will acquire U.S. citizenship once the adoptive parents complete the adoption in the United States, provided that the child resides in the United States in the legal and physical custody of the adoptive parent(s) before reaching the age of 18. When the child is admitted to the United States, the child will be mailed a Permanent Resident Card. If the child later meets the conditions under INA § 320, including finalizing the adoption, the child will automatically acquire U.S. citizenship. You can then apply for a Certificate of Citizenship as proof of citizenship for your child using [Form N-600, Application for Certificate of Citizenship](#) with fee. If the child is over 18 years of age when they are admitted to the United States or is otherwise not eligible for automatic U.S. citizenship, the child may apply for U.S. citizenship by filing [Form N-400, Application for Naturalization](#) with fee, when they are eligible. For additional information about the Form N-400 naturalization process and eligibility requirements, please visit the [Citizenship Through Naturalization](#) page on our website.

For more information about the Hague process, go to uscis.gov/adoption or call the National Benefits Center (NBC) Adoptions Center at 877-424-8374 (domestic callers) or 913-275-5480 (international callers).

III. Family-Based Petition Process

Who qualifies as an adopted child (and not as an Orphan or Hague Convention adoptee)?

If you adopted a child but did not go through the Orphan or Hague process, the child may be able to immigrate if you file [Form I-130, Petition for Alien Relative](#), and you satisfy the following requirements before filing the Form I-130 Petition:

- The adoption was finalized before the child's 16th birthday (or the child's 18th birthday if you also adopted a birth sibling of the child and the birth sibling is immigrating either as an adopted child or orphan); and
- The child has been in your legal custody for at least 2 years, either before or after the adoption. Legal custody means you assumed responsibility for the child under the laws of the state and under the order or approval of a court of law or other appropriate government entity; and
- The child must have lived with you or your spouse (if you are married and the child was jointly adopted) for 2 years, either before or after the adoption. This generally means that you and the child shared the same principal home.

You do not need to have lived together with the child for two continuous years. You may add up multiple periods of time to meet the two year requirement. Additionally, if both spouses of a married couple adopted the child, either parent can meet the 2-year joint residence requirement (but you cannot split the requirement between both parents).

Who can file a family-based Form I-130 Petition?

Unlike the Orphan and Hague adoption process, U.S. citizens and LPRs may file Form I-130 to petition for an adopted child.

How do I apply under the family-based petition process?

After meeting all of these requirements listed above, you may file [Form I-130](#), Petition for Alien Relative, for the child. Form I-130 can be filed with a USCIS Lockbox or with USCIS abroad based on the petitioner's place of residence. Please refer to the instructions on Form I-130 for mailing addresses. See [Guide A1](#), I am a U.S. citizen - How Do I Help My Relative Become a U.S. Permanent Resident? or [Guide B1](#), I am a permanent resident - How do I help my relative become a U.S. permanent resident?, for more information.

Can I use the Form I-130, Petition for Alien Relative, if my adopted child is from a Hague Convention Country?

Generally, a U.S. citizen parent who adopts a child from a Hague Convention country may not file a Form I-130, Petition for Alien Relative, if the Hague Convention applies to the adoption. A U.S. citizen parent may file a Form I-130 Petition for an adopted child from a Hague Convention country by showing the Hague Convention does not apply to an adoption in the following ways:

- For adoptions that take place in a Hague Convention country, the parent may jointly reside with the child outside the U.S. for two years while having legal custody; or
- For adoptions that take place in the U.S., the parent must show that the child is not habitually resident in the Hague Convention country of origin. The U.S. citizen parent may show the child is not habitually resident in the Hague Convention country by providing a statement from the Central Authority indicating that the Central Authority is aware of the child's presence in the United States and of the proposed adoption and has determined that the child is not habitually resident in that country. In cases where the written statement from the Central Authority in the child's country of origin is not obtained until after the adoption was finalized, you must submit an amended order, as well as the written statement from the Central Authority.

In cases where the U.S. citizen parent cannot obtain a statement under certain circumstances, the parent may still show the Hague Convention does not apply if the child entered the U.S. for a purpose other than adoption and established compelling ties to the U.S. prior to adoption. If the adoption order is issued after February 3, 2014, the parent must also show that notice of the adoption proceedings was provided to the Central Authority in a manner satisfactory to the court and that the Central Authority did not object to the proceedings.

How can my adopted child become a U.S. citizen?

If you are a U.S. citizen and the Form I-130 is approved, the Department of State will generally issue an IR-2 immigrant visa to your child. In general, if your adopted child is admitted to the United States with an IR-2 immigrant visa and is residing in the United States in the U.S. citizen parent(s) legal and physical custody before the child's 18th birthday, your child will automatically become a U.S. citizen. Your child will receive a Permanent Resident Card by mail and can then apply for a Certificate of Citizenship by filing a [Form N-600, Application for Certification of Citizenship](#) with fee. However, if your adopted child did not automatically become a U.S. citizen (for example, because he or she was already 18 years old when he or she became an LPR), then your child may apply for naturalization, when eligible, using [Form N-400, Application for Naturalization](#) with fee. For additional information about the Form N-400 naturalization process and eligibility requirements, please visit the [Citizenship Through Naturalization](#) page on our website.

If your child is already in the United States, you may need to adjust his or her status to lawful permanent resident. For additional information on obtaining a lawful permanent residence card or green card visit the USCIS website uscis.gov/greencard.

Key Information

Key USCIS forms referenced in this guide	Form #
Petition for Alien Relative	I-130
Application for Advance Processing of an Orphan Petition	I-600A
Petition to Classify Orphan as an Immediate Relative	I-600
Application for Determination of Suitability to Adopt a Child from a Convention Country	I-800A
Petition to Classify Convention Adoptee as an Immediate Relative	I-800
Application for Naturalization	N-400
Application for Certificate of Citizenship	N-600

Other U.S. Government Services—Click or Call		
General Information	usa.gov	(800) 333-4636
Adoption Information	uscis.gov/adoption nbc.adoptions@uscis.dhs.gov	(877) 424-8374 (913) 275-5480 (for international callers)
New Immigrants	welcometoUSA.gov	
U.S. Dept. of State	adoption.state.gov adoption@state.gov	(202) 647-6575

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If you don't have Internet access at home or work, try your local library.

If you cannot find what you need, please call our **USCIS Contact Center at 1 (800) 375-5283**

For those who are deaf, hard of hearing, deaf/blind or have speech disabilities which require accommodation:

(TTY) / ASCII: (800) 877-8339

Voice: (866) 377-8642

Video Relay Service (VRS): (877) 709-5798

Disclaimer: *This guide provides basic information to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, please visit our Web site. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Department of Justice.*