

Instructions for Form I-800, Petition to Classify Convention Adoptee as an Immediate Relative

Instructions

Read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet of paper. Write your name, USCIS Account Number (if known), and the child's current legal name at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

What Is the Purpose of This Form?

The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (the Convention) entered into force with respect to the United States on April 1, 2008. The Convention strengthens protections for children, birth parents, and prospective adoptive parent(s), and establishes internationally agreed upon rules and procedures for adoptions between countries that have a treaty relationship under the Convention (Convention countries). It ultimately provides a framework for member countries to work together to ensure that children are provided with permanent, loving homes; that adoptions take place in the best interests of a child; and that the abduction, sale, or traffic in children is prevented.

A Convention country is defined as a country that is a party to the Convention and with which the Convention is in force with respect to the United States. To obtain a current listing of Convention countries, visit the U.S. Department of State Web site at www.travel.state.gov. Additional information on intercountry adoptions can be found on the USCIS Internet Web site at www.uscis.gov.

Use Form I-800, Petition to Classify Convention Adoptee as an Immediate Relative, to finalize the immigration process if you will adopt a child who habitually resides in a Convention country and you have an approved, valid Form I-800A, Application for Determination of Suitability to Adopt a Child from a Convention Country. Form I-800 and supporting evidence are required for USCIS to determine the child's eligibility for classification as a Convention adoptee.

When Should I Use Form I-800?

You should use Form I-800 when:

1. You have an approved, valid Form I-800A, Application for Determination of Suitability to Adopt a Child from a Convention Country; **and**

2. The Central Authority in the selected Convention country has proposed placing a child for adoption with you and your spouse (if applicable).

NOTE: Central Authority means the entity designated as such by a Convention country under Article 6(1) of the Convention. In the United States, the U.S. Department of State is the Central Authority. Central Authority also means an individual who, or entity that, is performing a Central Authority function, having been authorized to do so by the designate Central Authority, in accordance with the Convention and the law of the Central Authority's country.

As provided in 8 CFR Part 204.301 and in these instructions, the term "Central Authority" includes the actual Central Authority of a Convention country and also any other individual or entity that is authorized to carry out a Central Authority function by delegation.

Form I-800 must be filed before the expiration of the notice of the approval or extension of Form I-800A and before the child's 16th birthday.

Special Instructions for a Child Between Age 15 and 16

There are two instances requiring special instructions relating to children between the ages of 15 and 16.

1. 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 Form I-800 before the child's 16th birthday. However, if the required evidence is not yet available, you may submit a statement from the primary adoption service provider, 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. The primary adoption service provider in your case is the accredited or temporarily accredited agency, or approved person who is responsible under 22 CFR Part 96.14 for the six adoption services defined in 22 CFR Part 96.2, and for supervising and being responsible for supervised providers where used.

Submission of 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.

2. If your approved Form I-800A was filed after the child's 15th birthday but before the child's 16th birthday, the filing date of Form I-800A will be deemed to be the filing date of Form I-800, provided Form I-800 is filed not more than 180 days after the initial approval of Form I-800A.

Who May File Form I-800?

You may file this petition if you are a U.S. citizen who habitually resides in the United States and:

1. You have an approved, valid Form I-800A, Application for Determination of Suitability to Adopt a Child from a Convention Country; **and**
2. The Central Authority of the child's Convention country has proposed an adoption placement, and you have accepted the proposal, **and you have not yet adopted nor obtained custody of the child; and**
3. No significant changes have occurred in your circumstances since your Form I-800A was approved or extended; **and**
4. If you are unmarried, you are at least 25 years of age at the time of filing this petition.

NOTE: You must obtain provisional approval of Form I-800, Petition to Classify Convention Adoptee as an Immediate Relative, before you adopt or obtain custody of the child.

Who May Not File Form I-800?

You may not submit Form I-800 petition if:

1. The approval period or extension of the approval period of your Form I-800A has expired.
2. Your marital status has changed since your Form I-800A was approved unless you have obtained the approval of a new Form I-800A reflecting the change in marital status.

3. You have a significant change of circumstance since such approval or extension that requires you to file Form I-800A, Supplement 3, Request for Action on Approved Form I-800A, unless Form I-800A, Supplement 3, has been approved to reflect such change.

NOTE: If there has been a change in your circumstances since your initial Form I-800A was approved, you must file Form I-800A, Supplement 3, with a completed, amended home study. Form I-800A, Supplement 3, must be approved before you can file Form I-800.

The following are examples of changes in circumstances which require that Form I-800A, Supplement 3, be filed. This list is not exhaustive. Your adoption service provider can advise you regarding other changes which may be considered significant.

- A. **Change of residence**, including a change in the child's proposed State of residence.
- B. **Any change in history of arrest, child abuse, substance abuse, or domestic violence** for you, your spouse (if married), or any household member regardless of age.
- C. **Change to a different Convention country.**
- D. **If, prior to the Convention child's immigration to the United States, there is an addition of one or more children to your home**, whether through adoption or foster care, birth, or any other means. This is considered a change in circumstance even if the original home study recommended the adoption of more than one Convention child.
- E. **The addition of other dependents or adult member(s)** of the household to the family prior to the prospective child's immigration into the United States.
- F. **Change because you are seeking to adopt a handicapped or special needs child**, if the home study did not already address your suitability as the adoptive parent of a child with the particular handicap or special need.
- G. **Change in the number of children or characteristics** (such as age and/or gender) of the child(ren) you intend to adopt.

4. You intend to adopt a child from a country other than a Convention country. See the instructions provided on Form I-600A, Application for Advance Processing of Orphan Petition, and Form I-600, Petition to Classify Orphan as an Immediate Relative, for information on the requirements for adopting a child from a country other than a Convention country.

Role of Service Provider

Adoption Service Provider

An individual or entity must be authorized under 22 Code of Federal Regulations (CFR) Part 96 to provide adoption services in connection with a Convention adoption. You should specifically ask any adoption service provider whether they are authorized under 22 CFR Part 96 to provide adoption services in connection with Convention adoptions before engaging the services of that provider.

Legal Services

Only an individual who is licensed in the United States as an attorney, or who is otherwise permitted under 8 CFR Part 292 to practice before USCIS, may give you legal advice concerning your Form I-800, or provide any other legal services concerning your Form I-800. You should specifically ask anyone providing you with legal advice if they are licensed or otherwise permitted by regulation to provide you with legal advice pertaining to immigration processes.

General Instructions

Step 1. Fill Out Form I-800

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the part and the number of the item, and date and sign each sheet. In addition, write your name and USCIS Account Number, and the child's current legal name at the top of each sheet of paper.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "None."

This form is divided into **Parts 1** through **6** as well as one supplement. **Form I-800, Supplement 1**, must be completed if you wish to give written consent for USCIS to disclose information about your case to your primary adoption service provider.

The following information will help you fill out the form.

Part 1. Information About You

Number 1 - Provide the requested information about you.

Family Name (Last Name) - Use your legal name. If you have two last names, include both and use a hyphen (-) between the names, if appropriate.

Other Names Used - Give any other names used or by which you have been known. Include maiden names, aliases, etc.

Date of Birth - Use eight numbers to show your date of birth. (Example: May 1, 1979, must be written 05/01/1979).

Place of Birth - Give the name of the place where you were born. Include the city, State or province, and country.

USCIS Account # - This is the unique USCIS Account Number assigned to you when you filed your original Form I-800A. This number can be found on the Notice of Approval of your Form I-800A and on any correspondence sent to you by USCIS pertaining to the Convention adoption. If married, your spouse will have his or her own Account Number assigned by USCIS.

Home Address - Give your physical street address where you actually reside. This must include a street number and name or a rural route number. Do not put a post office box (P.O. Box) number here.

Mailing Address - Give your mailing address, if different from your home address. Include province and postal code, if applicable.

Number 4 - Provide the requested information about your marital status and your spouse, if married.

Part 2. Processing Information

Numbers 1 through 5 - Provide the requested information.

Part 3. Information About Beneficiary

(Convention adoptee)

Numbers 1 through 8 - Provide the requested information. If you need more space to complete an answer, use a separate sheet of paper.

Number 9 - Check the box to indicate which documents are being submitted with your application.

Numbers 10 through 27 - Provide the requested information. If you need more space to complete an answer, use a separate sheet of paper.

Part 4. Information About Fees, Expenses, and Other Compensation

Numbers 1 and 2 - Provide the requested information. If you need more space to complete an answer, use a separate sheet of paper.

Part 5. Certification and Signature of You, the Prospective Adoptive Parent(s)

The "Signature" block of Form I-800 must be executed by you, the petitioner. If married, your spouse must execute the "Signature of spouse." Failure to do so will result in the rejection of Form I-800.

NOTE: One spouse cannot sign for the other, even under a power of attorney or similar agency arrangement.

Part 6. Signature of Person Preparing Form, if Other Than Petitioner

1. If you did not complete Form I-800, the preparer who filled out the petition must also sign, date, and give his or her address.
2. If the preparer is a business or organization, its name must be included on the petition.

Form I-800 Supplement 1, Consent to Disclose Information

If you want to give consent for USCIS to disclose information about your case to your primary adoption service provider, you should complete Form I-800, Supplement 1, Consent to Disclose Information. You are not required to give this consent in order to file Form I-800.

Step 2. General Requirements

Evidence. Attach copies, showing front and back, of the documents you need to support your application. **Do not send original documents unless instructed to do so.** (Examples of original documents that must be submitted include: affidavits, medical examinations, or formal consultations.)

You must submit the following documents to support your petition:

1. Form I-800A approval notice and, if applicable, proof that the approval period has been extended.
2. The report, required under Article 16 of the Convention, which includes all the information specified in 8 CFR Part 204.313(d)(3) and (4).

The report required under Article 16 of the Convention is a prepared report which, as specified in Article 16 and 8 CFR Part 204.313(d)(3) and (4), includes information about the child's identity, adoptability, background, social environment, family history, medical history (including that of the child's family), and any special needs of the child. Article 16 also requires that the child's ethnic,

religious, and cultural background be considered; that the required consents have been obtained in writing and were freely given without any payment or inducement; and that the proposed placement of the child for intercountry adoption with the prospective adoptive parents is in the child's best interest.

NOTE: Although Form I-800 and these instructions refer to "the report" under Article 16, the actual "report" may not be one document. Rather, the information in "the report" may be submitted through the use of more than one document, as long as all of the documents, taken together, show that all the required elements have been addressed.

The Article 16 report must be accompanied by:

- A. A copy of the child's birth certificate, or secondary evidence of the child's age.
- B. A copy of the irrevocable consent(s) signed by the legal custodian(s), and any other individual or entity who must consent to the child's adoption (or, if the law of the country of the child's habitual residence provides that their identities may not be disclosed, the Central Authority's certification that the required documents exist and that they establish the child's age and availability for adoption).
- C. A statement, signed under penalty of perjury under U.S. law by the primary provider (or an authorized representative if the primary provider is an agency or other juridical person), certifying that the report is a true, correct, and complete copy of the report obtained from the Central Authority of the Convention country.
- D. The child's background information as provided under 22 CFR Part 96.49. This information may be in the form of a summary or separate document.

The child's background information must be provided to you by your primary adoption service provider. This will include information about the child's medical and social history, including a copy of the child's medical records, to the fullest extent practicable, and accompanied with a complete English translation. You must be given this information, as early as possible, but no later than 2 weeks before either the adoption or placement for adoption, or the date on which you travel to the Convention country to complete all procedures in such country relating to the adoption or placement for adoption, whichever is earlier. (*See 22 CFR Part 96.49 for detailed information about this report.*)

If the Article 16 report is not yet available, and the Central Authority made the adoption placement more than 6

months after the child's 15th birthday, but before the child's 16th birthday, you may file Form I-800 without the Article 16 report. However, you must include a statement from your primary provider, 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 your Form I-800 with this statement will satisfy the statutory requirement that the petition must be submitted before the child's 16th birthday, but no provisional or final approval of your Form I-800 will be granted until after you have submitted the Article 16 report. When submitted, the Article 16 report must affirmatively show that the Central Authority did, in fact, make the adoption placement decision before the child's 16th birthday.

3. A statement from the primary adoption service provider verifying that all pre-placement preparation and training has been completed.

NOTE: Preparation and Training. 22 CFR Part 96.48 directs the adoption service provider to give you and your spouse (if married) at least 10 hours of preparation and training designed to promote a successful intercountry adoption before you travel to adopt the child or before the child is placed with you for adoption. The adoption service provider may also exempt you and your spouse (if married) if you have received adequate prior training or have sufficient prior experience as parent(s) of children adopted from abroad.

4. If the child will be adopted in the United States, a written report signed under penalty of perjury under U.S. law, by the primary adoption service provider (or an authorized representative of the primary adoption service provider) detailing the primary adoption service provider's plan for post-placement duties (*as specified in 22 CFR Part 96.50*).
5. Evidence of compliance with preadoption requirements, if any.

If the State of the child's proposed residence has any preadoption requirements, these requirements must be complied with before the child can become eligible for classification as a Convention adoptee who is coming to be adopted in the United States. A qualified Convention adoptee is deemed to be coming to be adopted in the United States if either of the following factors exists:

- A. The applicant/petitioner will not complete the child's adoption abroad; **or**
- B. In the case of a married applicant/petitioner, the child was adopted abroad only by one of the spouses, rather than by the spouses jointly, so that it will be necessary

for the other spouse to adopt the child after the child's admission.

6. Either a completed and signed Form I-864, Affidavit of Support, or a completed and signed Form I-864W, Intending Immigrant's Form I-864 Exemption.
7. When required, Form I-601, Application for Waiver of Grounds of Inadmissibility.

Section 212(a) of the Immigration and Nationality Act (INA) may make a Convention child inadmissible to the United States based on information disclosed in the child's medical and social history.

The most common ground of inadmissibility relating to a child is a medical ground. Specific information about medical inadmissibility can be found in section 212(a)(1) of the INA and in regulations adopted by the U.S. Department of Health and Human Services and published in 42 CFR Part 34.

A formal decision concerning whether the child whom you seek to adopt is medically inadmissible under section 212(a)(1) of the Act will only be made after a designated panel physician (for visa cases) or civil surgeon (for adjustment of status cases) has completed the required medical examination of the child. If the medical information that is already available to you indicates that the child whom you intend to adopt may be inadmissible under section 212(a)(1) of the Act, you should file Form I-601 with Form I-800. If you do not file Form I-601 with Form I-800, you can still file Form I-601 later, if it is determined that your child is inadmissible.

Translations. Any document containing a foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Affidavits. If a required document cannot be obtained, you must submit an original written statement from the governmental agency that should have the record, verifying that the record does not exist. Only then may you submit written affidavits sworn to or affirmed by two persons who were living at the time and who have personal knowledge of

the event and circumstances you are trying to prove. Each affidavit must contain the affiant's full name, address, date and place of birth, and signature. The affidavit must provide full information concerning the event and complete details of how the affiant acquired the information.

NOTE: Affidavits **may not** be submitted in place of the Article 16 report, described in **Step 2, Number 2** of these instructions. Only the Article 16 report itself may be submitted to show that the Convention requirements have been met.

Where To File?

You must always file your Form I-800 with USCIS Dallas Lockbox facility. It will then be routed to, and adjudicated at, the National Benefits Center.

Form I-800 must be mailed to the USCIS Dallas Lockbox facility address as follows:

For U.S. Postal Service (USPS) deliveries, use the following P.O. Box number:

USCIS
P.O. Box 660087
Dallas TX 75266

For private courier (non-USPS) deliveries, use the following address:

USCIS
ATTN: Hague
2501 S. State Highway 121 Business, Suite 400
Lewisville, TX 75067

Filing with a centralized USCIS office that approved or granted the most recent extension of your Form I-800A will make it possible for you to obtain a provisional approval of your Form I-800 before you actually travel outside the United States to adopt or obtain custody of a child.

USCIS endeavors to adjudicate Form I-800 as promptly as feasible. In every case, however, the primary concern is to serve the principle of Article 1 of the Convention: *That "intercountry adoptions take place in the best interests of the child."* You should plan your travel outside the United States carefully, and be aware that the child's adoption or legal custody proceeding should not be scheduled until USCIS has provisionally approved Form I-800, and the U.S. Department of State has provided to the Central Authority of the child's country of origin, the notice under Article 5 of the Convention that the adoption or custody proceeding may be completed.

NOTE: Visit our Web site online at www.uscis.gov before you file, and check the "Immigration Forms" page to confirm the correct filing location or any changes.

What Is the Filing Fee?

Form I-800 fee requirements are as follows:

1. No fee is required for the first Form I-800 filed for a child on the basis of an approved Form I-800A.
2. If more than one Form I-800 is filed during the approval period for different children, the fee is **\$670** for the second and each subsequent Form I-800. However, if the children are already siblings before the proposed adoption, no additional filing fee is required.

Use the following guidelines when you prepare your check or money order for Form I-800 fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:
 - A. If you live in Guam, make it payable to **Treasurer, Guam**.
 - B. If you live in the U.S. Virgin Islands, make it payable to **Commissioner of Finance of the Virgin Islands**.

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Notice to Those Making Payment by Check. If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours, and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The filing fee on this form is current as of the edition date appearing in the lower right corner of this page. However,

because USCIS fees change periodically, you can verify if the fee is correct by following one of the steps below:

1. Visit our Web site at www.uscis.gov and select "Immigration Forms" to check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Processing Information

Any Form I-800 that is not signed or accompanied by the correct fee, if applicable, will be rejected with a notice that Form I-800 is deficient. You may correct the deficiency and resubmit Form I-800. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once Form I-800 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility and we may deny your Form I-800.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. Upon receipt of your petition, the USCIS adjudicating officer will consider whether the child qualifies as a Convention adoptee. If so, the petition will be provisionally approved. You will be informed in writing of the decision on your Form I-800.

If your Form I-800 has been provisionally approved by USCIS, and your child will apply for a visa, USCIS will notify the U.S. Department of State of the provisional approval. After Form I-800 has been provisionally approved, a visa application must be submitted on behalf of the child to the U.S. Department of State visa issuing post, in accordance with U.S. Department of State requirements.

If your Form I-800 has been provisionally approved by USCIS, and the child is in the United States and eligible to apply for adjustment of status, USCIS will notify you of the steps you need to take to complete the adoption or custody proceeding and obtain final approval of your Form I-800 and of the child's adjustment application.

If USCIS denies your Form I-800, either at the provisional approval stage or the final approval stage, USCIS will notify you in writing of the reasons for the denial and of your right to appeal the denial.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet Web site at www.uscis.gov.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass**. To access the system, visit our Web site. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-800, we will deny your Form I-800 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice

USCIS will use the information on Form I-800 to determine eligibility for the requested immigration benefit. We may provide information on your petition to other government agencies.

USCIS may not disclose or give access to any information or record relating to any applicant or petitioner, spouse (if applicable), or adult member of the household who has filed a Form I-800A or Form I-800 to any individual or entity other than that person, including but not limited to an accredited agency, temporarily accredited agency, approved person, exempted provider, or supervised provider, unless written consent is given, as provided by the Privacy Act, 5 U.S.C. 552a.

If you want to give consent for USCIS to disclose information about your case to your adoption service provider, you must

complete Form I-800, Supplement 1, Consent to Disclose Information. You are not required to give this consent in order to file Form I-800. The adoption service provider information you provide in Form I-800, Supplement 1, must relate to the primary adoption service provider who is the accredited, or temporarily accredited agency, or approved person who is responsible under 22 CFR Part 96.14, for the six adoption services defined in 22 CFR Part 96.2, and for supervising and being responsible for supervised providers where used.

Paperwork Reduction Act

The use of this new form is considered an information collection that, ordinarily, would be subject to review and clearance under the Paperwork Reduction Act procedures. However, section 503(c) of the Intercountry Adoption Act (IAA), Public Law 106-279, waives the requirement of the Paperwork Reduction Act with respect to information collected for use as a Hague Convention record. Accordingly, this form does not require an OMB Control Number.

The public reporting burden for this collection of information is estimated at 30 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529-2210. **Do not mail your petition to this address.**