



Embassy of the United States of America
100 Duke & Young Streets, Kingston, Georgetown, Guyana

Installment Eighty-eight Ask the Consul – Adoptions

The Consular Section of the U.S. Embassy Georgetown considers adoption cases its highest priority. While compiling the appropriate paperwork for adoption cases can be cumbersome, the U.S. Embassy strives to provide helpful, courteous, and expeditious assistance to all adopted children legally entitled to U.S. immigration benefits.

Q: My family and I are eligible to migrate to the U.S. However, one of my children is adopted. Is she eligible for an immigrant visa as well?

To be eligible for immigration benefits, your adopted child must:

- (1) Have had a finalized adoption while under the age of 16 (or adopted under the age of 18 if you also adopted that child's natural sibling while under the age of 16);
- (2) Have been in the legal and physical custody of the adopting parent or parents for at least two years; and
- (3) Be unmarried and under the age of 21.

If your adopted child meets these three requirements, he or she is eligible for the same immigration benefits as your biological child. Likewise, if your adopted child meets these qualifications, you could petition for him or her to go to the U.S. when you are a Legal Permanent resident or Citizen, just as you could for your biological child.

Q: What additional documentation will I need for my adopted child to receive immigration benefits?

The Embassy processes immigrant visa (IV) applications for adopted children in much the same way as we process IV applications for your biological children. In addition to the Form I-130, Petition for Alien Relative, the adoptive parent and/or U.S. citizen petitioner must provide:

- (1) A certified copy of the adoption decree;
- (2) The adoptive birth certificate;

- (2) The legal custody decree, if custody occurred before the adoption;
- (3) A statement showing dates and places where child resided with the parents; and
- (4) If the child was adopted while aged 16 or 17 years, evidence that the child was adopted together with, or subsequent to the adoption of, a natural sibling under age 16 by the same adoptive parent or parents.

Q: My sister and her husband recently passed away. I am a U.S. citizen and want to adopt my niece and nephew and take them to the U.S. Is this legal?

For a U.S. citizen to bring an adopted non-citizen child to live in the United States, the following qualifications must be met:

- (1) The child is under 16 at the time the immigration petition is filed on his or her behalf (or under the age of 18 if adopted or to be adopted together with a natural sibling under the age of 16) and is unmarried and under the age of 21 at the time of petition and visa adjudication;
- (2) The child has been or will be adopted by a married U.S. citizen and spouse, or by an unmarried U.S. citizen at least 25 years of age; and
- (3) The child is an orphan because either:
 - (a) The child has no parents because of the death or disappearance, abandonment or desertion by, or separation from or loss of both parents; or
 - (b) The child's sole *or* surviving parent is incapable of providing proper care and has, in writing, irrevocably released the child for emigration and adoption.

Q: When my wife died and I was unable to care for my child, I released him for adoption in the U.S. Now, my child is a U.S. citizen. Can he now petition for me and his sister to migrate to the U.S.?

No. An adopted child may not confer immigration benefits upon a biological parent or sibling. This is true even where the child never received an immigration benefit based on the adoption.

Q: Where can I find more information about adoption and U.S. immigration benefits?

Visit the U.S. Citizenship and Immigration Services website at www.uscis.gov.

“Ask the Consul” is a bi-weekly column from the U.S. Embassy answering questions about U.S. immigration law and visa issues. If you have a general question about visa policy please email it to us at AskGeorge@state.gov. We select questions every other week and publish the answers in Stabroek News and on our website at http://georgetown.usembassy.gov/guyana/ask_con.html. For more information about visas please see <http://www.unitedstatesvisas.gov> or <http://georgetown.usembassy.gov/>.

Other than the questions we select, we DO NOT respond to questions sent to Ask the Consul. Please contact the visa inquiries unit (email visageorge@state.gov or call 225-7965 between 8 am and 4 pm Monday through Friday) if you have questions about a specific case.