



U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

Tegucigalpa Sub Office

The immigration of the Adopted Child Handout

USCIS/Tegucigalpa has prepared this informational handout about the procedures for the immigration into the United States of your adopted child. **We strongly recommend that you contact our office before you initiate your adoption process or before you complete it in Honduras.** *We would like to make the final steps in taking your child home as trouble free as possible.*

Based on our experience, the principal and almost sole impediment to immigrant visa petition approval and visa issuance relates to the legal definition of orphan contained in Section 101(b)(1)(F) of the Immigration and Nationality Act (here after referred to as the Act). It is possible to adopt a child under local law who would not qualify under U.S. immigration law to enter the United States. In order to qualify for a U.S. immigrant visa as the adopted child of a US citizen(s), a child must be **“an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from both parents, or for whom the sole surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for immigration and adoption.”**

We have included an overview of the Honduran adoption procedure for your convenience in Attachment 6 of this handout.

I. GENERAL INFORMATION

State rather than federal law governs adoptions in the United States. States generally recognize adoptions concluded in other jurisdictions, but you should consult an attorney or adoption agency to confirm that an adoption decree from overseas will be valid in the state where you reside.

US immigration law provides for two ways that a child adopted abroad can qualify for an immigrant visa:

1) Petition to classify orphan as immediate relative (Form I-600)

This procedure applies to orphan children who are orphans because of the death or disappearance of, abandonment or desertion by, or separation or loss from both parents, or for whom the sole surviving parent is incapable of providing the proper care, and has in writing irrevocably released the child (ren) for immigration and adoption, as defined in Section 101(b)(1)(F)(i) of the Act. Form I-600 form must be filed before the child is 16 years old.

This procedure also applies to a child who is the natural sibling of a child described above, whose I-600 petition was submitted before the child's 18th birthday.

2) Relative Petition Form I-130

This procedure applies to an adopted child, who does not qualify as an orphan per Section 101(b)(1)(F)(i) of the Act, has been adopted under the age of 16, and must have resided with, and

been in the legal custody of, the adopting parent(s) for at least two years prior to the filing of the relative petition (Form I-130).

II. IMMIGRATION INTO THE UNITED STATES

The U.S. immigration process of an adopted child by a U.S. citizen involves two agencies, the U.S. Citizenship and Immigration Services (USCIS), and the U.S. Consulate in Honduras. Each agency has its own function/responsibility. The USCIS processes and adjudicates forms I-600A and I-600 or I-130 and determines if the child is an orphan according to U.S. law. The U.S. Consulate issues the immigrant visa after the appropriate petition is approved.

A. Jurisdiction

USCIS/Tegucigalpa may accept applications and petitions from applicants, who reside within this office's jurisdiction i.e., Honduras, Nicaragua and Costa Rica. Certain exceptions apply in specific cases. Please verify with our office to determine if we may accept your petition locally (see page 5 for our contact information.)

B. Procedure to Immigrate an ORPHAN Child

Petitioning for an orphan involves two distinct procedures:

1. Advance Processing (Form I-600A)
2. Orphan Petition (Form I-600)

1) Advance Processing (Form I-600A)

This process focuses on the ability of the prospective adoptive parents to provide a proper home environment and on their suitability as parents. This determination, based primarily on a home study and fingerprint checks, is essential for the protection of the orphan.

US citizens who plan to adopt a foreign orphan but do not have a specific child in mind yet, must file an Application for Advance Processing of Orphan Petition (Form I-600A) with the US Citizenship and Immigration Services (USCIS) office having jurisdiction over their place of residence as soon as a decision to adopt is made.

(a) Eligibility for Advance Processing

An application for advance processing may be filed by a married United States citizen of any age and his or her spouse of any age, or an unmarried United States citizen, who is at least 24 years old at the time he or she files the advanced processing application and at least 25 years old at the time he or she files the orphan petition. The spouse of the United States citizen may be a citizen or an alien. An alien spouse must be in lawful immigration status if residing in the United States.

(b) Form Used for Advance Processing

Form I-600A, Application for Advance Processing of Orphan Petition. All necessary documents that must accompany the form are listed on the form itself and in **Attachment 1**. Current filing fee is \$670.00

(c) Decision

Approved I-600A petitions are valid for eighteen (18) months from the date of approval. A Notice of Favorable Determination Concerning Application for Advance Processing of Orphan Petition (*Form I-171H*), is sent to the prospective adoptive parent(s). This decision, however, does not guarantee that the orphan petition(s) to be filed will be approved. An orphan petition may still be denied because the child does not qualify as an orphan or for other proper cause.

If you already have an approved Form I-600A that is about to expire and you have not yet filed a Form I-600 petition, you can request one free extension of your Form I-600A. You must submit a written request to the USCIS office that adjudicated the initial I-600A. The request must be received no earlier than 90 days prior to the expiration of the Form I-600A approval, but before the Form I-600A approval notice expires.

(d) Overseas Orphan Determination

As part of the normal processing, an orphan determination is performed with the purpose of confirming that the child is an orphan as defined in U.S. immigration law; that the child does not have an illness or disability not described in the orphan petition, and to avoid any possibility of fraudulent practices. The prospective adoptive parents do not have to fill out a form. Not only is it the responsibility of the USCIS to make every effort to ensure that an orphan petition does not involve fraudulent adoption practices. The determination is also done as a service to the adoptive parent(s) because it protects them from a potential heartbreaking situation and/or adverse legal proceeding, which may occur when the legality of an adoption is subsequently challenged.

Title 8 of the Code of Federal Regulations, section 204.3(k)(1) establishes that this determination must be completed for every orphan case. A determination shall be completed before an I-600 petition is adjudicated abroad. Depending on the circumstances surrounding the case, this determination shall include, but shall not necessarily be limited to, document checks, telephonic checks, interview(s) with the natural parent(s), and/or a field investigation.

When prospective adoptive parents have been assigned a child, they must submit the documents listed in **Attachment 2**, so that USCIS may initiate the orphan determination.

Prospective adoptive parent(s) should contact the USCIS office at the US Embassy in Tegucigalpa for details on processing times.

2. Orphan Petition (Form I-600)

The orphan petition focuses on whether the child is an orphan according to section 101(b)(1)(F) of the Act. The orphan petition is filed on Form I-600, Petition to Classify Orphan as an Immediate Relative. The documents required for an adoption completed in Honduras are listed in **Attachment 3** for your convenience. There is no filing fee for an I-600 when an Advance Processing Application (Form I-600A) is within 18 months of a favorable decision.

A US citizen residing outside the United States may file an I-600A concurrently with the I-600 (Code of Federal Regulations, Title 8 § 204.3.) Under this concurrent procedure, Form I-600 serves as both the Forms I-600A and I-600, and the prospective parents should not file a separate Form I-600A. With this concurrent procedure, Form I-600 must be accompanied by a fee of US\$670.00. When more than one petition is submitted by the same petitioner on behalf of orphans who are siblings, only one fee is required. Please review the requirements for the concurrent procedure listed on **Attachment 4**.

The concurrent procedure involves an I-604 determination as well, therefore the documents listed in **Attachment 2** must be provided to the Service in addition to the requirements of **Attachment 4**.

C. Procedure to immigrate a Child who is NOT an orphan

If interested in bringing a child, who is not an orphan, into the United States, please contact our offices. Our contact information is found on page 5 of this handout.

III. COMPLETION OF U.S. IMMIGRATION PROCEDURE IN ORPHAN CASES

Once you have completed your adoption, please follow these steps:

1. Inform the USCIS regional office at the US Embassy in Tegucigalpa that you have completed your adoption and provide originals and one set of copies of the documents listed in **Attachment 3**. All documents must be translated into English.

2. Submit your I-600 petition at the USCIS office, located at the US Embassy Consulate in Tegucigalpa. You may visit our offices on Mondays, Wednesdays and Thursdays from 8:30am to 10:30am. Petitions are usually approved within two or three weeks (if all appropriate documentation is in order). USCIS transfers the approved petition to the Consular Section upon approval. A written notification of approval is given to you.

3. Contact the Consular Section (Tel. 011-504-236-9320, ext. 4611 or by e-mail at TGGCONSIVAPP@state.gov) to obtain the immigrant visa and medical examinations forms (your child must have a medical exam done by one of the Embassy's approved panel physicians.) Current medical fees are approximately \$200 (the fees may increase depending on the number of vaccines required) or the equivalent in Lempiras. You must take the child's passport bearing the child's new name to the physician's office.

4. The last step is for you or your spouse to take your child to the Consular Section of the US Embassy for the immigrant visa interview. Although your child must be present, only one parent needs to attend. Please see the Immigrant Visa Unit for the documents required for the immigrant visa and appointment schedules. Current fees are \$380.00 for the immigrant visa application and the visa (or the equivalent in Lempiras), plus \$1.00 per page for required photocopies (only cash or US money orders are accepted). Once issued, the visa will be valid for travel to the United States at any time within six months from the date of issuance.

IV. OBTAINING U.S. CITIZENSHIP FOR YOUR ADOPTED CHILD

On February 27, 2001, **The Child Citizenship Act** entered into effect. It states that certain foreign born children, including adopted children currently residing permanently in the U.S. will acquire citizenship automatically. A child adopted and residing abroad remains a national of his/her country of origin and must have a foreign passport and immigrant visa to enter the United States. (See I. GENERAL INFORMATION pages 1 and 2.) To be eligible for citizenship, an adopted child must meet the requirements listed on **Attachment 6**.

V. CONTACT INFORMATION FOR USCIS AND THE U.S. CONSULATE

U.S. Citizenship and Immigration Services
Unit 2905
APO AA 34022

Telephone: (504) 236-9320, Extension 4500
Fax: (504) 236-9107
Hours of Service: MON-WED-THU, 8 am - 5 PM
E-mail: USCISTGU.Inquiries@dhs.gov

U.S. Consulate Honduras

Unit 2909
APO AA 34022

Telephone: (504) 236-9320 X 4611
Hours of Service: 3-5pm
E-mail: tggconsivapp@state.gov

For additional information, please visit the following State Department link:
http://travel.state.gov/family/adoption/adoption_485.html

ATTACHMENTS

The following attachments are checklists (except for Attachments 5-7) to help you organize your paperwork. Attachment 6 contains an overview of the adoption procedure in Honduras. It also contains a list of the requirements to qualify for adoption in Honduras.

Please be informed that no incomplete applications will be accepted. The only exception to this rule will be for prospective adoptive parents who opt to participate in the Adjudicate Orphan Status First Pilot Program (See **Attachment 7**).

This handout must contain the following attachments. If you are missing one of the attachments, please contact us at USCISTGU.Inquiries@dhs.gov:

1. Requirements for I-600A Application for Advance Processing of Orphan Petition
2. Documents required for USCIS' orphan investigation
3. Requirements for I-600 Petition to Classify Orphan as an Immediate Relative
4. Requirements for concurrent filing of I-600A and I-600
5. The Child Citizenship Act
6. Honduran Adoption Procedure
7. Adjudicate Orphan Status First Pilot Program

ATTACHMENT 1
**CHECK LIST FOR FILING FORM I-600A APPLICATION FOR ADVANCE PROCESSING
OF ORPHAN PETITION**

1. Form I-600A fully completed.
2. Evidence of petitioner's United States citizenship. If petitioner is married and his/her spouse is living in the United States, evidence of this spouse's United States citizenship or lawful immigration status.
3. Copy of the petitioner's marriage certificate if currently married.
4. Evidence of legal termination of all previous marriages by petitioner and/or spouse.
5. Two sets of completed and fully classifiable fingerprint cards of each member of the prospective adopting married couple or the unmarried prospective adopting parent - Form FD 258 (other forms are not acceptable.)
6. Evidence of compliance with pre adoption requirements, if any, of the State of the orphan's proposed residence in cases where it is known that there will be no adoption abroad.
7. Two sets of fingerprint cards (FD-258) for each additional adult member (18 years old or older) of the prospective adoptive parents' household.
8. Home Study should be submitted with the petition, however, if the Home Study is not submitted when the I-600A is filed, it must be submitted within one year of the filing of the advanced processing petition, or the petition will be denied.

Home study (must not be older than six months old at the time of submission to the Service – pursuant 8 CFR 204.3(e)). In addition to meeting any State, professional or agency requirements, a home study must include the following:

- A. Personal interview(s) and home visit(s).
 - B. Assessment of the capabilities of the prospective adoptive parents to properly parent the orphan:
 1. Assessment of the physical, mental, and emotional capabilities of the prospective adoptive parents to properly parent the orphan
 2. Assessment of the finances of the prospective adoptive parents
 3. History of abuse and/or violence
 - i. Screening for abuse and violence
 - Checking available child abuse registries
 - Inquiring about abuse and violence
 - ii. Information concerning history of abuse and/or violence
 - iii. Evidence of rehabilitation
 - iv. Failure to disclose or cooperate
 4. Previous rejection for adoption or prior unfavorable home study.
 5. Criminal history
 - C. Living accommodations
 - D. Handicapped or special needs of orphan
 - E. Summary of the counseling given and plans for post-replacement counseling
 - F. Specific approval of the prospective adoptive parents for adoption
 - G. Home study preparer's certification and statement of authority to conduct home studies
 - H. Review of home study
(If the prospective adoptive parents reside abroad, an appropriate public or private adoption agency licensed, or otherwise authorized, by any State of the United States to place children for adoption, must review and favorably recommend the home study before it is submitted to this Service.)
 - I. Home study updates and amendments
9. Fee of US\$670.00 or money order issued to the U.S. Citizenship and Immigration Services, or receipt of payment at the US Embassy.

ATTACHMENT 2

CHECK LIST FOR ORPHAN STATUS DETERMINATION

In order to conduct this determination the following documents must be submitted to the USCIS office at the American Embassy in Tegucigalpa ***as soon as you have been assigned a child. Please be informed that we may not accept documents for an I-604 determination if we do not have an I-600A or I-600 on file.***

In case of an abandoned child:

1. Full name and contact information for the attorney representing you in this case.
2. Child's birth certificate (which bears the natural parent's last name if available) issued by the National Registry (Registro Nacional de las Personas).
3. Abandonment certificate from the minors' court.
4. Child's photograph.
5. Address and telephone number where minor resides.
6. Complete name and contact information (phone, mobile, e-mail, fax, etc.) of person and institution in charge of the child during the adoption process.
7. Abandonment report (by hospital, and/or foster home, and/or orphanage).
8. Parents' death certificate(s) when applicable.
9. Letter from IHNFA indicating that the child has been formally assigned to you.

In case of Relinquishment (all items must be provided):

1. Full name and contact information of the attorney representing you in this case.
2. Child's birth certificate issued by the National Registry (Registro Nacional de las Personas).
3. If child is less than 14 years old, letter from IHNFA indicating that the child has been formally assigned to you. This requirement will not be necessary if the child is older than 14.
4. Biological parent's relinquishment executed before a court.
5. Hospitals certificate if child was born in a hospital. Make sure the certificate has a file number - or statement by midwife before a notary public.
6. Present address and full contact information (telephone, mobile, e-mail, fax, etc.) of sole surviving parent.
7. Present address and full contact information (telephone, mobile, e-mail, fax, etc.) of sole surviving parent's place of employment.
8. Legible photocopy of biological parent's ID card.
9. Address, telephone where minor resides.
10. Complete name and contact information (phone, mobile, e-mail, fax, etc.) of person and institution in charge of the child during the adoption process.
11. Death certificate of parent when applicable.
12. Complete name of person/institution in charge of the child during the adoption process.
13. Child's photograph.

ATTACHMENT 3

CHECK LIST TO SUBMIT I-600 PETITION

Documents required must be originals and must be accompanied by a certified English translation – a copy of all documents is required:

1. Form I-600 fully completed
2. Copy of Notice of Approval of form I-600A
3. Child's birth certificate with original name
4. Original Abandonment Decree issued by the Court or Reinquishment Certificate issued by the Court (as applicable).
5. Death certificate of parent(s) when applicable.
6. New birth certificate (showing adoptive parents last names)
7. Final Sentence issued by the Court ("Sentencia Final")
8. Final Adoption Decree ("Escritura Pública")
9. Adoption Registry issued by the Registro Nacional de las Personas or Registro Civil.
10. Newspaper adds, one in "La Gaceta" and the other in any local newspaper. (as applicable)
11. Copy of letter from IHNFA where child is being assigned to you ("Carta de Asignación")

ATTACHMENT 4

CHECK LIST FOR CONCURRENT FILING OF I-600A AND I-600

US CITIZEN RESIDING OUTSIDE THE UNITED STATES MAY FILE AN ORPHAN PETITION CONCURRENTLY WITH THE ADVANCED PROCESSING APPLICATION. Under this concurrent procedure, Form I-600 serves as both the Forms I-600A and I-600, and the prospective adoptive parents should not file a separate Form I-600A. The following supporting documents must accompany a petition filed concurrently with the application under this provision:

1. Form I-600 fully completed.
2. All requirements listed in **Attachment 1**
3. All requirements listed in **Attachment 3**
4. Documents for orphan determination listed in **Attachment 2**
5. Only one fee of US\$670 will be required.

ATTACHMENT 5

THE CHILD CITIZENSHIP ACT

To be eligible, a child must meet the definition of “child” for naturalization purposes and must meet the following requirements:

1. The child has at least one U.S. citizen parent.
2. The child is under 18 years of age.
3. The child is currently residing permanently in the U.S. in legal and physical custody of the U.S. citizen parent.
4. The child is a lawful permanent resident.
5. An adopted child meets the requirements applicable to adopted children under immigration law.

CHILDREN BORN AND RESIDING OUTSIDE THE UNITED STATES; CONDITIONS FOR ACQUIRING CERTIFICATE OF CITIZENSHIP

A parent who is a citizen of the United States may apply for naturalization on behalf of a child born outside of the United States who has not acquired citizenship automatically under section 320. The Attorney General shall issue a certificate of citizenship to such parent upon proof, to the satisfaction of the Attorney General, that the following conditions have been fulfilled:

1. At least one parent is a citizen of the United States, whether by birth or naturalization.
2. The United States citizen parent--
 - (A) Has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years; or
 - (B) Has a citizen parent who has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.
3. The child is under the age of eighteen years.
4. The child is residing outside of the United States in the legal and physical custody of the citizen parent, is temporarily present in the United States pursuant to a lawful admission, and is maintaining such lawful status.

More information on the Child Citizenship Act is available at:

www.uscis.gov

http://uscis.gov/graphics/services/natz/residing_abroad.htm

http://uscis.gov/graphics/services/natz/orphans_residing_us.htm

ATTACHMENT 6

HONDURAN ADOPTION REQUIREMENTS

The Honduran Institute for Childhood and Family (Instituto Hondureño de la Niñez y la Familia IHNFA) is the principal technical authority in matters of childhood protection. All adoptions, **with very few exceptions**, have to go through IHNFA.

The adoption process in Honduras involves two principal steps:

- (1) Administrative procedure with IHNFA.
- (2) Judicial procedure with the Court.

We recommend that you start with the administrative procedure at IHNFA to avoid delays in your adoption.

Articles 120 through 184 of the Honduran Family Code of 1984 govern adoptions in Honduras. This Code stipulates that:

- 1) At least one member of the adoptive couple must be 25 but no more than 50 years of age. Single persons may adopt, provided that they are at least 25 but not more than 50 years of age.
- 2) The adoption of all children under 14 years old and all abandoned children must be cleared by IHNFA.
- 3) In the case of a married couple, both partners must petition for the adoption. The petition cannot be filed by only one member of the couple.
- 4) The child to be adopted must be at least 15 years younger than the youngest member of the adopting couple.
- 5) The initial adoption petition must be presented in person by the prospective adoptive parent(s). It cannot be done through an intermediary. In practical terms, this means that both members of an adoptive couple must come to Honduras.
- 6) Foreigners who are not permanent legal residents of Honduras must obtain a written "follow up certification" from a US adoption agency that is licensed and duly registered with IHNFA. The certification must state that the Agency will check periodically on the well-being of the child until he/she reaches the age of fourteen, provide written reports to the IHNFA, and ensure that the adoptive parents meet their obligations to the child.
- 7) Honduran children become eligible for adoption in one of two ways:
 - (i) Abandoned children, whose parents are unknown, cannot be found, or who have refused to care for their offspring. This group may include children left unclaimed in a hospital, children who have been neglected/abused, or those whose parents have died. Such children are remanded to the custody of the Court of Child, which normally places them in the care of a state orphanage and attempts to locate natural parents. If the natural parents cannot be located, the court will issue an "abandonment decree", which becomes effective 90 days after it has been officially published. This period, which is intended to provide time for the natural parent to come forward, is established by law and cannot be shortened. Adoption proceedings cannot begin until a final decree of abandonment has been issued.

- (ii) Child relinquished for adoption occurs when a parent(s) voluntarily gives up his/her child for adoption. Honduran law does not allow both parents to relinquish their children directly to a Honduran government agency such as the IHNFA, and permits relinquishment only directly to the prospective adoptive parents. Because under US immigration law a relinquishment or release by the parents for a specific adoption does not legally constitute abandonment, such a child **cannot be considered an orphan**. However, US immigration law does provide that, the child of a sole or surviving parent may be considered an orphan if that parent is unable to care for the child properly and forever and irrevocably releases him/her for emigration and adoption. Under some circumstances the child of an unwed mother may be considered to be an orphan as long as the natural father has disappeared, deserted or abandoned the child, and the natural mother is not married which would result in the child having a stepfather under the US law.

Please be informed that Honduran law allows for the adoption of children who do not meet the orphan definition contained in U.S. Immigration Law. To avoid difficulties, please contact USCIS (see page 5 for contact information.)

HONDURAN ADOPTION PROCEDURE:

1) General Overview:

There are no private adoptions in Honduras. Adoptions in Honduras usually take from six months up to one year. You may encounter individuals who will offer to facilitate or shorten the adoption procedure. In practice they usually fail to deliver. As stated above, all adoptions must go through IHNFA, with extremely few exceptions.

You will need to hire a Honduran attorney since only an attorney may present your petition for adoption to the Courts. Most adoption U.S. agencies that are registered with the IHNFA have contracts with designated attorneys in Honduras. You are not required to work with these attorneys and may select a different one if you choose. However the Embassy cannot recommend lawyers or assume responsibility for their professional performance. The Consulate also maintains a notebook of letters from adoptive parents who have adopted in Honduras available for your review before selecting an attorney.

Legal fees normally run from \$6,000 to \$8,000 but sometimes can be several thousand dollars more. For your own protection, you should negotiate all fees with your attorney before beginning the adoption process. Be sure that all services to be included are specified, e.g., attorney's expenses, translation services, court fees, authentications, etc. Also be careful not to pay fees in full in advance since your attorney will then have no incentive to finish the adoption quickly and you will have no recourse in the event of a dispute. Children who are eligible for adoption are placed in IHNFA's care until adoptive parents have been selected; at which time they may be transferred to a foster home.

2) Documents required for filing an Adoption Petition in Honduras

- * USCIS approval to adopt a child (approval of I-600A on Form I-171H).
- * Family photographs
- * Copy of applicant(s) passport(s)
- * Applicant(s) birth certificate(s)
- * Applicant(s) marriage certificate
- * Applicant(s) certificate(s) of good health from licensed physician including laboratory urine and stool exams and blood tests, including for HIV/AIDS.
- * Applicant(s) certificate(s) of good conduct from local police.

- * Applicant(s) verification of employment specifying position, salary, length of service and benefits.
- * Copy of adoption law in applicant(s) state of residence.
- * Two recent, color photographs of applicant(s) home front view and neighborhood.
- * Three letters of reference from recognized and respected members of applicant(s) local community (such as government, school or church officials).
- * Certified bank statements giving the status of applicant(s) account.
- * Certified copy of the title to any property the applicant(s) may own.
- * **Home study prepared by an authorized and licensed social welfare agency located near the place where applicant(s) reside.**
- * A “follow up certification” from the adoption agency that will oversee applicant(s) adoption until the child reaches the age of 14.
- * Written certification from the nearest Honduran consulate that applicant(s) have met all state adoption requirements and that the adoption agency handling your case is licensed to practice in that state.

A Honduran Consulate must authenticate all these documents in the US. Once they arrive in Honduras the documents must be authenticated by the Honduran Foreign Affairs Ministry and Ministry of Government and Justice. All documents in English must be translated into Spanish before the Honduran Foreign Affairs Ministry authenticates them. Authentication usually requires at least three to four weeks and sometimes longer.

3) Steps to Complete an Adoption in Honduras:

- (i) File a petition to adopt a child at the IHNFA.

The IHNFA will provide you or your attorney with an Adoption Request Form, that must be submitted with the supporting documents and their translation listed in item 2 above (page 13). You must provide two sets of documents. We recommend that you keep another set in case they get lost.

Once your application is reviewed and all requirements are met, your request will be placed on their list of applicants until a child is assigned to you (this may take months or up to one year). You cannot choose a particular child. You may refuse to accept the child assigned to you, provided that you have an acceptable reason for doing so. However, if you refuse a second child assigned to you, adoption proceedings will be terminated. Once you have a child assigned¹, the prospective adoptive parent(s) are required to come to Honduras to meet the child, and also to be psychologically and socially evaluated by IHNFA’s social worker and staff psychologist. The results of these evaluations will be used in the preparation of a report recommending or denying the adoption to the Family Court. At this point, the adoptive child may be placed with a foster care family at your own expense. IHNFA will place a child in your care only if you will remain in Honduras until the adoption has been completed.

- (ii) File a petition to adopt a child at the Honduran Family Court.

Once you have completed IHNFA’s procedure, you must file a petition to adopt at the Family Court. The adoptive parent(s) must personally file this petition at the Court. Once the Court has reviewed your petition and determined that you meet the legal requirements to adopt, they will send an order for IHNFA to provide the court with a formal report on your social, psychological and economic suitability to adopt. You should insist that your attorney follow up with the Court to ensure

¹ As soon as a child is assigned to you please contact the USCIS office in Tegucigalpa and provide the documents listed in **Attachment 2** of the adoptions handout.

that this order is sent promptly. It normally takes the IHNFA approximately twelve weeks to complete this report. At the same time, the court will direct your attorney to publish your intent to adopt in the official government publication, *La Gaceta*, and in a local newspaper. Your attorney should send you copies of these publications. The Immigrant Visa Unit at the U.S. Consulate requires originals.

When the Court receives IHNFA's report and proof of publications, they will take your case under advisement. If all is in order, a final sentence (adoption decree) will be issued within three weeks.

(iii) Notarize the Court's Final Adoption Sentence Decree into a Public Deed.

Your attorney must notarize the final adoption decree, and a Public Deed will be executed. In case your adoptive child is an abandoned child you and IHNFA's President will sign the Public Deed. In case you have adopted a child by relinquishment, you and the child's sole surviving parent sign the Public Deed. You or your attorney must take the Court's Final Adoption Decree, the Public Deed and proof of publication to the Civil Registrar's office to register your child and to obtain a new birth certificate showing your child's new name and listing you and your spouse (if applicable) as parents. A certificate of registration of adoption will also be issued. This process usually takes one to five days.

DISCLAIMER

The above is a very brief summary of the adoption process in Honduras. It is not meant to encompass or cover all the laws of Honduras related to adoptions. It is your responsibility as the petitioner, and that of your legal representative in Honduras, to ensure that your adoption complies with all the laws and regulations established by the Government of Honduras.

Adjudicate Orphan Status First Pilot Program

Currently, the determination of whether or not a child meets the definition of orphan is not made until after the adoptive parent(s) has a legal obligation to the child. The USCIS, in conjunction with the Department of State (DOS), is introducing a pilot program that will allow the USCIS or DOS to determine whether or not a child meets the definition of orphan prior to the adoptive parents completing adoption proceedings. It is hoped that this program will prevent situations where U.S. citizens find that they have adopted a child from abroad but are not able to immigrate the child to the United States because the child does not meet the orphan definition.

To qualify for the pilot program, the prospective adoptive parent may not have already adopted the child identified in form I-600.

Procedure:

- a. The prospective adoptive parent(s) (PAP)(s) submit form I-600A to the USCIS.
- b. If form I-600A is approved, USCIS will send the PAP(s) a letter explaining the special “adjudicate orphan status first” pilot program along with the approval notice of form I-600A. This letter will include instructions outlining the terms of the pilot program. Interested PAP(s) will return a copy of the letter to USCIS as confirmation of their desired participation in the pilot program.
- c. The PAP(s) can participate in the program by submitting the “Adjudicate Orphan Status First” pilot program letter referred to above along with form I-600, in either a field office in the U.S. or at a U.S. Embassy or consulate abroad, so long as no adoption or legal custody arrangement has taken place. Form I-600 should be accompanied by all supporting documents required (See Attachments 3 and 4) except for the final adoption decree or custody decision.
- d. The child’s paperwork will be reviewed and a determination will be made regarding the child’s orphan status. If the child does meet the definition of “orphan”, the PAP(s) will be notified that they should proceed with the adoption. If the child does not meet the definition of “orphan”, the prospective adoptive parents will be advised of the deficiencies in the paperwork and offered the opportunity to respond.

For a more detailed description of the process, please review USCIS’s memo, The “Adjudicate Orphan Status First” Pilot Program, and some of the orientation materials for voluntary participation in the “Adjudicate Orphan Status First” pilot program.

You can find this memo and all related materials at the following internet link:

<http://www.uscis.gov/files/pressrelease/OrphanPilot060403.pdf>