



Petition to Classify Convention Adoptee as an Immediate Relative

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-800

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 and USCIS Account Number, if known, 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 website at www.travel.state.gov. Additional information on intercountry adoptions can be found on the USCIS Internet website 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

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.

Instructions for a Hague Convention Birth Siblings between Age 16 and 18

The International Adoption Simplification Act of 2010, Public Law 111-287, amended section 101(b)(1)(G) of the Immigration and Nationality Act (INA) to allow the birth sibling of an adopted child to qualify as a Hague Convention adoptee after the birth sibling's 16th birthday, but prior to the birth sibling's 18th birthday. After November 30, 2010, a Form I-800 may be filed, in accordance with form filing instructions, if;

1. The child is from a country Party to the Hague Convention on Protection of Children and Cooperation with Respect to Intercountry Adoption; and
2. The child is the birth sibling of another foreign national child who has immigrated or will immigrate based on adoption by the same adoptive parents; and
3. The Form I-800 is filed before the expiration of the notice of approval or extension of the I-800A, Application for Determination of Suitability to Adopt a Child from a Convention Country, **and** before the child's 18th birthday.

You must have an approved, valid Form I-800A, prior to filing Form I-800. If the approval of the Form I-800A (including any extensions) has expired or you never filed a Form I-800A, you will need to file a Form I-800A in accordance with the Form I-800A instructions.

Special Instructions for a Sibling Child who Turned 18 on or after April 1, 2008

The International Adoption Simplification Act of 2010, (Section 4(b)) also allows a U.S. citizen to file a visa petition for a child who meets the following requirements:

1. The child is from a country that is a Party to the Hague Convention on Protection of Children and Cooperation with Respect to Intercountry Adoption; **and**
2. The child turned 18 on or after April 1, 2008; **and**
3. The petitioner has adopted or will adopt the child; **and**
4. The child is the birth sibling of another foreign national child who has immigrated or will immigrate to the U.S. based on adoption by the same adoptive parents; **and**
5. Form I-800 is properly filed by the petitioner on or before November 30, 2012.

You must have an approved, valid Form I-800A, Application for Determination of Suitability to Adopt a Child from a Convention Country, prior to filing Form I-800. If the approval of the Form I-800A (including any extensions) has expired or you never filed a Form I-800A, you will need to file a Form I-800A in accordance with the Form I-800A instructions.

When completing the Form I-800 under these special instructions for an older birth sibling, you should write “N/A” in response to questions 9 through 17, inclusive. You must submit the following supporting documents with Form I-800:

1. Birth certificates for each sibling or other evidence that they are birth siblings.
2. Evidence that the younger birth sibling either already has immigrated or will immigrate to the United States as your adopted child, orphan or Convention adoptee.
3. A copy of the adoption decree for the older birth sibling you are filing for, if you have already adopted them. If you have not already adopted the older birth sibling, information about the pre-adoption requirements under the law of the State where you will adopt, to show that you will be able to adopt the older birth sibling in that State, despite the fact that they are already over 18.

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-800A, or provide any other legal services concerning your Form I-800A. 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

We provide free forms through the USCIS website. To view, print, or complete our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have internet access, you may call the USCIS Contact Center and ask that we mail a form to you.

Signature. You (or your signing authority) must properly complete your application. USCIS will not accept a stamped or typewritten name in place of any signature on this application. If you are under 14 years of age, your parent or legal guardian may sign the petition on your behalf. A legal guardian may also sign for a mentally incompetent person. If your petition is not signed, or if the signature is not valid, we will reject your application. See 8 CFR 103.2(a)(7)(ii)(A). If USCIS accepts a request for adjudication and determines that it has a deficient signature, USCIS may deny the request.

Validity of Signatures. USCIS will consider a photocopied, faxed, or scanned copy of an original handwritten signature as valid for filing purposes. The photocopy, fax, or scan must be of the original document containing the handwritten ink signature.

Filing Fee. See Form G-1055, available at www.uscis.gov/forms, for specific information about the fees applicable to this form.

Evidence. When you file your application, you must submit all evidence and supporting documents listed in these Instructions.

Copies. You should submit legible photocopies of requested documents unless the Instructions specifically instruct you to submit an original document. USCIS may request an original document at any time during our process. If we request an original document from you, we will return it to you after USCIS determines it no longer needs the original.

NOTE: If you submit original documents when they are not required or requested, **USCIS may destroy them after we receive them.**

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that they are competent to translate from the foreign language into English. The certification must also include their signature, printed name, the signature date, and their contact information.

USCIS Contact Center. For additional information on the application and Instructions about where to file, change of address, and other questions, visit the USCIS Contact Center at www.uscis.gov/contactcenter or call at **800-375-5283** (TTY **800-767-1833**). The USCIS Contact Center provides information in English and Spanish.

Disability Accommodations/Modifications. To request a disability accommodation/modification, follow the instructions on your appointment notice or at www.uscis.gov/accommodationsinfo.

How To Complete Form I-800

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this petition, attach a separate sheet of paper. Type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks, "Provide the name of your current spouse"), type or print "N/A" unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None" unless otherwise directed.
4. **USCIS Online Account Number.** You will only have a USCIS Online Account Number (OAN) if you previously filed a form that has a receipt number that begins with IOE. If you filed the form online, you can find your OAN in your account profile. If you mailed us the form, you can find your OAN at the top of the Account Access Notice we sent you. If you do not have a receipt number that begins with IOE, you do not have an OAN. The OAN is not the same as an A-Number.

This form is divided into **Parts 1. - 7.** 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.

Part 2. Information About You

Item 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.

U.S. Social Security Number (if any). Provide your U.S. Social Security number. If you do not have a U.S. Social Security number, type or print “N/A.”

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.

Physical Address. Provide your physical address if it is different from your mailing address.

Mailing Address. Provide the address where you would like to receive written correspondence regarding your application.

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

Part 3. Processing Information

Item Numbers 1. – 5. Provide the requested information.

Part 4. Information About Beneficiary (*Convention adoptee*)

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

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

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

Part 5. Information About Fees, Expenses, and Other Compensation

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

Part 6. 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 7. 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.

General Requirements

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.
 - E. 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.*)
 - F. 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 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.

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?

Please see our website at www.uscis.gov/I-800 for the most current information about where to file this petition.

Address Change

If you are not a U.S. citizen, you must notify USCIS of your new address within 10 days of moving from your previous residence. For information on changing your address, go to our website at www.uscis.gov/addresschange, or call the USCIS Contact Center.

NOTE: Do not submit a change of address request to the USCIS Lockbox.

Processing Information

Initial Processing. Once USCIS accepts your petition, we will check it for completeness. If you do not properly complete this petition, you will not establish a basis for your eligibility and we may reject or deny your petition.

Requests for More Information. USCIS may request that you provide more information or evidence to support your petition. We may also request that you provide the originals of any copies you submit. If we request an original document from you, we will return it to you after USCIS determines it is no longer needed.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your petition. During your interview, USCIS may require you to provide your biometrics to verify your identity and/or update background and security checks.

Decision. The decision on Form I-800 involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of our decision in writing.

USCIS Forms and Information

To ensure you are using the latest version of this petition, visit www.uscis.gov.

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 petition and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this benefit request, and the associated evidence, is collected under the Immigration and Nationality Act, section 101, et seq.

PURPOSE: The primary purpose for providing the requested information on this benefit request is to determine if you have established eligibility for the immigration benefit for which you are filing. The information you provide will be used to grant or deny the benefit sought.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in denial of your benefit request.

ROUTINE USES: The information you provide on this benefit request may be shared with other Federal, State, local, and foreign government agencies and authorized organizations following approved routine uses described in the associated published system of records notices [DHS/USCIS-007 - Benefits Information System and DHS/USCIS-001 – Alien File (A-File) and Central Index System (CIS), which can be found at www.dhs.gov/privacy. The information may also be made available, as appropriate, for law enforcement purposes or in the interest of national security.