



## **Final Requirements**

### **Fulfilling Remaining Immigration or Citizenship Requirements**

#### **What You Should Know**

After you bring your child home, there may be additional actions required by U.S. immigration law, State law, your child's country of origin, or your adoption agency. Adoptive parents may need to:

- **Fulfill remaining visa requirements.** **The Child Citizenship Act of 2000** mandates that foreign-born children adopted by at least one U.S. citizen parent living in the United States automatically become U.S. citizens as soon as the requirements of the Act are met. If your child entered the United States on an IR-4 visa, you must finalize your child's adoption in a U.S. court to satisfy Child Citizenship Act requirements and secure U.S. citizenship for your child. Your child automatically will become a U.S. citizen on the day the adoption is finalized in the United States. Children who enter the United States on an IR-3 visa automatically become U.S. citizens when they arrive in the United States for the first time. Ask your agency which type of visa your child was issued, or check the stamp in his or her passport.
- **Fulfill postplacement requirements.** In most cases, your agency or your child's birth country will require you to provide photographs, written reports, and medical reports for 6 months to several years after your child's placement. These will show that your child is adjusting to your family and is loved. These reports also help foster positive relationships between the United States and your child's country of origin, paving the way for future intercountry adoptions.
- **Consider readoption.** Some children enter the United States with an IR-3 visa. That means that all three of the following have occurred: (1) the parents saw the child in his or her country before or during the adoption process, (2) the child's adoption was finalized before the child left his or her country of origin, and (3) the adoption was recognized by the sending country. Federal law does not require children who were issued an IR-3 visa to be readopted in the United States.

Some States do not recognize foreign adoption decrees, even when the adoption has been finalized before the child has left his or her country of origin. These States require adoptive parents to readopt the child in a State court once the child arrives in the United States (regardless of the type of visa issued). Even if their State laws do not require it, many families choose to readopt their children in State courts for the following reasons:

- To obtain a U.S. birth certificate for the child
- To ensure that the validity of the adoption cannot be challenged in the event of a change in the political situation in the child's country of origin
- To protect the child's right to an inheritance. Once the adoption is finalized in a State court, the adopted child is treated by law as the birth child of the adopting parents. The adopted child gains the right to inherit from the adoptive parents and adoptive parents' relatives and is protected from a challenge to inheritance rights in a State court in the future.

The timeframe to complete the readoption process varies, but generally it is much shorter than the full intercountry or domestic adoption process. Ask your agency or lawyer how to begin the readoption process in your State.

- **Obtain proof of your child's U.S. citizenship.** A Certificate of Citizenship issued by USCIS, or a U.S. passport, provides proof of U.S. citizenship for children who become citizens through adoption. Only a child

with a full and final adoption in his or her country of origin, entering the United States on an IR-3 visa, will automatically receive a Certificate of Citizenship from USCIS (within 45 days of entering the United States). If your child entered the United States on an IR-4 visa, you can apply for a Certificate of Citizenship after the adoption is finalized in the United States by submitting **Form N-600, Application for Certificate of Citizenship**, and the filing fee, to the local USCIS district office or sub office. It is possible to obtain a **passport** from the Department of State for a child before receiving the Certificate of Citizenship, but the adoption must be full and final according to Federal law. The “full effect” of a foreign adoption decree means that adoptive parents and adopted children have the same rights and obligations as they would have if a State court had issued the adoption decree.

- **Obtain a Social Security Number for your child.** The Social Security Administration will assign your child a social security number before you obtain proof of U.S. citizenship. However, records will not show your child is a U.S. citizen until you provide this proof. The Social Security Administration provides information on **how to obtain a social security number for children adopted from abroad**.

### **Additional Resources**

Find out which States recognize foreign adoption decrees in ***Intercountry Adoptions Finalized Abroad***.

The Joint Council on International Children’s Services provides a factsheet explaining **how to get a passport for children adopted internationally**.

*Credits: Child Welfare Information Gateway*