

## **Quad A USCIS Panel—Electronic Reading Room (ERR) Summary**

**Nov. 16, 2022**

On Nov. 16, 2022, U.S. Citizenship and Immigration Services (USCIS) participated in a virtual panel for the members of the Academy of Adoption & Assisted Reproduction Attorneys (Quad A) in lieu of participating in-person at its annual September conference. USCIS addressed topics, questions and comments Quad A members submitted before the panel about USCIS' role in intercountry adoption, parole, adoption policy and stakeholder recommendations, adoption adjudications, and USCIS updates.

The following is a summary of the questions and answers we addressed during the panel and the updates we provided.

### **USCIS' Role in Intercountry Adoption**

- USCIS and the U.S. Department of State (DOS) have separate and overlapping roles. There may be questions at times about which agency handles what, or how our agencies work together. We share a few points to better clarify USCIS' role in the U.S. intercountry adoption process.
- USCIS works closely with our counterparts and colleagues at DOS's Office of Children's Issues, the Visa Office, and consular posts outside the United States on intercountry adoption topics and issues.
- USCIS is an agency within the Department of Homeland Security (DHS). Along with other DHS components, USCIS administers the nation's immigration laws.
- Specifically, USCIS adjudicates requests for immigration benefits, including adoption-related applications and petitions, and certain parole requests.
- USCIS issues policy guidance related to the adjudication of intercountry adoption applications and petitions; we also draft and implement regulatory and form revisions.
- USCIS has sole authority to determine whether prospective adoptive parents (PAPs) are suitable and eligible to adopt under the orphan or Hague process.
- USCIS has primary authority to determine whether a foreign-born adopted child is eligible to immigrate to the United States or adjust to lawful permanent resident status under U.S. immigration law on the basis of an adoption or legal custody order.
- USCIS has delegated some of our adjudication authority to DOS to determine whether a child is eligible to be classified as an orphan or a Convention adoptee. USCIS has also delegated authority to DOS to accept and adjudicate a Form I-130, *Petition for Alien Relative*, family-based petition in certain circumstances, including petitions based on adoption.
- Specifically, in the orphan process, DOS can only approve clearly approvable petitions and conduct the required Form I-604, *Determination on Child for Adoption*. If DOS cannot approve an orphan petition, they must return it to the USCIS National Benefits Center (NBC) as "not clearly approvable." If DOS is unable to issue a visa to a child with

an approved orphan petition, they must return the petition to the NBC. (This is called a consular return.)

- In the Hague process, the NBC issues preliminary Form I-800, *Petition to Classify Convention Adoptee as an Immediate Relative*, approval, typically before the PAP adopts or obtains legal custody for emigration and adoption. DOS then completes the final adjudication of Hague petitions at its consular posts. If DOS cannot issue final petition approval or issue the child's visa, they must return the case as a consular return to the NBC.
- USCIS also determines the eligibility of adoptees to receive a Certificate of Citizenship or to naturalize.
- For additional information on DOS's role in intercountry adoption, see the DOS [website](#), which includes a description of DOS's [roles](#) as the U.S. Central Authority for the Hague Adoption Convention, as well as information on DOS's [Oversite of Accrediting Entities](#).

## **Parole**

- Quad A members expressed interest in learning more about the availability of USCIS advance authorization to travel to the United States to seek parole for urgent humanitarian or significant public benefit reasons, particularly in situations where there may be a need to bring a child in the intercountry adoption process to the United States for their safety and wellbeing.
- Parole is not intended to be used solely to avoid normal visa processing procedures and timelines, to bypass inadmissibility waiver processing, or to replace established immigration avenues.
- USCIS rarely approves requests for advance authorization to seek parole for adoption-related cases because parole does not provide the same procedural safeguards for prospective adoptive children, PAPs, or birth parents that exist in the adoption-based immigration avenues, such as determinations that a child is an orphan or Convention adoptee.
- USCIS has received an unprecedented number of requests for parole in the last year, particularly for Afghan beneficiaries. While we try to process all urgent requests for parole quickly and efficiently, petitioners should expect to wait significantly longer for their parole request to be processed right now – so parole may not be faster than completing the intercountry adoption process.
- For adoption-related requests for parole, USCIS generally considers whether the petitioner or family has provided evidence of:
  - A legally sufficient order granting them legal custody or guardianship of the child, or a final adoption order from the appropriate government or judicial authority in the child's country of origin; and
  - Information about the child's background and circumstances, including the status of any birth or other legal parents; and
  - Approval of the child's departure from the appropriate authorities in the child's country of origin.
    - Each country has its own exit control requirements, so even in the most compelling circumstances, express approval from the appropriate entity in the child's country of origin would still be required before a child could

depart for the United States for purposes of emigration and adoption in the United States, even if the petitioner states that they ultimately plan to return the child to that country.

- USCIS reviews each case on its own merits based on the documentation provided and the circumstances presented – and the outcome could differ from family to family.
- The Humanitarian Affairs Branch (HAB) within RAIO’s International and Refugee Affairs Division, adjudicates [Form I-131, Application for Travel Document](#), parole requests. When there is a parole case with an adoption component or a child traveling without a parent or legal guardian, HAB consults with the RAIO Adjudication Programs Coordination Division, which has expertise on intercountry adoption, to ensure full review of child protection considerations.
- Adoption by a U.S. citizen, in and of itself, does not make a child a U.S. citizen or immediately eligible to immigrate to the United States. Parole does not afford children the U.S. immigration status protections that adoption-based immigration avenues provide.
  - For example, a child who is paroled has not been admitted to the United States for purposes of immigration law and would have to take additional steps to become a lawful permanent resident (LPR) or a U.S. citizen. The child would not be admitted as an LPR and would not automatically acquire U.S. citizenship as other children entering on the basis of adoption normally do.
- In some cases, a child paroled into the United States may not have a path to immigration status within the United States. For example, if a child is not adopted by a certain age, there may not be an adoption-related immigration path available. If a child is from a Hague Convention country, there are additional requirements and documentation needed.
- Some PAPs and adoption service providers have inquired about the use of parole for children to enter the United States. USCIS may use its discretion to authorize parole on a case-by-case basis for urgent humanitarian reasons or a significant public benefit but does not often do so in cases of parole requests submitted for prospective adoptive children.
- USCIS appreciates Quad A’s recommendation to clarify guidance related to humanitarian parole, and in particular parole for children in the intercountry adoption process. We recommend reviewing the USCIS webpages [Humanitarian or Significant Public Benefit Parole for Individuals Outside the United States](#) and [Guidance on Evidence for Certain Types of Humanitarian or Significant Public Benefit Parole Requests](#) (specifically there is an accordion with guidance on ‘Requesting Parole for Children’), as well as the [USCIS Policy Manual Volume 3: Humanitarian Protection and Parole, Part F, Parolees](#).

### **Adoption Policy and Stakeholder Recommendations**

- **USCIS Policy Manual**
  - In November 2021, USCIS issued the initial publication of the [Adoptions Volume](#) in the USCIS Policy Manual. This publication moved existing guidance from our legacy Adjudicator’s Field Manual (AFM) and some policy memos into the USCIS Policy Manual, consolidating and clarifying guidance.
  - This is part of our broader effort across the agency to update and incorporate all policy guidance from different sources, including the AFM and policy memos,

into the USCIS Policy Manual. Eventually, the USCIS Policy Manual will be the one-stop source for USCIS policy.

- This initial publication was the first step toward developing a complete volume of guidance on adoption-based immigration. The next steps will include incorporating guidance on areas where the AFM did not have content, fully incorporating all related guidance and policy memos, and making other policy clarifications and enhancements.
- At this time, the public should continue to review all guidance resources, including policy memoranda that have not yet been fully superseded or incorporated in the the USCIS Policy Manual. Policy memoranda which have been incorporated into the USCIS Policy Manual or are no longer applicable are marked fully or partially superseded.
- The USCIS Office of Policy & Strategy notifies the public of every substantive update made to the USCIS Policy Manual. So as we make updates to the Adoptions Volume or any other substantive adoption-related updates to the Policy Manual, we will notify the public. If the public or stakeholders would like to receive notifications in the future, you can sign up with USCIS to receive automatic notifications, including information regarding new regulations, policies, forms or changes to them, and engagements. Our [main adoption webpage](#) has a link to sign up:
  - 1. Scroll down to the box that says, “Get Updates by Email.”
  - 2. Enter your email address and click “Submit.”
  - 3. Select the topics you wish to subscribe to. Scroll down to check the adoption box.
  - 4. Click “Save.”

- **Burden and Standard of Proof**

- We received Quad A’s request to add information to the [Hague part](#) of the USCIS Policy Manual on the burden and standard of proof.
- The initial publication of the Adoptions Volume in the USCIS Policy Manual built the framework for policy updates and clarifications, such as this. We will be working on updates to publish content for reserved sections.
- The initial publication of the Adoptions Volume of the USCIS Policy Manual was to move existing adoption guidance from the AFM and policy memos to the USCIS Policy Manual. There are many reserved sections in the Hague part, including the section on burden and standards of proof, because there was not existing content on this in the Hague section of the AFM to move into the USCIS Policy Manual.
- In the meantime, the public may see information on burden and standards of proof in [Volume 1: General Policies and Procedures, Part E, Adjudications, Chapter 4, Burden and Standards of Proof](#).
- As indicated in this guidance, the standard of proof applied in administrative immigration proceedings is the preponderance of the evidence standard, unless a different standard is specified by law.
- In orphan, Hague, and family-based adjudications, there is not a different standard specified by law, so the preponderance of the evidence standard applies.

- The burden is on the petitioner to establish that the beneficiary is eligible for the benefit sought. The petitioner must establish the beneficiary child is eligible for classification as an orphan, Convention adoptee, or an adopted child for a family-based petition by a preponderance of the evidence.
- Preponderance of evidence has been defined by the U.S. Supreme Court as “more likely than not” or “greater than a 50% probability.”
- **Retroactive (Nunc Pro Tunc) Adoption Orders**
  - We also received comments from Quad A regarding policy on retroactive or nunc pro tunc orders.
  - Of the 3 adoption-related immigration pathways (orphan, Hague, and family-based), USCIS only has guidance on retroactive and amended orders for the family-based provision. This is because the family-based provision is the only one that has requirements specific to the age of the child at the time of the adoption. The orphan and Hague processes instead have requirements about the child’s age at the time the petition is filed, so a child’s age at the time the adoption order is granted is generally not an issue for orphan or Hague cases.
  - The statutory definition of a child as it relates to immigrant visa petitions generally describes a child as an unmarried person under the age of twenty-one. More specifically, it sets the age requirements for an adopted child either at the time of the adoption or the filing of a petition. Although USCIS is bound by these statutory requirements, USCIS has issued guidance which allows for maximum flexibility in determining whether the filing of a petition meets the specific age requirements related to filings for certain older children. For example, USCIS will deem the suitability application filing date to be the petition filing date if certain requirements are met. In addition, USCIS allows the petitioner to file the petition before having all of the required evidence for certain older children, to further assist children in this situation. Information on these flexibilities is available in the USCIS Policy Manual Volume 5: Adoptions, Part C, Chapter 3, Section B, Age and in Form I-600 and Form I-800 instructions.
  - For family-based adoptions, a retroactive adoption order (known as a nunc pro tunc order) entered on or after the adoptee beneficiary’s 16th birthday (or 18th birthday, if the sibling exception applies) may establish that a child meets the age at time of adoption requirement, if the petitioner demonstrates that:
    - The petitioner initiated the adoption proceeding before the adoptee beneficiary’s 16th birthday (or 18th birthday, if the sibling exception applies);
    - The law of the jurisdiction where the order was issued expressly allows the court to give retroactive effect to an adoption decree; and
    - The court’s order grants the adoption with an effective date before the adoptee beneficiary’s 16th birthday (or 18th birthday, if the sibling exception applies).
  - The petitioner also must submit evidence that the adoptive parent filed a formal petition or application to adopt the child with the court (or other authority competent to grant the adoption) before the adoptee beneficiary’s 16th birthday (or 18th birthday, if the sibling exception applies).

- An amended order entered to correct an error in an order that actually was entered before the adoptee beneficiary's 16th birthday (or 18th birthday, if the sibling exception applies) may also establish eligibility.
  - For example, if a court intended to enter an adoption order but mistakenly entered a guardianship order, an amended order correcting the earlier order would support approval of the petition. In these circumstances, the petitioner should submit both the original order and the later order correcting the original order.
- For additional information on retroactive and amended orders for family-based adoption, see the [USCIS Policy Manual Volume 5: Adoptions, Part E, Family-Based Adoption Petitions, Chapter 2, Eligibility](#).

- **Habitual Residence and Domicile**

- We also appreciate Quad A's recommendations about further clarifying USCIS habitual residence guidance in the USCIS Policy Manual. As noted above, now that we have the initial volume on adoptions published, we can work on policy updates and clarifications such as this. We do wish to share some information on how USCIS determines domicile and the availability of immigration options for families who reside outside the United States.
- A U.S. citizen's habitual residence is determined in accordance with Code of Federal Regulations Title 8 Section 204.303—Determination of Habitual Residence. Generally, any U.S. citizen, regardless of where they reside, may use the U.S. Hague process. However, the U.S. immigration options available to a U.S. citizen PAP depend on many factors, including but not limited to the laws of the country where they reside, the age of the child at the time of adoption or filing, the laws of the country where the child resides (if it's not where the parents reside), and whether the family will continue to reside outside the United States or will reside in the United States before the child turns age 18.
- Before initiating an adoption or legal guardianship, a U.S. citizen PAP should consult the central authority in the country where they reside to determine whether the adopted child will be recognized as their legal child and allowed to reside with them in that country.
  - If the central authority determines the U.S. citizen PAP is habitually resident in the country where they reside, and the country is the receiving country for the purposes of adoption of a child from another Hague Convention partner country, they will need to follow the laws and procedures of the country where they reside.
  - It is critical that the U.S. citizen PAP proceed according to the determination of the central authority in the country where they reside to ensure that the country will recognize the adoption and allow the child to enter and reside with the U.S. citizen parent after the adoption.
- The U.S. citizen PAP may also be able to pursue the U.S. Hague process to immigrate the child if they are able to obtain the required Convention documents from the central authority in the child's country of origin to pursue the U.S. Hague process. If they are not able to obtain the required convention documents, the U.S. Hague process may not be available.

- While the Hague process may not be available, under certain circumstances, U.S. citizens may be able to file a Form I-130 for a child from a Hague Adoption Convention country if they can establish the Convention does not apply to the adoption. In this particular scenario, typically the U.S. citizen parent demonstrates that the Convention does not apply by obtaining legal custody, adopting, and jointly residing with the child for 2 years outside the U.S.
- Please review the USCIS Policy Manual Volume 5: Adoptions, [Part A, Adoptions Overview, Chapter 2, Adoption Process](#) and [Chapter 3, U.S. Citizens Residing Outside the United States](#) for more specific information.
- We appreciate comments and suggestions previously provided through public solicitation and via the Feedback tab on our USCIS Policy Manual pages. As we work to further build out adoption guidance in our Policy Manual, we continue to welcome policy suggestions at [policyfeedback@uscis.dhs.gov](mailto:policyfeedback@uscis.dhs.gov).

## **Adoption Adjudications**

- **Late-Issued Birth Certificates**

- Quad A also raised concerns about a late-issued or delayed birth certificate as a ground for denial.
- We would like to highlight that USCIS makes determinations on a case-by-case basis and reviews the totality of the record.
- USCIS must consider the relevance and weigh the credibility and probative value (whether it proves or disproves a fact) of all evidence from all sources and reach a case-specific decision consistent with applicable legal standards and case law precedent for assessing weight of evidence.
- USCIS regularly consults DOS's country information pages, Foreign Affairs Manual, and U.S. Visa: Reciprocity and Civil Documents by Country Table when evaluating a document's availability and reliability, and we weigh and review these sources of information appropriately as part of the totality of the record.
- A petitioner must submit a copy of the child's birth certificate or, if such a certificate is not available, an explanation together with other proof of the child's identity and age with any orphan, Hague, or family-based petition. Secondary evidence could include medical records, school records, church records, entry in a family Bible, orphanage intake sheets, or affidavits from individuals with first-hand knowledge of the events to which they are attesting. The petitioner must comply with all regulatory requirements for submitting secondary evidence, affidavits and demonstrating the unavailability of a record.
- Generally, USCIS does not give the same weight to delayed birth certificates as those issued at the time of birth, due to the potential for fraud. USCIS recognizes that in some limited circumstance a birth certificate may not have been issued for a child until they become involved in an intercountry adoption.
- USCIS determines the reliability of the facts contained in the delayed certificate and the reasons for any delayed certificate, in light of the other evidence in the record, and an officer should not reject the delayed certificate's evidentiary value simply because it was not issued at the time of the child's birth.



- A petitioner may submit supplemental evidence at the time of filing to be considered with a delayed birth certificate, or submit additional evidence in response to a USCIS-issued request for evidence (RFE) or notice of intent to deny (NOID) to address any deficiencies or inconsistencies in the record, such as those related to the child's age and identity.
- **Form I-600 Filing Options**
  - Quad A also reached out to DOS to confirm whether a PAP can file an orphan petition at a U.S. embassy or consulate. USCIS cannot provide legal advice or recommendations, and we can only share general information about filing requirements for Form I-600, *Petition to Classify Orphan as an Immediate Relative*.
  - If the PAP has a valid and approved Form I-600A, *Application for Advance Processing of an Orphan Petition*, and wishes to file Form I-600 outside the United States, at some point during the adoption process the PAP must be physically located within the jurisdiction of the U.S. embassy or consulate designated to act on the petition. (Generally, this is in the country where the child resides). Note that DOS can never accept a Form I-600A or determine suitability or eligibility in a Form I-600 combination filing that does not contain an underlying Form I-600A approval.
  - Regardless of where a petitioner resides, they may file a Form I-600 petition with the NBC in accordance with USCIS filing instructions. For more information on filing options, review the [Form I-600, Petition to Classify Orphan as an Immediate Relative](#), webpage.
  - As noted above, DOS only has authority to approve petitions on behalf of USCIS if they are clearly approvable. DOS does not have authority to issue a formal request for evidence or RFE, a notice of intent to deny or NOID, or a denial. They will send petitions that are not clearly approvable due to inconsistencies, errors, or other issues to the NBC for final adjudication. There is generally no advantage to filing with DOS versus filing with USCIS.
- **Nigerian Adoptions**
  - USCIS wishes to acknowledge Quad A's concerns about the processing of adoption cases for children from Nigeria. We would like to clarify how USCIS weighs the evidentiary record and considers fraud concerns.
  - In adjudicating any adoption-related application or petition, we carefully consider the relevance and weigh the credibility and probative value of all evidence in the record and any publicly available resources. We consider any fraud concerns that may be present, and we reach a decision in each case that is consistent with applicable legal standards for assessing the weight of evidence. It is critical that the supporting evidence provided to USCIS is authentic, properly obtained and accurately documents the child's background and availability for adoption, and history.
  - Nigeria is not a party to the Hague Adoption Convention. Therefore, intercountry adoptions out of Nigeria can be processed under the orphan process or the family-based adoption process.



- For orphan cases, DHS regulations at Code of Federal Regulations Title 8 section 204.3(k) require the completion of a Form I-604 orphan determination in every case to verify that a child is eligible to be classified as an orphan under U.S. immigration law.
    - There is no regulatory requirement that Form I-604 be completed within a specific period of time. The length of the Form I-604 determination process depends on the complexity of a particular case, and it can significantly affect the processing time for an orphan petition.
  - USCIS strives to minimize any delays that prevent children from being with permanent families. Generally, the Form I-604 orphan determination is completed in the child's country of origin, and DOS conducts Form I-604 on behalf of USCIS. USCIS defers to DOS with respect to processing times for Form I-604 orphan determinations they conduct. Note that COVID-19 and other in-country capacity and safety issues have greatly affected the length of orphan determinations in some instances. DOS's [Non-Convention Adoption Cases](#) webpage has more information about Form I-604 determinations.
- **Family-Based Adoption Petitions**
  - Quad A also raised a few items related to family-based (Form I-130) processing for an adopted child related to the consolidation of domestic processing, children aging out, and filing options.
  - ***USCIS Consolidation of Adoption-Based Form I-130 Petitions***
    - USCIS centralized adjudication of adoption-based Form I-130 petitions several years ago. Since 2015, the NBC has adjudicated all adoption-based Form I-130 petitions concurrently filed with a Form I-485, Application to Register Permanent Residence or Adjust Status. In August 2017, all stand-alone adoption-based Form I-130 petitions were consolidated at the NBC. Before that, the various USCIS service centers adjudicated stand-alone adoption-based Form I-130 petitions.
    - We are taking steps to address the number of adoption-based Form I-130 cases that are pending with the NBC. We have diverted officers and continue to hire staff for this workload. As we work to hire, train, and get staff working at full strength, we have relied on overtime to help address this backlog. A petitioner may submit a request for expedited processing through the USCIS Contact Center. We will evaluate expedite requests on a case-by-case basis using the USCIS Expedite Criteria, which are found on the [How to Make an Expedite Request](#) webpage or in the USCIS Policy Manual, [Volume 1: General Policies and Procedures, Part A, Public Services, Chapter 5, Requests to Expedite Applications or Petitions](#).
    - Please direct any questions about an adoption-based Form I-130 petition to the [USCIS Contact Center](#), or use our [online self-service case tools](#). As a reminder, the NBC Adoptions Unit Contact Center can only address questions related to pending Forms I-600A, I-600, I-800A, and I-800.

- ***Children Aging Out***
  - USCIS has also heard some concerns about children aging out—specifically, related to filing a Form I-130 petition on behalf of an adopted child in accordance with section 101(b)(1)(E) of the Immigration and Nationality Act. As long as a child is adopted before their 16<sup>th</sup> birthday (or 18<sup>th</sup> birthday, if the sibling exception applies) and a Form I-130 petition is filed before they turn 21, the Child Status Protection Act (CSPA) will help prevent them from aging out.
  - U.S. immigration law defines a child as a person who is unmarried and under 21 years old. The CSPA went into effect in 2002. The CSPA allows some people to remain classified as children beyond their 21<sup>st</sup> birthday. But they **must** be unmarried to remain eligible for classification as a child.
  - For more information see the [Child Status Protection Act](#) page and the USCIS Policy Manual [Child Status Protection Act guidance](#).
- ***Form I-130 Filing Options***
  - Currently, there are a few different filing options for an adoption-based Form I-130. A petitioner can file a Form I-130 with USCIS by mail or online. Please review the information under the ‘Where to File’ section on the USCIS [Form I-130, Petition for Alien Relative](#), landing page.
  - Additionally, USCIS has delegated authority to DOS to accept and adjudicate Form I-130 petitions from U.S. citizens petitioning for an immediate relative if the petitioner establishes exceptional circumstances or falls under USCIS-issued blanket authorization criteria. In limited circumstances, a U.S. embassy or consulate may accept and adjudicate a clearly approvable Form I-130 filing.
  - One exceptional circumstance is when a U.S. citizen has adopted a child in another country and has an imminent need to depart that country. Note that the exception to allow a petitioner to file an adoption-based Form I-130 petition with a U.S. embassy or consulate only applies if the petitioner has a full and final adoption decree and at least 2 years of legal custody and joint residence with the child.
  - USCIS recently extended temporary authorizations to allow DOS to accept and adjudicate clearly approvable Form I-130 petitions on behalf of Afghan, Ethiopian and Ukrainian immediate relatives. This authorization will expire in September 2023.
  - For more information on filing options, see our [Form I-130, Petition for Alien Relative](#) and [Family-Based Petition Process](#) webpages. For more information on expedite requests, visit our [USCIS Adoption Contact Information](#) page and our [How to Make an Expedite Request](#) page.
- **U.S. Department of State Resources**
  - We understand that Quad A contacted DOS about applicant or petitioner emails requesting information from DOS to in turn provide a response to a USCIS-issued RFE, NOID, or notice of intent to revoke or NOIR. We thought it might be

helpful to explain how USCIS uses certain DOS resources and confirms certain information with DOS.

- USCIS officers consult a variety of resources during the adjudicative process, such as the [Department of State's Foreign Affairs Manual](#) and [U.S. Visa: Reciprocity and Civil Documents by Country Table](#), which include information about the types of civilly registered documents available in a particular country and the issuing authority for certain documents, including but not limited to adoption decrees, birth certificates, death certificates, marriage certificates, and divorce decrees.
- Additionally, USCIS officers regularly review the [DOS Country Information Pages](#), which contain detailed information about adoption processes and the requirements for each country. For example, an officer may consult this resource to confirm if the proper in-country authorities have followed the appropriate procedures and met their specific requirements.
- We understand that DOS's country information pages contain general information. If there are more specific questions about procedures and legal requirements, the applicant or petitioner may submit a copy of the law for that country, including a certified English translation, with an initial filing, or in response to an RFE, NOID, or NOIR.
- While USCIS defers to DOS on how they handle the emails they receive, we do wish to highlight that we regularly consult with our DOS counterparts on both general and case-specific questions.
- DOS also shares updates and clarifying information with USCIS on the availability of documents and required processes in different countries.
- Applicants and petitioners should submit to NBC any correspondence they receive from DOS related to an RFE, NOID, or NOIR. If applicants and petitioners submit new documents, USCIS may consult with DOS regarding documentation.
- Note that the Foreign Affairs Manual and country information pages are not the only resources USCIS uses.

## **USCIS Updates**

### **Updates on Processing Times**

- [As we announced on November 2](#), we are changing how we calculate processing times for orphan and Hague cases.
- On November 30, our orphan and Hague forms transitioned from the cycle time method of calculating processing times to the new 80% completion method.
- We made this change to provide all stakeholders with better information about the total time it may take them to receive a decision on an application or petition.
- This change is part of an agency-wide shift in how we calculate processing times—most forms on our case processing times page now use the new 80% completion method. USCIS is conducting an [agency-wide effort to continue reducing backlogs across all form types](#) and is committed to providing greater transparency in our processing times as we do so.

- While cycle time measures how many months' worth of cases are awaiting a decision for a particular form, the 80% completion method reflects the length of time in which 80% of cases were completed based on data from the previous 6 months.
- The processing time most recently posted for all orphan and Hague cases under the cycle time method was 2.5 months. As of November 30, our website will reflect the following times, which we will then update monthly based on data from the previous 6 months:

Form	Months
I-600A	5.5
I-600	19.5
I-800A	3.5
I-800	2.0

- The processing times under the new method may appear longer because the new method includes time where a petition is pending due to factors that are generally outside USCIS' control that impact the total time it may take to receive a decision.
- For intercountry adoption cases, these factors include the time it takes for an applicant or petitioner to respond to USCIS notices (such as RFEs, NOIDs, etc.) and to provide biometrics. Since March 2020, applicants and petitioners have also had extra time due to agency-wide COVID-19 flexibilities to respond to USCIS notices.
- For many orphan cases, another factor that the new 80% completion method reflects is the time it takes the U.S. Department of State to complete a required Form I-604, Determination on Child for Adoption, before a USCIS decision.
- We believe using this new method to calculate processing times will better prepare and inform all adoption stakeholders of the total time it may take to receive a decision.
- As always, we remain committed to processing intercountry adoption cases as quickly and efficiently as possible.

#### Updates on COVID-19 Processing Flexibilities-FOD

- As noted above, USCIS has permitted COVID-19-related flexibilities to provide applicants and petitioners extra time to respond to USCIS notices. As our [news alert](#) explains, USCIS just recently extended these COVID-related flexibilities through January 24, 2023.

#### **Live Comment Period**

During the live comment period, Quad A members expressed concerns about both the length of processing times and lack of published processing time for adoption-based Form I-130 petitions. A participant asked if the NBC adjudicated adoption-based Form I-130 petitions based on filing date with a first in, first out approach. Another participant expressed challenges making Form I-130 expedite requests and requested that the NBC consider establishing a dedicated phone line and email box to address adoption-based Form I-130 inquiries, similar to the existing NBC Adoption Unit that is dedicated to responding to inquiries related to pending orphan (Forms I-600A or I-600) and Hague (Forms I-800A or I-800) applications and petitions. Due to the unique challenges of obtaining documents from other countries, a participant asked that USCIS consider

permanently extending COVID-related flexibilities. They said the standard response time is usually not enough to respond to certain requests. The participant also asked about the status of DOS' relative adoptions regulations.

USCIS appreciates all the comments from Quad A members during the panel, and we are taking them under consideration. We have also passed along questions for our DOS colleagues. We are always looking for ways to streamline our adoption-related processing. We value engagement with stakeholders and transparency in our processing. USCIS encourages all adoption stakeholders to continue providing feedback. Please direct any questions about an adoption-based Form I-130 petition to the [USCIS Contact Center](#), or use our [online self-service case tools](#). As a reminder, the NBC Adoptions Unit Contact Center can only address questions related to pending Forms I-600A, I-600, I-800A, and I-800. To sign up to receive adoption-related updates from USCIS, visit the [USCIS Adoption landing page](#).