



USCIS Update

August 6, 2007

USCIS IMPLEMENTS CHANGES TO ASSIST PROSPECTIVE ADOPTIVE PARENTS *Allows One-Time Extension of Approved Application*

WASHINGTON - U.S. Citizenship and Immigration Services (USCIS) on July 30, 2007 implemented several changes benefiting prospective adoptive parents who experience delays finalizing their adoptions.

USCIS now permits prospective adoptive parents to receive one no-charge extension of the approved *Application for Advance Processing of Orphan Petition* (Form I-600A) if they have not already submitted a petition (Form I-600) to classify an orphan as an immediate relative. This extension is valid regardless of the number of children the prospective parents are authorized to adopt. Prospective adoptive parents must make the request in writing and USCIS must receive the request no earlier than 90 days before the expiration of the Form I-600A approval, but before the approval expires. In addition, requests must include an updated or amended home study. USCIS does not charge a fee for the home study, however, the home study provider may charge for preparing an update.

Further, prospective adoptive parents who have an approved *Application for Advance Processing of Orphan Petition* (Form I-600A) on file with USCIS may now request a one-time, re-fingerprinting without charge. Since the original fingerprints are valid for 15 months, and the approved Form I-600A is valid for 18 months, the free re-fingerprinting is valid for an additional 15 months and will cover the three month gap, aligning with the timeframe of an extension of the I-600A.

Prospective adoptive parent(s) may also make one request for a change of country notification without charge. The written request must include all supporting evidence to substantiate the change of country request. Prospective adoptive parent(s) should *not* use the *Application for Action on an Approved Application or Petition*, (Form I-824) to request this one free change of country request. For a second or subsequent change of country request, however, prospective adoptive parents must file the Form I-824, with the appropriate fee.

USCIS made these changes because the processing of orphan petitions often may take longer than the current valid approval period. In addition, adjudicating applications to adopt foreign-born children involves some of the most complex decision-making within immigration services. These modifications will help families to continue the adoption process without occurring additional expense.

Additional information on intercountry adoptions is available on the USCIS web site: www.uscis.gov.



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Frequently Asked Questions

USCIS IMPLEMENTS CHANGES TO ASSIST PROSPECTIVE ADOPTIVE PARENTS

Allows One-Time Extension of Approved Application

Q1. When do prospective adoptive parent(s) have to pay the biometrics/fingerprint fee?

A1. Prospective adoptive parents and all household members age 18 and older must pay an \$80 biometric fingerprinting fee when the initial Form I-600A is filed. USCIS will allow a one time, free re-fingerprinting for the prospective adoptive parents and all household members age 18 and older.

Q2. When does the free (no-charge) extension period begin?

A2. The one time, free extension became effective on July 30, 2007, the effective date of the new fee rule.

Q3. Who can request a no-charge extension of Form I-600A?

A3. Prospective adoptive parent(s) can request a “no charge” extension to any Form I-600A filed on or after July 30, 2007. The extension is also available for any Form I-600A that has already been approved, *provided* that the approval expires on or after July 30, 2007, regardless of the number of children the prospective adoptive parent has been authorized to adopt. For instance, if a prospective adoptive parent has obtained approval to adopt two children, but has only filed one Form I-600, the prospective adoptive parent can request an extension to have sufficient time to file the second Form I-600. No extension is available in any case, however, in which the Form I-600A approval expires before July 30, 2007.

Q4. How can prospective adoptive parent(s) request an extension to an approved Form I-600A?

A4. To request an extension, prospective adoptive parent(s) must submit a written request to the USCIS office that adjudicated the initial Form I-600A. The written request must explicitly request a one-time, no-charge extension to the current approved Form I-600A. They must also submit an amended/updated home study and any other supporting documentation of any changes in the household. The home study amendment/update must address each issue under 8 CFR 204.3(e) and indicate any changes. The home study must also address any changes to answers submitted with the initial Form I-600A and must say whether approval is still recommended.

Q5. When should prospective adoptive parent(s) send the request for an extension to an approved Form I-600A?

A5. USCIS must receive the extension request no earlier than 90 days before the approved Form I-600A expires, but before the Form I-600A approval notice expires. For instance, if an approved Form I-600A is valid until December 31, the window to file an extension request is October 2 through December 31, no earlier or later. If the extension is not timely filed then a new I-600A with appropriate fees would need to be filed.

Q6. What does it mean to file an extension request before the I-600A approval expires?

A6. Under 8 CFR 204.3(h)(3)(i), approval of a Form I-600A is valid for 18 months from its approval date. For example, a Form I-600A approved on January 31, 2006 is valid until July 31, 2007. Since the approved Form I-600A was still valid on July 30, 2007, an extension request received on July 30, 2007 is considered "received" before the approved Form I-600A expired. That is, an extension request is timely so long as it is received no later than the last day the approved Form I-600A is still valid.

Q7. What basis does USCIS use to decide whether to extend an approved Form I-600A?

A7. The prospective adoptive parent(s) must continue to meet all eligibility requirements and, based on the amended or updated home study and all other evidence, demonstrate that they can provide the "proper care" standard. Also, because the final fee rule did not take effect until July 30, 2007, USCIS will deny any extension request made if the Form I-600A expired before July 30, 2007.

Q8. How can prospective adoptive parent(s) request a change of country notification?

A8. Prospective adoptive parents may make *one* request for a change of country notification with no fee. The written request must include all supporting evidence to substantiate the change of country request. In addition, prospective adoptive parents must file an *Application for Action on an Approved Application or Petition*, (Form I-824) with the appropriate fee, for subsequent requests for change of country notifications.

Q9. When is the no-charge change of country notification effective?

A9. The no-charge change of country notification became effective on July 30, 2007, the same date the fee rule is effective.