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#### Media Note

#### Office of the Spokesman

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## Publication of Proposed Rules Moves the United States Closer to Ratification of the Hague Adoption Convention

Two proposed rules for public comment published in the *Federal Register* move the United States closer to ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. The Convention is a multilateral treaty among signing countries and provides a framework for the adoption of children from one Convention country by individuals resident in another Convention country. The U.S. implementing legislation is the Intercountry Adoption Act of 2000 (IAA).

The first proposed rule (22 CFR Part 97) deals with adoption and custody proceedings in the United States. The IAA requires the State Department to issue either a certificate that a child has been adopted from the United States or a declaration that custody (for purpose of adoption) has been granted in accordance with the Convention and the IAA. Another aspect of this rule concerns an optional process for children adopted from other Convention countries by families in the United States whose overseas adoptions have not yet been finalized. Applicants may choose to seek certification that an adoption complies with the Hague Convention and is being completed in the United States following custody of the child being granted in another Convention country. Comments will be accepted for 60 days and must be received by August 15, 2006 at [adoptionregs@state.gov](mailto:adoptionregs@state.gov) and must include docket number State/AR-01/97.

The second proposed rule (22 CFR Part 42) revises orphan visa processing by consular officers around the world for children being adopted and brought to the United States from a Convention country. U.S. authorities will now perform most of the petition and visa adjudication work earlier in the process in order to confirm a child's eligibility to enter and reside permanently in the United States. This rule will create a new definition of "child" for Convention adoption cases and incorporate Hague requirements into the immigration process by certifying that a child was adopted in accordance with the Convention and the IAA. The comment period is 30 days and closes on July 24, 2006. Comments may be sent to [visareqs@state.gov](mailto:visareqs@state.gov) and must include number 1400-AC17. Separate but complementary regulations relating to the home study and petition process in Convention cases will be issued by the Department of Homeland Security.

All comments will be carefully reviewed prior to publication of the final rules. Both texts may be found at [www.regulations.gov/fdmspublic/component/main](http://www.regulations.gov/fdmspublic/component/main).

The Convention works to protect children and families involved in intercountry adoption. Publication of these proposed rules is an important step towards our goal of full U.S. implementation of the Hague Adoption Convention in 2007.

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