

Questionnaire on the impact of COVID-19 on intercountry adoptions under the 1993 Adoption Convention

Identification for follow-up purposes:

NAME of STATE or territorial unit:

United States of America

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- OVERARCHING QUESTIONS

Both States of origin and receiving States

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In response to the COVID-19 pandemic, has your State **modified** intercountry adoption procedures under the 1993 Adoption Convention? If so, what has your State done to ensure that the **safeguards and procedures** of the Convention have been, and continue to be, respected?

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No

- OUTBREAK OF COVID-19 (cases in transition only)

Both States of origin and receiving States

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What measures, if any, did your State take to deal with cases where the **child** had **already** been **matched** with prospective adoptive parents, but no adoption decision had been issued at the time of the COVID-19 outbreak in your State? How many children were in such a situation?

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During the height of the COVID crisis, 87 U.S. families were stuck overseas due to COVID-19-related restrictions imposed while the families were in country for adoption processing. We don't have the exact number of children who were matched with prospective adoptive parents but no adoption decision had been issued. To assist those families, the U.S. Central Authority has proactively engaged with the Central Authorities in China, Colombia, Ecuador, and India to seek assistance to either bring pending cases to completion or to ensure that the

cases be able to move forward with the adoptions process as soon as the restrictions in the countries of origin are lifted. Through coordination with local authorities, U.S. embassy, and their U.S. accredited and approved adoption service providers, four families were able to complete adoptions in China using a Power of Attorney.

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What measures, if any, did your State take to deal with cases where the **adoption decision** had already been **issued**, but the **child** was **still in the State of origin** at the time of the COVID-19 outbreak in your State? How many children were in such a situation?

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We don't have the exact number of children whose adoption decision had been issued but the child was still in the State of origin. Inter-country adoption cases remain a high priority for the Department of State. In the United States our office assisted 18 families: 13 Dutch, four Irish, and one Canadian to secure their adopted children's U.S. passports when passport services were severely restricted. When COVID restrictions required a reduction in visa services at many of our embassies and consulates, visa processing for adopted children were not restricted and remained a processing priority - provided the embassy or consulate remained open. The U.S. embassies and consulates in China, Colombia, Ecuador, Haiti, Hungary, and India provided emergency visa services for the children adopted by the U. S. families to facilitate their return to the United States. From Haiti adoptive children came to the United States on the repatriation flights organized by the U.S. embassy.

- DURING COVID-19 (cases in transition and new cases)

States of origin only

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Has your State adapted, and if so how, the following stages of the adoption procedure:

The Department of State has not made any adaptation to its procedures for outgoing cases (children habitually resident in the United States emigrating to another States) and has not issued Article 23 certificates for adoptions reflecting any procedural changes from States.

- Declaration of **adoptability** of the child:

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No

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- **Matching:**

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No

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- **Socialisation** period:

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No

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- **Support** and counselling to adoptable children:
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No

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- Adoption **decision**:
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No

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- Other stages:
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No

Receiving States only

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Has your State adapted, and if so how, the following stages of the adoption procedure:

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- **Eligibility** and **suitability** of prospective adoptive parents:
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At this time, there have been no changes to U.S. eligibility requirements for adoption applications and petitions, which includes suitability determinations. U.S. Citizenship and Immigration Services (USCIS), acting as a competent authority, recognizes that prospective adoptive parents (PAPs) may have concerns about potential delays in completing certain requirements to allow for adjudication of their adoption applications or petitions because of COVID-19 restrictions and closures. With this in mind, USCIS posted information on the website www.uscis.gov/adoption to remind PAPs of some existing flexibilities afforded in meeting certain home study requirements and also reminders of when PAPs must notify USCIS of a significant change. Note, a home study preparer can facilitate contact to complete a home study update in a number of ways, such as by a home visit, visit at any location, telephonically, by email, or by video conference.

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- **Support** and counselling to prospective adoptive parents:
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USCIS provides a dedicated public inquiry channel for PAPs who have a question about a pending orphan or Hague application or petition. PAPs may contact the National Benefits Center (NBC) by phone or email. This call center for adoptive parents is staffed Monday to Friday, 8 a.m. to 5 p.m. (Central).

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- Other stages:
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USCIS has continued to review and extend deadlines that applicants and petitioners (including prospective adoptive parents) have to submit required evidence or respond to certain notices for applications and petitions. For more information on measures USCIS has taken, see the USCIS Response to COVID-19 webpage at uscis.gov/about-us/uscis-response-to-covid-19.

- USE OF TECHNOLOGY

Both States of origin and receiving States

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Has the use of technologies (e.g, videoconferencing) **evolved** in the adoption procedures in place in your State since the outbreak of COVID-19 in your State? Please specify:

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- any **benefits** and **challenges**:

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Since the outbreak of COVID-19, all communication and coordination with the U.S. accredited and approved adoption service providers, U.S. embassies and consulates, and the prospective adoptive parents (PAPs) were done via social media, tele and videoconferencing. Our office hosted weekly teleconferences with the U.S. accredited and approved adoption service providers with updates on various topics related to the crisis, efforts of the Department, and to provide a forum to communicate challenges and related solutions.

• if your response to **question 72** (“Use of new technologies”) of the 2020 Questionnaire on the practical operation of the 1993 Adoption Convention (Prel. Doc. No 3) has changed:

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No

- POST COVID-19: LOOKING AHEAD

Both States of origin and receiving States

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Has your State developed any practices during this pandemic period that would be **useful to mainstream into regular work** practices? If so, please elaborate on what those practices are and how you plan to go about mainstreaming them into regular work practices:

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The Department has relied and expects to continue to rely on increased tele and videoconferencing with the Central Authorities, U.S. accredited and approved adoption service providers, and U.S. embassies to improve communication and coordination. While we

acknowledge that technology cannot entirely substitute for the benefits of in-person communication which allows us to address substantive subjects and build relationships, when such is feasible, we intend to use tele and videoconferences to bridge time between in person meetings. Our Adoption Oversight office has already instituted regular tele and videoconference calls with the U.S. accredited and approved adoption service providers and plans to continue with this practice in the future. The Adoption Bilateral Engagement office has also organized virtual meetings with several Central Authorities and will continue to engage them remotely in the future.

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Please share any good practices and lessons learned by your State which may be applied in the event of **another pandemic or similar state of emergency:**

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One of the main lessons for the Department is to have communication systems (email, tele and videoconferencing) available on Internet-based platforms to allow access from different locations.

• ANY OTHER COMMENTS

Both States of origin and receiving States

Please insert here any other comments you may have:

We strongly support having the Special Commission on the Practical Operations of the 1993 Convention (Adoption Special Commission) in person, even if it means waiting until 2022. Special Commission meetings, in particular, greatly benefit from in-person participation. Specifically, we think that a virtual meeting would not sufficiently facilitate the in-depth discussions and side discussions that will be needed to address the sensitive topics considered for the agenda.