

ORPHAN FIRST PROCESSING
INFORMATION FOR PROSPECTIVE ADOPTIVE PARENTS

The Bureau of Citizenship & Immigration Services (BCIS) has developed a program that permits you, a prospective adoptive parent, to obtain a preliminary determination of whether a particular child qualifies as an orphan, as defined in section 101(b)(1)(F) of the Immigration and Nationality Act, **BEFORE** you travel abroad or find yourself legally bound to a child whose eligibility to immigrate as an orphan cannot be established. Currently, this program is available only if the foreign-sending country is Haiti, the Philippines, Honduras, Sierra Leone, or Poland.

Participation in this pilot program is voluntary. If you choose to participate, you should take the following steps:

1. Within 18 months of approval of your Form I-600A, Application for Advance Processing of Orphan Petition, identify a child and submit the Form I-600, Petition to Classify Orphan as an Immediate Relative, with all required documentation ***except the adoption decree or custody document***. Present the written statement indicating that you want to participate in this program, and that you have not yet adopted the child or obtained custody of the child for purposes of adoption. A copy of the written statement accompanies this notice.

In particular, you would present with your Form I-600 the documents from the foreign-sending country that support the finding that the child qualifies as an orphan. **PLEASE NOTE** that, as foreign public records, these documents must be certified as described in 8 CFR 287.6(b) or (c). You may, however, present legible photocopies of properly certified copies.

2. Upon reviewing the petition and associated documents, BCIS (or the Department of State) will determine whether the preponderance of evidence supports the conclusion that the child qualifies as an orphan. This process will include the overseas investigation required by 8 CFR 204.3(k)(1).
3. The BCIS will determine one of the following:
 - The child is an orphan.

OR

- The child does not meet the definition of an orphan.

Please Note: A finding that a child qualifies as an orphan is the only issue that is determined through participation in this program. No other immigrant issues are addressed nor can they be addressed until after you submit the additional documents required.

Please Note: If you proceed with the adoption of a child after the BCIS has determined that the child is not an orphan, it may not be legally possible for the child to immigrate to the United States, unless you live abroad with the child for at least two years. If you choose to participate in this program, please complete the attached statement and include it with your Form I-600. If a number is provided at the end of this letter, please include it on all correspondence.

Note: if BCIS has included a number on its initial correspondence, please include that number on all correspondence on this case.

**Voluntary Participation in "Adjudicate Orphan Status First" Pilot
Attachment To Initial Form I-600 Submission**

I, _____, have freely chosen to participate in the BCIS "Adjudicate Orphan Status First" pilot, and for that reason I provide this statement in support of the attached Form I-600, Petition to Classify Orphan as an Immediate Relative.

1. I have filed a Form I-600 with the _____ office of the Bureau of Citizenship & Immigration Services (*or with the specified consulate, if filed there*).

2. I filed this Form I-600 on behalf of _____, a child who was born on _____, in _____.

3. I believe in good faith that _____ is an orphan, as defined by section 101(b)(1)(F) of the Immigration and Nationality Act, 8 U.S.C. 1101(b)(1)(F), on the basis of the evidence that I submitted with my Form I-600.

4. Based on the BCIS Director's recommendation, I have not yet adopted or received either legal or physical custody of _____, so that the BCIS can determine whether (he)(she) is an orphan before I proceed with the adoption.

5. If the BCIS finds that _____ is an orphan, then I intend in good faith to (adopt _____ in _____ according to the laws of that country) (acquire custody of _____ according to the laws of that country), and bring _____, to the United States for adoption according to the laws of the State of _____. (If applicable: Since I am married, my spouse, _____, will also adopt _____.)

6. I understand that in response to this request, the United States government will provide me with information on whether this child is an orphan under United States law, and therefore eligible to immigrate to the United States. I understand that the United States government cannot guarantee that the child's government will allow me / us to adopt / gain custody of _____. I also understand that if information becomes available after I have received the results of the United States' government's evaluation, it could affect the outcome of the Form I-600.

7. Once I have (completed the adoption of _____) (obtained legal custody of _____, and permission to bring him/her to the United States for adoption), I will submit to the BCIS the evidence required by 8 CFR 204.3(d)(1)(iv).

Date: _____ Petitioner _____