SUBJECT-MATTER INDEX

Alphabetization is word-by-word (e.g., "U visas" precedes "unaccompanied children"). References to "Convention" and "Hague Convention" refer to Hague Convention on Intercountry Adoption unless otherwise noted.

A

abandonment

as criterion for orphanhood, 42-43 abduction, see Hague Abduction Convention adjustment of status for asylees, 124 citizenship-application procedure under INA §320, 90 Special Immigrant Juveniles (SIJs), 136-38 "adopted child" petitions (I-130), 51-54, 69-79 alternatives, 74-75 (see also Asylum; Special immigrant juveniles; VAWA) definition of adopted child, 51, 69, 85 delays, available options, 81-83 denied petitions, alternatives to appeals APA challenges, 83-84 media publicity, 84 eligibility criteria for child, 51–53 habitual residence, see Habitual residence legal custody, 75-76 legal-custody requirement, 52 sham adoptions, 77-79 two-year joint-residence requirement, 52-53, 76-77 USCIS Policy Memo 602-0095, 72-74 validity of adoption under laws where entered, 75 adoption agencies (adoption service providers), 93-112 child buying, prevention of, 98 collaboration with attorneys, opportunities for, 105-10 counseling and decision-making, 99-100 educating prospective parents, 96, 98 intake and eligibility screening, 96-97 nonadoption services provided by agencies, 110-11 advocacy, 111 community building and support, 110-11 vulnerable children, program development, 110 obtaining info on children, 98-99 outlook for future, 111–12 overview and history, 93-96 post-placement support, 100-101 procedure, 96-101 program development and evaluation, 101-4 characteristics of children, 102 child protection system, assessment of, 102-3 evaluation of program, 105 needs assessment, 102 plan for development, 105 program planning and development, 103 resources, 104 risk assessment, 103 services, 103-4

travel support, 100

age of child for "adopted child" petitions, 51-52 for Convention adoptees, 49 as orphan-eligibility requirement, 42 agencies, see Adoption agencies amended adoption order, 64-65 APA challenges to denied I-130 petitions, 83-84 assisted reproductive technology (ART) practice tips, 29-35 asylum, 121-27 adjustment of status, 124 basics of asylum law, 121-24 benefits of, 124 child-specific policies, procedures, and issues, 125-26, 127

particular social group, establishing for child asylum seekers, 125 process and procedures, 122–24 unaccompanied children, 126–27

B

best interests of child definition, 12–13 *bona fides* of adoption, 77–79

С

categories of adopted children, 25, 37-55 overview, 37-39 child advocate, appointment as, 119 child buying, prevention of, 98 "child," definition of, 19-27 (see also specific terms) burden and standard of proof, 26-27 child-specific immigration policies, procedures, and issues, 125-26, 127 citizenship adjustment of status as part of §320 application procedure, 90 and definition of "child," 25-26, 85-87 moving from IR-4 or IH-3 visa to citizenship, 87-88 noncitizen children who are adopted by citizens while present in U.S., 89-92

Congress

orphans adopted abroad who continue to live abroad with their U.S. citizen parents, 88–89 orphans adopted abroad who enter U.S. as LPRs, 85–88 proof of, for adopted children, 85–92

Congress

advocacy for adoption-friendly laws, 111 requesting help when facing delays, 81-82

Convention adoptions, see Hague Convention adoptions

crime victims, see U visas

D

death of parent as criterion for orphanhood, 42

delays in processing available options, 81–83

desertion by parents as criterion for orphanhood, 43

disappearance of parent

as criterion for orphanhood, 42

E

egg donation, see Assisted reproductive technology

embryo transfer, see Assisted reproductive technology

evidence

burden and standard of proof for determining eligibility as child, 26–27

citizenship, proof of, for adopted children, 85-92

F

finality of adoption as parent-eligibility requirement for Convention adoptions, 47–48 for non-Convention adoptions, 41

Η

habitual residence, 57-67, 70-75 actual residence criteria, 64, 72 adoptions by U.S. citizen parents habitually resident outside U.S., 59-60 amended adoption order, 64-65 central authority, response from, 63-64 of child to be adopted, 71 children previously habitually resident in Convention countries, domestic adoption by U.S. parents, 60-67 compelling ties criteria, 64, 74 effect of Hague Convention and habitual residence on "adopted child" petition child from Convention country in U.S., 53-54 domestic adoptions, 70-75 petitioner parent in country of origin, 53 filing procedures (non-Convention) for U.S. adoptive parents when child last habitually resident in Convention country, 57-67 identifying country of habitual residence, 61-62 importance of

in application of Convention, 57–58 when U.S. citizen adopts, 58–59 intent criteria, 64, 72, 74 notice and habitual residency determination request, 62–63, 71–72, 72–73 of prospective adoptive parents, 71 USCIS Policy Memo 602-0095, 72–74

Hague Abduction Convention, 113–19

basics of Hague Abduction law, 115–17
compared with Hague Adoption Convention, 113–14
guidance and caveats for adoption lawyers, 117–19

Hague Convention adoptions

generally, 37–39, 45–51 Abduction Convention compared, 113– 14 (*see also* Hague Abduction Convention) definition of Convention adoptee, 48–49 dissimilarities with orphan adoptions, 49–50 eligibility criteria for adoptees, 48–50 eligibility criteria for parents, 46–48

habitual residence, see Habitual residence

non-Convention adoptions, see Orphan adoptions

visas for Convention adoptees, 50-51

history of international adoption, 1–11 legislation, 17–18

home studies

by adoption service providers, 97 for Convention adoptions, 47 for non-Convention adoptions, 40–41

human trafficking, see T visas

Ι

I-130 petitions, see "Adopted child" petitions

I-360 petitions, *see* Special Immigrant Juveniles

I-485 petitions, see Adjustment of status

in vitro fertilization, *see* Assisted reproductive technology

J

joint-residence requirement for "adopted child" petitions, 52–53

L

legal custody for I-130 petitions, 75–76 legislation

history of relevant statutes, 17-18

legitimation of children, see Out-of-wedlock children

Μ

mandamus lawsuit to compel decision on pending application, 82–83

mechanics of international adoptions, $11\mathchar`-12$

media publicity

calling attention to inconsistencies and unfairness in law, 84

Ν

non-Hague Convention adoptions, see Orphan adoptions

0

orphan adoptions (non–Hague Convention), 39–45 categories of orphanhood, 42–44 definitions, 12–13, 41–42, 85–87 dissimilarities with "Convention adoptee," 49–50 eligibility criteria for orphans, 41–45 eligibility criteria for parents, 40–41 Universal Accreditation Act, effect on, 39–40 visas for orphans, 45

Outgoing intercountry adoptions, 54

out-of-wedlock children

defining, 20–21 legitimation of children, 21–23 and stepchildren, 24

overview of international adoption, 1-18

Р

parental rights, surrender of as criterion for orphanhood, 43

placement agencies, *see* Adoption agencies primary provider as parent-eligibility requirement

Convention adoptions, 47 non-Convention adoptions, 41

procedures, see Mechanics of international adoptions; specific topics

S

separation of parents and child as criterion for orphanhood, 43–45

service providers, *see* Adoption agencies Special Immigrant Juveniles (SIJs), 129–39

adjustment of status, 136–38 discretion, 137 eligibility, 136–37 visa availability and backlogs, 137 when to file, 138 where to file, 137–38 benefits of SIJ status, 138 eligibility requirements, 129–30, 131–34 federal custody, children in, 132 I-360 petition, filing of, 134–35

U visas (crime victims)

process, 130-38 removal proceedings before EOIR, children in, 132 risks and limitations of SIJ status, 138-39 state courts, role of, 131-34 adoption proceedings, SIJ considerations, 134 CHINS, 133 custody proceedings, 133 delinquency proceedings, 133 dependency/abuse and neglect proceedings, 133 guardianship proceedings, 133 statistics, 13-16 stepchildren

as "child" under INA, 23–25

surrogacy, see Assisted reproductive
 technology

Т

T visas (human trafficking), 143–47 benefits, 145 caveat regarding rules and procedures, 147 eligibility criteria, 143–44 examples, 146–47 law enforcement cooperation, 144 limitations, 145 resources, 147 "severe form of trafficking," 144

trafficking persons, see T visas

training for parents by adoption service providers, 98 as eligibility requirement Convention adoptions, 41 non-Convention adoptions, 41

TVPRA (Wm. Wilberforce Trafficking Victims Protection Reauth. Act) Child Advocates, 119

and I-360 petition for SIJ status, 134–35 unaccompanied children, asylum applications, 126–27

two years' residence requirement, see "Adopted child" petitions

U

U visas (crime victims), 141–43 benefits, 142–43 caveat regarding rules and procedures, 147 eligibility criteria, 141–42 law enforcement cooperation, 142 limitations, 143 qualifying criminal activity, 142 resources, 147

unaccompanied children, 126–27

Universal Accreditation Act

effect on non-Convention cases, 39-40

unknown parents

as criterion for orphanhood, 43

USCIS

mandamus lawsuit to compel decision on pending application, 82– 83 Policy Memo 602-0095, 72–74

requesting help from ombudsman when facing delays, 82

V

VAWA (Violence Against Women Act) relief under, 149–51

victims of crimes, see U visas

visas

for Convention adoptees, 50-51

IR-2 visa for children adopted abroad who lived with petitioners for 2 years, 52–54

moving from IR-4 or IH-3 visa to citi-

zenship, 87–88 for orphans, 45

visa availability and backlogs for SIJ

adjustments, 137 for vulnerable children, see T visas; U

visas

vulnerable children

(*see also* Asylum; Special Immigrant Juveniles; T visas; TVPRA; U visas) program development, 110

W

William Wilberforce Trafficking Victims Protection Reauthorization Act, see TVPRA