

FAQs:
Bilateral Adoption Agreement with Russia
October 15, 2012

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Q: Why is there a Bilateral Adoption Agreement with Russia?

Each year, thousands of children find loving, nurturing homes through intercountry adoptions, and the lives of thousands of American families have been enriched by welcoming Russian orphans into their homes. Although the vast majority of U.S. adoptions of Russian children have resulted in positive experiences for everyone involved, there have been several tragic cases. As a result, in April 2010, the U.S. and Russian governments began negotiating the *Agreement between the United States of America and the Russian Federation Regarding Cooperation in Adoption of Children* (the Agreement) to strengthen procedural safeguards in the adoption process between the United States and Russia.

Q: When was the Agreement signed?

U.S. Secretary of State Hillary Clinton and Russian Foreign Minister Sergey Lavrov signed the Agreement on July 13, 2011, in Washington, D.C.

Russia required ratification. The Russian Duma approved the Agreement on July 10, 2012 and the Russian Federation Council approved the Agreement on July 18, 2012. Russian President Vladimir Putin signed the Agreement into law on July 28, 2012.

Q: When will the Agreement enter into force?

The Agreement will enter into force on November 1, 2012 following the exchange of diplomatic notes between the U.S. and Russian governments. A copy of the [joint statement](#) on the Agreement's entry into force date is available on the website of the U.S. Embassy in Moscow.

Q. Does entry into force mean that all provisions of the Agreement will apply as of November 1, 2012?

Certain provisions in the Agreement only apply if required by either the United States or the Russian Federation. The provisions regarding new authorization procedures for adoption service providers in Article 5 and pre-processing requirements in Article 10 will not take effect as of November 1, 2012 as these new requirements may only be established following entry into force of the Agreement under Russian law. Please refer to the below Q&A's for more information on the anticipated timeline for effectiveness of these provisions.

Q: What if my case started before entry into force?

Prospective adoptive parent(s) whose documents are registered at a Regional Authority in Russia at the time of entry into force are not affected by the terms of the Agreement and may complete the process under the current (pre-Agreement) procedures. The Russian government will compile a list of all prospective adoptive parent(s) whose documents have been registered at the time of entry into force on November 1, 2012.

Prospective adoptive parent(s) working with a non-Hague accredited U.S. adoption service provider whose documents were not registered at a Regional Authority in Russia at the time of entry into force will be required to identify and use the services of a Hague accredited adoption service provider that is authorized to provide services in Russia if they wish to continue with their adoption. That new U.S. Hague accredited adoption service provider will be required to submit

documentation confirming that they have taken responsibility for working with the family to carry out their obligations in completing the adoption.

Q: Does this mean that the United States does not want Russia to join The Hague Intercountry Adoption Convention?

No. The United States continues to believe that the Hague Adoption Convention includes the best available procedures for processing intercountry adoptions. The United States continues to encourage Russia to join the Convention. The United States and Russia negotiated the Agreement in order to promote stronger safeguards for adoptive children and parent(s) in the intercountry adoption process between our two countries. The Agreement incorporates several fundamental principles of the Hague Adoption Convention.

Q: Whom does the Agreement cover?

The Agreement will cover adoptions to and from the United States and Russia. It applies to children up to the age of 18 who are citizens of and habitually resident in one country, and who are adopted in their country of origin by spouses habitually resident in the other country (at least one of whom is a citizen of that country), or by an unmarried individual who habitually resides in and is a citizen of the other country.

Prospective adoptive parent(s) should also be aware that the Agreement only covers adoptions where both spouses, or the individual (if unmarried), have seen and observed the child in person prior to adoption and personally participated in the decision-making procedures by the court issuing the adoption decree.

Q: Will the Agreement change U.S. visa processing for adopted children?

The Agreement will not significantly affect visa processing for children adopted from Russia. The processing of an adopted child's U.S. visa occurs after the adoption in Russia and the approval of the orphan petition (Form I-600, *Petition to Classify Orphan as an Immediate Relative*) by U.S. Citizenship and Immigration Services (USCIS). Information on how to adopt from Russia is available on www.adoption.state.gov.

Q: What will change in how USCIS processes petitions as a result of this Agreement?

USCIS must ensure that the laws of the country of origin are followed in adjudicating a Form I-600 Petition. At the time of entry into force, the Agreement will have the effect of establishing new legal requirements in Russia, and USCIS will review each petition to ensure that the requirements have been met and the various provisions become effective. The following provides an overview of the most significant changes:

New Independent Adoptions Prohibited

Effective immediately upon entry into force, the Russian government will no longer permit prospective adoptive parent(s) to begin new independent adoptions (i.e., adoptions where the prospective adoptive parent(s) elect to act on their own behalf without facilitation by an adoption service provider), unless a child is being adopted by a relative. (Relatives, for the purposes of the Agreement, are defined in accordance with Russian law.) After entry into force, USCIS will only be able to approve Form I-600 petitions for independent adoptions grandfathered under Article 17 of the Agreement or for adoptions in which the child is adopted by a relative. Please refer to the Q&A on adoptions initiated prior to entry into force for more information.

A New Pre-approval Process, Effective on or about March 1, 2013

The Russian government intends to establish and require a new pre-approval process as described in Article 10 of the Agreement. This process will not be required immediately upon entry into force and will not apply to cases grandfathered under Article 17 of the Agreement.

Under Russian law, the new pre-approval requirement may be established only following entry into force of the Agreement. The Russian government plans to establish this requirement and expects it to become effective on or about March 1, 2013. Following Russia's establishment of a pre-approval requirement, cases involving Russian children being adopted by U.S. prospective adoptive parent(s) whose adoption documents were not registered with the Regional Authority in Russia at the time of entry into force, will be required to undergo a pre-approval process with USCIS after the match but before the Russian adoption is completed. Prospective adoptive parent(s) in these cases will be required to present the Russian courts with a document from USCIS confirming pre-approval to be able to complete the adoption in Russia.

To implement pre-approval, USCIS will require prospective adoptive parent(s) to file their Form I-600, *Petition to Classify an Orphan as an Immediate Relative*, before completing the adoption procedures in Russia. USCIS will provide further information on the new filing procedures and how the new process will work as soon as possible, and in advance of March 1, 2013.

Q: How will the Agreement affect U.S. adoption service providers' ability to work in Russia?

This Agreement will add no additional accreditation or authorization requirements under U.S. law for adoption agencies seeking to provide adoption services in Russia.

Under Russian law, new authorization requirements may be established only following entry into force of the Agreement. The Russian government has assured us that it plans to establish new authorization requirements for adoption service providers and expects them to become effective on or about March 1, 2013. On the date of entry into force, as an interim measure, the Russian government will consider all U.S. adoption service providers which are currently authorized to provide adoption services in Russia and which are U.S. Hague accredited to be authorized (pending implementation of the new authorization requirements). These agencies may continue processing both existing and new cases. The Department of State has agreed to provide the Russian Ministry of Education and Science with the list of U.S. adoption service providers accredited or approved in the United States to provide services under The Hague Adoption Convention, as a means of confirming their Hague accreditation/approval.

Non-Hague accredited U.S. adoption service providers operating in Russia prior to entry into force of the Agreement will not be able to initiate any new cases following November 1, 2012. However, these agencies may continue processing those cases that were registered at a Regional Authority in Russia at the time of entry into force.

Following the Russian government's establishment of new authorization requirements, authorized adoption service providers will have 60 days to submit additional information required under the new regulations to continue providing adoption services in Russia. The Ministry will make a decision about an adoption service provider's authorization within 30 days of receiving the required information. Adoption service providers that do not submit the required documentation for re-authorization within 60-days of Russia's establishment of

new authorization regulations will lose their authorization to provide adoption services in Russia. These adoption service providers will be allowed to apply for re-authorization after one year.

After entry into force, adoption service providers seeking authorization to begin providing adoption services in Russia will need to meet the requirements under the new authorization procedures. Adoption service providers may apply for authorization to provide adoption services in Russia at any time, but the Ministry of Education and Science encourages new adoption service providers to wait until after the implementation of the new authorization procedures to do so. Under the Agreement, the Ministry of Education and Science must make a decision about a new adoption service provider's authorization within 60 days of receiving the application.

Q: Does the Agreement impose any new or more stringent responsibilities on U.S. adoption agencies?

Yes, the Agreement allows the Russian government to establish several new or expanded requirements for adoption service providers to receive and maintain authorization to provide adoption services in Russia which are expected to become effective on or about March 1, 2013. Adoption service providers authorized to provide adoption services in Russia will need to meet the requirements established by the Russian Ministry of Education and Science or by Russian law in order to obtain and retain authorization to provide services in relation to intercountry adoptions in Russia. Adoption service providers will be required to submit documentation assuring that they will comply with certain requirements, including the following:

Post-adoption requirements

- To inform prospective adoptive parent(s) of Russia's adoption procedures and post-adoption reporting requirements (including in the case of a dissolution and/or subsequent placement of a child with another family);
- To monitor the living conditions and upbringing of adopted children as required by the Russian government. The monitoring will have to be carried out at the family's home by the authorized organization's social worker, or by another licensed social worker or organization;

- To provide periodic reports following an intercountry adoption to the Russian authorities. The reports will have to contain information about the child's psychological and physical development and adaptation to his/her new life;
- To confirm an adopted child's lawful entry into the United States and the child's acquisition of U.S. citizenship.

Adoption disruption and dissolution requirements

- To notify Russian authorities and the U.S. Department of State's Office of Children's Issues as soon as reasonably possible if a case in which it provided services (even cases facilitated before the Agreement entered into force) is pending dissolution or has dissolved. The notification may need to include information on any proposed placement or new adoptive family, the expected (or completed) timeframe for the U.S. court's decision (or any decisions reached by the U.S. court). At the same time, for cases still pending a court decision, the authorized organization may be required to request the consent or non-consent of the Russian authorities to the proposed re-adoption, and if a statement is provided by the Russian authorities before the re-adoption decision is made by the court, present the Russian consent or non-consent information to the court for its consideration.

Authorized organization requirements

- To notify the Russian authorities and transfer any pending cases or post-adoption reporting responsibilities to another authorized organization in the event that an authorized organization chooses to cease operating in Russia or loses its authorization to do so.

Q: Is any part of the Agreement effective retroactively?

Under the Agreement, Russia may impose requirements on adoption service providers regarding the disruption or dissolution of adoptions which they facilitated and which took place prior to entry into force of the Agreement. For example, an authorized organization may be required to report a disruption or dissolution as soon as reasonably possible after it discovers that an adoption may be dissolved or has dissolved, regardless of when the intercountry adoption was completed.