



United States Department of State

Washington, D.C. 20520

February 27, 2023

Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, D.C. 20529

Dear Director Jaddou:

I am writing to inform you that the *Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption* (Convention) will enter into force with respect to the Republic of Botswana on March 1. The Department of State has determined that we are not in the position to process Convention adoptions from the Republic of Botswana initiated on or after March 1. In the past, USCIS has denied I-600 and I-800 petitions received for countries for which the Department of State is not processing adoptions.

Our decision is based on Botswana's failure to implement the safeguards of Convention through domestic law or other measures. This includes a lack of clear legal authority and resources to the central authority and competent authorities. Specifically, we are concerned that adoptions from Botswana would not comply with the Convention because of the absence of clear authorities to carry out the functions of Article 4(a) and (b) (determining the child's adoptability and giving due consideration to domestic placement), Article 16 (preparing the report on the child), Article 17(c) (confirming and communicating the agreement for the adoption to proceed), and Article 23 (certifying compliance with the Convention). As a result, the Department of State is not currently able to certify adoptions from the Republic of Botswana in compliance with the Convention, on a case-by-case basis as required by U.S. law.

The Department of State will issue an adoption notice to inform the public of this decision. Embassy Gaborone and our offices in Washington are in regular contact with the Government of Botswana to offer assistance and address any implementation issues prior to and following the Convention's entry into force.

Contacts in Botswana's Department of Social Protection informed the Department of State they will issue new intercountry adoption legislation later this year. At that time, we will reevaluate our ability to process Hague Adoption Certificates with the Republic of Botswana in compliance with U.S. law. We will send you an updated notice following such a review. We look forward to continuing our cooperation on this important issue.

Sincerely,

A handwritten signature in black ink, consisting of a series of overlapping loops and a long horizontal stroke that curves upwards at the end.

Hugo Rodriguez, Acting



March 23, 2023

Hugo Rodriguez
Principal Deputy Assistant Secretary
Bureau of Consular Affairs
U.S. Department of State
dosexecsec@state.gov; castaffers@state.gov

Dear Ambassador Rodriguez:

Thank you for your February 27, 2023 notification letter to U.S. Citizenship and Immigration Services (USCIS) regarding the processing of intercountry adoptions from Botswana under the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention). We appreciate you informing USCIS that the Department of State, as the U.S. Central Authority, has determined it will not be able to process Convention cases from Botswana at this time.

Since the Department of State cannot issue the required Hague Adoption Certificate or Hague Custody Certificate at this time, USCIS cannot approve a Form I-800, Petition to Classify Convention Adoptee as an Immediate Relative. Therefore, we have taken the necessary operational steps so that USCIS will reject any Form I-800 petitions filed on behalf of children from Botswana. If a future determination is made that the processing of intercountry adoptions from Botswana under the Hague Adoption Convention may proceed, we request that you notify USCIS in writing of this determination, so that USCIS may begin accepting these Form I-800 petitions.

As Botswana is now a party to the Hague Adoption Convention, the U.S. Orphan (non-Hague) process is generally no longer available. As of March 1, 2023, USCIS will not process new Forms I-600, Petition to Classify Orphan as an Immediate Relative, for children from Botswana or Forms I-600A, Application of Advance Processing of Orphan Application, that indicate Botswana as the intended country for adoption, unless the adoption is not subject to the Convention. USCIS remains committed to continued collaboration with the Department of State to ensure the best interests of children and the integrity of the intercountry adoption process.

Thank you again for your letter updating USCIS on this important issue. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Ur M. Jaddou". The signature is fluid and cursive, with a long horizontal line extending to the right.

Ur M. Jaddou
Director