



United States Department of State

Washington, D.C. 20520

Kenneth T. Cuccinelli
Acting Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, DC, 20529

March 10, 2020

Dear Director Cuccinelli:

I am writing to inform you 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 the Congo (ROC) on April 1, 2020. Based on available information, the Department of State determined if the ROC does not enact implementing legislation necessary to process intercountry adoptions by April 1, 2020, the Department will not be able to process Convention adoptions from the ROC initiated on or after April 1, 2020. This decision is based on the fact that, at this time, the central authority under Article 6 of the Convention has not been officially designated and does not have the legal authority to assume its responsibilities under the Convention. In addition, it is unclear how the ROC will carry out the functions of Article 4(a) and (b) – determining the child's eligibility and giving due consideration to family and domestic placement; Article 16 – preparing the report on the child; and Article 23 – certifying compliance with the Convention.

Congolese authorities have informed the Department they are working to pass legislation before April 1, 2020. However, until such legislation is enacted and the Department of State confirms the legislation enables the ROC to satisfy the aforementioned requirements, the Department of State will be unable to certify adoptions from the ROC in compliance with the Convention on a case-by-case basis.

The Department of State will issue an updated adoption notice to inform the public the United States will be unable to process Convention adoptions from the ROC on or after April 1, 2020, until such time as adequate implementing legislation is in place. Embassy Brazzaville and our offices in Washington are in regular contact with Congolese authorities to offer assistance, seek clarifications, and address any issues that need to be addressed prior to and possibly following the Convention's entry into force.

Once the Department receives confirmation the ROC has designated a central authority and enacted the required implementing procedures, we will reevaluate our ability to process Hague Adoption Certificates on a case-by-case basis. We will send you an updated notice following this review. We look forward to continuing our cooperation on areas of mutual importance.

Sincerely,

Carl Risch



**U.S. Citizenship
and Immigration
Services**

Mr. Carl Risch
Assistant Secretary
Bureau of Consular Affairs
Department of State
Washington, DC 20520

Dear Mr. Risch:

Thank you for your March 10, 2020, letter regarding the processing of intercountry adoptions from the Republic of the Congo under the Hague Adoption Convention. We appreciate you informing USCIS that the Department of State, as U.S. Central Authority, has determined it will not be able to process Convention cases from the Republic of the Congo 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 the Republic of the Congo. If a future determination is made that the processing of intercountry adoptions from the Republic of the Congo 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 the Republic of the Congo is now a party to the Hague Adoption Convention, the U.S. Orphan (non-Hague) process is generally no longer available. As of April 1, 2020, USCIS will not process new Forms I-600, Petition to Classify Orphan as an Immediate Relative, for a child from the Republic of the Congo or Forms I-600A, Application of Advance Processing of Orphan Application, that indicate the Republic of the Congo 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 and interest in this issue. Should you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

**JOSEPH
B EDLOW**

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Joseph Edlow
Deputy Director for Policy