



The Crisis of Adoptee Citizenship

WWW.ADOPTTEERIGHTSCAMPAIGN.ORG



Our purpose

Equal rights, privileges and protections for all children of US citizens

- Adoptees should possess the same citizenship as their siblings and American parents
- Children who are legally adopted into US families should not face discrimination by the very government that facilitated their adoption and entry into the US
- Once legal adoption is finalized, Adoptees should not be subjected to separate American standards including deportation
- The US government must facilitate an ethical process that ensures security and permanency for a child's entire life
- The practice of adoption should not be viewed as a temporary or discriminatory institution



The Adoptee Rights Campaign

A grassroots organization devoted to resolving disparate citizenship rights for intercountry adoptees.

ARC is the only organization in the US led by American adoptees without citizenship.

ARC is comprised of adoptees, adoptive parents, legal experts, and advocates who are devoted to ensuring ethical processes for intercountry adoptee citizenship.

Our core priority is to represent the needs and views of adoptees who experience citizenship failure.

We welcome partnerships with allied organizations who support equal citizenship rights for adoptees whose parents are US citizens.

Background

The history of intercountry
adoption

Prior to 2002, no child adopted by a US citizen was guaranteed the permanency and protection of citizenship by virtue of their legal adoption by a US citizen.

Between 1945 and 2016, 512,627 children were adopted by US citizens through the process of intercountry adoption.

Background

The process of intercountry adoption

Intercountry adoption is a complex multi-step process

Adoption involves adherence to:

- US federal and state law
- The laws of the country where the child is born and resides prior to the adoption.

To adopt a child, US citizen parents utilized:

- adoption agencies
- private attorneys, and
- courts in the US and/or foreign countries

Process of adoption – US citizen parent:

1. Begin or complete the adoption process in either
 - the country of the child's birth/residence or
 - In the US through a US based adoption agency
2. Apply for a US visa through the Department of State or local Embassy or Consulate and then bring the child to the US
3. Some but not all US parents adopt or re-adopt the child in a US state court

Legal entry to the US

Children were issued immigrant and non-immigrant visas for the purpose of adoption by US citizens

Historically, children adopted by US citizens were issued both immigrant and non-immigrant visas

Adoptees issued immigrant visas

- Have legal permanent residency (green cards) and a pathway to citizenship

Adoptees issued non-immigrant visas (visitor, student, humanitarian parole or other types)

- Are at risk of overstaying their visas during childhood and entering adulthood without legal status

Parental responsibility

Completing the legal process of adoption AND applying for citizenship was the sole responsibility of US citizen parents

As children, intercountry adoptees have no legal means or the right to:

- Complete the adoption process and/or
- Apply for naturalization

US citizen parents hold sole responsibility to:

- Complete legal adoptions or re-adoptions in US state courts
- Apply for naturalization on behalf of their children with the federal government
- Prior to the adoptee's 18th birthday.
- In some cases adoptions must be completed prior to the child's 16th birthday.



Contributing Factors

US citizen parents were frequently provided inaccurate, inconsistent or misleading information

US citizen parents relied on inaccurate and inconsistent information from:

- US adoption agencies
- Private adoption attorneys
- US government agencies (DOS, Consulates, Embassies, INS, USCIS)

ARC has documented cases of adoptees without citizenship in which

- Incorrect advice from private adoption attorneys and adoption agencies was given to parents
- False information was provided by US Consulates to parents
- A loss of adoption and immigration records by USCIS/INS occurred
- Inconsistent and contradictory information was provided by INS and USCIS

The Child Citizenship Act of 2000

The CCA provided for automatic citizenship for some but not all children adopted by US citizens from abroad

Congress attempted to fix this problem with the Child Citizenship Act of 2000

The Child Citizenship Act excludes three groups of adopted children –

- Adoptees who were over the age of 18 when the law was implemented in 2002
- Adoptees who enter the US on non-immigrant visas
- Children whose adoptions are not finalized in their birth country
 - In this case, the adoptive parents continue to have the responsibility to re-adopt the child in the US, finalizing the adoption process under US law and filing for naturalization.



How adopted children benefit from the CCA

The CCA applies only to children who enter the US for the purpose of adoption on IR3, IH3, IR4 and IH4 immigrant visas.

In order to obtain citizenship through the CCA,

- at least one parent must be a USC
- The child must reside in the U.S. as a permanent resident in the legal and physical custody of the US citizen parent
- The child satisfies the requirements applicable to adopted children under INA section 101(b)(1)
- The adoption abroad must be “final.” (Generally not “final” if the child entered the U.S. on an IR4 or IH4 visa.). Once the adoption is “finalized” in the U.S., the child becomes a USC on the date of finalization

Children who enter the US on non-immigrant visas are not covered by the CCA.

Adoptees excluded from the CCA

Adoptees excluded from coverage under the CCA:

- Adoptees who were 18 or older on 2/27/2001, the effective date of the CCA. As a result, adoptees born before 2/27/1983 were not covered by the CCA.
- If the adoptee was under the age of 18 on the effective date of the CCA but entered the U.S. on an IR4 or IH4 visa and the adoption was not finalized before the child becomes 18.
- An adopted child who is in the U.S. on a nonimmigrant visa or entered without inspection.

National Impact study

ARC completed 53 reports that constitute a comprehensive review of the available national statistics on intercountry adoption and for all 50 states, the District of Columbia, US territories and Armed Forces families.

Impact estimates:

- The current number of children adopted between 1945 and 1998 who entered adulthood without US citizenship ***ranges from 25,000 to 49,000 adoptees.***
- ***An additional 7,321-14,643 children*** adopted from 1999 to 2016 are at-risk of reaching adulthood without US citizenship.
- These figures do not include children brought to the US for adoption on non-immigrant visas and adoptions after 2016.

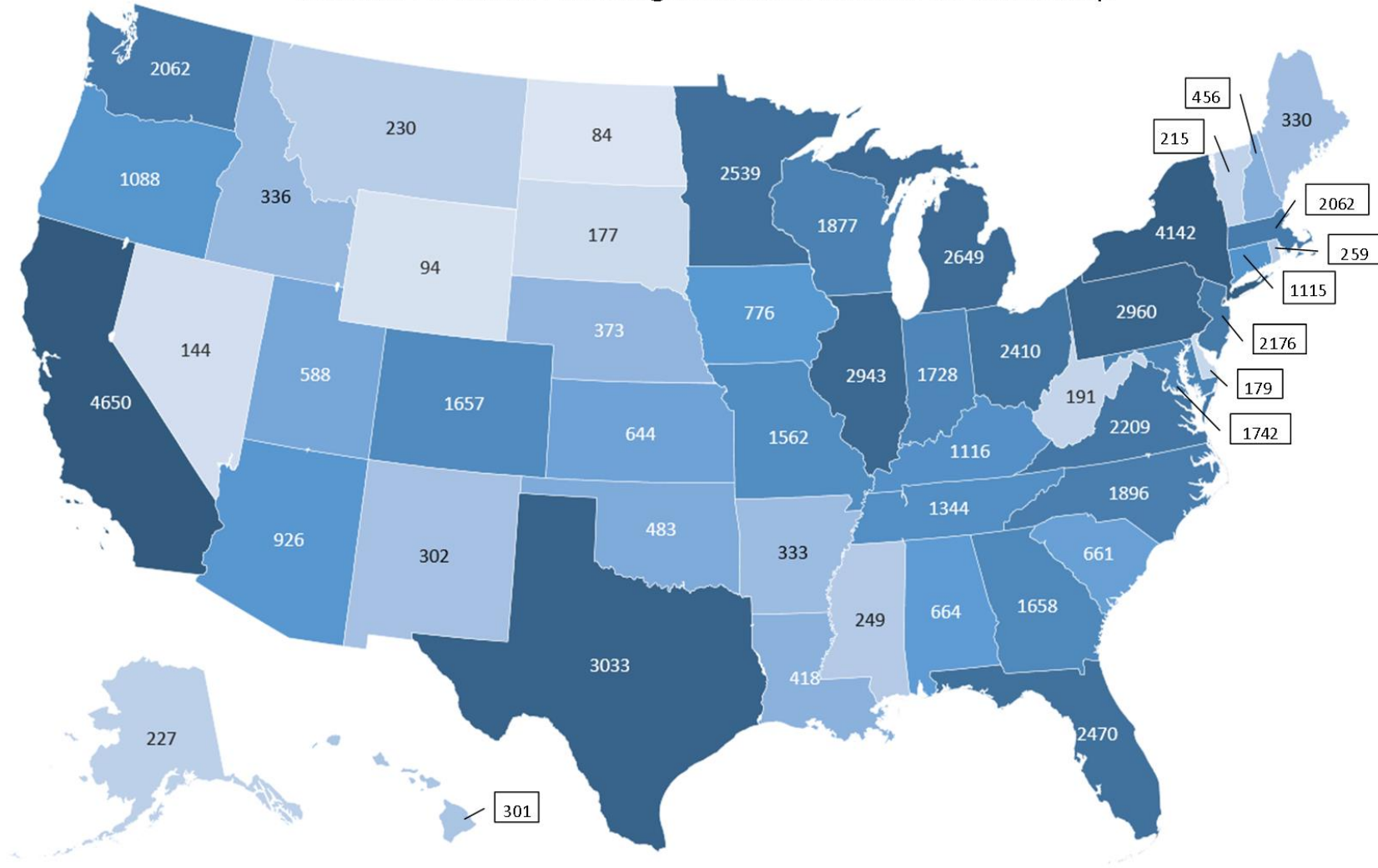
The total range of adoptees without citizenship will increase from 32,000 to 64,000 adoptees between 2015 and 2033.



National Impact study

The full text of the study is available online at www.AdopteeRightsCampaign.org.

Adult Adoptees without US Citizenship & Children At-Risk of Reaching Adulthood without US Citizenship





National Impact study

Top 20 states of adult adoptees without citizenship and children at-risk of reaching adulthood without citizenship

Top 20 States Adult Intercountry Adoptees without US Citizenship & Children At-Risk				
Rank	State	Adult Adoptees without Citizenship	Children at-risk of reaching adulthood without Citizenship	Total Impact by State
1	California*	3493	1157	4650
2	New York*	3256	886	4142
3	Texas*	2484	549	3033
4	Pennsylvania*	2345	615	2960
5	Illinois*	2308	635	2943
6	Michigan	2039	610	2649
7	Minnesota*	1836	703	2539
8	Florida*	2041	429	2470
9	Ohio	1928	482	2410
10	Virginia*	1741	468	2209
11	New Jersey*	1639	537	2176
12	Massachusetts	1611	451	2062
13	Washington*	1536	526	2062
14	North Carolina*	1471	425	1896
15	Wisconsin*	1397	480	1877
16	Maryland	1360	382	1742
17	Indiana	1333	395	1728
18	Missouri	1211	351	1562
19	Georgia*	1276	288	1564
20	Illinois*	1211	351	1562

Global reach

ARC has documented cases of adoptees without citizenship from

- Argentina
- Brazil
- Cambodia
- China
- Colombia
- Costa Rica
- Dominican Republic
- El Salvador
- Germany
- Great Britain
- Guatemala
- Haiti
- India
- Iran
- Ireland
- Japan
- Mexico
- Panama
- The Philippines
- Russia
- Samoa
- South Korea
- St. Kitts
- Taiwan
- Thailand
- Ukraine
- Vietnam

Impact on individual families

**FAMILY
IS MORE
THAN DNA**



**SUPPORT THE
ADOPTEE
CITIZENSHIP ACT**

#CITIZENSHIPFORALLADOPTees

ARC Advocacy

Up to this point, ARC has focused its efforts on legislative advocacy.

The Adoptee Citizenship Act was introduced in both the 114th and the 115th Congress.

The bills are currently in the House and Senate Judiciary Committees.

- HR5233
- S2522

ARC coordinates

- Meetings with Congressional offices for impacted adoptees and their allies
- City and state resolutions in support of the federal legislation
- Outreach to members of the public and the press

ARC services

ARC provides impacted adoptees

- Support of the impacted community
- The opportunity to vote on decisions that impact their future – ARC decision making is democratic
- Access to share their story with the public and the press if they choose to do so
- Limited casework services to identify qualified immigration legal representation
- Support to deported adoptees in limited instances

The future of ARC

Future directions

- Expand casework services through partnerships in all 50 states with organizations that provide
 - Qualified legal representation for immigration cases
 - Deportation defense services
 - Representation for individuals in immigration detention
 - Expand support for deported adoptees
- Expand services to deported adoptees



Call to action

How to get involved.

- ARC seeks to identify and partner with Immigrant Assistance and Deportation Defense organizations in all 50 states
 - If you are an attorney – join our team

- We need volunteers to help at the state and local level. ARC will support you with training and personnel to:
 - Attend Congressional meetings to advocate for equal citizenship rights
 - Advocate locally with City Council and State Legislatures – encourage resolutions in support of federal legislation
 - Conduct educational outreach
 - Coordinate local letter writing and calls to legislators
 - Donate – ARC is moving toward casework services and needs your financial support

Conclusion

The current system undermines American family values and is an ineffective use of taxpayer dollars. It separates families, denies adoptees equal rights and threatens family permanency.

Visit www.AdopteeRightsCampaign.org for more information or contact ARC

- Impacted Adoptees:
info@AdopteeRightsCampaign.org
- To discuss partnership for Deportation Defense:
research@AdopteeRightsCampaign.org