

**THREE AVENUES TO ACHIEVE IMMEDIATE RELATIVE CLASSIFICATION  
FOR A CHILD IMMIGRATING FOR/AFTER ADOPTION**

**Orphan Visa**

8 USC 1101 (b)(1)(F)

1. Adoption facilitated by ASP
2. Child is habitually resident in a non-Hague Convention nation
3. Adopted by U.S. citizen and spouse or unmarried US. citizen 25 yrs. old when I-600 filed 1101 (b)(1)(F), and 24 yrs. old when I-600 A filed. 204.3(b). An alien spouse residing in US must be in lawful immigration status. 204.3(b). If child adopted abroad, a parent personally saw child before or during adoption.
4. Valid home study with favorable recommendation; 1154(d); 204.3, and USCIS determines child will receive proper care from adoptive parent; 1101 (b)(1)(F)
5. If adoption is to take place in U.S., country of origin must approve emigration for adoption, and any state preadoption requirements must be satisfied; 204.3 (d)(1)(f)
6. Child under 16 when petition filed (or sibling and under 18) 1101 (b)(1)(F)
7. Child meets statutory def of orphan- death or disappearance of, abandonment or desertion by, separation or loss from both parents, or sole or surviving parent incapable of providing proper care and has consented; 1101 (b)(1)(F).

**Convention Visa**

8 USC 1101(b)(1) (G)

1. Adoption facilitated by ASP
2. Child habitually resident/from nation that is party to Hague Convention; 1101 (b)(1)(G), and certification from Central Authority of country of origin. 1154(d)(2)
3. Adopted by U.S. citizen habitually resident in U.S. and spouse (an alien spouse residing in US must be in lawful immigration status. 204.307) or unmarried US. citizen 25 yrs. old when I-800 filed; 1101 (b)(1)(G), and 24 yrs. old when I-800 A filed, and habitually resident in U.S. 204.307.
4. Valid home study with favorable recommendation; 1154(d), and USCIS determines child will receive proper care from adoptive parent; 1101 (b)(1)(G)
5. If adoption is to take place in U.S., country of origin must approve emigration for adoption, and any state preadoption requirements must be satisfied; 1101 (b)(1)(G)
6. Child under 16 when petition filed (or sibling under 18) 1101 (b)(1)(G)
7. Parents or sole or surviving parent have consented or institution with custody has consented, and if there are two living parents, they are incapable of providing proper care, and USCIS determines child's relationship with birth parents has been terminated and purpose of adoption is to form bona-fide parent-child relationship; 1101 (b)(1)(G)
8. Convention safeguards satisfied.

**Adopted Child Visa**

8 USC 1101 (b)(1)(E)

1. Adopted by a U.S. citizen; 1101 (b)(1)(E)  
-Adoption must be valid in country where it took place. Foreign adoption need not satisfy same U.S. legal requirements for adoptions occurring in United States.
2. Child adopted under 16 (or sibling and under 18); 1101 (b)(1)(E), and petition filed for unmarried child before child is 21,
3. Child must have  
been in legal custody of adoptive parent or parents 2 years  
and  
have resided with adoptive parent or parents two years at time petition (I- 130 ) is filed. 1101 (b)(1)(E)  
(To ensure bona fide parent child relationship)