

visas, with the exception that the preparation of home studies and background reports on children may be performed by social work professionals or organizations that are not accredited or approved, as long as these reports are subsequently approved by an accredited agency. 42 U.S.C. § 14921; 22 C.F.R. 96.12-96.17.

Prospective adoptive parents may, however, hire a lawyer to prepare immigration petitions and visa applications on their behalf and to represent them in proceedings before USCIS or consular officers, as provision of legal services are explicitly not included in the adoption services that must be provided by an ASP. 42 U.S.C. § 14921(b)(3).<sup>10</sup>

Prior to the effective date of the UAA, private attorneys did on occasion shepherd prospective adoptive parents seeking an orphan visa through the placement and immigration process without involving an agency, particularly for adopters who wished to adopt a family member, a friend's child, or a child whom they had identified through their own overseas work or other international connections they had made. Because the UAA now requires that an ASP serve as the primary provider for the adoption services identified above for all children emigrating under Convention or orphan visas, even prospective adopters who have located a particular child will need to seek the services of an accredited agency or approved person even if that child is emigrating from a non-Convention country, if they are seeking an orphan visa.. In such cases, the ASP typically guides the prospective adopters through the immigration process, although private immigration attorneys are often called upon when they encounter particular obstacles or need assistance in completing the USCIS forms.

Of course, private attorneys may choose to go through the lengthy federal accreditation process to become “approved persons,” i.e., approved entities or individuals who may serve as the ASP, i.e., the primary provider of the six “adoption services.” The Convention and U.S. standards for accredited agencies and approved persons are virtually identical, with two exceptions: (1) approved persons are not required to be non-profit; and (2) approved persons need not be licensed by a State to provide adoption services, whereas accredited agencies must also be state-licensed. Convention, *supra*, art.22, 42 U.S.C. §14923. The criteria for federal accreditation as an accredited agency or approved person are detailed and exacting, however, and the process is expensive, so relatively few private attorneys have sought such approval. The most recent list of accredited ASP, dated August 30, 2019, appeared to list only two private attorneys (neither of whom were located in Oklahoma) as approved persons and over 135 accredited agencies.<sup>11</sup>

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<sup>10</sup> See also Joan Heifetz Hollinger, *Intercountry Adoption: Legal Requirements and Practical Considerations*, in 2 *Adoption Law and Practice* §11.07[6] (Joan Hollinger ed. 2019).

<sup>11</sup> See Intercountry Adoption Accreditation and Maintenance Entity (IAAME), *Intercountry Adoption Accredited/Approved Adoption Service Providers as of: August 30, 2019*, at <https://www.iaame.net/accreditation/accredited-approved-agencies-persons/>. Dillon International, in Tulsa, was the only ASP listed with its primary office in Oklahoma.