

United States and awarded custody of the child to the prospective adoptive parents or a person or entity working on their behalf in accordance with the laws of the foreign-sending country. 8 U.S.C. § 1101(b)(1)(F); 8 C.F.R. §204.3(d).

Although a child present in the United States in parole status [see Section II.A.6 below] who has not been adopted in the United States may qualify for an orphan petition if all of the statutory requirements are met, children in the United States who are undocumented or nonimmigrants are not eligible for orphan visas. 8 C.F.R. § 204.3(k)(3).

5. Process Following Submission of I-600

Petitioners submitting a Form I-600 (Petition to Classify Orphan as an Immediate Relative) must provide additional documentation, as required by 8 C.F.R. §204.3(d)(1). Petitioners who have not filed an I-600A previously must file both the documentation required for an advanced processing application as well as the supporting documentation for an orphan petition.

USCIS will deny an I-600 filed more than eighteen months from the date of the approval of an advanced processing application, a problematic restriction given that it is not always possible to obtain a referral of a child from certain countries of origin within that time window. Unless the USCIS has authorized an extension, failure to file the I-600 renders the advanced processing application abandoned and the prospective adopters must reapply. 8 C.F.R. §204.3(d), (h)(7). USCIS permits one extension for an additional eighteen-month period, if the petitioner submits a written request for the extension with the National Benefits Center no earlier than 90 days before the expiration of the I-600A, but before the approval expires.⁴¹

If at least one of the U.S. citizen petitioners is traveling abroad to the sending country and they have already received approval on their I-600A, they may choose to file the I-600 stateside or, more typically, at an overseas site (the USCIS field office or U.S. consulate or embassy in the country of origin designated on the petition). If the adopters are not traveling, or if a child is identified and an I-600 is submitted while the advanced processing application is still pending, or if no advanced processing was requested and petitioners file their application for their own approval and the petition concurrently on Form I-600, the I-600 must be filed with the USCIS stateside and the USCIS National Benefits Office will adjudicate the petition.⁴²

⁴¹ USCIS, *Extension and Validity Periods*, at <https://www.uscis.gov/adoption/after-approval/extension-and-validity-periods>.

⁴² See 8 C.F.R. §204.3(h)(3); USCIS, Filing Instructions for Form I-600, Petition to Classify Orphan as an Immediate Relative, at <https://www.uscis.gov/forms/filing-instructions-form-i-600-petition-classify-orphan-immediate-relative>.