

## **b. Suitable Prospective Adopter(s) Confirmed by Home Study**

Similar to the I-600A process, applicants filing Form I-800A seeking a determination of their suitability to adopt must supply extensive documentation along with the form, including evidence of their U.S. citizenship and the lawful immigration status of an alien spouse residing in the United States, marriage certificates, any divorce or dissolution decrees for any previous marriages, proof of age if the adopter is single, and, if the child is to be adopted or readopted in state court, proof that any state preadoption requirements have been satisfied. 8 C.F.R. § 204.310(a). Like orphan visa petitioner, petitioners for a Convention visa must also submit a home study satisfying federal criteria with a favorable recommendation, and USCIS must independently determine that the child will receive proper care. 8 U.S.C. §§ 1101(b)(1)(G); 1154(d).

Since July 1, 2014, the standards for the approval, manner of preparation, and content of home studies for both orphan and Convention visas are the same and are summarized in Section II.A.3.b. above. The home study must be no more than 6 months old and must either be submitted with Form I-800A or within the period specified by the officer adjudicating the application. 8 C.F.R. §§ 204.310(a) (viii); 204.311(c)(4). Significant changes after submission, such as a move, a divorce, or additional household members, require an amendment. 8 C.F.R. § 204.311(u). As with orphan visa applicants, applicants for Convention visas and any adult household members must be fingerprinted, 8 C.F.R. § 310(b) and background checks must be completed. 8 C.F.R. § 204.311(c).

Just as with orphan visas, USCIS officers are responsible for making an independent determination regarding whether or not prospective adopters are capable of providing proper care and are not bound by a favorable recommendation in the home study, although they may consult with the preparer or agency for clarification of specific issues. 8 C.F.R. § 204.312 (b)

Successful Convention applicants will receive a decision specifying each country for which the Form I-800A is approved (if approval was sought for more than one country), and may also specify denial of approval for a particular country. 8 C.F.R. § 204.312 (a). Although approval is specified by country, the Convention regulations provide that if an applicant is otherwise eligible and suitable to adopt, the USCIS will not deny the application because the applicant does not appear to meet the adoption requirements of particular Convention country, but will instead leave the determination to the Central Authority of the country of origin to determine how it will apply its eligibility requirements in a given case. 8 C.F.R. § 204.312(c)(4).

Unsuccessful applicants are advised in writing of their right to appeal. 8 C.F.R. § 204.312(c)(3). USCIS officers are directed to deny Convention applications if they discover a failure to disclose or misrepresentation of an arrest, conviction, or history of substance abuse, sexual abuse, child abuse, criminal history, or family violence regarding any application or adult household member or if any such person failed to cooperate with the child abuse registry check or disclose a prior home study. 8 C.F.R. § 204.309(a). The fact that an arrest or conviction or