



Privacy Impact Assessment  
for the

# Domestically Filed Intercountry Adoptions Applications and Petitions

**DHS/USCIS/PIA-007(b)**

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## Abstract

The U.S. Citizenship and Immigration Services (USCIS) Adoption Case Management System (ACMS) module under the National Processing Workflow Repository (NPWR) serves as the case-management system for the domestically-filed intercountry adoption process. ACMS is used by the USCIS National Benefits Center (NBC) to facilitate the effective and efficient processing of domestic intercountry adoption-related applications and petitions.<sup>1</sup> ACMS replaces USCIS's existing intercountry adoption case management system, the Secure Information Management Service. USCIS is conducting this Privacy Impact Assessment (PIA) because ACMS collects, uses, and disseminates personally identifiable information (PII). This PIA replaces DHS/USCIS/PIA-007 USCIS Secure Information Management Service (SIMS) Pilot and Inter-country Adoptions and DHS/USCIS/PIA-007(a) Secure Information Management Service (SIMS) Pilot with Inter-Country Adoptions Update.

## Overview

U.S. Citizenship and Immigration Services (USCIS) is the component of the Department of Homeland Security (DHS) that oversees lawful immigration to the United States. USCIS receives and adjudicates petitions and applications for all U.S. immigration benefits, including intercountry adoption application and petition filings. Intercountry adoption is the process by which a prospective adoptive parent adopts a child from a foreign country and brings that child to the United States to permanently live with him or her. Prospective adoptive parents are U.S. citizens.

The intercountry adoption process is a cooperative effort between USCIS and the Department of State (DOS). USCIS plays a vital role in the intercountry adoption process by determining the suitability and eligibility of prospective adoptive parents to adopt and determining the eligibility of the child to immigrate as an immediate relative of a U.S. citizen under the Immigration and Nationality Act (INA).<sup>2</sup> DHS delegates authority to DOS to approve certain adoption-related petitions on behalf of USCIS. DOS issues immigrant visas based on approved petitions for children, which permits those children to immigrate to the United States on an adoption or custody order.

Under U.S. law, there are two distinct intercountry adoption processes: the Hague Adoption Convention<sup>3</sup> process and the non-Hague Adoption Convention process (orphan adoption process).

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<sup>1</sup> Forms I-600, I-600A, I-800, and I-800A. (Note children may also immigrate as "adopted children" under 101(b)(1)(E) of the Immigration and Nationality Act (INA), however that is a separate form of relief that is not addressed in this PIA.

<sup>2</sup> See INA § 101(b)(1)(F), (G), 8 U.S.C. § 1101(b)(1)(F), (G).

<sup>3</sup> The United States signed the Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption in 1994 (Hague Adoption Convention). The Hague Adoption Convention entered into



- 1) **Hague Adoption Convention Process:** On April 1, 2008, the Hague Adoption Convention entered into force for the United States. The Hague Adoption Convention is a treaty that establishes agreed upon standards for adoption of a child from a Hague Convention country by persons from another Convention country. The Hague Adoption Convention sets forth a uniform set of standards to strengthen protections for children, birthparents, and prospective adoptive parents in the intercountry adoption process. The Hague Adoption Convention provides a framework for Hague Adoption Convention countries to work together to ensure that intercountry adoptions take place in the best interests of children and to prevent the abduction, sale, or trafficking of children in connection with intercountry adoption. The Hague Adoption Convention process applies to all adoptions between the United States and other countries that are party to the Hague Adoption Convention. Therefore, if the child's country of origin is a party to the Hague Adoption Convention, the prospective adoptive parents generally must follow the Hague Adoption Convention process.
- 2) **Orphan Adoption Process:** Adoptions between the United States and countries that are not party to the Hague Adoption Convention (non-Hague Adoption Convention countries) generally follow the orphan process. Therefore, if a child's country of origin is not a party to the Hague Adoption Convention, then the prospective adoptive parents generally must follow the orphan process.

Both the Hague Adoption Convention process and the orphan adoption process involve two basic determinations: (1) the suitability and eligibility of the prospective adoptive parents; and (2) whether the child is eligible to immigrate to the United States as an immediate relative of a U.S. citizen.<sup>4</sup> Although the two intercountry adoption processes are similar, there are notable differences between them.

### **Management of Adoption Cases**

The NBC centrally processes all domestically-filed intercountry adoption applications and petitions. ACMS serves as the case management system for intercountry adoption applications and petitions from receipt of the application or petition to final adjudication for domestically-filed forms. Previously, USCIS used the Secure Information Management Service (SIMS) to track and review adoption cases. SIMS, however, did not fully meet the requirements for case management of the adoption process, so USCIS developed ACMS. USCIS decommissioned SIMS after the deployment of ACMS. This PIA replaces SIMS Pilot with Inter-country Adoptions PIA and SIMS Pilot with Inter-Country Adoptions PIA Update.<sup>5</sup> ACMS tracks the required steps necessary to

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force for the United States on April 1, 2008. The Intercountry Adoption Act of 2000, 114 Stat. 825 (Oct. 6, 2000), implemented the Hague Adoption Convention in the United States.

<sup>4</sup> For a comparison of the Hague Adoption Convention process and the orphan adoption process, *see* [http://adoption.state.gov/hague\\_convention/hague\\_vs\\_nonhague.php](http://adoption.state.gov/hague_convention/hague_vs_nonhague.php).

<sup>5</sup> Upon the publication of this PIA, DHS will retire DHS/USCIS/PIA-007 USCIS Secure Information Management



adjudicate a case and case status. NBC uses the system to assign cases to an adjudicator and maintain data on the time spent on each task leading to final adjudication. ACMS streamlines the adjudication of applications and petitions and analyzes workload trends for proper resource allocation.

## **Domestic Inter-country Adoptions Approval Process**<sup>6</sup>

The adoption approval process consists of (1) Case Receipt Intake Process; (2) Security Screening Checks; (3) Case Review and Requests for Evidence; (4) Decision Case Action; and (5) Post Adjudication of inter-country filings. The general procedural steps below outline the application and petition adjudication process associated with inter-country adoptions. USCIS designed each step to ensure a thorough review and the efficient management of the application or petition.

### ***Case Receipt Intake Process***

Prospective adoptive parents submit a domestic adoption filing, which includes the completed forms, supporting evidence, and applicable fee to the USCIS Lockbox facility for initial intake processing.<sup>7</sup> The Lockbox process accelerates incoming applications and petitions by electronically capturing data and images from these forms and processing payments. The Lockbox receives mail directly on-site. The Lockbox personnel review newly received filings to ensure they are properly filed. The Lockbox does not approve or deny benefit requests. The Lockbox reviews each filing for completeness and for proper fee payment. If the filing meets the basic acceptance criteria, Lockbox employees enter the information into the Lockbox system and the system sends the individual a receipt. The Lockbox rejects incomplete filings and returns them to the prospective adoptive parents with an explanation for the rejection and describes any corrective actions. Rejected requests do not retain their filing date. Prospective adoptive parents may resubmit rejected filings for review as long as the identified issue is resolved.

Once the Lockbox intake process accepts a completed filing, the Lockbox personnel manually scan the filing into the Electronic Data Management System (EDMS), and send the physical filing to the NBC.<sup>8</sup> When the NBC receives the files, NBC contract staff review the application or petition for completeness and manually enter the application information into ACMS.

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Service (SIMS) Pilot with Inter-country Adoptions and DHS/USCIS/PIA-007(a) Secure Information Management Service (SIMS) Pilot with Inter-Country Adoptions Update.

<sup>6</sup> See Appendix A for a detailed process flow for each form type and the type of information collected.

<sup>7</sup> See DHS/USCIS/PIA-061 Benefit Request Intake Process (March 15, 2016), available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>8</sup> See DHS/USCIS/PIA-003 Integrated Digitization Document Management Program (IDDMP) (September 24, 2013), available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).



## Security Screening Checks

All prospective adoptive parents and adult members of the household are subject to criminal and national security background checks to assess the prospective adoptive parents' eligibility and suitability to adopt. NBC uses the National Appointment Scheduling System (NASS) to schedule Application Support Center (ASC) appointments for the prospective adoptive parent(s) and adult members of the household for mandatory biometrics capture.<sup>9</sup> USCIS sends the individual an appointment notice with a date and time to have his or her biometrics taken at a specified the ASC. At the appointment, USCIS captures the individual's full fingerprints and stores them in Biometric Background Storage System (BBSS).<sup>10</sup>

USCIS uses the collected biometrics to conduct background and security checks. The purpose of these checks is to enhance national security and ensure the integrity of the immigration process. Prospective adoptive parents and every adult household member must undergo the following checks:

- **Federal Bureau of Investigation (FBI) Fingerprint Check** is a search of the FBI's Next Generation Identification (NGI)<sup>11</sup> to identify applicants and petitioners who have an arrest record. If there is a criminal history record, FBI also sends the FBI Record of Arrests and Prosecutions (RAP Sheet) to USCIS electronically. The RAP Sheet is stored in BBSS.<sup>12</sup>
- **U.S. Customs and Border Protection (CBP) TECS Name Check** is a name-based search of a multi-agency database containing information from 26 different federal agencies. The information in TECS (not an acronym) includes records of known and suspected terrorists, sex offenders, people who are public safety risks, and other individuals that may be of interest (e.g., individuals who have warrants issued against them, people involved in illegal gang activity) to the law enforcement community. If there are positive results from the TECS Name Check, USCIS stores the results in the individual's receipt file or A-File.<sup>13</sup>
- **DHS National Protection and Programs Directorate (NPPD) Office of Biometric Identity Management (OBIM) Automated Biometric Identification System (IDENT)** is the central DHS-wide IT system for storage and processing of biometric and associated

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<sup>9</sup> See DHS/USCIS/PIA-057 National Appointment Scheduling System (NASS) (July 28, 2015), available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>10</sup> See DHS/USCIS/PIA-033 Immigration Benefits Background Check Systems (IBBCS) (November 5, 2010), available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>11</sup> See the Privacy Impact Assessment for the Integrated Automated Fingerprint Identification System (IAFIS)/Next Generation Identification (NGI) Biometric Interoperability for more information, available at <https://www.fbi.gov/foia/privacy-impact-assessments/iafis-ngi-interoperability-1>.

<sup>12</sup> See DHS/USCIS/PIA-033 Immigration Benefits Background Check Systems (IBBCS) (November 5, 2010), available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>13</sup> See DHS/CBP/PIA-009(a) TECS System: CBP Primary and Secondary Processing (TECS) National SAR Initiative (August 5, 2011), available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy). See DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System, 78 FR 69864 (November 21, 2013) available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).



biographic information for national security; law enforcement; immigration and border management; intelligence; background investigations for national security positions and certain positions of public trust; and associated testing, training, management reporting, planning and analysis, or other administrative uses. USCIS uses IDENT to establish and verify the identities of the prospective adoptive parents and any adult members of the household.<sup>14</sup>

USCIS initiates all background checks through a separate process or by other USCIS systems. USCIS uses the information yielded from the background checks to: (1) identify whether the prospective adoptive parents and additional adult members of the household have been accused or convicted of a criminal activity, and (2) to validate that information about any arrest, conviction, or other offense is also disclosed and explained in the home study, with the required supporting documentation. NBC personnel manually enter the biometrics appointment date and results into ACMS. Once a prospective adoptive parent files a petition for a specific child, USCIS maintains the results of the security checks in the prospective adoptive parent's application file and child beneficiary's A-File.

### ***Case Review and Requests for Evidence***

NBC adjudicators review all the information provided by the prospective adoptive parents along with any additional information compiled during the case review and security check screening process. If evidence is missing or if the prospective adoptive parent submitted all required initial evidence but the submitted evidence does not establish eligibility and suitability, USCIS may issue a Request for Evidence (RFE) or Notice of Intent to Deny (NOID), which requires the prospective adoptive parents to supply additional information for continued processing. A RFE stipulates what evidence is lacking, requests evidence to establish eligibility, and issues a due date. A NOID notifies the individual that USCIS intends to deny the application, sets forth the reasons for the intention to deny, and permits a response within a set timeframe. USCIS also uses NOIDs to notify the individual of derogatory information identified during the adjudication process. ACMS creates RFEs and NOIDs using pre-defined templates to request missing or additional evidence.

### ***Supporting Evidence***

An applicant or petitioner must meet certain requirements before USCIS may approve an application or petition. Prospective adoptive parents must submit evidence as proof of identification and in support of eligibility for an intercountry adoption-related benefit. Each application or petition requires specific evidence for approval. Supporting documentation for

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<sup>14</sup> See DHS/NPPD/PIA-002 Automated Biometric Identification System (IDENT) (December 7, 2012), *available at* [www.dhs.gov/privacy](http://www.dhs.gov/privacy). USCIS sends fingerprints, photographs, and limited biographic information to the OBIM IDENT via Customer Profile Management Service (CPMS). For more information, see DHS/USCIS/PIA-060 CPMS (December 17, 2015), *available at* [www.dhs.gov/privacy](http://www.dhs.gov/privacy).



intercountry adoption includes proof of citizenship, proof of marriage (if applicable), proof of identity, and a completed home study. Adjudicators thoroughly review each application or petition to determine the presence of required supporting documentation necessary to determine the suitability and eligibility of the prospective adoptive parents to adopt and the eligibility of the child to immigrate as an immediate relative.

Federal regulations establish requirements for all intercountry adoption home studies.<sup>15</sup> However, each state may have additional, different requirements that a home study conducted in its jurisdiction must meet. Home studies must generally include the following, among other requirements:

- An in-person interview and home visit with the prospective adoptive parents and any other adult members of the household;
- An evaluation of the physical, mental, and emotional health of the prospective adoptive parents and any other adult members of the household;
- An assessment of the finances of the prospective adoptive parents, including a description of income, financial resources, debts, and expenses;
- A detailed description of the prospective adoptive parents' living accommodations;
- A description of pre-placement counseling and training provided to the prospective adoptive parents and plans for post-placement monitoring (if required);
- A specific assessment of how physical, mental, emotional, and financial factors would affect the prospective adoptive parents' ability to care for an adopted child, the number of children that the parents may adopt at the same time, and any restrictions on the characteristics of the child(ren) for whom the prospective adoptive parents are approved to adopt;
- A check of available child abuse registries, and inquiries into substance abuse, child or sexual abuse, and domestic violence for each adult member of the household, including the prospective adoptive parents, the results of which must be documented in the home study;
- A copy of any previous home study that did not favorably recommend the prospective adoptive parents or additional adult member of the household for adoption;
- An evaluation of the suitability of the home for adoptive placement of a child in light of the prospective adoptive parents' or any adult member of the household's history of abuse or violence as an offender and history of substance abuse;

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<sup>15</sup> See 8 CFR § 204.311. See FN 52, explaining the Universal Accreditation Act's (UAA) impact on certain orphan intercountry adoption requirements.



- A criminal history of the prospective parents and any additional adult members of the household (if applicable), including any record of arrest or conviction.<sup>16</sup>

NBC annotates the submission of supporting evidence, including the home study, in ACMS. The adjudicator may also update ACMS based on information from these documents depending upon the type of supporting evidence submitted. Once prospective adoptive parents file a petition for a specific child, USCIS stores supporting evidence, including the home study, in the prospective adoptive parents' application file and child beneficiary's A-File.

### *A-File Creation/Comparison*

NBC adjudicators retrieve or create an A-File for the adoptee beneficiary for two purposes. First, adjudicators consolidate the application, supplemental documentation, and any other case information into the adoptee's A-File. Additionally, adjudicators may review the contents of the A-File, if one exists, to determine if the prospective adoptive parents has had prior involvement with USCIS or other DHS components by reviewing earlier or multiple filings. The A-File documents the individual's immigration history as he or she passes through the U.S. immigration and inspection process. Adjudicators use National File Tracking System (NFTS) to request A-Files.<sup>17</sup>

### *Cases Suspected of Fraud*

USCIS adjudicators may refer filings suspected for fraud to USCIS Fraud Detection and National Security Directorate (FDNS) throughout the application or petition process.<sup>18</sup> FDNS works with the NBC on cases of suspected fraud and where the security vetting process has indicated possible national security or public safety-related concerns.

### *Decision Case Actions*

During USCIS's decision-making process, the following may occur:

- The application or petition is approved (or in the case of a Form I-800 petition, provisionally approved) and an approval letter is issued;
- If additional information is required for USCIS to adjudicate the application or petition, an RFE or NOID is sent to the prospective adoptive parents;

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<sup>16</sup> See 8 CFR § 204.311. See also USCIS Hague Home Study Guidelines webpage for more information, available at <http://www.uscis.gov/adoption/home-study-information/hague-home-study/hague-home-study-guidelines>.

<sup>17</sup> See DHS/USCIS/PIA-032 National File Tracking System (NFTS) (October 5, 2010), available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>18</sup> See DHS/USCIS/PIA-013-01 Fraud Detection and National Security Directorate (FDNS) (December 16, 2014), available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).





- The application is denied and a denial letter detailing the decision is issued if USCIS determines that the prospective adoptive parents are not suitable or eligible to adopt; or
- The petition is denied and a denial letter detailing the decision is issued if USCIS determines that the child is not eligible to immigrate to the United States as an immediate relative under INA § 101(b)(1)(F) or (G).<sup>19</sup>

USCIS records the final decision in ACMS. ACMS generates the approval notice, and USCIS mails the approval notice to the individual. USCIS forwards approved and provisionally approved petitions to DOS for further processing or visa issuance.

## ***Post Adjudication***

### *Information Sharing with DOS*

The DOS National Visa Center (NVC) processes all domestic USCIS-approved immigrant visa petitions and retains them until the cases are ready for final adjudication by a Consular Officer abroad. USCIS mails all provisionally approved Form I-800 petitions and approved Form I-600 petitions filed domestically, including all supporting evidence in the A-File, and a notification of action to DOS NVC for visa issuance. USCIS also sends DOS basic information, such as name, date of birth, sex, adjudication result, regarding the petition electronically through the Enterprise Service Bus-Adoptions Orchestration Service (ESB-AOS) to notify DOS of an incoming petition.

The DOS NVC scans and uploads the physical files (i.e., supplemental evidence) into its SharePoint site, a secured file-sharing site, to transmit the information to the U.S. embassy or consulate in the child's country of origin. The Consular Officer uses this information, along with any additional investigations or in-person interviews to grant final approval of the petition (Hague Adoption Convention cases), to adjudicate the visa application for the child (Hague Adoption Convention cases and orphan cases), or to return the filing to USCIS as a consular return for review and possible revocation.

DOS NVC personnel upload information forwarded by the NBC to the NVC into the DOS Consolidated Consular Database (CCD)<sup>20</sup> to allow DOS Consular Officers to determine if they can grant final approval of a petition (Hague Adoption Convention cases) or issue a visa to the child (Hague Adoption Convention cases and orphan cases). ACMS submits completed applications to DOS using the ESB-AOS, which then sends an adoption notification to DOS via AOS.<sup>21</sup> ESB-AOS then updates DOS CCD. The information shared with DOS includes

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<sup>19</sup> Prior to the issuance of a denial, USCIS will first issue a NOID pursuant to 8 CFR § 103.2(b)(8).

<sup>20</sup> See DOS CCD PIA (July 17, 2015), available at [https://foia.state.gov/docs/pia/consularconsolidateddatabase\\_ccd.pdf](https://foia.state.gov/docs/pia/consularconsolidateddatabase_ccd.pdf).

<sup>21</sup> The USCIS ESB2 Adoption Orchestration Services (AOS) provides the information sharing exchanges between USCIS and Department of State in support of intercountry adoptions.



information captured on the intercountry adoption forms, supporting evidence, the home study, any RFEs, background check results, and approval and denial notices.

## *Reporting*

ACMS interfaces with the Standard Management Analysis & Reporting Tool (SMART) to generate a number of statistical reports to conduct workload analysis for properly allocating resources.<sup>22</sup> Individuals authorized to use SMART can generate customizable reports to monitor employee workload and productivity against ACMS. SMART can generate these reports on a broad spectrum to identify cases pending at NBC to measure productivity trends and average processing time. SMART can also generate granular level reports to identify the types, number, and status of cases located in a particular office or assigned to a particular adjudicator, which allows supervisors to identify the oldest cases in queue for processing. ACMS transmits information to SMART to create and compile reports. SMART does not retain ACMS data; SMART deletes the data retrieved from ACMS as soon as the user logs out of SMART.

## **Section 1.0 Authorities and Other Requirements**

### **1.1 What specific legal authorities or agreements permit and define the collection of information by the project in question?**

The legal authorities for intercountry adoption from Hague Adoption Convention countries include the Hague Adoption Convention,<sup>23</sup> Intercountry Adoption Act of 2000,<sup>24</sup> INA § 101(b)(1)(G),<sup>25</sup> and 8 CFR §§ 204.300-.314. The legal authorities for intercountry adoption from non-Hague Adoption Convention countries include the International Adoption Universal Accreditation Act of 2012,<sup>26</sup> INA § 101(b)(1)(F),<sup>27</sup> and 8 CFR § 204.3.

### **1.2 What Privacy Act System of Records Notice(s) (SORN(s)) apply to the information?**

The following Privacy Act System of Records Notices apply to the collection, use, maintenance, and dissemination of ACMS information:

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<sup>22</sup> See DHS/USCIS/PIA-050 Standard Management Analysis Reporting Tool (SMART) (August 27, 2013), available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>23</sup> Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (1994).

<sup>24</sup> Pub. L. No. 106-279, 114 Stat. 825 (Oct. 6, 2000).

<sup>25</sup> 8 U.S.C. § 1101(b)(1)(G).

<sup>26</sup> Pub. L. 112-276, 126 Stat. 2466 (Jan. 14, 2013).

<sup>27</sup> 8 U.S.C. § 1101(b)(1)(F).



- Intercountry Adoptions SORN,<sup>28</sup> which covers information collected during the intercountry adoptions process and includes all individuals seeking an intercountry adoption; any additional adult members of the household; representatives of the prospective adoptive parent(s); minors being adopted; and biological mothers, fathers, or custodians of adopted minors, preparers, and adoption service providers; and
- Alien File, Index, and National File Tracking System SORN,<sup>29</sup> which covers the information maintained in the A-File, including hardcopy records of adoption-related applications and petitions and supporting documentation; and
- Background Check Service,<sup>30</sup> which covers the status and results of background checks; and
- Biometric Storage System,<sup>31</sup> which covers the collection, use, and storage of biometric data from the prospective adoptive parent and adult household member to conduct name and fingerprint checks.

### **1.3 Has a system security plan been completed for the information system(s) supporting the project?**

Yes. ACMS is a module under National Processing Workflow Repository (NPWR). NPWR falls under the Digital Innovation and Development-Information Technology (DID-IT) accreditation boundary. DID-IT completed the security assessment and authorization documentation in August 2013, and was accepted into the Ongoing Authorization program. Ongoing Authorization requires DID-IT, including NPWR, to be reviewed on a monthly basis and maintain its security posture to maintain its Authority to Operate (ATO).

### **1.4 Does a records retention schedule approved by the National Archives and Records Administration (NARA) exist?**

No. USCIS is negotiating a retention schedule with NARA for ACMS and it is subject to final approval. NARA approved the Alien File retention schedule N1-566-08-11.

### **1.5 If the information is covered by the Paperwork Reduction Act (PRA), provide the Office of Management and Budget (OMB)**

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<sup>28</sup> Concurrent with the publishing of this PIA, DHS is publishing an updated Intercountry Adoptions SORN to clarify updates to the processing of intercountry adoptions. DHS/USCIS-005 Intercountry Adoptions, 72 FR 31086 (June 5, 2007) available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>29</sup> DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System, 78 FR 69864 (November 21, 2013) available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>30</sup> DHS/USCIS-002 Background Check Service, 72 FR 31082 (June 5, 2007) available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>31</sup> DHS/USCIS-003 Biometric Storage System, 72 FR 17172 (April 6, 2007) available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).



**Control number and the agency number for the collection. If there are multiple forms, include a list in an appendix.**

Yes. Form I-600A, Form I-600, and Form I-600/I-600A, Supplement 1 are subject to the requirements set forth by PRA. OMB Control Number 1615-0028 covers Form I-600A, Form I-600, and Form I-600/I-600A, Supplement 1. The Intercountry Adoption Act, codified at 42 U.S.C. § 14953(c), exempts Form I-800A and Form I-800 from PRA requirements.

## **Section 2.0 Characterization of the Information**

The following questions are intended to define the scope of the information requested or collected, as well as reasons for its collection.

### **2.1 Identify the information the project collects, uses, disseminates, or maintains.**

ACMS collects and maintains information on U.S. citizen prospective adoptive parents, spouses, adult members of the household, adoptive beneficiaries, adoption service providers, home study preparers, attorneys, and form preparers to determine the prospective adoptive parents' suitability and eligibility to adopt and the child's eligibility to immigrate to the United States as an immediate relative. The information collected through the Hague Adoption Convention process and the orphan adoption process may vary because each process may require different information.

Information collected and maintained about prospective adoptive parents may include:

- Full Name;
- Alias;
- Mailing Address;
- Physical Address;
- Address Abroad;
- Email Address;
- Telephone Number;
- Date of Birth;
- Country of Birth;
- City of Birth;
- State or Province of Birth;
- Citizenship Status;



- Naturalization History;
- Certificate of Citizenship or Certificate of Naturalization Number;
- Residence Status;
- Marital Status;
- Marital History;
- Spouse's Immigration Status;
- USCIS Account Number;
- Social Security number (SSN);
- A-Number;
- USCIS Receipt Number;
- Adoption Filing History;
- Payments Made and Anticipated Future Payments in Relation to the Adoption;
- Photographs;
- Physical Description (e.g., height, weight, eye color, hair color, race, ethnicity, identifying marks like tattoos or birthmarks);
- Biometric (i.e., fingerprints and photographs) and other information (i.e., race, ethnicity, weight, height eye color, hair color) collected to conduct background checks;
- Home Study Results;
- Home Study Preparer;
- Home Study Preparer Authorization;
- Medical and Social History (e.g., vaccinations, referrals, communicable diseases, physical or mental disorders);
- Financial Information (e.g., income, expenses, savings, assets, property, financial support, supporter information, life insurance, debts, encumbrances);
- Supporting Documentation as Necessary (e.g., birth certificate, appeals or motions to reopen or reconsider decisions, and proof of marriage);
- Proof of Citizenship (i.e., unexpired passport, citizenship/naturalization certificate, school records, census records, church records, and affidavits);
- Proof of Marriage;



- Accommodations/Disabilities; and
- Signature.

Information about any adult members of the household may include:

- Full Name;
- Alias;
- Mailing Address;
- Email Address;
- Telephone Number;
- Date of Birth;
- County of Birth;
- State or Province of Birth;
- City of Birth;
- A-Number;
- SSN;
- Relationship to Prospective Adoptive Parent(s);
- Photographs;
- Physical Description (e.g., height, weight, eye color, hair color, race, ethnicity, identifying marks like tattoos or birthmarks);
- Biometric (i.e., fingerprints and photographs) and other information (i.e., race, ethnicity, weight, height eye color, hair color) collected to conduct background checks;
- Case Decision;
- Accommodations/Disabilities; and
- Signature.

Information about the adoptive beneficiary may include:

- Full Name at Birth;
- Full Name at Present;
- Alias;
- Date of Birth;



- Gender;
- Country of Birth;
- City/Town/Village of Birth;
- Place of Habitual Residency;
- Present Legal Custodian;
- Present Address;
- Address Where the Child Will Reside;
- Article 16 Report;<sup>32</sup>
- Parental History and Custody Information (e.g., biological mothers, fathers, or custodians of adopted minors);
- Supporting Documentation as Necessary (e.g., birth certificate, appeals or motions to reopen or reconsider decisions);
- Date of Adoption;
- Place of Adoption;
- Physical or Mental Afflictions;
- Accommodations/Disabilities;
- A-Number;
- Relationship to Prospective Adoptive Parent, if any; and
- Case Decision

Information about the adoption service providers and home study preparers may include:

- Name;
- Organization Name;
- Mailing Address;
- Phone and Fax Numbers;
- Email Address; and
- Accreditation or Approval Status.

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<sup>32</sup> The official child referral for countries within the Hague Convention and will include information about a child's psychological, social, and medical history. It also specifies the child's name, date of birth, and reasons the child is in need of an adoptive placement.



Information about the preparer may include:

- Name;
- Organization or Business Name;
- Physical and Mailing Addresses;
- Email Address;
- Phone and Fax Numbers; and
- Signature.

Information about the representative may include:

- Name;
- Law Firm/Recognized Organization Name;
- Physical and Mailing Addresses;
- Phone and Fax Numbers;
- Email Address;
- Attorney Bar Card Number or Equivalent;
- Bar Membership;
- Accreditation Date;
- Source of Accreditation;
- Board of Immigration Appeals (BIA) Representative Accreditation Expiration Date;
- Law Practice Restriction Explanation; and
- Signature.

Information from the benefit-specific eligibility information may be recorded in ACMS. The physical files are stored in the A-File.

## **2.2 What are the sources of the information and how is the information collected for the project?**

Information contained in ACMS is collected directly from individuals completing the Form I-600 petition; Form I-600A application; Form I-600/I-600A, Supplement 1; Form I-800 petition; Form I-800, Supplement 1; Form I-800A application; Form I-800A Supplements 1, 2, and 3; and adjudicative transactions while processing the file. Additionally, adjudicators manually add partial information from supporting evidence and other systems used in USCIS daily adjudication operations to ACMS. This includes results from the TECS Name Checks and FBI Fingerprint





Checks on prospective adoptive parent(s) and other adult members of the household.

### **2.3 Does the project use information from commercial sources or publicly available data? If so, explain why and how this information is used.**

No.

### **2.4 Discuss how accuracy of the data is ensured.**

USCIS ensures data accuracy by collecting information directly from the prospective adoptive parents, adult members of the household, and the prospective adoptive parents' representative. During the adjudication process, USCIS personnel review the information collected from the supporting documentation, background checks, and, occasionally, an in-person interview to verify the information collected from the individuals.

In addition, a home study must be no more than six months after the time it is submitted to USCIS<sup>33</sup> and must be updated or amended if there is a significant change in the applicant's household, such as the addition of one or more children in the applicant's home, the addition of other dependents or additional adult members of the household to the family, a change resulting because the applicant is seeking to adopt a handicapped or special needs child if not previously addressed by the home study, a change to a different country for adoption, or a change to the child's proposed state of residence.<sup>34</sup> In Hague Adoption Convention Cases, the Form I-800A approval expires after 15 months, but USCIS may extend approval for additional 15-month periods with an updated or amended home study.<sup>35</sup> In orphan cases, the Form I-600A approval expires after 18 months, but USCIS may extend approval once for an additional 18 months with an updated or amended home study. Additionally, all required fingerprints must be valid at the time of application and petition approval. USCIS will not find a prospective adoptive parent suitable and eligible to adopt without the required home study.

### **2.5 Privacy Impact Analysis: Related to Characterization of the Information**

**Privacy Risk:** There is a risk of collecting more information than necessary to adjudicate the benefit.

**Mitigation:** The USCIS Privacy Office reviewed the adoption-based forms to ensure that USCIS collects the minimum amount of information needed to determine benefit eligibility. USCIS reviewed each data element to ensure that it would increase processing efficiency, provide better customer service, and assist in the adjudication of intercountry adoptions-based applications

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<sup>33</sup> 8 CFR § 204.311(c)(4).

<sup>34</sup> 8 CFR § 204.311(u).

<sup>35</sup> See the USCIS Extension and Validity webpage for more information, available at <http://www.uscis.gov/adoption/after-approval/extension-and-validity-periods>.



and petitions. Data that did not meet these guidelines were not included in the form. Furthermore, USCIS and OMB negotiated all data elements collected from Forms I-600, I-600A, and Form I-600/I-600A, Supplement 1 during Paperwork Reduction Act collection review.

**Privacy Risk:** There is a risk that USCIS may inappropriately collect and use information from the additional adult members of the household to make a benefit determination.

**Mitigation:** USCIS collects information on prospective adoptive parents and every adult member of the household to assess the overall conditions of the household. Every adult member of the prospective adoptive parents' household must complete supplemental forms. The purpose of Form I-600/I-600A, Supplement 1 and Form I-800A, Supplement 1 is to collect information on any additional individuals who are age 18 or older, who have the same principal residence as the prospective adoptive parents, or any person under age 18 or who does not actually live at the same residence, but whose presence is relevant to the issue of the prospective adoptive parents' suitability to adopt. USCIS uses information collected from every adult household member to conduct background checks in order to assist USCIS in determining whether the prospective adoptive parent's home environment would be suitable for a child while adjudicating the intercountry adoption benefit request.

## Section 3.0 Uses of the Information

The following questions require a clear description of the project's use of information.

### **3.1 Describe how and why the project uses the information.**

USCIS uses ACMS to support the administration and adjudication of intercountry adoption forms. The main purpose for collecting this information is to make an adjudicative decision for each application or petition for intercountry adoption. USCIS uses the information to determine the eligibility and suitability of the prospective adoptive parents and to determine the eligibility of the child to immigrate to the United States as an immediate relative. As part of the adjudication process, USCIS uses biographic and biometric information to conduct TECS Name Checks and FBI Fingerprint Checks on prospective adoptive parents and other adult members of the household who are age 18 or older.

### **3.2 Does the project use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly? If so, state how DHS plans to use such results.**

No.



### **3.3 Are there other components with assigned roles and responsibilities within the system?**

No.

### **3.4 Privacy Impact Analysis: Related to the Uses of Information**

**Privacy Risk**: There is a risk individuals who have legitimate access to PII could exceed their authority and use the data for unofficial purposes.

**Mitigation**: USCIS mitigates this risk by notifying users of their responsibilities and providing training, by implementing access controls, and through audit trails. USCIS Management Directive No. 140-001, Handling Sensitive and Non-Sensitive Personally Identifiable Information, dated September 27, 2010, provides guidance for the manner in which USCIS employees and contractors must handle Sensitive but Unclassified/For Official Use Only Information in both paper and electronic records. Additionally, all USCIS employees are required to take annual computer security training, which addresses this issue. USCIS also maintains rules of behavior for employees who use USCIS systems.

USCIS provides a warning banner provided at all access points to deter unauthorized use of information. The banner warns authorized and unauthorized users about the appropriate uses of ACMS, that USCIS may monitor ACMS for improper use and illicit activity, and the penalties for non-compliance. USCIS also limits access to PII by employing role-based access (allowing access only to users who need particular PII to perform their duties). USCIS maintains and reviews ACMS transaction logs to ensure users are only accessing information related to their job functions.

## **Section 4.0 Notice**

The following questions seek information about the project's notice to the individual about the information collected, the right to consent to uses of said information, and the right to decline to provide information.

### **4.1 How does the project provide individuals notice prior to the collection of information? If notice is not provided, explain why not.**

USCIS presents the prospective adoptive parents and any additional adult members of the household with a Privacy Act Statement as required by Section (e)(3) of the Privacy Act of 1974. The Privacy Act Statement is located on each form's instructions. The Privacy Act Statement located on the instructions for each form notifies prospective adoptive parents and adult members of the household of USCIS's authority to collect information, and the purposes, routine uses, and consequences of declining to provide the information to USCIS prior to the collection of information. In addition, USCIS provides general notice to individuals through the Alien File,



Index, and National File Tracking System SORN;<sup>36</sup> the Intercountry Adoptions SORN;<sup>37</sup> and this PIA.

Every additional adult member of the household must complete forms associated with either the Hague Adoption Convention process or the orphan adoption process. USCIS reserves the right to request information on any person who has not yet reached his or her 18th birthday by the application or petition filing date, or who does not actually live at the same residence as the prospective adoptive parents but whose presence in the residence is relevant to the issue of suitability to adopt. The adult member of the household is informed prior to the collection of information that by signing the form, he or she is providing written consent to USCIS to share his or her information with the applicant or the adoption service provider. The Privacy Act Statement on each form's instructions notifies the prospective adoptive parents and the adult members of the household that USCIS will share the information provided with other federal, state, local, and foreign law enforcement and regulatory agencies during the course of the investigation.

## **4.2 What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the project?**

The USCIS adoption-based forms require the prospective adoptive parents and any additional adult household members to provide biographic and biometric information. This information is critical to making an informed adjudication decision to grant or deny the adoption benefit request. Applicants and adult members of the household have the right to decline to provide information. However, failure to submit such information may prohibit USCIS from processing and properly adjudicating the application or petition, and thus may preclude the prospective adoptive parents from receiving the benefit.

## **4.3 Privacy Impact Analysis: Related to Notice**

There is no privacy risk to notice.

## **Section 5.0 Data Retention by the project**

The following questions are intended to outline how long the project retains the information after the initial collection.

### **5.1 Explain how long and for what reason the information is retained.**

USCIS is working with NARA to develop a retention and disposal schedule for data contained within ACMS. The proposed retention and disposal period for these records is to retain

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<sup>36</sup> DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System, 78 FR 69864 (November 21, 2013) available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>37</sup> Concurrent with the publishing of this PIA, DHS is updating the Intercountry Adoptions SORN to clarify updates to the processing of intercountry adoptions. The present version is DHS/USCIS-005 Intercountry Adoptions, 72 FR 31086 (June 5, 2007) available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).



adoption records for 99 years, after which time the records will be archived. USCIS determined the 99-year retention period based on the length of time USCIS may interact with a customer.

USCIS maintains hardcopy records of all adoption related applications and supporting documentation in the A-File [N1-566-08-11]. The A-File records are permanent, whether hard copy or electronic. USCIS transfers the A-Files to the custody of NARA 100 years after the individual's date of birth.

## **5.2 Privacy Impact Analysis: Related to Retention**

**Privacy Risk:** There is a risk that USCIS will retain the information in ACMS longer than necessary to accomplish the purpose for which the information was originally collected.

**Mitigation:** This risk is mitigated because USCIS has determined that 99 years is an appropriate retention period in the event a beneficiary requires assistance or access to his or her adoption records during his or her lifetime. The proposed ACMS retention and disposal schedule is based upon a need to keep the records available in case there are questions in the future regarding the child's adoption and immigration.

## **Section 6.0 Information Sharing**

The following questions are intended to describe the scope of the project information sharing external to the Department. External sharing encompasses sharing with other federal, state and local government and private sector entities.

### **6.1 Is information shared outside of DHS as part of the normal agency operations? If so, identify the organization(s) and how the information is accessed and how it is to be used.**

USCIS shares completed applications and petitions electronically and through the U.S. Postal Service with DOS to facilitate final approval and the visa issuance process. USCIS mails approved and provisionally approved applications and petitions to the NVC. ACMS also submits completed applications and petitions to DOS through ESB-AOS, which then sends a separate adoption notification to DOS. The AOS orchestration process reads the message, transforms the data using the mappings defined in the ESB-AOS, and updates DOS CCD.<sup>38</sup> The information shared with DOS includes information captured on the intercountry adoption forms, supporting evidence, the home study, all RFEs, background check results, and approval and denial notices. USCIS also shares data with the FBI to conduct fingerprint checks through the Customer Profile Management Service.<sup>39</sup>

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<sup>38</sup> See DOS CCD PIA (July 17, 2015), available at [https://foia.state.gov/docs/pia/consularconsolidateddatabase\\_ccd.pdf](https://foia.state.gov/docs/pia/consularconsolidateddatabase_ccd.pdf).

<sup>39</sup> See DHS/USCIS/PIA-060 Customer Profile Management Service, available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).



## **6.2 Describe how the external sharing noted in 6.1 is compatible with the SORN noted in 1.2.**

The sharing of PII with DOS is compatible with the original collection and is covered by Routine Use I in DHS/USCIS-005 Intercountry Adoptions and Routine Use O in the DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records SORNs. Routine Use I of the Intercountry Adoptions SORN permits USCIS to share intercountry adoption information with DOS to assist in the processing of visas, applications, or petitions for benefits under the Immigration and Nationality Act, and all other immigration and nationality laws, including treaties and reciprocal agreements. Routine Use O of the A-File SORN permits USCIS to share information with DOS in the processing of petitions or applications for benefits under the INA, and all other immigration and nationality laws including treaties and reciprocal agreements; or when the DOS requires information to consider or provide an informed response to a request for information from a foreign, international, or intergovernmental agency, authority, or organization about an alien or an enforcement operation with transnational implications. DOS uses this information to ensure it only grants visas to eligible beneficiaries.

## **6.3 Does the project place limitations on re-dissemination?**

A Memorandum of Agreement (MOA) between USCIS and DOS fully outlines responsibilities of the parties, security standards, and limits of use of the information, including re-dissemination. Under this MOA, DOS and USCIS may share and disclose information with DHS and DOS, but may not disseminate information to other external agencies. Methods and controls over dissemination of information are coordinated between USCIS and DOS prior to information sharing.

## **6.4 Describe how the project maintains a record of any disclosures outside of the Department.**

ESB-AOS maintains audit trail logs to identify transactions performed by external users. DOS users access the ACMS through the ESB interface. ACMS passes information to DOS using the ESB-AOS, which is a secured point-to-point connection from ACMS to the ESB and from the ESB to ACMS. A valid interconnectivity agreement exists between ACMS and the ESB. A separate interconnectivity agreement covers communication between the ESB and DOS. USCIS passes the authenticated user ID to each agency to record the disclosure information for auditing purposes.

## **6.5 Privacy Impact Analysis: Related to Information Sharing**

**Privacy Risk:** There is a risk of unauthorized access to, or disclosure of, information contained within ACMS.

**Mitigation:** USCIS mitigates this risk by protecting records from unauthorized access through appropriate administrative, physical, and technical safeguards that include restricting



access to authorized personnel who have a need-to-know. USCIS safeguards ACMS information in accordance with applicable laws, rules, and policies. USCIS strictly controls the process of data sharing. USCIS is careful to share data with those at DOS who have a need to know, and put the information to a use that is compatible with USCIS SORNs. All DOS information handlers must be authorized to access the information. This mitigates the risk of unauthorized disclosure by requiring a trained employee with access to the information to review the information before sharing the information with DOS. USCIS further mitigates the risk of authorized access and disclosure through provisions in the MOU with DOS. This MOU discuss the parties' respective responsibilities for safeguarding and using the information.

## **Section 7.0 Redress**

The following questions seek information about processes in place for individuals to seek redress which may include access to records about themselves, ensuring the accuracy of the information collected about them, or filing complaints.

### **7.1 What are the procedures that allow individuals to access their information?**

Individuals seeking to access or amend their USCIS records may file Freedom of Information Act (FOIA) or Privacy Act request. Any individual seeking to access his or her USCIS record may submit a request to following address:

National Records Center  
FOIA/PA Program  
P.O. Box 648010  
Lee's Summit, MO 64064-8010

The information requested may be exempt from disclosure under the Privacy Act because some ACMS files may contain law enforcement sensitive information, the release of which may compromise ongoing criminal investigations. Individuals can find additional information on Privacy Act and FOIA requests for USCIS records at <http://www.uscis.gov>.

### **7.2 What procedures are in place to allow the subject individual to correct inaccurate or erroneous information?**

An individual may gain access to his or her USCIS records by filing a Privacy Act request. The request should state clearly the information that is being contested, the reasons for contesting it, and the proposed amendment to the information. The requestor should also clearly mark the envelope, "Privacy Act Amendment Request." Additionally, USCIS will issue a RFE or NOID if USCIS intends to use information that is not contained in the application or supporting documentation (e.g., criminal history received from law enforcement), it will provide formal notice to the applicant and provide him or her an opportunity to refute the information prior to rendering



a final decision regarding the application. This provides another mechanism for the individual to correct erroneous information.

### **7.3 How does the project notify individuals about the procedures for correcting their information?**

The Intercountry Adoptions SORN provides individuals with guidance regarding the procedures for correcting information.<sup>40</sup> This PIA also provides similar notice. Privacy Act Statements, including notice of an individual's right to correct information, are also contained in immigration form instructions published by USCIS. Additionally, USCIS notifies an individual of the procedures for correcting his or her information on the USCIS website and by USCIS personnel who interact with him or her.

### **7.4 Privacy Impact Analysis: Related to Redress**

**Privacy Risk:** The main risk with respect to redress is that the right may be limited by Privacy Act exemptions or limited avenues for seeking redress.

**Mitigation:** USCIS gives an individual multiple opportunities during and after the completion of the applications process to correct information he or she has provided and to respond to information received from other sources. An individual may avail himself or herself of the redress and appeal process as stated in 6 CFR §§ 5.25-26. USCIS reviews requests for access and appeal on a case-by-case basis. The redress and access measures offered by USCIS are appropriate given the purpose of the system.

## **Section 8.0 Auditing and Accountability**

The following questions are intended to describe technical and policy based safeguards and security measures.

### **8.1 How does the project ensure that the information is used in accordance with stated practices in this PIA?**

In accordance with DHS security guidelines, ACMS has auditing capabilities that log user activities. ACMS tracks all user actions via audit logs to identify audit information by user identification, network terminal identification, date, time, and data accessed. ACMS employs auditing measures and technical safeguards to prevent the misuse of data. Many users have legitimate job duties that require them to design, develop, and optimize the system. These users perform this work under supervisory oversight. USCIS requires each employee to undergo an annual security awareness training that addresses his or her duties and responsibilities to protect

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<sup>40</sup> Concurrent with the publishing of this PIA, DHS is publishing an updated Intercountry Adoptions SORN to clarify updates to the processing of intercountry adoptions. DHS/USCIS-005 Intercountry Adoptions, 72 FR 31086 (June 5, 2007) available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).





the integrity of intercountry adoption related information. In addition, the ACMS system has internal audits separate from the domain security audits; therefore, a double layer of audit trails exists.

## **8.2 Describe what privacy training is provided to users either generally or specifically relevant to the project.**

All USCIS employees and contractors are required to complete the annual privacy and security awareness training to ensure their understanding of properly handling and securing PII. The Privacy Awareness training addresses appropriate privacy concerns, including Privacy Act obligations (e.g., SORNs, Privacy Act Statements). The Computer Security Awareness training examines appropriate technical, physical, personnel, and administrative controls to safeguard information.

## **8.3 What procedures are in place to determine which users may access the information and how does the project determine who has access?**

USCIS limits access to ACMS to authorized USCIS employees and contractors with a valid need-to-know. The employee's current job functions determine his or her need-to-know. The employee's supervisor and the system owner must validate that the employee needs to access the information. System administrators may have access if they are cleared and have legitimate job functions that would require them to view the information. Developers do not have access to production data except for specially cleared individuals who perform systems data maintenance and reporting tasks. This role-based administration ensures that users only have access to the information they need to fulfill their job function. This also prevents users from performing functions that they do not have the right or capability to perform. Access privileges are limited by establishing role-based user accounts to minimize access to information that the user does not need to perform essential job functions. Moreover, USCIS limits access privileges for users by ensuring they have authorized logon credentials (i.e., DHS-issued user ID and password) and have an established role-based user account.



## **8.4 How does the project review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within DHS and outside?**

USCIS has formal review and approval process in place for new sharing agreements. Any new use of information or new access requests for the system must go through the USCIS change control process and the proper authorities of this process, such as the USCIS Privacy Officer, Chief of Information Security Officer, Office of Chief Counsel, and the respective Program Office must approve the request.

### **Responsible Officials**

Donald K. Hawkins  
Privacy Officer  
U.S. Citizenship and Immigration Services  
Department of Homeland Security

### **Approval Signature**

Original, signed copy on file with the DHS Privacy Office.

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Jonathan R. Cantor  
Acting Chief Privacy Officer  
Department of Homeland Security



## APPENDIX A

### Form Adjudication Data Elements

#### I-600A Adjudication

- The Immigration Services Officer (ISO) reviews the case home study (less than 6 months old) and verifies information including:
  - One interview/One home visit
  - Abuse & Violence general statement
  - Child Abuse Registry (CAR) checks
  - Previous terminated or unfavorable home study
  - Any Accommodations
  - Health / Financial Status
  - Whether Country requirements are addressed
  - Adoption Service Provider (ASP) original signature
  - ASP/ Home Study Provider (HSP) copy of state license
- The ISO verifies the following case-specific information:
  - Applicant fingerprint received date
  - Applicant fingerprint expiration date
  - If the applicant's biometrics appointment is scheduled
  - If the applicant's biometrics appointment was rescheduled, reason for reschedule
  - Spouse fingerprint received date
  - Spouse fingerprint expiration date
  - If the Spouse's biometrics appointment is scheduled
  - If the Spouse's biometrics appointment was rescheduled, reason for reschedule
  - Adult Household Member (AHM) Name
  - AHM fingerprint received date
  - AHM fingerprint expiration date
  - If the AHM's biometrics appointment is scheduled
  - If the AHM's biometrics appointment was rescheduled, reason for reschedule



## **I-600A Updates and Extensions**

- The ISO checks for case-specific correspondence including:
  - The Home Study is less than six months old
  - Marriage Certificate
  - Proof of applicant's U.S. citizenship
  - Proof of Spouse's legal status
  - If previously married, applicant's divorce decree(s)
  - If previously married, spouse's divorce decree(s)
  - State Pre-Adoption Requirements
- The ISO reviews the case home study (less than 6 months old) and verifies:
  - One interview/One home visit
  - Abuse & Violence general statement
  - CAR checks
  - Previous terminated or unfavorable home study
  - Any Accommodations
  - Health / Financial Status
  - Whether Country requirements were addressed
  - ASP original signature
  - ASP/HSP copy of state license
- The ISO verifies the following case-specific information:
  - Applicant fingerprint received date
  - Applicant fingerprint expiration date
  - If the applicant's biometrics appointment is scheduled
  - If the applicant's biometrics appointment was rescheduled, reason for reschedule
  - Spouse fingerprint received date
  - Spouse fingerprint expiration date
  - If the Spouse's biometrics appointment is scheduled
  - If the Spouse's biometrics appointment was rescheduled, reason for reschedule
  - AHM Name



- AHM fingerprint received date
- AHM fingerprint expiration date
- If the AHM's biometrics appointment is scheduled
- If the AHM's biometrics appointment was rescheduled, reason for reschedule

## **I-600 Adjudication**

- The ISO checks for case-specific correspondence including:
  - I-171H/ I-600A Approval Notice
  - Child Birth Certification/Proof of Identity/Age
  - Proof of orphan status
  - Irrevocable Consent/Release
  - Evidence of Adoption/Legal Custody
  - State Pre-Adoption Requirements
  - The ISO reviews the case and verifies if:
    - There are unusual circumstances that require an amended home study
    - If the I-600A is still valid (if applicable)

## **I-600 Combination Adjudication**

I-600 Combination filings are reviewed for all elements contained in both the I-600A and I-600 adjudication.

## **I-800A Adjudication**

- The ISO checks for case-specific correspondence including:
  - Proof of applicant's U.S. citizenship
  - Proof of Spouse's legal status
  - Marriage certificate
  - If previously married, applicant's divorce decree(s)
  - If previously married, spouse's divorce decree(s)
  - AHM interview and assessment
  - If previous arrests, certified court documents
  - State-specific adoption requirements
  - Home study less than 6 months old



- The ISO reviews the case home study and verifies, to include:
  - One interview/One home visit requirement met
  - Abuse and violence general statement
  - Previously terminated or unfavorable home study
  - CAR checks
  - Any Accommodations
  - Training requirements addressed
  - Health / Financial Status
  - Whether Country requirements were addressed
  - ASP original signature
  - Home study completed or reviewed and approved by a Hague-accredited agency or Public Domestic Authority
- The ISO verifies the following case-specific information:
  - Applicant fingerprint received date
  - Applicant fingerprint expiration date
  - If the applicant's biometrics appointment is scheduled
  - If the applicant's biometrics appointment was rescheduled, the reason for reschedule
  - Spouse fingerprint received date
  - Spouse fingerprint expiration date
  - If the Spouse's biometrics appointment is scheduled
  - If the Spouse's biometrics appointment was rescheduled, the reason for reschedule
  - AHM Name
  - AHM fingerprint received date
  - AHM fingerprint expiration date
  - If the AHM's biometrics appointment is scheduled
  - If the AHM's biometrics appointment was rescheduled, the reason for reschedule



## **Supplement 3 Adjudication**

- The ISO verifies and validates available evidence including:
  - If the I-800A is still valid
  - Interview with the applicant and other AHMs
  - Additional AHMs present
  - Change in residence
  - CAR checks
  - Properly certified ASP
  - Home study that is less than 6 months old
  - State-specific adoption requirements
- The ISO verifies the following case-specific information:
  - Applicant fingerprint received date
  - Applicant fingerprint expiration date
  - If the applicant's biometrics appointment is scheduled
  - If the applicant's biometrics appointment was rescheduled, the reason for reschedule
  - Spouse fingerprint received date
  - Spouse fingerprint expiration date
  - If the Spouse's biometrics appointment is scheduled
  - If the Spouse's biometrics appointment was rescheduled, the reason for reschedule
  - AHM Name
  - AHM fingerprint received date
  - AHM fingerprint expiration date
  - If the AHM's biometrics appointment is scheduled
  - If the AHM's biometrics appointment was rescheduled, the reason for reschedule

## **I-800 Adjudication**

- The ISO checks for case-specific correspondence including:
  - Primary Provider certification of Article 16 of the Hague Convention Report
  - Article 16 of the Hague Convention Report
  - Background check



- Evidence of age
- Medical and social history
- Training
- Proof of irrevocable consent
- I-864 or I-864W
- I-800A Approval Notice
- The ISO reviews the case and verifies if:
  - There are changes that will require a Supplement 3
  - If the I-800A is still valid





## APPENDIX B

### List of Adoption Applications and Petitions

Title	Form Number	OMB Control Number
Petition to Classify Orphan as an Immediate Relative	I-600	1615-0028
Application for Advance Processing of Orphan Petition	I-600A	1615-0028
Supplement 1, Listing of Adult Member of the Household	I-600/I-600A	1615-0028
Petition to Classify Convention Adoptee as an Immediate Relative	I-800	Exempt
Supplement 1, Consent to Disclose Information	I-800	Exempt
Application for Determination of Suitability to Adopt a Child from a Convention Country	I-800A	Exempt
Supplement 1, Listing of Adult Member of the Household	I-800A	Exempt
Supplement 2, Consent to Disclose Information	I-800A	Exempt
Supplement 3, Request for Action on Approved Form I-800A	I-800A	Exempt



## APPENDIX C

### Hague Adoption Convention Process

A prospective adoptive parent seeking to adopt a child from a Hague Adoption Convention country completes the following USCIS forms:

- Form I-800A, *Application for Determination of Suitability to Adopt a Child from a Convention Country*, demonstrates the suitability and eligibility of the prospective adoptive parent(s) to adopt. The suitability and eligibility determination includes the prospective adoptive parent's ability to provide proper care for a child from a specific Hague Adoption Convention country. The prospective adoptive parent must indicate on the Form I-800A application the Hague Adoption Convention country from which he or she intends to adopt.
- Form I-800A, Supplement 1, *Listing of Adult Member of the Household*, must be completed for each person who meets the definition of an adult member of the household;<sup>41</sup>
- Form I-800A, Supplement 2, *Consent to Disclose Information*, authorizes USCIS to share information concerning the Form I-800A application with the applicant's adoption service provider (*optional*);
- Form I-800A, Supplement 3, *Request for Action on an Approved Form I-800A*, is filed as necessary by a prospective adoptive parent to:
  - Request an extension of his or her Form I-800A application;
  - Request a new approval based on a change in circumstances since his or her Form I-800A application was approved;
  - To change the Hague Adoption Convention country from which he or she intends to adopt; or
  - To request a duplicate approval notice (*optional*);
- Form I-800, *Petition to Classify Convention Adoptee as an Immediate Relative*, establishes the child's eligibility for classification as a "Convention adoptee" under INA § 101(b)(1)(G). A prospective adoptive parent files this petition to finalize the immigration process if he or she seeks to adopt a child habitually resident in a

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<sup>41</sup> Adult member of the household means: (1) Any individual other than the applicant, who has the same principal residence as the applicant and who had reached his or her 18th birthday on or before the date a Form I-800A is filed; or (2) any person who has not yet reached his or her 18th birthday before the date a Form I-800A is filed, or who does not actually live at the same residence, but whose presence in the residence is relevant to the issue of suitability to adopt, if the officer adjudicating the Form I-800A concludes, based on the facts of the case, that it is necessary to obtain an evaluation of how that person's presence in the home affects the determination [of] whether the applicant is suitable as the adoptive parent(s) of a Convention adoptee. 8 CFR § 204.301.



Hague Adoption Convention country. The prospective adoptive parent must have an approved Form I-800A application to file the Form I-800 petition;

- Form I-800, Supplement 1, *Consent to Disclose Information*, authorizes USCIS to share information concerning a Form I-800 petition with the prospective adoptive parent's adoption service provider (*optional*).

An initial Hague Adoption Convention filing includes: Form I-800A, *Application for Determination of Suitability to Adopt a Child from a Convention Country*; Form I-800A Supplement 1, *Listing of Adult Member of the Household*, for each additional adult member of the household; a home study;<sup>42</sup> the application fee;<sup>43</sup> and other supporting documents.<sup>44</sup> A home study is a comprehensive evaluation of the prospective adoptive parent, his or her immediate family, and the home environment. An authorized home study preparer must prepare home studies for a Hague Adoption Convention application. The home study preparer may be an accredited agency or an approved person, or may be a supervised or exempted provider. If the home study preparer is a supervised or exempted provider, an accredited or approved adoption service provider must review and approve the home study.<sup>45</sup> The prospective adoptive parent files the Form I-800A application with the USCIS Lockbox. The NBC adjudicates the application.

If USCIS approves the Form I-800A application, then the prospective adoptive parent files Form I-800, *Petition to Classify Convention Adoptee as an Immediate Relative*, to determine the child's eligibility to immigrate as a Convention adoptee under INA § 101(b)(1)(G), before adopting or obtaining legal custody of the child. The Form I-800 petition must be accompanied by: a valid Form I-800A application approval notice; all required supporting documents; accompanying fee, if required;<sup>46</sup> and the Article 16 report from the child's country of origin, as required by the Hague Adoption Convention. The Article 16 Report is the official child referral for countries that are party to the Hague Adoption Convention and includes information about the child's psychological, social, and medical history.<sup>47</sup> Prospective adoptive parents file Form I-800 petitions with the USCIS Lockbox. The NBC grants provisional approval of a Form I-800 petition,

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<sup>42</sup> See 8 CFR § 204.311.

<sup>43</sup> See 8 CFR § 103.7(b)(1)(i)(JJ).

<sup>44</sup> See Appendix A for a full list of items that may be required as evidence for a Form I-800A application.

<sup>45</sup> A home study preparer is an individual or entity authorized under 22 CFR § 96 to conduct home studies for Hague Adoption Convention adoption cases, either as a public domestic authority, an accredited agency, a temporarily accredited agency, approved person, supervised provider, or exempted provider and who (if not a public domestic authority) holds any license or other authorization that may be required to conduct adoption home studies under the law of the jurisdiction in which the home study is conducted. 8 CFR § 204.301.

<sup>46</sup> See 8 CFR § 103.7(b)(1)(i)(II).

<sup>47</sup> If the child's country of origin determines that the prospective adoptive parent is eligible to adopt under its laws and that a child is eligible for intercountry adoption, the Central Authority of the child's country of origin sends the prospective adoptive parent an official report on a child (Article 16 Report). The report, which Article 16 of the Hague Adoption Convention requires, specifies the child's name and date of birth, the circumstances under which the child became eligible for intercountry adoption, and the reasons for matching the child with the prospective adoptive parent.



and DOS issues the final approval.

The prospective adoptive parent may not proceed with the adoption or obtain custody of the child until USCIS approves the Form I-800A application, provisionally approves the Form I-800 petition, and DOS notifies the Central Authority<sup>48</sup> of the child's country of origin that the child appears eligible to enter and reside permanently in the United States.<sup>49</sup> Once the prospective adoptive parent finalizes the adoption or custody of the child in the child's country of origin, the Central Authority of the child's country of origin issues an Article 23 certificate certifying that the adoption or custody<sup>50</sup> complied with the Hague Adoption Convention. DOS then issues a Hague Adoption Certificate or Hague Custody Certificate, provides final approval of the Form I-800 petition, and issues an immigrant visa for the child to travel to the United States.

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<sup>48</sup> Under Article 6 of the Hague Adoption Convention, each contracting state is required to designate a "Central Authority" to discharge the duties imposed by the Hague Adoption Convention on such authorities. *See* 8 CFR § 204.301.

<sup>49</sup> DOS provides this notification to the Central Authority of the child's country of origin by issuing an Article 5/17 letter as required by Articles 5 and 17 of the Hague Adoption Convention.

<sup>50</sup> The Hague Adoption Convention does not require the Article 23 certificate when the prospective adoptive parent obtained custody of the child for purposes of immigration and adoption in the United States.



## APPENDIX D

### Orphan Process

A prospective adoptive parent seeking to adopt a child from a non-Hague Adoption Convention country completes the following USCIS forms:

- Form I-600A, *Application for Advance Processing of an Orphan Petition* may be used to demonstrate the suitability and eligibility of the prospective adoptive parent to adopt;
- Form I-600/I-600A, Supplement 1, *Listing of Adult Member of the Household* must be completed for each person who meets the definition of an adult member of the household;<sup>51, 52</sup>
- Form I-600, *Petition to Classify Orphan as an Immediate Relative* must be submitted to establish the child's eligibility as an "orphan" under INA § 101(b)(1)(F).

An initial intercountry adoption filing for a child from a non-Hague Adoption Convention country generally includes the following: Form I-600A, *Application for Advance Process of an Orphan Petition*; Form I-600A/I-600, Supplement 1, *Listing of Adult Member of the Household*, for each additional adult member of the household; the application fee;<sup>53</sup> and other supporting documents.<sup>54</sup> The required home study can, but need not be, submitted with the Form I-600A application. However, the applicant must submit the home study within one year of the filing date of the Form I-600A application.<sup>55</sup>

If USCIS approves the Form I-600A application, then the prospective adoptive parent may file Form I-600, *Petition to Classify Orphan as an Immediate Relative*, to establish the child's eligibility to immigrate as an orphan under INA § 101(b)(1)(F). The Form I-600 petition generally must be accompanied by evidence of a valid Form I-600A application approval; a home study;<sup>56</sup>

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<sup>51</sup> Adult member of the household means: (1) Any individual other than the applicant, who has the same principal residence as the applicant and who had reached his or her 18th birthday on or before the date the Form I-600A (or Form I-600, if applicable) is filed; or (2) Any person who has not yet reached his or her 18th birthday before the date a Form I-600A (or Form I-600, if applicable) is filed, or who does not actually live at the same residence, but whose presence in the residence is relevant to the issue of suitability to adopt, if the officer adjudicating the Form I-600A (or Form I-600, if applicable) concludes, based on the facts of the case, that it is necessary to obtain an evaluation of how that person's presence in the home affects the determination whether the applicant is suitable to adopt. See 8 CFR § 204.301.

<sup>52</sup> The Intercountry Adoption Universal Accreditation Act of 2012 (UAA) came into effect on July 14, 2014. As of that date, certain Hague Adoption Convention regulations also apply to orphan cases. For more information, see <http://www.uscis.gov/adoption/universal-accreditation-act-2012>.

<sup>53</sup> See 8 CFR § 103.7(b)(1)(i)(Z).

<sup>54</sup> See Appendix A for a list of supporting documents that may be required for a Form I-600A application.

<sup>55</sup> See 8 CFR § 204.3(c)(2).

<sup>56</sup> See 8 CFR § 204.311.



accompanying fee, if required;<sup>57</sup> and all required supporting documents, including evidence of a full and final adoption or legal custody of the child.<sup>58</sup>

The Form I-600A application is not a required form. The prospective adoptive parent may file the Form I-600A application and the Form I-600 petition separately, or he or she may file only the Form I-600 petition (and the Form I-600/I-600A Supplement 1, if applicable). If the prospective adoptive parent does not file a Form I-600A application, USCIS will use the Form I-600 petition to determine the prospective adoptive parent's suitability and eligibility to adopt and to determine if the child is eligible to immigrate as an orphan under INA § 101(b)(1)(F). Therefore, the Form I-600 petition filing must contain all the documentation and elements required for an I-600A application and for a Form I-600 petition if the prospective adoptive parent has not filed a Form I-600A application.

Prospective adoptive parents may file the Form I-600A application and Form I-600 petition differently depending on the location from which the prospective adoptive parents apply and the order in which the prospective adoptive parents choose to file the forms. The prospective adoptive parent may file the Form I-600A application and Form I-600 petition domestically with the USCIS Lockbox or abroad with the USCIS overseas office that has jurisdiction over the prospective adoptive parent's residence abroad. If the prospective adoptive parent has an approved Form I-600A application that is still valid, the prospective adoptive parent may file the Form I-600 petition at an overseas DOS embassy or consulate. Adjudicators at the NBC adjudicate Form I-600A applications and Form I-600 petitions filed domestically and enter their decisions into the ACMS, module under NPWR, for adjudication. Adjudicators use the Case and Management for International Operations (CAMINO) system to adjudicate and record decisions on Form I-600A applications and Form I-600 petitions filed abroad with the USCIS overseas offices.<sup>59</sup>

In every adjudication of a Form I-600 petition, USCIS, and in certain cases DOS, conducts an investigation to verify that the child qualifies as an orphan under INA § 101(b)(1)(F). An approved Form I-600 petition automatically generates a Form I-604, *Determination on Child for Adoption*, to conduct the investigation. A Form I-604 is an internal form, and must be completed

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<sup>57</sup> See 8 CFR § 103.7(b)(1)(i)(Y).

<sup>58</sup> See Appendix A for a list of supporting documents that may be required for a Form I-600A application.

<sup>59</sup> USCIS uses CAMINO to adjudicate filings received internationally. CAMINO is a person-centric case management system used to administer, track, and adjudicate applications filed with or processed by USCIS International Operations (IO) offices. USCIS uses CAMINO to: (1) process applications at overseas and domestic IO offices (including receipts of applications, application decision information, and security check results) and generate notices to send to customers regarding their applications; (2) provide a person-centric view of all USCIS IO records; and (3) enable visibility of IO case processing for USCIS management both overseas and domestically. IO Officers use CAMINO to manage the following application adjudication process: (1) Receipting and Acceptance Processing; (2) General Adjudication Procedures; (3) Security Screening Checks; (4) Interview; (5) Decision Case Action; and (6) Post-Adjudication. USCIS uses CAMINO to adjudicate filings received internationally. See DHS/USCIS/PIA-051 Case and Activity Management for International Operations (CAMINO), available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).



in every orphan case. USCIS or DOS includes the results of the investigation in the adopted child's Alien File (A-File). Once the prospective adoptive parent has an approved Form I-600 petition, he or she applies for an immigrant visa for the child with the appropriate DOS embassy or consulate so that the child may travel to the United States.