



RE: Inadmissibility on Public Charge Grounds (RIN 1615-AA22)

Background:

U.S. citizens adopt thousands of children via intercountry adoption each year. The families that adopt them undergo extensive screening and assessment, and must prove they have qualifying income 125% or more above the poverty guidelines. The United States has been a leader in child welfare and adoption practices, and has historically viewed intercountry adoption as a positive way to grow a family while also providing a family to a child in need.

INA Sec. 212(a)(4)(C) currently exempts family-sponsored immigrants from being considered a public charge as a ground of inadmissibility. The instructions on USCIS form I-864W confirms the exemption, listing multiple types of adoption processes as exempt.

However, some children immigrate on visas (IR-4 or HR-4) that are issued in cases that do not have finalized adoptions and require that the family adopt the child in the United States; in these cases, the children do not automatically become citizens. In some circumstances, these children (legal permanent residents and children of citizens) may access public services prior to their finalized adoption and their obtaining citizenship.

Suggestion:

We respectfully request that when proposing the final rule, you please ensure that the revised definition of public charge does not apply to an adopted child or a child immigrating for the purpose of adoption.

This would include:

- A. Intending immigrants who, upon admission, will acquire U.S. citizenship under section 320 of the Immigration and Nationality Act (INA), as amended by the Child Citizenship Act of 2000 (CCA);
- B. Intending immigrants who are classified under INA section 101(b)(1)(F) on the basis of an approved Form I-600, but the child will be adopted in the United States;
- C. Intending immigrants who are classified under INA section 101(b)(1)(G) on the basis of an approved Form I-800, but the child will be adopted in the United States; and
- D. Intending immigrants who were previously adopted by citizen parents and classified as eligible family members based upon an approved Form I-130.