

# Summary Report

## Intercountry Adoption in Haiti: Safeguards and Protections

### Background

On January 12, 2010, Haiti suffered a 7.0-magnitude earthquake. Prior to the earthquake, the intercountry adoption process from Haiti was extensive and generally took two years to complete, with some adoptions taking three to five years. Following the earthquake, U.S. Citizenship and Immigration Services (USCIS) initiated a program which allowed children in the adoption process *prior to the earthquake* (those children matched with adoptive families) to enter the U.S. on a special Humanitarian Parole Program. On April 14, 2010, USCIS ended this program. During the time that the humanitarian parole program was open, over 1,000 Haitian children were granted parole into the United States. At this time, all children who entered on the Humanitarian Parole Program still need to be legally adopted by their sponsors in the United States and gain U.S. citizenship. Joint Council and other advocates are working with U.S. Health and Human Services, USCIS, and the American Bar Association to secure timely methods by which the adoptions can be finalized and citizenship achieved.



### Haitian Intercountry Adoption Process

- 1) Legal relinquishment of a child (in court) to the custody of the orphanage
- 2) IBESR approval of the adoption of the child by an approved family by IBESR
- 3) Presidential Dispensation for the adoption are required if the family does not meet the criteria on family size as established by Haitian law
- 4) Parquet court issuance of an adoption decree
- 5) Ministry of Interior approval for the issuance of a passport
- 6) Issuance of the passport
- 7) US Immigration

### New Adoptions from Haiti

Individuals interested in starting the adoption process of children from Haiti should proceed with caution. As the adoption process reopens in Haiti we anticipate greater challenges than prior to the earthquake. Joint Council provides the following statement to assist with an understanding the current situation of intercountry adoption from Haiti and the risks and benefits of moving forward with an adoption from Haiti:

- Joint Council has received confirmation that IBESR (children's social services division in Haiti) is open and currently processing files of children that remain in Haiti and had been defined by IBESR as legally adoptable prior to January 12, 2010.
- IBESR has recently announced that they will begin accepting new dossiers for children who were in crèches prior to the earthquake (who had not been defined as eligible for intercountry adoption by IBESR), and in some circumstances they will accept dossiers for children who were left without parental care through a legal relinquishment after the earthquake.
- At the discretion of IBESR, all cases are subject to proof that the child/children are eligible for adoption. Please note that following the devastation of the earthquake this may prove to be difficult and/or impossible in some cases.
- In regards to children relinquished prior to the devastating earthquake, Joint Council recommends that adoption service providers, crèches, and orphanages re-conduct the search for biological family and the individual who relinquished the child(ren) for intercountry adoption.
- Further, the relinquishment of children for intercountry adoption by the appropriate biological family should be re-confirmed in writing, post-earthquake by all crèches and adoption services providers. Joint Council recommends the use of DNA testing, in cases where it is deemed necessary.

○ For visa processing of adopted children, USCIS needs to complete an I-604 investigation as part of the I-600 application process. USCIS, generally relies upon the host government's diligence to protect the safety and interests of children through careful administration of their national adoption process and uses the I-604 investigation to confirm that this process has been followed. Given the situation in Haiti post-earthquake, Joint Council anticipates that USCIS may require extensive and thorough investigations.

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**Before starting a Haitian adoption, careful consideration of the following is recommended.**

### Choosing an adoption service provider

Joint Council recommends that individuals interested in adopting from Haiti work with an adoption service provider. Joint Council does not recommend pursuing independent adoptions, an adoption with a private attorney in Haiti, or unlicensed organization. To reiterate, we recommend that individuals choose an adoption service provider that is *accredited, licensed, and has experience with placing children from Haiti*. Unfortunately, scams are rampant following disasters and individuals without extensive experience in Haiti may be opportunistic, unaware of the delicate situation surrounding adoptions from Haiti and unable to provide sufficient protection to children and families. Individuals interested in adopting from Haiti may want to ask the following questions of an adoption service provider with whom they are considering working.

- How many years has the organization worked in Haiti placing children for intercountry adoption?
- How many Haitian children has the organization placed?
- Does the organization have paid staff in Haiti?
- Does the organization have an understanding of the legal system in Haiti?
- How often has a representative from outside Haiti traveled to Haiti on behalf of the organization? Has this individual traveled to Haiti since the earthquake?
- Does the organization have other programs which support Haitian children and families? Does the organization have any humanitarian aid or aid and development projects?
- Is the organization a member of Joint Council?
- Is the organization licensed by the State in which they operate?
- Is the organization Hague Accredited ?
- Has the organization and will the organization continue to re-conduct search and reunions for children deemed adoptable prior to the earthquake?
- Has the organization re-confirmed the relinquishment for intercountry adoption post-earthquake in writing with the appropriate family members?
- What type of pre-adoption and post-adoption support will they be providing you, the adoptive family?
- Will the organization provide family references who have adopted from Haiti through the organization?



Please note that many orphanages/crèches work with non-profit organizations in the U.S. to raise revenue, assist with humanitarian aid projects, and run medical trips. This does not qualify these organizations to place children. Please ensure that you work with an accredited licensed agency, not just a non-profit organization.

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### Orphan & Orphanage Statistics

1.) Haiti had 184 licensed children's homes in 2009.

a.) 67 licensed crèches

i. A crèche is an orphanage, which is licensed to perform adoptions.

ii. All children housed in crèches were either referred there by IBESR (the equivalent of Haitian Social Services) after being found abandoned or orphaned, or were legally relinquished to the crèche by their biological parents in court for the express purpose of international adoption.

b.) 117 licensed orphanages.

i. An orphanage provides temporary or permanent care to children in need. They do not perform adoptions. There are many more unlicensed orphanages than those recorded and regulated by IBESR.

2.) Number of Single and Double Orphans: 380,000 in 2007

a.) This does not include children living outside of permanent parental care

b.) Numbers of children living outside of parental care are not available

3.) Number of children housed in licensed crèches and orphanages: approx. 20,240

### Ask questions about the orphanage/crèche in Haiti

- How many children are in their care?
- What is the child to caregiver ratio?
- Is the crèche licensed by IBESR?

### Who qualifies to adopt from Haiti?

The only adoption laws on record in Haiti were written in 1974. These laws were essentially written for Haitians citizens adopting Haitian children and were not primarily intended for intercountry adoption. The 1974 laws greatly restrict the eligibility of potential adoptive families. At this time it is our understanding that IBESR is following the 1974 laws to approve potential adoptive families for adoption, however in some instances those not meeting the requirements can obtain dispensation. Speak with an adoption service provider for specifics on the 1974 adoption laws in Haiti and whether you need presidential dispensation.

### Adoption process

Since IBESR has announced that they are accepting new dossiers, it is important to note that all the previous dossier requirements must be met to adopt from Haiti. Accredited, licensed adoption service providers will have all the dossier requirements and can assist with dossier completion. Please note, at this time it is unclear how long the intercountry adoption process from Haiti may take. Before the earthquake the process was averaging approximately 2 years from time of dossier submission, with some adoptions taking three to five years. Families will need to file an I-600a and have the children enter the U.S. on an IR3 or IR4 visa. Again, an accredited adoption service provider in Haiti will be able to assist.

If families are interested in adopting from Haiti, Joint Council suggests that you proceed with caution. Please find an adoption service provider with experience in Haiti. Further, ensure you have extensive training on the special needs of children adopted from Haiti, as well as of children who have experienced trauma. All children in Haiti will need special care to address their needs and they need families willing and able to meet those needs.

