

## Adoption by Non-U.S. Citizens Living in the United States – Immigration Considerations

The Department has received a number of inquiries from adoption service providers (ASPs) to clarify whether non-U.S. citizen prospective adoptive parents (PAPs) living in the United States need an accredited or approved ASP to adopt a child in another country. In response to these inquiries, the Department offers the following clarification:

An adoption by a non-U.S. citizen residing in the United States of a child residing in another country does not constitute an “intercountry adoption” as defined in the intercountry adoption accreditation regulations at 22 CFR Part 96. This is true regardless of whether the child is residing in a Convention country or a non-Convention country.

As a result, U.S. laws and regulations do not require non-U.S. citizen PAPs living in the United States who are seeking to adopt a child residing in another country to use the services of a U.S. accredited or approved ASP.

Non-U.S. citizens may nevertheless voluntarily choose to use the services of a U.S. accredited or approved ASP or may do so at the request of the foreign government or to comply with the requirements of the State in which they are living. U.S. intercountry adoption accreditation regulations do not directly govern the work of ASPs in such situations. However, foreign governments may still determine what entities may be authorized under their domestic laws to complete a home study report and provide other adoption-related services for non-U.S. citizen PAPs living in the United States. In addition, regulatory oversight at the State level may still be applicable.

Non-U.S. citizens living in the United States who consider adopting a child residing in another country should consider the immigration options for the child to join their adoptive family in the United States. Our webpage on [Adoption by Non-U.S. Citizens Living in the United States](#) provides useful information in this regard.

Please send questions about this notice to the Office of  
Children’s Issues at [Adoption@state.gov](mailto:Adoption@state.gov).

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