

to attain the familiar I-600A form to gain approval to adopt, or an immigration visa to bring the child home.

Establishes Office of International Adoptions — The Senators who sponsored the bill documented the steady yearly increase of foreign adoptions in the U.S. has risen from 7,000 children in 1990 to more than 20,000 children in 2002. Couple that with the recent slow-down or shut-down of programs in such countries as Cambodia and Romania and the Senators say it is time to create an office that is solely focused on international adoption. The Office of International Adoptions, or OIA, will be located in the State Department and the legislation gives the office six primary functions that include approving families to adopt, determining the adoptability of a child and to track adoptions and insure they are completed in a timely manner. Senate staff who worked on the legislation are quick to point out that all the assigned responsibilities formerly lived under various U.S. agencies and creating the OIA consolidates all these government activities under one roof and under one head.

The OIA will be staffed with employees who will receive special training in adoption practices and international law. Within the OIA, regional officers will be appointed for regions within the U.S. and regions of the world, with responsibility to oversee adoptions in those regions. One of the main intentions of the framers of the legislation is to have each prospective adoptive parent assigned a single person in the OIA so they will have a clear point of contact within the government.

Appoints an Ambassador-at-Large to head the OIA — In giving the head of the OIA an Ambassador rank title the Senators signaled their clear intention to provide the OIA the ability to diplomatically intercede in countries where there are problems. Many of the Senators, and particularly Landrieu, have seen their offices at times get flooded with requests for help from families who get stuck “in the pipeline” when a country shuts down international adoptions.

In her floor speech Landrieu outlined why she feels so strongly about the position, “In creating an Ambassador at

Large for international adoption, this bill hopes to provide the leadership and high level diplomatic representation so desperately needed in international adoption. Under his or her leadership, the Office of International Adoptions will be able to take the proactive measures necessary to limit corruption and ensure that adoptions are performed in the most efficient, transparent manner possible.”

Provides single point of reference for foreign governments — A complaint often heard by adoption agencies’ working in countries with strong centralized governments is that there is no single point of contact in the U.S. government that is dealing with adoption. Creating the OIA and appointing an Ambassador to head the office seeks to remedy this situation.

Establishes citizenship at point of adoption — As a result of Child Citizenship Act of 2000, citizenship is conferred on an adopted child by the immigration service when they arrive in the United States The ICARE Act moves citizenship conferral further back in the process and will now be executed at the nearest U.S. Embassy to the point of adoption. This will allow the adopted child to enter the United States as a citizen instead of an immigrant. Each child will also receive a Consular Report of Birth which is the equivalent of a birth certificate and will remove many of the hassles adoptive parents face when they sign up their adopted children for school or otherwise need to prove birth and citizenship.

Under the previous system of attaining an immigration visa, adoptive families had to travel to the nearest regional U.S. Embassy that issued immigration visas. This often added extra days, costs and legs to travel itineraries. However, most all U.S. Embassies are equipped to issue passports and it is hoped that with the proper paperwork the passports can be issued in a timely fashion.

Eliminates need for medical exam — Babies born to Americans overseas are not required to have a medical exam before entering the U.S. and neither should adopted children is the thinking behind this provision. Framers of the legislation are quick to point out that the

intention is not to eliminate the need for medical information on the children, but that it should not be a requirement to enter the United States.

Defines “adoptable child” and redefines “orphan” — The ICARE Act broadens the definition of an adoptable child beyond orphans to children in which the biological parents can not provide care and have irrevocably signed away their rights to the child. Additionally, the legislation updates the definition of an orphan child that has not been updated since it was written shortly after the Korean War and reflected a definition mostly limited to orphans of war. For some time, many in the adoption community have said the definition is too narrow and this legislation looks to broaden the definition.

Raises age limit of adoptable children — The legislation raises the age limit of an adoptable child to 18 from 16. Under the present system a child as old as 18 can be adopted, but only if a sibling under the age of 16 is also adopted. The new rule will now match the age limit found in The Hague Treaty that has been adopted by many countries.

Extends approval period — Under the ICARE Act a family approved for adoption by the OIA will have two years to complete the adoption. Even after the approval lapses adoptive parents will be able to get an “expedited approval” as long as it is still under three years since the original approval.

Establishes a new class of visa for proxy adoptions — The legislation establishes a new class of visa for children who are escorted by foreign nationals to the United States for the purpose of adoption.

### ***ICARE Act and The Hague Treaty***

There is some relationship between the ICARE Act and the U.S. process of ratifying and implementing The Hague Treaty on intercountry adoption. In creating the OIA at the State Department the ICARE Act essentially creates, funds and puts into operation the Central Authority office that is required by The Hague. The ICARE Act also aligns definitions and government procedures to closely follow those required or suggested by The Hague. However, there the