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Understanding Your Rights – Reporting Concerns and Complaints in an Intercountry Adoption Case

The notice below provides information for prospective and adoptive parents who wish to report complaints and/or concerns in an intercountry adoption case.

Q: How can I ensure that my intercountry adoption is safe, legal, ethical, transparent, and done with the best interests of the child in mind?
Adoption Service Providers (ASP) are responsible for providing adoption services in compliance with federal regulations at [22 CFR Part 96.D](#) and must be accredited or approved by one of the two Department-designated accrediting entities (AEs): [Intercountry Adoption Accreditation and Maintenance Entity](#) (IAAME) and [Center for Excellence in Adoption Services](#) (CEAS). Prospective adoptive parents are encouraged to identify the ASP that will serve as your primary provider early in the adoption process, and before seeking a home study. Information about identifying an ASP can be found on the [ASP Search](#) page on the Department of State website.

Q: Who is responsible for ensuring that ASPs provide adoption services that are fully compliant with the Department's standards?
Currently, there are two designated AEs: [Intercountry Adoption Accreditation and Maintenance Entity](#) (IAAME) and [Center for Excellence in Adoption Services](#) (CEAS). They are responsible for accrediting, approving, monitoring, and overseeing ASPs within the state/region under their jurisdiction. In addition to evaluating new applications for accreditation or approval, the AEs renew, monitor, and oversee ASPs for compliance with the federal regulations that govern intercountry adoption.

Q: How can I report a concern about an ASP and what happens after I file a complaint?
If you have a concern about the operations of an accredited or approved ASP, or its supervised providers in the United States or abroad, please begin by bringing the matter directly to the ASP. If that is not appropriate or not successful, we encourage you to file that concern with the [Complaint Registry](#). Please provide as much detail and supporting evidence as possible. Once the complaint is received, the AE with jurisdiction over the ASP will initiate a complaint review process and may contact you for additional information. If the AE determines the ASP is out of compliance with the federal regulations, it will require the ASP to take corrective action. If the AE determines that a stronger action is necessary, the AE may temporarily suspend or cancel the ASP's accreditation or approval.

Q: Am I required to raise my concerns with my ASP first before filing with the Complaint Registry?
Generally, prospective and adoptive parents should first address concerns directly with the ASP. However, in some cases, you may believe it is best to begin by filing a complaint with the registry. If so, you may provide an explanation to the AE about the reasons you did not first address the matter with the ASP. The AE has discretion whether to accept the complaint for review or instruct you to first attempt resolution directly with the ASP.

Q: What protections are in place to ensure my complaint will not have a negative impact on my adoption?
Federal regulations in [22 CFR 96.41](#) impose requirements for how ASPs must respond to complaints. Paragraph (e) states the ASP may "not take any action to discourage a client or prospective client from, or retaliate against a client or prospective client for: making a complaint; expressing a grievance; providing information in writing or interviews to an accrediting entity on the agency's or person's performance; or questioning the conduct of or expressing an opinion about the performance of an agency or person."

Prospective and adoptive parents who believe they are experiencing retaliation, or are being discouraged from filing a complaint, should report these concerns to the [Complaint Registry](#).

Q: Can my ASP require me to sign a non-disclosure agreement (NDA) or otherwise try to prevent me from filing a complaint?
There are many limits on the types of waivers an ASP can require. [22 CFR 96.39\(d\)](#) permits ASPs to require clients "to sign a waiver of liability as part of the adoption service contract only where that waiver complies with applicable State law. Any waiver required is limited and specific, based on risks that have been discussed and explained to the client in the adoption services contract."

If an ASP requires you to sign an NDA to advance an adoption in process, to refund fees owed, or to take any action the ASP is required to take, this may constitute an action to discourage making a complaint. Prospective and adoptive parents in this situation should consult legal counsel and may wish to report these concerns to the [Complaint Registry](#).

Q: Are ASPs responsible for the conduct of the professionals they use in country to provide adoption services?
Each ASP must ensure that its foreign supervised providers adhere to certain provisions in [22 CFR 96.46\(a\)](#). This generally means that the ASP must take reasonable steps to make certain that the foreign supervised provider meets the criteria outlined in [22 CFR 96.46\(a\)\(1\)-\(5\)](#).

Q: What are the consequences of an ASP's non-compliance with accreditation/approval standards?
If an AE determines that an ASP has failed to comply with the accreditation/approval standards, the AE may impose a range of adverse actions. These actions range from requiring the ASP to demonstrate that it has resolved the issues that led to the finding of noncompliance up to suspending or canceling the ASP's accreditation. In cases of cancellation, the ASP would be required to transfer its open cases to another ASP.

In limited cases, the Department also has the authority to debar an ASP temporarily or permanently. These debarments require a pattern of serious, willful, or grossly negligent failures to comply with the regulations, or other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of the children and families concerned.

Q: How can I report a concern about corruption or fraud outside of the United States?
You may report these concerns to the Office of Children's Issues by email to AdoptionOversight@state.gov and to the U.S. Embassy or Consulate in the relevant country. We engage regularly with foreign child welfare and adoption authorities on improvements to intercountry adoption procedures. We encourage you to also report any suspicion of illegal activity to the relevant foreign authorities so that they might take appropriate action. Contact information on both the relevant U.S. Embassy or Consulate and foreign authorities can be found in the respective [country information](#) page.

Q: Can I report a concern about the processing of my case by U.S. officials in the Embassy or Consulate in the child's country of origin?
You may report these concerns to the ASP handling your case or to the Department at adoption@state.gov.

National Adoption Month Statement by Rena Bitter, Assistant Secretary for Consular Affairs

National Adoption Month is a celebration of the lives changed and the families united through adoption. The Bureau of Consular Affairs is proud to help facilitate intercountry adoption and ensure children can grow up in a loving, permanent family.

We are dedicated to making intercountry adoption a viable option for children. We work closely with foreign counterparts to make adoptions safe, transparent, legal, and ethical, and to ensure domestic options are given due consideration. As long as there are children who need permanent homes, we will remain dedicated to protecting the best interests of children, birth parents, and adoptive parents.

A child who finds a loving family to call their own is a great cause for celebration. Since the year 2000, more than 250,000 children from more than 100 countries have found a permanent home with families in the United States. I am inspired by the U.S. citizens who open their hearts and homes to children in need, and the loving families they create together.

Happy National Adoption Month!

Intercountry Adoption

Intercountry adoption is one of the Department of State's highest priorities. We believe it should be an option for children in need of permanent homes when it is in the best interest of the child and domestic solutions have been given due consideration. Each year, thousands of U.S. citizens adopt children from abroad, and families habitually resident in other countries also adopt children from the United States.

Intercountry adoption is the process by which you adopt a child from a country other than your own through permanent legal means and then bring that child to your country of residence to live with you permanently. This website can give you valuable information about intercountry adoptions, from starting the process to post-adoption information.

Post Adoption Information

Important Information on [Post Adoption Requirements](#) and obtaining U.S. citizenship

Intercountry Adoption in Times of Crisis: Israel-Hamas Conflict

The Department of State receives inquiries from U.S. citizens concerned about the plight of children who are refugees or are in war zones. Our office shares this concern for these children, and we understand that some U.S. citizens want to respond by offering to open their homes and adopt these children in need.

It can be extremely difficult in such circumstances to determine whether children who appear to be orphans truly are eligible for adoption and immigration under U.S. laws. Children may be temporarily separated from their parents or other family members during a conflict or natural disaster and their parents may be looking for them. It is not uncommon in dangerous situations for parents to send their children out of the area, for safety reasons, or for families to become separated during an evacuation. Even when it can be demonstrated that a child's parents have died, children are often cared for by other relatives.

During times of crisis, it can also be exceptionally difficult to fulfill the legal requirements for intercountry adoption of both the United States and the child's country of origin. This is especially true when civil authority breaks down. It can be very difficult to gather documents necessary to establish that the child meets the requirements of U.S. immigration law, so prospective adoptive parents may wish to consult with an experienced immigration attorney and take extra caution when considering adopting or caring for a child under these circumstances.

For background, you may wish to review the [general procedural information](#) on our website about applying to adopt and immigrate a child from another country to the United States. See in particular those sections describing the U.S. immigrant visa process for an eligible adopted child.

There are ways to support relief organizations responding to the Israel-Hamas conflict. Please visit [USAID's website](#) for more information on donating and volunteering.

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Ukraine: Clarification of Hosting Programs

Last Updated: September 26, 2022

This notice clarifies the [Resumption of Hosting Programs in Ukraine](#) notice published on June 13, 2022. The Ministry of Social Policy (MSP) of Ukraine has further explained that children who are orphans or deprived of parental care may only be hosted as part of organized groups of children by organizations and institutions authorized by their local state authority to provide recreation and rehabilitation for children. The National Social Service of Ukraine (NSS) makes all decisions regarding the participation of children in hosting programs, and it has informed us that it will decline invitations for children who are orphans or deprived of parental care to stay with host families.

If an orphanage has been evacuated from Ukraine, the NSS is not authorizing any further travel for children to participate in a hosting program and will not authorize any children to stay with individual host families. Evacuated children may only participate in hosting programs as part of organized groups of children at an authorized institution or organization in the country in which they are presently located.

Please refer to the [published legislation](#) outlining the current requirements hosting programs must follow during this period of martial law in Ukraine for further details.ter text here.

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Department of State Designates Center for Excellence in Adoption Services as an Accrediting Entity

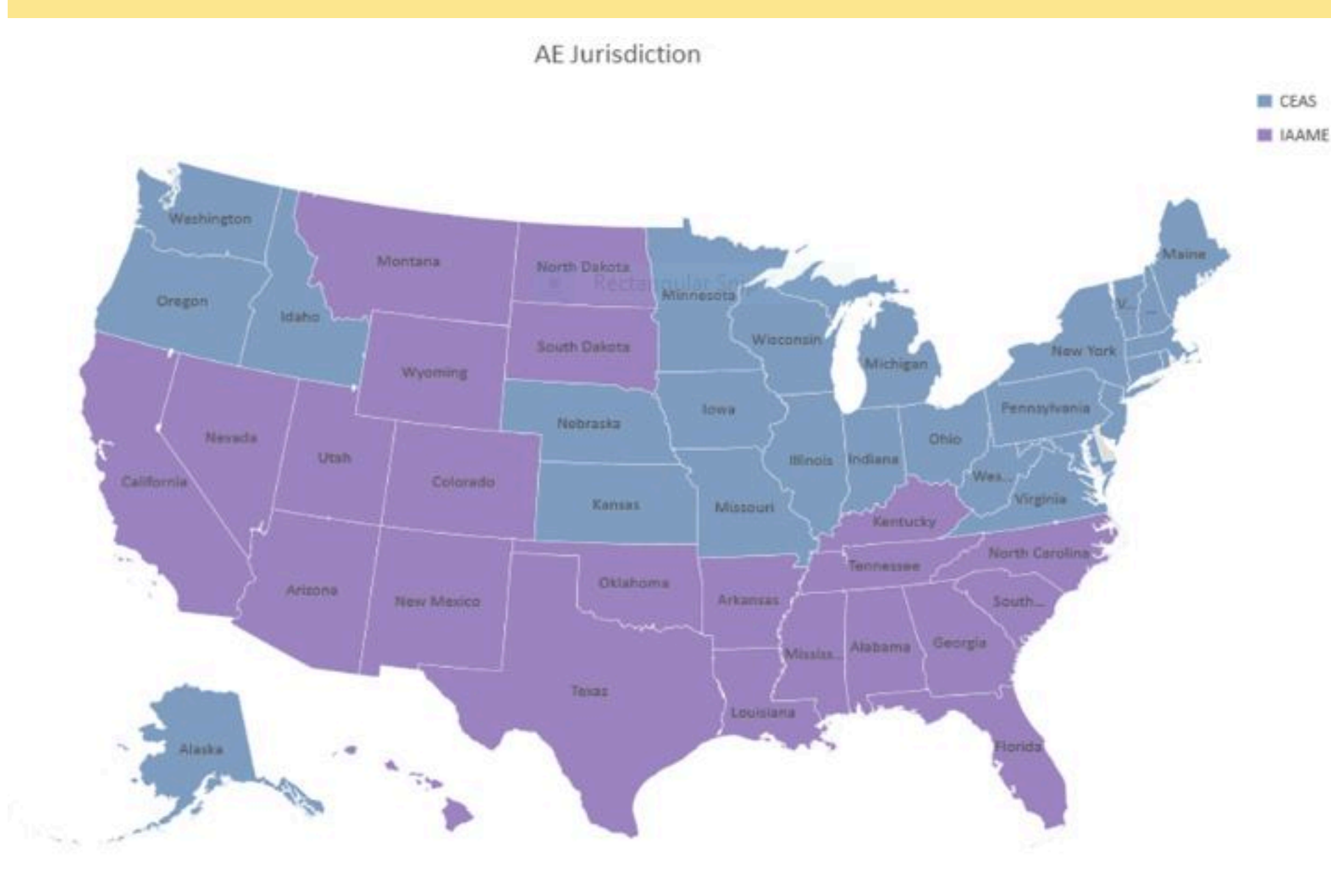
On June 2, 2022, the Department of State designated Center for Excellence in Adoption Services (CEAS) as an accrediting entity (AE) under the Intercountry Adoption Act of 2000 (IAA) in accordance with 22 CFR Part 96. The designation is for a period of five years.

CEAS is the second designated AE, joining the Intercountry Adoption Accreditation and Maintenance Entity, Inc. (IAAME), whose designation was renewed on June 2, 2022 for an additional five years. The Memoranda of Agreement between the Department and CEAS and between the Department and IAAME will be published in the Federal Register. CEAS's responsibilities as an AE will commence upon the Department of State's approval of systems, procedures, and a fee schedule that will be coordinated as necessary to ensure consistency in accreditation systems and procedures that both AEs will use.

AE Jurisdiction

Consistent with 22 CFR 96.4(b), the Department has identified geographic jurisdictions, based on existing [federal regions](#), for each AE in consideration of equitable distribution of workload. Each AE will be responsible for accrediting, approving, monitoring, and overseeing ASPs whose primary offices, as reported in the public facing [ASP directory](#) as of June 2, 2022 (the date of signature on the Memoranda of Agreements), are located in the states within each AE's assigned jurisdiction as follows:

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Judicial Adoption Hearings in Ukraine

The Office of Children's Issues continues to engage the Ministry of Social Policy of Ukraine and the National Social Service of Ukraine to confirm the status of intercountry adoption at this time.

The National Social Service recently confirmed that courts in Ukraine are allowing some adoption cases with official referrals to move forward. They emphasized that this depends on several factors, such as the availability of the court, the local security situation, and the ability for relevant parties to attend court proceedings. Virtual hearings may occur at a judge's discretion, and all necessary documents are still required for pending cases to be processed. Our understanding is that judges are contacting PAPs directly to provide instructions and information.

Please note that the Department's [Travel Advisory for Ukraine](#) remains **Level 4: Do Not Travel**. The Department urges U.S. citizens not to travel to Ukraine and advises U.S. citizens in Ukraine to depart immediately if it is safe to do so. There are currently no in-person consular services available in Ukraine and the U.S. government will not be able to evacuate U.S. citizens from Ukraine.

We encourage prospective adoptive parents at or nearing the judicial phase of the adoption process in Ukraine to work closely with their adoption service provider to determine the next steps in their case.

Learn More About Intercountry Adoption

- [About Adoption Service Providers](#)
- [Adoption Process](#)
- [Post Adoption](#)
- [Adoptions from the United States](#)
- [For Adoption Professionals](#)
- [Country Information](#)
- [Adoption Reference](#)


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Ukraine: Limited Resumption of Intercountry Adoption during Martial Law

Sep 26, 2022
Ukraine: Clarification of Hosting Programs

Jun 13, 2022
Resumption of Hosting Programs in Ukraine

Jun 9, 2022
Updated - Information for U.S. Citizens in the Process of Adopting Children from Ukraine

Jun 8, 2022
Ukraine Ministry of Social Policy Announces Eased Regulations for Domestic Adoptions

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