

Adoption

Introduction

Adoption is the legal process by which an adult or adult couple become the legal parent or parents of a child they are not biologically related to. International adoption refers to the circumstance in which an American citizen or permanent resident or couple adopts a child who is a citizen of another country and brings the child to the US. The child immigrates to the United States to become a citizen and a member of a new family. Children available for adoption from outside the United States may be orphans or children abandoned by their biological parents due to poverty, policies, war, or the child's disability. The child's birth country determines if a child is available to be adopted.

According to the US Department of State, more than half a million children have been adopted internationally into the United States. Most of these children were under two years old at the time of adoption. When a US citizen adopts internationally, he or she works with an adoption agency that locates children available for adoption out of the country. The process for international adoption can be lengthy, as described by the American Bar Association. Adoptive parents must be approved to adopt in the United States (this includes vetting procedures such as fingerprinting and a home study, which is an investigation to make sure they are suitable parents) and then be matched with a child who is available for adoption from another country. Some countries require parents to come and stay a period of time (weeks usually, in rare cases months) due to the bureaucratic lag times, while others do not. The child, who must be under age 16, is first adopted in his home country. Then the adoptive parents obtain a visa from the US Consulate allowing the child to come to the United States as an immediate relative. Once the child arrives in the United States, an adoption may also be finalized there under US law.

International adoption into the United States is often praised because it provides homes for children who would otherwise grow up in orphanages and poor conditions. It is also criticized because it removes children from their native culture and traditions, sometimes creating identity issues for the adoptive children. Some critics raise concerns about child trafficking and corrupt practices (children being kidnapped and sold or forcibly removed from homes) in countries where children are available for adoption.

1. Historical Background

International adoption into the United States is rooted in the devastation of war. International adoption began when orphaned children created humanitarian crises after international war. Americans wanted to give these children homes and international adoption began.

The rise of international adoption has led to developments in international law and policies. Because of the popularity of international adoption, international treaties have been created to regulate the process, the United States has passed laws regulating adoption from other countries, and other countries have regulated the way in which children are made available for adoption.

The Geographic Path of International Adoption

Inter-country adoption didn't begin until after World War II (1939–1945), when large numbers of orphans and displaced children in Europe created a humanitarian crisis. The US 1948 Displaced Persons Act began the process by allowing 3,000 orphan refugees to be adopted into the United States, as reported in the *Journal of Sociology & Social Welfare*. These adoptions took place by proxy, meaning the adoptive parents from the United States did not have to appear in the foreign country in order to finalize the adoption.

Children fathered by American service members in Europe, Korea, and Vietnam during the fathers' military tours of service in those countries. This contributed to an increase in interest in international adoption after war in these regions, according to the Adoption History Project. Church groups were influential in establishing networks and facilitating adoptions. PBS reports that the Korean War (1950 – 1953) between North Korea and South Korea and their respective allies resulted in 200,000 children being adopted into the United States since the war. The Vietnam War (1955 – 1975) between North and South Vietnam and their respective allies led to another wave of adoptions as Operation Baby Lift (1975) resulted in the adoption of 2,000 children of Vietnamese or mixed cultural heritage to the United States. President Ford allocated money from a foreign aid children's fund to be used to move children who were displaced by the war out of the country and into adoptive homes in the United States.

In the 1980s, civil unrest in Central and South America led to many adoptions from the region. Civil war in countries such as El Salvador waged as military dictatorships were replaced with civilian governments. Children were abandoned and orphaned. Adoptions from Russia increased in the 1980s after the collapse of the Soviet Union. Another wave of adoptions from Eastern Europe began after the fall of the Romanian dictator Nicolae Ceaușescu (Nee-ko-LA-eh Cheh-aw-SHEHS-koo; 1918–1989) in 1989. The *Oxford Handbook of Poverty and Child Development* names media reports about large numbers of Romanian children in orphanages and institutions which were kept in poor and deplorable condition.

Adoptions from China surged after the Chinese government introduced and enforced a one-child-per-couple policy in 1980. Parents who had more than one child were penalized with fines and sterilization. Since male children were considered more desirable to the government and traditional Chinese society, female children were often abandoned. According to the US

Department of State, over 76,000 children were adopted from China into the United States between 1999 and 2015; most of them were girls.

Explaining the Surge and Fall of International Adoption

In the United States the rates of international adoptions began to rise as birth rates declined in the 1970s, according to the Schuster Institute. The United States accepted the highest number of international adoptions because many American parents wanted to adopt infants. Infants were not as available to adopt within the United States. Parents had a better chance of adopting an infant from abroad. High American incomes, in comparison to incomes in other countries and because of the American economy, made international adoption more possible and humanitarian concerns, such as news about the fate of abandoned children in Vietnam, also spurred interest in helping children in need.

International adoptions continued to increase after 1992 when China opened its orphanages to adoptions. International adoptions hit their peak in 2004 (with 22,900 international adoptions in that year, United States Department of State) and have been steadily declining since. The number of children available for international adoption decreased as China placed limits on who was eligible to adopt and then reversed its one-child policy, leading to fewer children being abandoned, according to CNN. Other countries such as Guatemala put a stop to adoption to try to reduce corruption (such as bribery, kidnapping, and child trafficking) within the process.

International Adoption Laws

Laws controlling international adoption and immigration associated with adoption have developed over time. Within the United States, several laws were passed to manage the process. The 1948 Displaced Persons Act was the first law to set rules and standards for adoption into the United States. It allowed children who were without homes and families in Germany, Austria, and Italy to be adopted into the United States and granted visas. The Child Citizenship Act of 2000 allowed children adopted abroad to become US citizens when they entered the country and outlined the process for visa applications.

International treaties and agreements also were passed. Until the late 1980s, there were only regional and individual agreements between countries regulating international adoption. Two decades later, The Hague Convention on the Protection of Children and Co-Operation in Respect of Intercountry Adoption went into effect in 2008 and was ratified by 90 countries, including the United States. This agreement stresses that intercountry adoption should happen only when it is objectively in the best interest of the child and not driven by financial gain. The convention was passed to reduce child trafficking, abductions, and the sale of children which had created a black market of child adoption, by regulating the process of adoption between countries. The Hague Convention also created standards and processes for international adoption ensuring that international adoptions would be recognized and given legal weight by all countries.

When US parents adopt from a Hague signatory country, the adoption process is streamlined since both countries must proceed in accordance with the same standards. It is still possible to adopt a child from a non-Hague country such as Russia and Ethiopia, but the adoptive parents must furnish proof of the child's status as an orphan in order to be able to obtain a US visa for the child.

The Intercountry Adoption Universal Accreditation Act of 2012 was signed into law in 2013, and ensures that any adoption agency in the United States handling an intercountry adoption must be accredited and must meet the standards of the Hague Convention.

Beyond the stipulations of the Hague Convention, when an American adopts a child from another country, the laws of that country control the adoption process. US immigration law then allows for the child to be given a visa to travel to the United States. Upon the child's arrival into the United States, the American parents (citizens or legal residents) often adopt the child again in their home state to ensure that the process is completely legal. A new birth certificate is issued which makes the adopted child the legal child of the adoptive parents as well as a legal citizen of the United States.

2. Impacts and Issues

International adoption is frequently viewed as a process with great benefits but some concerns. The process allows children who would otherwise be raised in orphanages or institutions to become part of families. At the same time, the process takes children out of their culture and country and assimilates them as Americans.

Concerns about International Adoption

International adoption began as a humanitarian operation and has since developed into a profitable private industry. While parents may still seek international adoption to help needy children, the process is now often driven by agencies that make a profit. Although many needy children who would otherwise live in poor or destitute conditions are able to find homes, the process is often rife with corruption, kidnapping, human trafficking, and questionable tactics. The United Nations International Children's Emergency Fund (UNICEF) does not fully support international adoption and instead pushes for funding programs within home countries to locate local homes and reduce the conditions that lead to children being placed in institutions and orphanages. Many countries have reduced the number of international adoptions they allow in response to criticism of the process and its results.

The journal *Global Policy* describes opposition to international adoption by detractors in the birth countries because it takes children out of their home countries and away from their culture. Some point to the fact that many of these adoptions happen because of poverty, in essence allowing wealthy countries to take the children of people in poorer countries, thereby exploiting them. Others respond that the reduction in the numbers of international adoptions

due to the increase in regulation in the birth countries has resulted in more children spending more time in institutions and orphanages in poorer countries when they could have had different lives in another country.

Concerns about international adoptions do not end when the adoption process is complete. Occasionally, international adoptions are disrupted when children are adopted but the parents later decide that they no longer wish to be the adoptive parents to a child, or that they no longer have the means or resources to support their adopted children.. When this happens, the adoptive parents find the children a new home, a process which can be emotionally traumatic for all involved parties, and which contains questionable legal ramifications. This has led some lawmakers to call for ongoing monitoring of adoptive families to ensure children are not rehomed or at risk of harm after the adoption is complete. Often, children adopted from traumatic circumstances within their home countries, such as war, abuse or deprivation, and children with physical, intellectual, or emotional disabilities or delays may not have a smooth transition to a new country, new language, and new family.

Cultural Issues

Some adoptive parents work hard to maintain a connection with the child's home country and culture by exposing them to food, stories, language, traditions, and other aspects of the child's birth country to counter the fact that they are completely immersed in American culture. Some families reach out to adult immigrants from the birth country to create a sense of community and kinship for their children.

International adoption itself has helped to educate Americans about diversity and tolerance. Celebrities such as Madonna, Angelina Jolie and Brad Pitt, Mia Farrow, and Meg Ryan are among those who have adopted internationally and popularized the concept for mainstream audiences. According to ABC News, celebrity adoption calls attention to the plight of children in countries where children are in need of homes and sparks interest among other Americans. The journal *Monitor on Psychology* reports that international adoption has created more diversity and acceptance of diversity among Americans; however, the process also creates issues for adopted children who must navigate a family and a community that looks and operates differently than they do.

Adoption of Relatives

Because it can be difficult for foreigners to be approved for immigration to the United States, some American citizens seek to adopt their own biological relatives (using the adoption process as a reason to bring their own relatives from other countries to the United States) so that they can immigrate to the United States. According to the US Citizenship and Immigration Services, US citizens can only adopt children under the age of 16 if the child is going to be eligible for a visa. Adoption of an adult relative will not lead to lawful immigration because only a child under

16 can be adopted internationally and become a citizen of the United States. Adopting a child that is a relative has the same requirements and procedures in place for adoption of an unrelated child.

3. See also: Acculturation; Assimilation and Integration; Bilingual Education; Child Labor; Children; China-US Immigration; Citizenship; Education; Entry Regulations; Families; Genocide; Immigration Fraud; Internally Displaced Persons (IDP); Language; Melting Pot; Naturalization; Pro-Immigration Policies/Groups; Sudan; US Citizenship and Immigration Services; Unaccompanied Children; United Nations; War; Women

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5. Words to Know

Adoption: A process through which an adult or adults become the legal parents of a child whom they are not biologically related to.

Diversity: Having people from different backgrounds, cultures, and ethnicities together in a community.

Domestic Adoption: Adoption of a child within a country.

Home Study: An evaluation of an adoptive parent's home and lifestyle to determine if he or she can provide a safe home for an adoptive child.

Intercountry Adoption: Adoption of a child from one country to another.

International Adoption: Adoption of a child from one country to another.

Proxy: Legal authority to take legal steps on behalf of another person.

Signatory: A party which signs a document and agrees to abide by its terms.

Visa: A legal document that allows a person to enter into another country.