

Y 4
J 89/1
95/31
1020
95/4
J 89/1
95/31

ALIEN ADOPTED CHILDREN

GOVERNMENT

CUMENTS

Storage

MAY 10 1978

FARRELL LIBRARY
KANSAS STATE UNIVERSITY

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION,
CITIZENSHIP, AND INTERNATIONAL LAW

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

H.R. 5804, H.R. 6488, H.R. 1956, and H.R. 871

ALIEN ADOPTED CHILDREN

JUNE 15, 1977

Serial No. 31



Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1978

96-513 O

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION

GPO



COMMITTEE ON THE JUDICIARY

PETER W. RODINO, JR., New Jersey, *Chairman*

JACK BROOKS, Texas
ROBERT W. KASTENMEIER, Wisconsin
DON EDWARDS, California
JOHN CONYERS, Jr., Michigan
JOSHUA EILBERG, Pennsylvania
WALTER FLOWERS, Alabama
JAMES R. MANN, South Carolina
JOHN F. SEIBERLING, Ohio
GEORGE E. DANIELSON, California
ROBERT F. DRINAN, Massachusetts
BARBARA JORDAN, Texas
ELIZABETH HOLTZMAN, New York
ROMANO L. MAZZOLI, Kentucky
WILLIAM J. HUGHES, New Jersey
SAM B. HALL, Jr., Texas
LAMAR GUDGER, North Carolina
HAROLD L. VOLKMER, Missouri
HERBERT E. HARRIS II, Virginia
JIM SANTINI, Nevada
ALLEN E. ERTEL, Pennsylvania
BILLY LEE EVANS, Georgia
ANTHONY C. BEILENSON, California

ROBERT MCCLORY, Illinois
TOM RAILSBACK, Illinois
CHARLES E. WIGGINS, California
HAMILTON FISH, Jr., New York
M. CALDWELL BUTLER, Virginia
WILLIAM S. COHEN, Maine
CARLOS J. MOORHEAD, California
JOHN M. ASHBROOK, Ohio
HENRY J. HYDE, Illinois
THOMAS N. KINDNESS, Ohio
HAROLD S. SAWYER, Michigan

ALAN A. PARKER, *General Counsel*
GARNER J. CLINE, *Staff Director*
FRANKLIN G. POLK, *Associate Counsel*

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND INTERNATIONAL LAW

JOSHUA EILBERG, Pennsylvania, *Chairman*

ELIZABETH HOLTZMAN, New York
SAM B. HALL, Jr., Texas
HERBERT E. HARRIS II, Virginia
BILLY LEE EVANS, Georgia

HAMILTON FISH, Jr., New York
HAROLD S. SAWYER, Michigan

GARNER J. CLINE, *Counsel*
ARTHUR P. ENDRES, Jr., *Counsel*
MARTIN H. BELSKY, *Counsel*
ALEXANDER B. COOK, *Associate Counsel*

CONTENTS

TEXT OF BILLS

H.R. 5804-----	Page 2
H.R. 1956-----	4
H.R. 6488-----	6
H.R. 871-----	8

WITNESSES

Arias, Julio J., Director, Visa Office, Department of State-----	28
Bertness, Glenn A., Assistant Commissioner, Investigations, Immigration and Naturalization Service-----	50
Carmichael, Andrew J., Jr., Assistant Commissioner, Naturalization, INS--	50
Crosland, David, General Counsel, Immigration and Naturalization Service-----	50
Prepared statement-----	69
DeWitt, John W., Deputy Administrator, Bureau of Security and Consular Affairs, Department of State-----	28
Prepared statement-----	31
Fenwick, Hon. Millicent, a Representative in Congress from the State of New Jersey-----	21
Frenzel, Hon. Bill, a Representative in Congress from the State of Minnesota-----	27
Harris, Hon. Herbert E., II, a Representative in Congress from the State of Virginia-----	9
Prepared statement-----	12
Kramer, Ralph, Deputy Assistant Commissioner, Adjudications, Immigration and Naturalization Service-----	50
Major, Janemarie, Northern Virginia Parents of Chosen Children-----	9
Olenik, Joseph, Chief, Field Operations Division, Visa Office, Department of State-----	28
Rosoff, Saul R., Acting Director, Office of Child Development, Office of Human Development Department of Health, Education, and Welfare--	78
Prepared statement-----	81
Schmidt, Paul W., Office of the General Counsel, Immigration and Naturalization Service-----	50
Scully, Cornelius D., Chief, Regulations and Legislative Division, Visa Office, Department of State-----	28
Sisk, Hon. B. F., a Representative in Congress from the State of California--	14
Prepared statement-----	15

ADDITIONAL STATEMENTS

Friends of Children, Inc.-----	22
Welsh, Most Reverend Thomas J., bishop of the Catholic Diocese of Arlington, Va-----	13

IV

ADDITIONAL MATERIAL

Immigration and Naturalization form, I-600 Petition to Classify Orphan as an Immediate Relative.....	Page 54
Immigration and Naturalization Service, Operating instructions for processing form I-600 after petition has been filed.....	58
Information submitted by the Immigration and Naturalization Service concerning the legal custody and care of orphans coming to the United States for adoption.....	65
Survey of eligible orphans admitted between September 9, 1959, and June 30, 1960, on the basis of petitions approved between those dates.....	67

APPENDIXES

Appendix 1.—Statements submitted by Members of Congress—	
Anderson, Hon. Wendell R., a U.S. Senator from the State of Minnesota.....	86
Clausen, Hon. Don H., a Representative in Congress from the State of California.....	84
McKinney, Hon. Stewart, a Representative in Congress from the State of Connecticut.....	83
Vander Jagt, Hon. Guy, a Representative in Congress from the State of Michigan.....	85
Appendix 2.—Tabulations of Various Visa Issuances Submitted by the Department of State.....	88
Appendix 3.—“Intercountry Adoptions and Immigration Laws: Issues and Proposals,” Library of Congress, January 26, 1978.....	115

ALIEN ADOPTED CHILDREN

WEDNESDAY, JUNE 15, 1977

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP
AND INTERNATIONAL LAW
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room B352, Rayburn House Office Building, Hon. Joshua Eilberg (chairman of the subcommittee) presiding.

Present: Representatives Eilberg, Hall, Harris and Sawyer.

Staff present: Garner J. Cline, and Arthur P. Endres Jr., counsel; Peter Regis, legislative assistant; and Alexander B. Cook, associate counsel.

Mr. EILBERG. The subcommittee will come to order.

Today's hearing has been called to consider two separate sets of legislative proposals relating to alien adopted children.

One group of bills would waive the two-petition limitation with regard to the immigration of alien adopted children while the second group would waive the legal custody, residence, and physical presence requirements with regard to the naturalization of alien adopted children.

In 1961, after 13 years of temporary orphan legislation, the Congress enacted legislation establishing permanent provisions for the admission of alien orphans to the United States. That permanent legislation established various safeguards, such as the petition procedure, in an effort to insure that alien adopted children were properly cared for after their arrival. Since 1961 there has been only one amendment to the permanent law relating to adoption and that was the enactment in the last Congress of legislation permitting single U.S. citizens to petition for the admission of alien children whom they have adopted or who are coming for adoption.

In addition, in the last Congress this subcommittee and the full House of Representatives approved 24 private immigration bills waiving the two-petition limitation in individual cases, and we have scheduled this hearing in order to determine whether the public law imposing this limitation should be revised.

[The texts of H.R. 5804, H.R. 1956, H.R. 6488, and H.R. 871 follow:]

95TH CONGRESS
1ST SESSION

H. R. 5804

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 1977

Mr. SISK (for himself, Mr. BADILLO, Mr. BLOUIN, Mr. DON H. CLAUSEN, Mr. COUGHLIN, Mr. DOWNEY, Mr. DRINAN, Mr. EDWARDS of California, Mr. EDWARDS of Oklahoma, Mr. EVANS of Delaware, Mrs. FENWICK, Mr. HARRINGTON, Mr. JEFFORDS, Mr. LAGOMARSINO, and Mr. LEHMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to facilitate the adoption of more than two children.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 204 (c) of the Immigration and Nationality
4 Act, as amended (8 U.S.C. 1154 (c)), is amended to read
5 as follows:

6 “(c) Notwithstanding the provisions of subsection (b)
7 no petition shall be approved if the alien has previously been
8 accorded a nonquota or preference status as the spouse of a
9 citizen of the United States or the spouse of an alien law-
10 fully admitted for permanent residence, by reason of a mar-
11 riage determined by the Attorney General to have been

1 entered into for the purpose of evading the immigration
2 laws.”.

95TH CONGRESS
1ST SESSION

H. R. 1956

IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 1977

Mr. EDWARDS of California introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to eliminate the legal custody requirement and the requirement of residence and physical presence in the United States for the naturalization of children adopted by United States citizens.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 323 of the Immigration and Nationality Act
- 4 (8 U.S.C. 1434) is amended—
- 5 (1) by adding “and” after the semicolon in para-
- 6 graph (1) of subsection (a) ;
- 7 (2) by striking out “; and ” in paragraph (2) of
- 8 subsection (a) and inserting in lieu thereof a period;

1 (3) by striking out paragraph (3) of subsection

2 (a) ;

3 (4) by striking out the first sentence of subsection

4 (b) and inserting in lieu thereof the following: "For

5 the purposes of this section, an adopted child shall not

6 be required to establish any specified period of residence

7 or physical presence in the United States."; and

8 (5) by striking out subsection (c) .

95TH CONGRESS
1ST SESSION

H. R. 6488

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1977

Mr. HARRIS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to facilitate the admission into the United States of more than two adopted children, and to provide for the expeditious naturalization of adopted children.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 204 (c) of the Immigration and Nationality
4 Act (8 U.S.C. 1154 (c)) is amended by striking out "no
5 more than two petitions may be approved for one petitioner
6 in behalf of a child as defined in section 101 (b) (E) or
7 (F) unless necessary to prevent the separation of brothers
8 and sisters and".

I

1 SEC. 2. Section 323 of the Immigration and Nationality
2 Act (8 U.S.C. 1434) is amended—

3 (1) by adding “and” after the semicolon in sub-
4 section (a) (1) ;

5 (2) by striking out “; and” in subsection (a) (2)
6 and inserting in lieu thereof a period;

7 (3) by striking out subsection (a) (3) ;

8 (4) by striking out the first sentence of subsection (b)
9 and inserting in lieu thereof “For the purposes of this sec-
10 tion, an adopted child shall not be required to establish any
11 specified period of residence or physical presence in the
12 United States.”; and

13 (5) by striking out subsection (c) .

95TH CONGRESS
1ST SESSION

H. R. 871

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1977

Mrs. FENWICK introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to facilitate the adoption of more than two children.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 204 (c) of the Immigration and Nationality
4 Act (8 U.S.C. 1154 (c)) is amended by striking out the
5 following: "no more than two petitions may be approved for
6 one petitioner in behalf of a child as defined in section 101
7 (b) (E) or (F) unless necessary to prevent the separation
8 of brothers and sisters and".

I

During the course of today's hearings we will receive testimony from several of our colleagues who have introduced such legislation as well as from three executive departments who have consistently supported the enactment of such legislation.

It is a pleasure first to introduce our colleague on the subcommittee, the distinguished Member of Congress from the State of Virginia, Mr. Harris.

**TESTIMONY OF HON. HERBERT E. HARRIS II, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF VIRGINIA, ACCOMPANIED BY
JANEMARIE MAJOR, MEMBER OF THE NORTHERN VIRGINIA
PARENTS OF CHOSEN CHILDREN**

Mr. HARRIS. Thank you very much for scheduling our subcommittee's consideration of this issue. I appreciate having the opportunity to appear before you today. I think the adoption issue could have easily been lost in the committee's and this subcommittee's consideration of issues that may seem of greater and more extensive importance.

However, I think we are dealing with a very important and a very human and a very intimate matter. We are dealing with people's families and, if I might suggest, with very special people—those who have adopted children and given them homes. It often occurs to me as the father of five children that it was so much simpler for me to have those children than it is for someone to adopt five children. The processes adoptive parents have to go through seem to be much more complicated. These parents have to prove themselves and go through a complicated investigatory process.

My bill, as the chairman knows, addresses both issues that the subcommittee is considering today. First, the bill eliminates the arbitrary lid which prevents most families from adopting more than two children. I am not suggesting in any way that we should dilute the qualifications or the procedures for determining whether a family is capable of adopting a young person. The standards for adopting children should be stringent. This legislation simply eliminates the arbitrary maximum of two.

As the chairman has pointed out, in numerous instances, we have waived the two adoption limitation through special legislation. One of the side benefits of this legislation, of course, is that we would reduce the subcommittee's business a little bit.

The second issue that my bill addresses is the requirement that a child must wait for 2 years after the adoption is completed before the process of becoming a citizen can be started. It makes no particular sense to require the child to reside with his or her adoptive parents for 2 years subsequent to the completion of the legal adoption process before a petition for naturalization can be considered. This requirement places a special burden on the adoptive family and the child. It does nothing to help or protect the child; and, as far as I can see, it does nothing to help or protect the community or society.

I do not believe that the effects of the requirement were foreseen when it was initially imposed. I think that it is proper for the requirement to be removed.

Mr. Chairman, I have asked Mrs. Janemarie Major to join me today.

Mrs. Major, a constituent of mine, is a member of the Northern Virginia Parents of Chosen Children, which is an organization of adoptive parents in my area. I would very much appreciate your allowing Mrs. Major to offer a few brief remarks.

Mr. EILBERG. Yes; what is your full name?

Mrs. MAJOR. My name is Janemarie Major.

Mr. EILBERG. Do you have an address?

Mrs. MAJOR. Yes; it is 4913 Andena Avenue, Annandale, Va.

Mr. EILBERG. Go ahead.

Mrs. MAJOR. I would like to thank the members of the subcommittee for allowing me to appear today. I would like to introduce myself. I am an assistant professor of education at George Mason University, which is the State University in Virginia. I am both a biological parent and adoptive parent.

Many support what Congressman Harris has said. It is a lot easier to get a biological child than to adopt one. My children range in age from 16 to 4, and I am especially speaking in support of Congressman Harris' bill today, because I personally have been involved in the international adoption hassles, the whole thing.

My 4½-year-old has been adopted, been in this country for more than 3 years, and she is still not a citizen. We are still hassling the procedures and routines to get her final papers of citizenship.

It is an unnecessary hassle in many ways, having waited this long, and going through still more paperwork to complete it.

There is always a feeling involved that you really haven't completed the adoption, that she is really not yours, she is still under the apron of a foreign government, and we never really feel that it's over, done, she is secure, and safe until we have American citizenship, and all of the paperwork is completed.

As the current situation stands, the child is adopted, brought to this country and after 1 year the final adoption is completed. Then we start counting another 2 years residency period for immigration, and only then may we file papers. The wait is usually about another year. If by chance or by accident the adoptive family changes States within that year after filing, there can be another year delay in this whole thing. It need not go through routinely in 4 years then.

It's a very demoralizing feeling for a family every January to fill out the alien residence forms at the post office, and there is always a possibility of something happening if you fill in the wrong number or miss the date: Will someone repossess the child, and where will you be? But it's just more paperwork we must continually keep abreast of.

We need these papers of naturalization or birth certificate for many purposes. Registering in school is one of the most obvious, and many States, 22 States, do not grant birth certificates. When we register a child for school, they want to see some proof that the child is, in fact, in their jurisdiction and is the name claimed.

The birth data record card by Immigration and Naturalization does not substantiate that we are the parents of the child; it simply shows the date of birth and the date they entered the country.

As the children grow older and are involved in school with other children, with their siblings and with their peers, it becomes more obvious to them that they are different and they resent being different.

They want to be citizens like all of the other children; and when they sing "America the Beautiful" and the "Star-Spangled Banner," they are very much aware and feel very uncomfortable with the fact they are part of this country, yet they are not citizens; they are still foreign nationals, and they begin to be bothered about it and worry as they progress through school.

A point most people don't understand is that these children must wait so long. When we mention to anybody that our children, for instance, are not citizens, they always say, but she's been here for so long, why not? People don't understand the reasoning behind this 4-year wait before citizenship. Neither do the children.

We are asking that that 2-year period in the middle be eliminated. The original year is still intact, the postplacement year or however long the processing takes, but we are concerned about that additional 2-year residency, which seems to serve no purpose.

As regards the number of petitions per family, I am the group leader of some 50 families in the northern Virginia area, that have all adopted internationally, that are now in the same situation we are as regards citizenship and the visa petition. We all know the situation, the world is desperate, and children are starving and in need of homes. What most of you don't know is that there are homes available in America, that people are capable and have been investigated and have been found fully and completely suitable to adopt these children, but once they have used up their I-600 visa petition, they must petition for a special bill to adopt any further children.

Parents, as I say, are all validated capable, but they must secure a special bill. Many Congressmen we found will not support a special bill. If you call in the Congressman's office and tell them what you would like, they will tell you to call somebody else, that it's too much of a hassle for them.

Many agencies will not consider an adoptive family if they have used up two visa petitions. The feeling is it takes too long, and they don't want to commit a child for an extended stay in an orphanage while this works its way through Congress.

Supposedly the bills go through Congress routinely, but the family in our group that waited for one to get through waited 19 months, and for 19 months the children waited in an orphanage while she looked at the pictures. No mother can look at a child's picture for 19 months; it gets very, very frustrating, and anxiety deepens all the while: a very difficult situation.

As I say, once the bill starts its way through the process, the process is slow, unpredictable, and it is never known when it's going to come up and go through. It can come up to the wire and miss the session of Congress, and then have to be started again on the next session, face the same hassle finding sponsors and going through the procedure.

Some parents have communicated to me across the country, one who used their petitions on a child who was ill. The child arrived in this country and died. They had only one petition left, and then they still must go through the special bill procedure to get the third petition for their second child, which puts them in an unnecessarily dire situation.

There is no need, I think, in front of this body, to document the fact that children belong in homes. Any published study done of children

proves that the children suffer irreparable damage in sociological and cognitive development if they are institutionalized beyond any reasonable period of time, especially in their early childhood years. There are families available; agencies have vouched for the families. The children are cleared and available, and yet they wallow in institutions while we try to get special bills through for them. This does seem rather incongruous when compared to the lifestyle of the American family.

Thank you, Mr. Chairman.

Mr. EILBERG. I assume, Mr. Harris, you would like your statement to be made a part of the record.

Mr. HARRIS. Mr. Chairman, if the Chair pleases, I would appreciate having my statement placed in the record.

Mr. EILBERG. Without objection, it will be placed in the record.

[The prepared statement of Hon. Herbert E. Harris II follows:]

STATEMENT OF HON. HERBERT E. HARRIS II, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF VIRGINIA

Mr. Chairman, I appreciate your scheduling this hearing today to consider legislation to facilitate the admission into the United States and to provide for the expeditious naturalization of adopted foreign children.

I am pleased to have with me Mrs. Janemarie Major, a constituent who is a member of the Northern Virginia Parents of Chosen Children, an organization of adoptive parents of foreign children. At the conclusion of my remarks, I hope the Subcommittee will permit Mrs. Major to offer a few brief comments.

H.R. 6488 addresses two issues: first, the two-petition limitation on admissions of adopted children; and second, the two-year waiting requirement for naturalization of adopted children. It would eliminate both.

Section 1 of H.R. 6488 amends section 204(c) of the Immigration and Nationality Act to eliminate the two-petition limitation on admissions. This limitation in most cases prevents prospective parents from adopting more than two foreign orphans. If a parent is able to care for more than two children, there is no reason to arbitrarily limit the number of foreign orphans which that person can adopt. Upon a determination by the Immigration and Naturalization Service that an individual will not be able to provide proper care for an adopted child, the admission and thus the adoption of a foreign orphan can be prevented. This authority would enable the Immigration and Naturalization Service to prohibit an individual from adopting children whom he could not care for adequately. Sufficient safeguards exist to protect the interests of the child and our society.

Section 2 of H.R. 6488 amends section 323 of the Immigration and Nationality Act to eliminate the 2-year waiting requirement for naturalization of adopted children. With the elimination of this requirement, foreign-born children will be able to obtain citizenship more quickly and enjoy the same status as natural-born children.

The waiting requirement serves no purpose and, therefore, should be eliminated. Under current law, a child must reside with his adoptive parents for two years subsequent to the completion of the legal adoption process before an application for naturalization can be considered. At the completion of the legal adoption process, a parent is legally responsible for providing proper care for an adopted child; the immigration status of the child has no bearing upon the legal responsibility of the parent. No protection is extended to an adopted child through the waiting requirement.

Similarly, the requirement does not "protect" our government or society. An inspection of the record will indicate that few, if any, children have been denied naturalization at the completion of the 2-year waiting period. Frankly, I find it difficult to imagine what an adopted child could do during the waiting period that could prejudice his or her application for naturalization. Further, should something happen to a child's adoptive parents, if for example, the adoptive parents were killed in an automobile accident, I find it inconceivable that our government would deport such a foreign orphan—regardless of the immigration status of the child.

The elimination of the 2-year waiting period will be beneficial to the child and his or her adoptive parents. The waiting period unnecessarily "drags on" the process of adopting a foreign-born child. Its elimination will facilitate the adjustment of adopted children to their new families and will eliminate awkward and embarrassing situations. For example, when registering a child in school, a birth certificate is generally required. Lacking a birth certificate, the parent of an adopted foreign child is asked to provide proof of citizenship. Of course, because of the 2-year waiting requirement, the parent is often put in a position of explaining that the child is an adopted foreign child and that the child is a legal alien. It is unfortunate that there is often a bias in our society against "aliens" and a misunderstanding about the rights of permanent residents. Needless to say, a parent would prefer to simply provide proof of citizenship.

I have asked Mrs. Major to come to this hearing to explain, based upon her experiences, how the elimination of the waiting requirement and the two-petition limitation would be beneficial.

Thank you Mr. Chairman.

Mr. HARRIS. Mr. Chairman, I also have a statement from the Bishop of Arlington, the Very Reverend Thomas J. Welsh. I would appreciate having this statement placed in the record at this point.

Mr. EILBERG. Without objection it will be placed in the record.

[The prepared statement of the Most Reverend Thomas J. Welsh follows:]

STATEMENT OF THE MOST REVEREND THOMAS J. WELSH, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON

Honorable Members of the Immigration, Citizenship and International Law Subcommittee, House Judiciary Committee, House of Representatives, Congress of the United States:

I wish to speak in support of H.R. 6488 but, unfortunately, the press of business immediately prior to an overseas trip precludes my testifying in person. My fundamental commitment to the rights and dignity of every human being, from those yet-to-be-born to those awaiting death after a full life, motivates me to submit this statement.

The law now in effect restricts the opportunity for an American family to share its abundance by adopting foreign born children who do not have the joy and comfort of a family situation. Mandating a numerical limit to the number of foreign born children that an American family may adopt unjustly restricts the opportunity of a family to share its abundance of spiritual and material blessings.

Is the sense of the Congress to question the judgment of certain charitable American families who reach out in love to nurture and sustain less fortunate foreign born children? If so, it seems to me that questions should focus on the resources available to adopting parents which will support adequate care for more adopted children. Where there are adequate resources, it would be unjust to deny an adoption because of an arbitrary numerical ceiling.

It is difficult for me to understand the rationale for the currently required two-year period of residency by an adopted child before that child can file for naturalization. Within the legal framework of adoption, and more importantly within the moral framework which motivates adoption, there is implicit a sense of parental responsibility that certainly would overshadow potentially prejudicial actions by an adopted child.

I therefore urge that this subcommittee take immediate action to recommend passage of HR 6488 which proposes the amendment of Section 204(C) of the Immigration and Nationality Act (8 USC 1154(C)) and Section 2, Section 323 of the Immigration and Nationality Act (8 USC 1434).

Mr. EILBERG. One question:

Mr. Harris or Mrs. Major, do you believe that all State adoption procedures are adequate to ensure that alien children coming for adoption will be adequately cared for after their arrival in the United States?

Mrs. MAJOR. Absolutely. The investigation is most complete.

Mr. EILBERG. In all States?

Mrs. MAJOR. In all I have heard of.

Mr. EILBERG. Have you made a study?

Mrs. MAJOR. We have communicated with parents across the country, and they have all gone through the same thing we have gone through.

Mr. HARRIS. Mr. Chairman, since we are dealing with human beings, a given agency at a given point in time might not conduct an adequate investigation. However, if a mistake is made, that is, if a child is brought over and the adoption doesn't work out, we are just not the type of country that will take that child and put him or her on a plane to be sent back to Korea or someplace else. Therefore, the 2-year waiting requirement is of no significance in dealing with a situation where an initial mistake was made.

Mrs. MAJOR. Excuse me. The agency has the responsibility to take back the child if such is so, and they have a waiting list of new parents willing to take these children that are rejected by the original petitioner.

Mr. EILBERG. Mr. Harris, this question, removing the cap and recognizing the tremendous demand for children in this country at this time, I can visualize that might cause some people to easily enter an attractive home, perhaps a large home might be created fraudulently for the purpose of accepting a child or children, and then this might easily be a part of a business to transmit the child or children to others.

Now, it occurs to me that that risk is present. How would you respond to that?

Mr. HARRIS. I don't think there is any question that these types of potential risks are present whenever you are dealing in situations where the demand seems to exceed the supply, Mr. Chairman.

I think that as adoptions are processed, mistakes must be avoided. We have to make sure that that initial inspection is correct.

I am very impressed, frankly, with the work of a number of national organizations and the care they exercise to properly police adoptions and to prevent mistakes from happening.

I believe that careful processing of adoptions is the way to prevent mistakes, not an arbitrary two-adoption limitation. I think fraudulent adoptions could be arranged under the current law if someone really tried to do it, but I don't think they could if we make the adoption proceedings careful enough, and the investigation good enough, and the people involved care enough.

Mr. EILBERG. Mr. Hall, do you have any questions?

Mr. HALL. I have no questions. I am in accord with what I have heard the gentleman and the lady say.

Mr. EILBERG. Thank you very much.

Mr. HARRIS. Thank you, Mr. Chairman.

Mr. EILBERG. Mr. Sawyer?

Mr. SAWYER. I don't have any questions, Mr. Chairman.

Mr. EILBERG. Next we have our dear friend and colleague from California, and an avid sponsor of this bill, Congressman Sisk.

TESTIMONY OF HON. B. F. SISK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, ACCOMPANIED BY GWEN LUTY

Mr. SISK. Thank you, Mr. Chairman.

Mr. Chairman, first let me say I appreciate very much the committee setting the time aside for this hearing. This happens to be a

subject we have been involved in for a great many years, and in fact, we introduced our first legislation on this matter back in the 92d Congress.

This lady here with me has done a great deal of work in the last 6 years, particularly in connection with some of the problems, because we have been directly involved.

I might say, Mr. Chairman, that we have introduced, as I say, bills in the last three Congresses. In this particular Congress we have introduced bills H.R. 5804, 5805, 5646, 6441, and 7533, with some 35 sponsors in the House.

I am going to ask, if I might, that our statement be made a part of the record, and I would like to kind of jump through it to move as rapidly as possible, Mr. Chairman.

Mr. EILBERG. Without objection it will be made a part of the record. [The prepared statement of Hon. B. F. Sisk follows:]

STATEMENT OF HON. B. F. SISK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, it is indeed a pleasure to be here today to testify in behalf of legislation I have sponsored for more than 6 years now, to lift the 2 petition limitation from Section 204(c) of the Immigration and Nationality Act to facilitate the admission of foreign born orphans for adoption by American citizens. The bills I have introduced in this Congress, H. R. 5804, H. R. 5085, H. R. 6441 and H.R. 7533, have been co-sponsored by 35 of my colleagues, and as you know, numerous other bills on this subject have been introduced here in the House as well as in the Senate.

I initially became involved in this issue back in the 92d Congress when a constituent informed me that although she and her husband were most anxious to adopt another child from overseas they could not because they had already adopted 2 such foreign-born orphans and were prohibited under our immigration laws from adopting another. There was no question about the couples emotional or financial ability to care for another child. Further investigation, of course, revealed that the Immigration and Nationality Act did not actually prohibit them from adopting a 3rd child, but made it extremely difficult for them to do so because that 3rd child would have to be classified as a non-preference applicant rather than an immediate relative.

The 2 petition limitation in Section 204(c) of the Act does not necessarily determine whether the child will immigrate to the United States, but rather *when*. As a non-preference applicant the child is subject to the numerical limitations of the law and in some instances this could mean a wait of years. Currently the non-preference categories for Mexico, China, Korea, the Philippines, and several other countries are unavailable and may remain so for years. For all other Eastern Hemisphere countries visas this month are being issued to non-preference applicants who have priority dates earlier than November 15, 1976. These indeterminate delays cause undue suffering and are detrimental to the best interests and welfare of the child as well as his prospective parents. International agencies concerned with the trauma an extended wait can produce are reluctant to work with parents who will be ineligible to file an immediate relative petition for a child.

This two petition limitation tragically affects not only parents whose two adopted children are living, but also those whose child may have died either before or after arrival in the United States.

Although the Departments of State and Justice have submitted favorable reports on this legislation, I understand that there is some concern on the part of Subcommittee members and staff that by lifting the 2 petition limitation we would open up the law to the type of abuse which occurred in the 1950's whereby children were being exploited for personal gain. The Congressional Research Service has reviewed this issue and found no discussion of the reasons for the two petition limitation, either in the legislative history of the numerous acts in which it has appeared, or in other commentary on the immigration laws.

According to CRS, the 2 petition restriction first appeared in Section 5(a) of the Refugee Relief Assistance Act of 1953, Public Law 83-203. That legislation restricted to 4,000 the number of special nonquota visas available to eligible

orphans, provided that the orphan's country of origin was oversubscribed. The CRS report noted: "In this context, it would appear that the purpose of the provision was to assure that this limited number of special visas would be available to as many couples wishing to adopt alien orphans as possible." This restriction to two on the number of orphans which can be granted nonquota immigrant status in adoption by a family has continued in some form in our immigration law ever since. Again according to the CRS report: "The rationale for maintaining the two per-family restriction on visas for orphans would appear to be, along with precedent, a desire to impose an additional limit on the total number of alien orphans brought into the country."

It was not until 1959 during House and Senate consideration of H. R. 6118, to extend the Act of December 11, 1957—a temporary program for the admission of orphans—that considerable concern was expressed regarding abuses which had occurred in the program. To remedy the situation the 1957 orphan program was amended to require that a visa petition be filed and approved by the Attorney General, a significant feature retained in the law to date. In addressing the House on this issue on July 16, 1959, the distinguished gentleman from Pennsylvania and Chairman of the Immigration Subcommittee, Francis Walter, noted:

"The Committee on the Judiciary has unanimously decided to accept the amendment of the Senate with an amendment designed to give the Attorney General the opportunity to conduct investigations and make findings as to the suitability of the adoptive parents, and of their homes, to bring to this country the alien orphan whom they desire to make a part of their family. The Attorney General will also have the opportunity by regulations, to eliminate some reprehensible practices which, unfortunately, have marred the program. Many instances of abuse under the provisions of the 1957 law have been reported and fairly well documented. Irrespective of the legal and moral questions involved, the continuation of those practices may create for the children themselves more hardship in this country than they may possibly endure if they would remain abroad. Remedy must be tried, and we believe that one is readily available."

He was, of course, speaking of the procedure whereby the U.S. citizen must apply to or petition the Attorney General for eligibility to bring a child into the country. Section 4(b) of the Act which was ultimately adopted on September 9, 1959, Public Law 86-253, is similar in language and identical in intent to Section 101(b) (1) (E) of current law. That section, above any other, protects the child from abuse and exploitation. It not only defines "orphan" but seeks to insure that the prospective parents will be suitable parents of sound moral character who will give the child the love and care he needs.

It is clear to me, Mr. Chairman, that the two per-family restriction was initially designed to give as many families as possible the opportunity to adopt the limited number of 4,000 orphans that our immigration law at that time permitted to enter the country. But even if we were to concede that the restriction was inserted in the law to somehow prevent the abuses which later came to light, the fact of the matter is that since 1959 other, more effective, safeguards have been placed in the law.

As a matter of fact, the 2 petition limitation of Section 204(c) virtually eliminates those safeguards when the citizen seeking to adopt a foreign born orphan is required to bring the child in under non-preference status.

Section 101(b) (1) (E) defines a child as one who is under the age of 14 years and is an orphan because of the death, disappearance, abandonment or desertion by or separation or loss from both parents, or for whom the sole surviving parent is incapable of providing proper care, and has in writing irrevocably released the child for emigration and adoption. It also states that the child adopted abroad must have been personally seen and observed by his adoptive U.S. citizen parents, or if coming to the United States for adoption, the U.S. citizen must have complied with the pre-adoption requirements of the child's proposed residence. In those states where home studies are not required, the Immigration and Naturalization Service conducts the home study.

The child entering the United States in non-preference status has none of the protection of Section 101(b) (1) (E). Thus, by continuing the 2 petition restriction in 204(c) we are not preventing abuse, but perhaps contributing to it.

It is my sincere hope that this Subcommittee will take prompt, favorable action on H.R. 5804 and relieve the frustration and anxiety so many U.S. citizens and their waiting children now face. I understand from State Department and Immigration officials that there are many children from Korea, Thailand, and other Eastern Hemisphere countries waiting for non-preference visas. I would also

urge that upon passage of this legislation the Immigration and Naturalization Service be instructed to process the I-600 petitions their prospective parents must file with the utmost speed.

Again, I thank you, Mr. Chairman, and the members of this Subcommittee, for taking up this issue so important to those of us interested in the welfare of all children.

Mr. SISK. Anyway, I am most grateful, as I said, for the opportunity to really try to move on this matter.

This initially, of course, became a serious matter back in the 92d Congress when I became aware that because of the fact that the families had two foreign adoptions they were prohibited under immigration laws from adopting another, and there was no question about the couple's emotional or financial ability to care for another child.

Actually, the two petition limitation section, 204(c) of the act does not necessarily determine whether the child will immigrate to the United States, but rather when.

As a nonpreference applicant the child is subject to the numerical limitations of the law and in some instances this could mean a wait of years. Currently the nonpreference categories for Mexico, China, Korea, the Philippines, and several other countries are unavailable and may remain so for years.

For all other Eastern Hemisphere countries visas this month are being issued to nonpreference applicants who have priority dates earlier than November 1976. These indeterminate delays cause undue suffering and are detrimental to the best interests and welfare of the child as well as are his prospective parents. International agencies concerned with the trauma an extended wait can produce are reluctant to work with parents who will be eligible to file an immediate relative petition for a child.

This two petition limitation tragically affects not only parents whose two adopted children are living, but also those whose child may have died either before or after arrival in the United States.

Although the Departments of State and Justice have submitted favorable reports on this legislation, I understand that there is some concern on the part of subcommittee members and staff that by lifting the two petition limitation we would open up the law to the type of abuse which occurred in the 1950's whereby children were being exploited for personal gain. That was back at a time that our visa friend, Tad Walter, of course, was in the position that the gentleman refers to now.

Mr. EILBERG. How would you respond to that?

Mr. SISK. I was going to discuss it a little because that is something I want to follow very closely in the text of my statement. I think there are some answers to that, and I don't want to quote, by the way, from Mr. Walter back a number of years ago.

The Congressional Research Service has reviewed this issue and found no discussion of the reasons for the two petition limitation, either in the legislative history of the numerous acts in which it has appeared or in other commentary on the immigration laws.

According to CRS, the two petition restriction first appeared in section 5(a) of the Refugee Relief Assistance Act of 1953, Public Law 83-302. That legislation restricted to 4,000 the number of special non-quota visas available to eligible orphans, provided that the orphan's country of origin was oversubscribed. The CRS report noted:

In this context it would appear that the purpose of the provision was to assure that this limited number of special visas would be available to as many couples wishing to adopt alien orphans as possible.

This restriction to two on the number of orphans which can be granted non-quota immigrant status in adoption by a family has continued in some form in our immigration law ever since.

Again according to the CRS report:

The rationale for maintaining the two-per-family restriction on visas for orphans would appear to be, along with precedent, a desire to impose an additional limit on the total number of alien orphans brought into the country.

It was not until 1959 during House and Senate consideration of H.R. 6118, to extend the act of December 11, 1957—temporary program for the admission of orphans—that considerable concern was expressed regarding abuses which had occurred in the program. To remedy the situation the 1957 orphan program was amended to require that a visa petition be filed and approved by the Attorney General, a significant feature retained in the law to date. In addressing the House on this issue on July 16, 1959, the distinguished gentleman from Pennsylvania and chairman of the Immigration Subcommittee, Francis Walter, noted:

The Committee on the Judiciary has unanimously decided to accept the amendment of the Senate with an amendment designed to give the Attorney General the opportunity to conduct investigations and make findings as to the suitability of the adoptive parents, and of their homes, to bring to this country the alien orphan whom they desire to make a part of their family. The Attorney General will also have the opportunity by regulations, to eliminate some reprehensible practices which, unfortunately, have marred the program.

Here again, Mr. Chairman, I think he was referring to the very things that were occurring back at that time.

Many instances of abuse under the provisions of the 1957 law have been reported and fairly well documented. Irrespective of the legal and moral questions involved, the continuation of those practices may create for the children themselves more hardship in this country than they may possibly endure if they would remain abroad. Remedy must be tried, and we believe that one is readily available.

He was, of course, speaking of the procedure whereby the U.S. citizen must apply to or petition the Attorney General for eligibility to bring a child into the country. Section 4(b) of the act which was ultimately adopted on September 9, 1959, Public Law 86-252, is similar in language and identical in intent to section 19(1) (E) of current law. That section, above any other, protects the child from abuse and exploitation. It not only defines "orphan" but seeks to insure that the prospective parents will be suitable parents of sound moral character who will give the child the love and care he needs.

It is clear to me, Mr. Chairman, that the two per-family restriction was initially designed to give as many families as possible the opportunity to adopt the limited number of 4,000 orphans that our immigration law at that time permitted to enter the country. But even if we were to concede that the restriction was inserted in the law to somehow prevent the abuses which later came to light, the fact of the matter is that since 1959 other, more effective, safeguards have been placed in the law.

As a matter of fact, the two petition limitation of section 204(c) virtually eliminates those safeguards when the citizen seeking to adopt a foreign born orphan is required to bring the child in under non-preference status.

I am only citing here the alternatives to doing what we propose basically to do here, Mr. Chairman.

Section 101(b) (1) (E) defines a child as one who is under the age of 14 years and is an orphan because of the death, disappearance, abandonment or desertion by or separation or loss from both parents, or for whom the sole surviving parent is incapable of providing proper care, and has in writing irrevocably released the child for emigration and adoption. It also states that the child adopted abroad must have been personally seen and observed by his adoptive U.S. citizen parents, or if coming to the United States for adoption, the U.S. citizen must have complied with the preadoption requirements of the child's proposed residence. In those States where home studies are not required, the Immigration and Naturalization Service conducts the home study.

The child entering the United States in nonpreference status has none of the protection of section 101(b) (1) (E). Thus, by continuing the two petition restriction in 204(c) we are not preventing abuse, but perhaps contributing to it.

It is my sincere hope that this subcommittee will take prompt, favorable action on H.R. 5804 and relieve the frustration and anxiety so many U.S. citizens and their waiting children now face. I understand from State Department and Immigration officials that there are many children from Korea, Thailand, and other Eastern Hemisphere countries waiting for nonpreference visas. I would also urge that upon passage of this legislation the Immigration and Naturalization Service be instructed to process the I-600 petitions their prospective parents must file with the utmost speed.

Again, I thank you, Mr. Chairman, and the members of this subcommittee, for taking up this issue so important to those of us interested in the welfare of all children.

I appreciate the opportunity to make my entire statement a part of the record.

Mr. EILBERG. Mr. Sisk, do you believe the California adoptive procedures are adequate to ensure that alien children coming for adoption will be adequately cared for after their arrival in the United States?

Mr. SISK. Frankly, Mr. Chairman, I do. It's my understanding, in fact, our own personal experience with parents who are seeking adoption in California that it is very restrictive. I think it's very carefully followed, and let me say so far as I know, we have not within certainly recent years had any single case of abuse that I know anything about.

Now again, I can't speak for all of the other laws of all of the other States, although basically in a general, broad discussion of this, and dealing with Congressional Research Service, and Miss Luty in her studies over the last 6 years are generally of the opinion that most States are very strict on this, and certainly so far as I know, there is little or no abuse. Of course, as I cited, the situation certainly, it seems to me, would be better under the proposal of our legislation, or other legislation we have pending, than it would be in the so-called quota situation as it exists today, if you go behind the two.

Mr. EILBERG. You were here, Mr. Sisk, I believe, when I asked Mr. Harris the question, the hypothetical question, about the nice home being set up somewhere, that might conceivably be a front, and considering the tremendous desire to adopt children, that we may be

getting into fraudulent practices or opportunities for fraudulent practices. How would you respond to that?

Mr. SISK. Again, without being an expert in this field, I do not believe it's possible under law, as it exists today, at least in connection with the two, and what would be the law with additions under the proposal, with the necessity of the approval and so on, of the procedures by the Attorney General, I just can't believe that that kind of situation could exist.

In fact, as I said, this situation today in States because of future experiences, particularly back there in the 1950's, at one time when this thing really became a scandal, has been improved so the extent that I have a great deal of confidence in the procedures as presently carried out.

Mr. Chairman, let me just comment on one brief thing. Our legislation, and I am not sure about that of others, but the particular bills, a number of which we have introduced, all more or less just take the ceiling off. Now, it may very well be, and I simply want to make this statement, I am not trying to tell the subcommittee, Mr. Chairman, I respect you and your subcommittee, and I know in your own wisdom you will decide this issue, it may very well be the committee might want to continue some kind of a ceiling; say instead of two, make it four or something of that kind.

I really don't see the point, in view of the specific requirements that first, of course, adoptive parents must be financially able, they must have met a whole variety of criteria that are essential, and therefore, the number then really doesn't seem to me to be important.

On the other hand, there may be those who feel, well, wait a minute, if you make it unlimited, as we do here, I mean assuming let's say a legitimate limit, that there might be a problem for opening up something in line with what you are talking about. I can't believe it would exist under existing, under proposed law, but it might be that the committee, as a possible secondary safeguard, might want to put an additional limit over the two we are now talking about that we now have.

Mr. EILBERG. Mr. Sisk, I feel I have to tell you this; in my preparation for this morning's hearing, I was not aware that the nonpreference category was being used for the admission of orphans with no limitation. I am somewhat surprised at that because it appears to me, in my study at least, this seems to be violating the congressional intent of the two per parent or family. I am not certain, as I said here, that the practice that has developed is not violative of the congressional intent.

Mr. SISK. Here again I will say myself and my staff operate as a team, and Miss Luty is far more of an expert than I am, and she informs me it is being done under the so-called quota.

Mr. EILBERG. I understand.

Mr. SISK. I understand what my colleague is saying, and I think you raise a good question, is, in fact, that in violation of the present two limitation, but I do not think it's so interpreted, as I understand it, if, in fact, it proceeds under the normal procedure, which is a long waiting period.

Mr. EILBERG. From those countries that are using up all of their numbers.

Mr. SISK. That is right.

Mr. EILBERG. Do you have any questions, Mr. Sawyer?

Mr. SAWYER. No questions.

Mr. EILBERG. Mr. Hall?

Mr. HALL. No questions, Mr. Chairman.

Mr. EILBERG. Thank you very much for appearing this morning.

Mr. SISK. Thank you very much, Mr. Chairman.

Mr. EILBERG. It is our pleasure now to introduce our colleague from the State of New Jersey, Millicent Fenwick. It is very nice to have you here this morning.

TESTIMONY OF HON. MILLICENT FENWICK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mrs. FENWICK. Thank you, Mr. Chairman.

I am very happy to be here, and I would just like to say before I start my testimony in reply to the questions that you have addressed to our colleagues, there is in Washington, in a private North American adoption association, a woman well known to me on account of my work in adoption in New Jersey.

I worked with her for a long time on bills concerning adoption when I was a member of the assembly, and I know her well as a reliable and studied and extremely honorable person, and she has comparative data on all of the States in the Union, and precisely what you are asking as to what is the status of the laws in the different States, she knows.

She has charts and things and so she could furnish that to you, I am sure, and if you would like to have them I will be happy to ask her to send them to you.

Mr. EILBERG. Would you undertake to try to do that?

Mrs. FENWICK. Yes; indeed.

Thank you, Mr. Chairman.

Now, I would strongly support legislation, whether my own or anybody else's, to allow the adoption of more than two foreign children, and it is that specifically to which I would like to address myself.

Mr. Chairman, I first became interested in this legislation when I heard from a couple in Morristown, N.J., who had adopted two foreign children and hoped to adopt another. They learned that they would have to wait several years because they already brought two children into the country as "immediate relatives" and were allowed no more visas of this kind. The third child would have to wait his turn as a "nonpreference applicant."

In other words, in Morristown, N.J., the law is being obeyed, whatever happens elsewhere.

As you are well aware, there is a long waiting list for immigration under the numerical limitations for nonpreference applicants.

It seemed a tragedy to me that this family wanted so much to offer love and security to a homeless child, and nothing more than that, and could not because of an arbitrary limit in the law. Last year and again on the first day of the 95th Congress, I introduced a bill, H.R. 871, to remove the I-600 petition limit on "immediate relative" visas for foreign children who are placed for adoption with an American family. I hope that this committee will act favorably on this legislation and urge its adoption by Congress.

After I introduced the bill I heard from numerous families across the country who support the bill. Over 20 couples wrote to me who had already adopted two children and wanted to adopt another. One poor couple adopted a foreign child and then adopted another who died soon after she joined their family. They were not allowed to adopt another child because of the legal limit. Another couple adopted a sibling group, three boys, and wanted to adopt two sisters. The limit made this impossible.

I know that the limit may be waived to keep sibling groups together—if a family has adopted one foreign child and then applies for visas for a sibling group—but I think more flexibility is needed.

Often families who have successfully adopted two foreign children would welcome another. Those are the families who are also more willing to adopt an older child because they may have younger ones, a handicapped child, or one from a mixed racial background, the hard to place children who will face special problems as adults if they do not grow up in a supportive environment.

Sometimes handicapped are the most difficult, and these children have great difficulties when they grow up with handicaps unless they have a good environment and love when they are young.

The present limitation is not only arbitrary, but it discriminates in favor of those families who are lucky enough to find a sponsor for a private bill on their behalf. Even in those few cases there are real problems because delay may mean death for a child in an overseas institution with limited resources for food and medical care. The children who survive may feel the horrible effects of malnutrition, which can, of course, result in mental damage if they have been kept in institutions too long, and the institution is not in the position to give them adequate care and medical care, which makes placement even more difficult.

Mrs. Constance Boll, director of Friends of Children, Inc., in Darien, Conn., has been intimately involved in the placement of foreign children. I would like to submit her statement for the record because it describes in more detail and from personal experience the desperate need for this kind of legislation.

Thank you, Mr. Chairman.

Mr. EILBERG. Do you have that statement with you?

Mrs. FENWICK. Yes; I have, Mr. Chairman.

Mr. EILBERG. Without objection it will be made a part of the record. [The prepared statement of the Friends of Children, Inc., follows:]

STATEMENT IN SUPPORT OF BILLS H.R. 1956, H.R. 5804 AND H.R. 6488, AND H.R. 871.

This statement is submitted by Friends of Children, Inc., a child placing agency licensed by the State of Connecticut, serving the children of Connecticut and overseas, primarily in Korea. Friends of Children is also a member of the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development. Our statement is submitted at the request of Congresswoman Millicent Fenwick's office, and out of a concern for the "waiting" institutionalized children outside the United States, available for adoption.

STATEMENT OF PRESENT IMMIGRATION LAW

Under present U.S. Immigration law, a couple seeking to adopt children from outside the United States is limited to two adoptions in their lifetime, through filing of an I-600 Petition and supporting documents for each adoption with the

Department of Immigration. The only exception to the above is in the case of a couple filing a second I-600 Petition (having already adopted one child from abroad) where the petition is filed on behalf of siblings, in which case the second I-600 Petition can include more than one child.

BACKGROUND INFORMATION

My remarks will be limited to the situation of orphaned children in Korea, because that is the country our agency is most directly involved with at present. However, we have done, or do support work for child welfare programs in other countries, and I am aware that the circumstances I describe for Korea are similar to those of many other countries, certainly including Thailand, the Philippines, Bangladesh, India, and most of the South and Central American countries.

In Korea there are 400 orphanages caring for an approximate 36,000 children. Statements from Korean welfare agencies are that abandonment and institutionalization of children is on the increase. Of this estimated 36,000 children, not all are orphaned or abandoned, and some will be reclaimed by their natural parent(s) when circumstances permit. Those children that are orphaned or abandoned fall into the following categories:

1. healthy children, infants to age four
2. healthy children, ages four to fourteen
3. physically and emotionally handicapped children
4. children with medical problems
5. Amerasian or mixed racial children

It is our opinion that a change in Immigration laws permitting more than two I-600 petitions would not be needed if it only involved the placement of healthy children from infancy through three years of age. There would seem to be sufficient numbers of prospective adoptive parents in the United States, Canada and Europe applying for adoption of these children, and a very small, but growing number of Korean families applying for adoption of healthy infants. However, unless these healthy infants are adopted in sufficient numbers, there will be neither room nor staff nor funds to care for the children who are not so readily adopted.

It is our opinion that the greatest need is for the placement of children over the age of 3 or 4 years, those children with medical and emotional problems, and mixed racial children. Orphanages, hospitals and homes for the older and handicapped are filled to overflowing with these children. Their future is bleak.

The adoption of Korean children inside Korea is rare. To Koreans, the idea of adoption is basically a foreign concept. It is not uncommon for a family to "take-in" or adopt the son of a brother or sister or sister-in-law, primarily for the purpose of carrying on the family name, but it is rare for Koreans to adopt a "stranger". And, in a country where the birth of a boy is an occasion for celebration, it is almost unheard of to adopt a girl.

Korea is a country with a strong sense of family and heredity. The child with no family belongs in a class apart from the rest of society. They are an ostracized group. Because public school is not free in Korea, most of these children go uneducated, and, as they grow up, they find it difficult to obtain any decent sort of employment or to marry. Many of the boys, for lack of proper education, turn to the streets or take the most menial type of labor, while the girls usually have two choices open to them; household servants or prostitution.

Added to the burden the orphaned child must bear, the handicapped orphan has even less hope for a decent life. The facilities and staff to care for these children are inadequate, at best, and it is all too common to see children with cerebral palsy, polio, artificial limbs or emotional problems, ranging from minor to severe, crowded into beds and rooms with severely retarded children. Left in these conditions for many years, these children soon become resigned, then apathetic, and finally, hopeless. I think of one little girl in Seoul Children's Hospital—an eleven year old orphaned girl with cerebral palsy. She lives in a room with nine other children, all retarded. She shares a bed with three of them. A year ago she was a bright and winning little girl—she used to lie in bed, reading books. On my most recent visit to Korea in May of this year she was still lying in the same bed, but now she is not reading books, nor did she smile or respond to my visit. She doesn't belong in that bed, she doesn't belong in that room, she doesn't belong in that hospital, but there is no place for her in the traditional

orphanage, and no family to adopt her. I expect, on my next visit to Korea, I will find that this little girl will have fully accepted her fate and will be like the other children in her room—there is no other choice open to her.

Particularly distressing is the status of the American or mixed racial children. In the pecking order of orphanage society, the very lowest are these children. In fact, their status is so low that the casual visitor to Korean orphanages is unaware that they even exist. The reason for this is that they are not usually to be seen in orphanages. One thus assumes that there are no orphaned Amerasian children in Korea. Quite the contrary is true. In May of this year there was a large gathering of the Korean officials of the Ministry of Health and Social Welfare, representatives of the various voluntary agencies involved in child welfare, and representatives of the U.S. Military, headed by General Cushing. The purpose of the meetings were to determine the extent and problems of the Amerasian children, and what could be done to alleviate their burden. A true count of their number is unknown, because many of them do not have official birth registration. Estimates range from 2,000 to 6,000 children under sixteen years of age. Some of them are cared for by their mothers, some are street children, and some are orphans sheltered in private facilities. They are not to be found in the typical Korean orphanage. Out of the thousands of children seen in Korean orphanages, I have seen only one mixed racial child. Why?

First, many of these children are not abandoned by their mothers when they are infants or pre-school age. The mothers of Amerasian children are entitled to monthly stipends from several voluntary agencies working in-country. Thus, mothers keep their young American-fathered children because they receive the funds necessary to feed and care for them. However, as the children become older and the prejudice in family and community increases, the mothers often give up their struggle to hold on to these children, and abandon them or turn them over to one of the small private facilities caring for such children. By the time these children are abandoned, they are often beyond the age acceptable by most parents applying for adoption.

Second, the American children are not seen in the standard Korean orphanage because most orphanages would not accept them; they would not survive there long. It almost defies description to explain in words the prejudice these children encounter. They do not go to public school because they could not survive there either. The taunts, ridicule and physical abuse they meet from their peers and community at large teaches them to stay hidden. Typical of their situation is a story told to me by Father Alfred Keane, pastor of the San Kok Dong Catholic Church and community leader in Inchon and near-by Bupyeong. On Christmas eve Father Keane was conducting an outdoor service for the parish children. Standing some feet away on the hillside were a group of children he assumed to be the offspring of servicemen's families from the neighboring U.S. Army base, because of their obvious Caucasian and Negroid appearance. Father Keane motioned for the small group of on-lookers to join-in, thinking they would probably be able to help in the singing of a couple of the hymns being sung in English. As the group approached, he was shocked to see his own parish children move aside, readying themselves to leave. And, only then he understood; these were not U.S. Army children, they were Korean outcasts. The parish children began the typical insults; "Your mother's a whore, you're dirty, you don't belong here, get out." Father Keane kept the children together that evening for the service, and by the following week he had investigated the circumstances of each one, found they were a homeless, roaming band, and made preparations for taking them into his home. When I visited Father Keane in May he had 17 of them living with him in his small five room house. They are all available for adoption, but, because of their ages, there are few to adopt them. There was a small but very heartening success story for one of these children. I was present in Social Welfare Society's office in Seoul when Father Keane brought in one of the original band, an eight year old Black/Korean boy. There to meet him were his new adoptive parents, a Black couple, the father a sergeant in the U.S. Army. This couple had two children of their own, and had adopted two Korean boys previously. The only reason they could adopt Father Keane's little boy was because they were stationed, long-term, in Korea, and could adopt the boy there, thus removing the necessity of using a third I-600 Petition.

I would have wished the same for all of Father Keane's band of 17 children, and all orphaned children throughout the world. Children do not belong in institutions when there are warm and loving homes for them.

STATEMENT OF NEED FOR CHANGE IN LEGISLATION TO PERMIT ADOPTION AND
IMMIGRATION TO THE U.S. OF MORE THAN TWO FOREIGN BORN CHILDREN

A change in the legislation allowing families to adopt more than two foreign-born children will directly affect the futures of the children described in my testimony.

At present there are only 34 of Connecticut's children registered on the Adoption Resource Exchange in our state. However, there are many more than 34 families registered with the State of Connecticut seeking to adopt children. As a private child placing agency in Connecticut, we receive inquiries almost daily from prospective adoptive parents, both in and outside the state. Most of these inquiries come from families seeking to adopt the "typical healthy infant or young child." But, there *are* exceptions. Occasionally we will receive an inquiry from a couple who wishes to adopt an older child, a sibling group, a mixed racial child or a child with a handicap or correctible medical problem. And, very rarely, one for the child whose medical situation is not correctible. Invariably, these requests come from families who have already adopted children. The process of adoption is an educational process, and the verbal education offered by agencies such as ours is only a small part of it. The education comes primarily from acceptance of a child that one did not give birth to and from raising that child. In the course of this process, many adoptive families come to realize their full potential in terms of raising a family, and, after initially adopting the "usual healthy infant," often return for adoption of one of the "waiting" children. As the parent of two adopted children, I can speak first-hand of this experience. First time around, adoptive parents most commonly think of the child they need, but, often, these same parents return, thinking of the child who needs them. In addition, the families who start out adopting older children, siblings or handicapped children are the very families who are willing and eager to adopt more of the same. Under the present immigration law, limiting these families to the use of only two I-600 Petitions, couples who adopt siblings are automatically denied the opportunity of adopting further children, and couples who have adopted two children cannot adopt another.

SOME SAMPLE CHILDREN

1. Leona, age 12, Lana, age 9 and Leon, age 7: Siblings, Black/Korean orphans. We have one family suitable to adopt these children, but they have used their two I-600 petitions and are not allowed to do so. We have no other family for these children, and would probably wait several years before locating one. By that time, Leona will have passed beyond the age allowable (14 years) for adoption and immigration to the United States under an I-600 Petition.

2. Pebble—an infant with a bi-lateral cleft lip, cleft palate. A physician and his wife would like to adopt Pebble. They have already used their two I-600 Petitions and are not allowed to do so.

3. Kim Mi Yung and Kim Mi Ae, ages 8 and 9, siblings. A bank president and his wife would like to adopt these girls. They came to our agency, childless, two years ago and adopted three older Korean brothers. They have a strong feeling about adoption of siblings, because their three sons were almost separated in the years of waiting while no family came forward seeking to adopt them. Because this family used their full quota of I-600 Petitions in the adoption of the three boys, they are not allowed to adopt siblings again.

4. Lee Hyun Mee, age 4½. This little girl has epilepsy and suffers grand mal seizures. An adoptive couple, familiar with this disease in their own family, has asked to adopt her. They have already used their two I-600 petitions and are not allowed to do so.

5. Park Hyun Sook, age 8. A corrections officer for the state and his wife, a nurse, have shown interest in adopting this child. They previously adopted siblings, using their quota of two I-600 Petitions, and are not allowed to do so.

These are only a few of the applicants we, and other agencies, must refuse. The children described above won't have too many chances for adoption. The loss of these excellent families is serious to their future.

Our agency has recently worked with three families who have applied for a Special Act of Congress to permit them to adopt a third child. Only two weeks ago this committee approved private bills for Mr. and Mrs. Andre Previn for adoption of an older girl, and Mr. and Mrs. Joseph Dix for adoption of a handicapped boy. We are grateful for your action on behalf of these families and the

children they are adopting, and I am happy to report to you that Mrs. Previn met me in Korea and took her little girl home with her, and I brought the little boy to his parents and brothers, waiting in Connecticut. However, I think we would wear our welcome thin if we were to encourage all the families who apply to us for the "waiting" children, and who have used their two I-600 petitions, to seek private legislation. It is a time consuming process; a burden on both Congress and on the child who must wait through the long process in less than desirable circumstances in a foreign orphanage or other institution. Furthermore, it is discriminatory in that it is not available to all families; only to those fortunate enough to have personal contacts or to reside in the district of a Congressman willing to sponsor private legislation.

We encourage the members of the Subcommittee on Immigration, Citizenship and International Law to approve legislation permitting American citizens to file more than two I-600 Petitions for purpose of adoption and immigration of foreign-born children. Under the present Immigration requirements, sufficient safeguards exist to assure this petition is used only for the purpose of adoption, and that Immigration must verify that the family filing an I-600 Petition has been properly evaluated by a recognized child placing organization and has shown they can meet all the requirements for adequacy caring and providing for the future of the child on whose behalf the petition is filed. We do not see this legislation as greatly increasing the number of immigrants to this country, nor, on the other hand, is it going to radically change the child welfare situations in countries such as Korea. But, if it can offer homes, love, security and a future, to even a few hundred of these unfortunate children, then it deserves your affirmative vote.

Thank you.

Respectfully submitted,

CONSTANCE BOLL,

Director, Friends of Children, Darien, Conn.

Mrs. FENWICK. The other thing I want to say from my own experience. I am a treasurer of Spaulding for Children, which is an adoptive agency in New Jersey. I worked in this field in the legislature, and I also worked to some extent with adoptive agencies in Pennsylvania, and very slightly in Connecticut, but I can say in Connecticut and Pennsylvania and New Jersey, I believe the laws are good and certainly the investigation must be made by an accredited and proper agency to get rid of the terrible danger that you suggest, a large house in which the children just come and go in return for money, a racket in children, and nothing could be more terrible.

I think that if we are careful and if we make sure that this can be done only in States that have proper laws, I think that would be a very proper restriction on the petition. I think it would be a great blessing and very wise thing to do.

Thank you.

Mr. EILBERG. I wonder if you would say a word for the record on the need that exists; namely, there are so few children available in the country for adoption; would you address yourself to that?

Mrs. FENWICK. Yes; there are. If you want a beautiful little baby 6 weeks old, there aren't very many children like that for adoption, but there are some children. We have had laws in New Jersey until very recently that a foster parent might take care of a foster child with let's say a congenital heart defect, or withered leg, or something of that kind. They were not allowed to adopt. Fantastic, on the theory, I suppose, that they would turn against the child who had this illness, or disability. I believe that has been changed now, but that was one of the things we were wrestling with. In fact, one couple took off and went to Florida with the child, it was all in the papers, do you remember, because they wanted to adopt and they weren't allowed to, ridiculous things.

We must begin to take children more seriously, and I think the agencies that do the screening of the parents must also be taken extremely seriously.

Mr. EILBERG. Do I understand you recognize that there is a tremendous shortage of babies?

Mrs. FENWICK. There is a tremendous shortage. But this question of adopting a foreign child comes from another source, in my opinion. That is a very interesting psychological difference. There was a whole association, as you know, of people who adopted Vietnamese children. Now, this was not because they didn't have children. There is one type of pressure that comes from a family that has no child, and longs to have a child in the house. That is the issue.

There is the other type of pressure that has other, you might say, worldwide humanitarian impulses, that result in their desire to help a Korean child who is half black and half Korean. It is another kind of motivation which I think we are addressing here.

I don't think that you are going to get any tremendous flood, because at its peak I remember the organization for the families of those of that adopted, the organized families that had adopted Vietnamese children, and I think there were only something like 4,000 families in the whole country in that group.

I think we are dealing, in other words, with a limited but very beautiful element in human nature.

Mr. EILBERG. Mr. Sawyer?

Mr. SAWYER. I have no questions.

Mr. EILBERG. Mr. Hall?

Mr. HALL. No questions.

Mr. EILBERG. Mrs. Fenwick, we thank you very much for an eloquent statement, and we will see what we can do.

Mrs. FENWICK. Thank you.

Mr. EILBERG. The subcommittee will now hear from our good friend and colleague, Mr. Frenzel.

TESTIMONY OF HON. BILL FRENZEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. FRENZEL. Mr. Chairman, I thank you for the opportunity of appearing before the subcommittee.

Mr. EILBERG. Thank you for waiting.

Mr. FRENZEL. I come here in support of H.R. 368, my own bill, but I find myself one of a train of supplicants who have pretty much the same thing in mind.

I too want to amend section 204(c) of the Immigration and Nationality Act to eliminate the language that prohibits more than two petitions.

The matter came to my attention because of a family in my district who wanted to adopt a member of a foreign nationality family after they had used up their two I-600 permits. Now, through the good judgment and compassion of this subcommittee, we were able to get that bill passed, but it took in total about 2 years. By the time the extra family member had arrived in this country, it was very difficult; he was of such an age that it was hard for him to become integrated into his family. It was a good thing, and he is now so integrated. But

had we been able to do it promptly it would have made things much easier in this particular family.

I call the attention or invite the attention of the subcommittee to the letter from the Justice Department indicating they have no objection to such a bill. And to their observation that the legislative history of the limitation of two does not disclose the reason for this restriction, which, according to the Justice letter, first appeared in the Immigration and Nationality Act of 1952.

If the subcommittee sees fit to put some limitations on I certainly wouldn't object to that. You know better than I what the dangers are, but certainly there are a number of families who would like to have, be able to adopt more than two children, and I hope that other families wouldn't have to go through what the family in my district did, that is to go through the agony of trying to pass a private bill and waiting a couple of years to get it done.

I thank the chairman and the subcommittee for their interests in this matter and hope they will produce some kind of a bill.

Mr. EILBERG. I want to thank the gentleman from Minnesota for his contribution this morning. Thank you very much.

The subcommittee will be recessed for a brief period.

[A short recess was taken:]

Mr. EILBERG. Mr. DeWitt. The subcommittee will come to order.

We have with us once again the very knowledgeable Mr. John W. DeWitt, the Deputy Administrator for the Bureau of Security and Consular Affairs, Department of State. Welcome.

TESTIMONY OF JOHN W. DeWITT, DEPUTY ADMINISTRATOR, BUREAU OF SECURITY AND CONSULAR AFFAIRS, DEPARTMENT OF STATE, ACCOMPANIED BY JULIO J. ARIAS, DIRECTOR, VISA OFFICE; JOSEPH OLENIK, CHIEF, FIELD OPERATIONS DIVISION, VISA OFFICE, AND CORNELIUS D. SCULLY, CHIEF, REGULATIONS AND LEGISLATIVE DIVISION, VISA OFFICE

Mr. EILBERG. Would you be kind enough first to identify your colleagues?

Mr. DeWITT. Yes, sir.

On my left is Mr. Julio J. Arias, Director of the Visa Office; on my right Mr. Cornelius D. Scully, Chief of the Visa Office Regulations and Legislative Division; and on my immediate right is Joseph Olenik, head of the Field Operations Division of the Visa Office.

Mr. Olenik's last overseas tour of duty was in Korea where he was deputy chief of the consular section. I asked him to accompany me because so many of our adoption cases are from Korea.

I have a statement, Mr. Chairman, which with your permission I would like to read.

Mr. EILBERG. Yes; please go ahead. If you possibly can, would you try to speak a little louder?

Mr. DeWITT. Yes, sir.

Mr. Chairman, members of the subcommittee, it is a pleasure to appear before you this morning. We are considering today a series of bills relating to the immigration of foreign-born adopted children and

to the naturalization of children who have become permanent residents.

I should like first to mention briefly the bills which deal with naturalization.

H.R. 1859 would amend section 334(b) of the act to reduce from 18 to 16 the age at which a permanent resident could file a petition for naturalization in his own behalf. This provision would apply to any permanent resident alien and would, thus, include those who had qualified to immigrate as adopted children.

H.R. 1956 and H.R. 3109 would amend section 323 of the act. This section provides for the naturalization of children adopted by U.S. citizens and specifies certain conditions for such naturalization.

Both of these bills would modify the conditions to be met by eliminating present residence, physical presence and custody requirements.

While there is nothing in these proposals to which we object, we will defer to the Department of Justice on these matters since naturalization is within that Department's jurisdiction.

The bills concerning adoption, H.R. 368 and eight others, all are directed at a specific provision of the law, section 204(c) of the act, and all would make the same amendment. In all cases the result would be to remove from the law the existing provision that not more than two petitions may be approved for any one petitioner for children as defined in section 101(b)(1)(E) and (F) unless necessary to prevent the separation of brothers and sisters.

Section 101(b)(1) of the act defines "child" for the purposes of the act. This section has been amended several times. Originally no provision was made in the act for recognizing for immigration purposes a relationship created by adoption. This led to several special measures designed to permit the immigration of orphans adopted by American citizens.

Finally, in 1957, present section 101(b)(1)(E) was added to the act. In 1961 present section 101(b)(1)(F) was added.

Section 101(b)(1)(E) recognizes for immigration purposes a parent-child relationship created by adoption provided that: (1) the child was adopted while under the age of 14 years; (2) the child has resided with the adopting parent or parents for at least 2 years; and (3) since the adoption the child has been in the legal custody of the adopting parent or parents for at least 2 years.

There are several technical points about this section which are of interest: (a) the child need not be an orphan; (b) the adopting parent or parents need not be American citizens; and (c) immigration benefits based on this section could flow either from the parent or parents to the child or vice versa.

Section 101(b)(1)(F) recognizes for immigration purposes a parent-child relationship on the basis of an approval petition filed prior to the child's 14th birthday if: (1) The child is an orphan as defined in the section itself; (2) the petition is filed by a single U.S. citizen at least 25 years of age or by a U.S. citizen and spouse; and (3) the child has already been adopted abroad and the adopting parent or parents personally saw the child during or before the adoption proceedings, or the child is to be adopted after entry and the adopting parent or parents have complied with whatever preadoption requirements may exist in the state of the child's proposed residence.

There are, therefore, a number of restrictions on the recognition of a parent-child relationship for immigration purposes when an adoption is involved. This reflects the particular concern of the Congress with the immigration of adopted children.

Section 204(c), the subject of H.R. 368 and the other bills under consideration today, is an additional restriction. The legislative history of this section does not provide a direct answer regarding why it was included in the law, but we believe that it represents congressional concern that adequate safeguards be provided against abuses of the law by unscrupulous persons who might seek to traffic in children.

With this background, I would like to say that we believe that the two-petition restriction is no longer necessary to prevent abuse of the law and that it imposes unnecessary delays on legitimate cases. For these reasons, we support H.R. 368 and the other bills that would remove this restriction.

When it was included in the law, we were operating under the national quota system. Many of the countries from which orphans and other adopted children came at that time had small, heavily over-subscribed quotas. As a result, the only basis on which an orphan or other adopted child could hope to immigrate was by having a petition filed by the adopting parent or parents to grant the child status outside the numerical limitations.

The 1965 and 1976 amendments to the act changed this situation substantially by establishing a single uniform worldwide immigration system. Consular officers are instructed that an orphan may be registered and considered as a nonpreference immigrant when, for technical reasons, a petition may not be approved in the child's behalf. These reasons include the situation where the adopting parent or parents have already had two such petitions approved in behalf of orphans or other adopted children.

In our instructions, consular officers are reminded that the petition procedures are intended to guarantee that a suitable home and appropriate care will be provided after entry. The consular officer must be satisfied, after interviewing one or both adoptive parents, that the safeguards normally evidenced by the approved petition are present. In this way we ensure that appropriate safeguards are applied in all cases, whether or not a petition has been approved.

Mr. EILBERG. At that point, what can the consular officer do in the other category of cases where the adoptive parents are in the United States: That is, to make sure that there will be a proper home and proper parents?

Mr. DEWITT. When the child is being processed as a nonpreference immigrant, Mr. Chairman, the consular officer must insure himself that all of the regulations from the State department of welfare of the State of proposed residence have been complied with.

The parents who desire to adopt the child must comply with the State laws. When they go overseas to make the application for the child's immigrant visa, they must bring this documentation with them.

So, for example, if a home study is required by State law, the adoptive parents will have to bring the completed results of the home study with them. In this way—and through the interview with the adoptive parents—the consular officer assures himself that all the safeguards are being met.

Mr. EILBERG. Now is it not possible that the adopting parents would not have to go to the country where the adoptive child is located, but the consular officer will be required to act while the parents might be in the United States, for example?

Mr. DEWITT. No, sir. Our regulations require that if the child is being processed as a nonpreference immigrant the consular officer must interview either one or both of the adoptive parents before approving the immigrant visa.

Mr. EILBERG. Please proceed.

Mr. DEWITT. As a nonpreference immigrant, the child's date of immigration will depend upon the availability of visa numbers. Because the nonpreference classification is not allotted any specific portion of the overall limitation but receives only those numbers not used by the preference classes, the availability of visa numbers for nonpreference applicants can vary widely.

In certain countries the demand for immigration may be such that the 20,000 limitation is filled by the preference classes and no visa numbers are available for nonpreference immigrants. Thus, it is very difficult to predict when an orphan registered as a nonpreference immigrant might be able to immigrate. There could be no delay in some cases, a relatively minor delay in others, and an indefinite delay in still others.

It is the Department's view that these time delays and uncertainties are not warranted in legitimate adoption cases and that the two-petition restriction of section 204(c) should be removed because there are other existing safeguards to prevent abuse.

In conclusion, I should like to furnish certain statistics concerning visa issuances in these cases. We do not maintain separate statistics on cases of aliens classified as children in the basis of section 101(b)(1)(E). They are included under the general statistics relating to children under the various immigrant classifications.

On the other hand, because of the special procedures and requirements concerning orphans as defined in section 101(b)(1)(F) we do have separate statistics on visa issuances to those classified as "immediate relatives" on the basis of approved I-600 petitions.

In fiscal year 1968, 773 immediate relative visas—symbol IR-3—were issued to orphans already adopted abroad and 872 immediate relative visas—symbol IR-4—to orphans coming to the United States for adoption.

In the first 12 months of fiscal year 1976—the 15-month fiscal year—the totals had increased to 1400 IR-3 visas and 4,716 IR-4 visas. I have for insertion in the record, should you desire, annual tabulations from these totals from 1968 to 1976.

Mr. EILBERG. Without objection we will make the charts which are attached to your statement part of the record.

[The prepared statement of John DeWitt follows:]

DEPARTMENT OF STATE,
Washington, D.C.

STATEMENT OF JOHN W. DEWITT, DEPUTY ADMINISTRATOR, BUREAU OF
SECURITY AND CONSULAR AFFAIRS, DEPARTMENT OF STATE

Mr. Chairman, members of the Subcommittee, it is a pleasure to appear before you this morning. We are considering today a series of bills relating to the

immigration of foreign-born adopted children and to the naturalization of children who have become permanent residents.

I should like first to mention briefly the bills which deal with naturalization. H.R. 1859 would amend section 334(b) of the Act to reduce from 18 to 16 the age at which a permanent resident could file a petition for naturalization in his own behalf. This provision would apply to any permanent resident alien and would, thus, include those who had qualified to immigrate as adopted children. H.R. 1956 and H.R. 3109 would amend section 323 of the Act. This section provides for the naturalization of children adopted by United States citizens and specifies certain conditions for such naturalization. Both of these bills would modify the conditions to be met by eliminating present residence, physical presence and custody requirements.

While there is nothing in these proposals to which we object, we will defer to the Department of Justice on these matters since naturalization is within that Department's jurisdiction.

The bills concerning adoption, H.R. 368 and eight others, all are directed at a specific provision of the law—section 204(c) of the Act—and all would make the same amendment. In all cases, the result would be to remove from the law the existing provision that not more than two petitions may be approved for any one petitioner for children as defined in section 101(b) (1) (E) and (F) unless necessary to prevent the separation of brothers and sisters.

Section 101(b) (1) of the Act defines "child" for the purposes of the Act. This section has been amended several times. Originally, no provision was made in the Act for recognizing for immigration purposes a relationship created by adoption. This led to several special measures designed to permit the immigration of orphans adopted by American citizens. Finally, in 1957 present section 101(b) (1) (E) was added to the Act and in 1961, present section 101(b) (1) (F) was added.

Section 101(b) (1) (E) recognizes for immigration purposes a parent-child relationship created by adoption provided that—

- (1) the child was adopted while under the age of fourteen years.
- (2) the child has resided with the adopting parent or parents for at least two years; and
- (3) since the adoption the child has been in the legal custody of the adopting parent or parents for at least two years.

There are several technical points about this section which are of interest—(a) the child need not be an orphan; (b) the adopting parent or parents need not be American citizens; and (c) immigration benefits based on this section could flow either from the parent or parents to the child or vice-versa.

Section 101(b) (1) (F) recognizes for immigration purposes a parent-child relationship on the basis of an approved petition filed prior to the child's fourteenth birthday if—(1) the child is an orphan as defined in the section itself; (2) the petition is filed by a single United States citizen at least twenty-five years of age or by a United States citizen and spouse; and (3) the child has already been adopted abroad and the adopting parent or parents personally saw the child during or before the adoption proceedings, or the child is to be adopted after entry and the adopting parent or parents have complied with whatever pre-adoption requirements may exist in the state of the child's proposed residence.

There are, therefore, a number of restrictions on the recognition of a parent-child relationship for immigration purposes when an adoption is involved. This reflects the particular concern of the Congress with the immigration of adopted children. Section 204(c)—the subject of H.R. 368 and the other bills under consideration today—is an additional restriction. The legislative history of this section does not provide a direct answer regarding why it was included in the law, but we believe that it represents Congressional concern that adequate safeguards be provided against abuses of the law by unscrupulous persons who might seek to traffic in children.

With this as background, I would like to say that we believe that the two-petition restriction is no longer necessary to prevent abuse of the law and that it imposes unnecessary delays on legitimate cases. For these reasons, we support H.R. 368 and the other bills that would remove this restrictions. When it was included in the law, we were operating under the national origins quota system. Many of the countries from which orphans and other adopted children came at that time had small, heavily oversubscribed quotas. As a result, the only basis on which an orphan or other adopted child could hope to immigrate was by having a petition filed by the adopting parent or parents to grant the child status outside the numerical limitations.

The 1965 and 1976 amendments to the Act changed this situation substantially by establishing a single uniform world-wide immigration system. Consular officers are instructed that an orphan may be registered and considered as a non-preference immigrant when, for technical reasons, a petition may not be approved in the child's behalf. These reasons include the situation where the adopting parent or parents have already had two such petitions approved in behalf of orphans or other adopted children.

In our instructions, consular officers are reminded that the petition procedures are intended to guarantee that a suitable home and appropriate care will be provided after entry. The consular officer must be satisfied, after interviewing one or both adoptive or adopting parents, that the safeguards normally evidenced by the approved petition are present. In this way, we ensure that appropriate safeguards are applied in all cases, whether or not a petition has been approved.

As a nonpreference immigrant, the child's date of immigration will depend upon the availability of visa numbers. Because the nonpreference classification is not allotted any specific portion of the overall limitation but receives only these numbers not used by the preference classes, the availability of visa numbers for nonpreference applicants can vary widely. In certain countries the demand for immigration may be such that the 20,000 limitation is filled by in the preference classes and no visa numbers are available for nonpreference immigrants. Thus, it is very difficult to predict when an orphan registered as a nonpreference immigrant might be able to immigrate. There could be no delay in some cases; a relatively minor delay in others; and an indefinite delay in still others.

It is the Department's view that these time delays and uncertainties are not warranted in legitimate adoption cases and that the two-petition restriction of section 204(c) should be removed because there are other existing safeguards to prevent abuse.

In conclusion, I should like to furnish certain statistics concerning visa issuances in these cases. We do not maintain separate statistics on cases of alien classified as children on the basis of section 101(b)(1)(E). They are simply included under the general statistics relating to children under the various immigrant classifications. On the other hand, because of the special procedures and requirements concerning orphans as defined in section 101(b)(1)(F) we do have separate statistics on visa issuances to those classified as "immediate relatives" on the basis of approved I-600 petitions. In fiscal year 1968, 773 immediate relative visas (symbol IR-3) were issued to orphans already adopted abroad and 872 immediate relative visas (symbol IR-4) to orphans coming to the United States for adoption.

In the first twelve months of fiscal year 1976 (the fifteen month fiscal year) the totals had increased to 1400 IR-3 visas and 4,716 IR-4 visas. I have for insertion in the record, should you desire, annual tabulations of these totals from 1968 to 1976.

I am now at your disposal for any questions that you may wish to ask.

[This information comprises app. 2 at p. 88.]

[Attachment]

IMMEDIATE RELATIVE IMMIGRANT VISAS ISSUED TO ORPHANS WHO WERE THE BENEFICIARIES OF APPROVED
FORM I-600 PETITIONS, 1968-76 ¹

Fiscal year	Orphans adopted abroad (IR-3)	Orphans coming for adoption (IR-4)
1968	773	872
1969	899	1,263
1970	955	1,466
1971	1,122	1,658
1972	933	2,033
1973	1,064	2,953
1974	1,290	3,719
1975	1,233	4,439
1976 ²	1,400	4,716

¹ Does not include adjustments of status.

² For purposes of comparison, includes only the period July 1, 1975 to June 30, 1976.

MAJOR COUNTRIES OF ORIGIN OF ORPHANS ISSUED IMMEDIATE RELATIVE VISAS ON THE BASIS OF
AN APPROVED FORM I-600 PETITION, 1968-76¹

Fiscal year	Orphan adopted abroad (IR-3)		Orphan coming for adoption (IR-4)	
	Country	Number	Country	Number
1968.....	Germany.....	293	Korea.....	383
	Korea.....	159		
1969.....	Canada.....	114	Canada.....	159
	Germany.....	215	Korea.....	582
	Korea.....	193		
1970.....	Canada.....	151	Canada.....	186
	Germany.....	220	Korea.....	711
	Korea.....	140	Philippines.....	123
1971.....	Canada.....	112	Canada.....	235
	Germany.....	247	Korea.....	939
	Korea.....	244	Philippines.....	137
1972.....	Canada.....	128	Canada.....	217
	Germany.....	160	Korea.....	1,292
	Korex.....	190	Philippines.....	125
1973.....	Germany.....	155	Canada.....	196
	Korea.....	222	Korea.....	1,962
			Philippines.....	193
1974.....	Germany.....	149	Vietnam.....	285
	Korea.....	206	Canada.....	125
	Mexico.....	270	Colombia.....	191
	Thailand.....	113	Korea.....	2,210
			Philippines.....	223
1975.....	Germany.....	101	Vietnam.....	557
	Korea.....	245	Colombia.....	347
	Mexico.....	140	Korea.....	2,706
	Thailand.....	116	Philippines.....	245
1976 ²	Korea.....	499	Vietnam.....	618
	Mexico.....	118	Colombia.....	550
	Thailand.....	107	Korea.....	3,354
			Philippines.....	260

¹ Under each category, countries were listed as major countries of origin only if there were 100 or more issuances in that year to orphans in the category.

² For purposes of comparison, includes only the period July 1, 1975 to June 30, 1976.

Mr. EILBERG. Mr. DeWitt, in the cases of the IR-4 column, obviously the consular officer has no opportunity to interview the adoptive parent or adoptive parents. How is the consular officer able to perform his duty as you describe it in that situation?

Mr. DEWITT. In the case of IR-4 petition we rely heavily on the work of the Immigration and Naturalization Service.

Before the petition may be approved the INS officer must be assured that all of the requirements of the State law regarding adoption have been met.

In addition, the INS officer attaches to the approved petition several supporting documents which the consular officer will have at his disposal for review in making his decision.

Mr. EILBERG. We all know of the tremendous shortage of personnel in the INS. The subcommittee is trying very hard to assist in providing the needed personnel. Is INS capable in your opinion of presently doing all this preparation that your procedure calls for?

Mr. DEWITT. Yes, sir, to the best of my knowledge they are sufficiently staffed to carry out this responsibility. Their regulations concerning what must be done before the approval of an IR-4 or IR-3 petition are quite detailed. To the best of my knowledge these instructions are carried out in every single case.

Mr. EILBERG. How does the consul know which States require a home study?

Mr. DEWITT. The consular officer requires the proposed adoptive parents to present a document from the State welfare department which lists the State requirements for adoption in that State.

Mr. EILBERG. Suppose there is no requirement of a home study survey?

Mr. DEWITT. If there is no requirement for a home study survey, the consular officer must, in the case of a nonpreference case, interview personally the adoptive parents. He may require whatever documents that he deems necessary in order to determine that they will provide a safe and secure home for the child to be adopted.

Mr. EILBERG. In your estimation are the agencies which developed their operations for adoption during the war in Germany and the conflict in Korea perpetuating themselves in these areas to the exclusion of other parts of the world where no doubt there are orphans who could benefit by their assistance?

Mr. DEWITT. Our belief, Mr. Chairman, is that the agencies who operate abroad primarily seek out those countries where they may be licensed by the foreign government. The attitude of the foreign government I think is one of the most important factors in this entire situation. Agencies must be licensed by the foreign government before they are permitted to operate abroad. The attitudes of governments vary greatly from country to country.

Mr. EILBERG. Should there be any numerical limitation placed on the number of eligible orphans from any particular country so the activities of the international adoption agencies will be dispersed to a greater extent on a worldwide basis?

Mr. DEWITT. No, sir, I do not believe that the United States should impose any limitation or any numerical limitation on the number of orphans or adoptive children that may enter from any specific country.

Mr. EILBERG. To what extent do consular officers rely on assurances given by the international adoption agencies that a child qualifies as an eligible orphan? In other words, do consular officers simply rely on the statements of the agency or do they conduct their own investigation to verify the orphan status of the child?

Mr. DEWITT. In this instance I would like to defer to Mr. Olenik, who worked in this field in Korea.

Mr. EILBERG. Mr. Olenik.

Mr. OLENIK. It has been my experience that, in the case of orphans to be adopted, the Immigration and Naturalization Service representative who is based in Tokyo made the determination as to whether or not they were eligible orphans by visiting the post for 1 week every month, by interviewing representatives of the agency, and also by interviewing any existing parent of that child.

Mr. EILBERG. Do consular officers ever interview and observe the child? Do they independently determine the mental and physical condition of the child?

You may recall during Operation Babylift, consular officers in Indochina relied upon the assurances of the adoption agencies that those involved in the babylift were pipeline cases or eligible orphans and that, upon investigation in the United States, these assurances were not warranted.

Mr. OLENIK. Well, the regulations to consular officers abroad are that they are required to see the child to make a visible determination regarding any disability or any visible disability. The children also

must undergo a medical examination as required by immigration law and regulations, and doctors are under an injunction to insure that any defect or disability is noted on the medical report.

Mr. DEWITT. I might add in that respect—in the case where there is a medical disability, either determined through the interview process or through the medical examination—the consular officer must insure that the proposed adoptive parents—if this is being done through the IR-4 process—are completely aware of any medical defect that the child may have.

Mr. EILBERG. Do consular officers communicate pertinent information concerning the child's health, demeanor, and other matters to the prospective adoptive parents in the United States when a child has not been seen by the person and is coming to the United States for an adoption?

Mr. OLENIK. Yes, sir, they do. When a medical report shows any defect or disability, the consular officer does inform the prospective adopting parents and the consular office requires a signed statement from the adopting parent assuring the consular officer that the child will be accepted regardless of any defect or disability.

Mr. EILBERG. Mr. Hall.

Mr. HALL. Mr. DeWitt, you stated on page 7 with reference to the restrictions under 204(c) they should be removed because there are other existing safeguards to prevent abuse. What are some of those safeguards?

Mr. DEWITT. Sir, I believe that the safeguards are those that are prescribed by the law itself and by the regulations of the Immigration and Naturalization Service and the Department of State.

The law itself, under section 101(b) (1) (F), describes the process for the petition that must be filed. If the child is coming to the United States for adoption, the I-600 petition must be filed the Immigration and Naturalization Service must determine that the child may be adopted in the United States, that all of the requirements of the State law have been met before the petition may be approved.

In the case of the IR-3, the law itself requires that the proposed adopting parents have actually seen the child, either before or during the adoption process.

Mr. HALL. I understood your testimony with reference to this paragraph that if a couple or a person who was eligible to adopt just continued to adopt two, four, six, or eight, or something of that nature, that you had existing safeguards to prevent the abuse of that sort of thing. Is there anything that is done to prevent a person from coming in here and adopting or making efforts to adopt seven or eight children?

What do you do to try to prevent any abuse of this law under the paragraph that I mention here?

Mr. DEWITT. Mr. Hall, I believe that the safeguard to prevent this kind of abuse is the requirement that the proposed adopting parents have fulfilled all of the adoption requirements of the State in which they reside.

For example, in the case of each adoption—if the parents were residing in a State where they were required to have home study—a separate home study would be required for each individual case. In this case we would rely on the individual State Department of Welfare to insure that—whether the number of children being adopted

were 3 or 10—in each case a safe, secure home was going to be provided for the proposed adopted child.

Mr. HALL. Do you think there should be any limitation the number of children that could be adopted by one family?

Mr. DEWITT. No, sir, I do not. I think it depends greatly on the situation of the family itself. There may be one family that perhaps one or two children would be the correct number, or perhaps none. There might be another family that could quite well support 11 or 12 and give them the love and care that we seek to insure is available in the United States.

Mr. HALL. One other thing, somewhat different from the testimony, in my State of Texas, and I am sure this is true in other States, an adult person can adopt an adult person. Now, do we have any provision under existing law or any of the bills that are pending at this time that would allow an adult couple, or an adult person to adopt an adult person from Korea, or some other place?

Mr. DEWITT. Under the present law, sir, the person or the child to be adopted must be under the age of 14. The present law precludes adoption of an adult by an adult. I am not aware of any proposed legislation that would change this.

Mr. ARIAS. Excuse me, Mr. Hall.

The only manner in which somebody like that would be able to enter the United States as a nonpreference immigrant would be if he is over the age of 16 and were able to obtain a labor certification. It would be on the basis of the labor certification and not on the basis of the adoption.

Mr. SCULLY. I think the point, Mr. Hall, is that under the immigration law an adoptive relationship would not confer any immigration benefits if the adoption occurred after the age of 14. So if you had a 30-year-old American citizen adopting a 25-year-old alien, under the immigration law there is no provision for conferring immigration benefits on the 25-year-old alien because of that adoption. That is simply not a cognizable relationship under the law for the purposes of conferring immigration benefits, nor would it be under any of the proposed legislation that the subcommittee is now considering.

Mr. HALL. That is all I have, Mr. Chairman.

Mr. EILBERG. Mr. DeWitt, you have stated that you rely heavily, that is the consular officer or the INS, on the local law of the State where the child is to be adopted.

Should the consular officer or the INS be able in specific cases to have some discretion to place a lid or a cap on the number of children, particularly where the consular officer or INS is not completely satisfied with the State study?

Mr. DEWITT. Yes, sir. Under the law of course the child must be eligible under all provisions of the law. One of the sections of the law that the consular officer gives particular attention to is section 212(a) (15), the public charge provision.

If a large number of children are being adopted, the consular officer must insure that the proposed adoptive parents have the economic resources to provide a proper home for the child and that the child would not be exploited.

Mr. EILBERG. Do you have or can you get for us those cases in which consular officers have refused to go along with immigration of children to the United States because they were not satisfied with the findings presented by the State?

Mr. DEWITT. Yes, sir, we will seek that information and provide it for the record.

Mr. EILBERG. Do you have any impression now as to how many there are or any indication of the magnitude of that number of cases?

Mr. DEWITT. I do not. Perhaps Mr. Olenik has an impression from his service in Korea.

Mr. OLENIK. I really have no indication because the number of children that I have dealt with, who were being adopted under the nonpreference category, was not that large.

I can remember only one incident where a U.S. naval officer and his wife were trying to adopt five Korean children. They were able to petition for two, but the officer was a medical doctor with quite ample financial resources and his wife was also independently wealthy, and they had sufficient financial resources to care for all five children. So that was not a problem. Normally there may be one or two children outside the petition procedure, but I have never had occasion to deal with a rather large number of orphans.

Mr. EILBERG. What we are striving for is to try to determine whether the consular officer or the INS just rubberstamps the approval once the local agency, the State, says everything is OK.

Now we are wondering whether that is the practice or whether there is really an element of discretion exercised.

Mr. DEWITT. The consular officer does examine the financial resources of the adopting parents to insure himself that the child meets the requirements under section 212(15) of the law.

Mr. EILBERG. You will try to give us those countries?

Mr. DEWITT. Yes, sir.

[The following information was submitted by the Department of State:]

Under the current law, such a refusal would be made under section 212(a) (15) of the act, on the basis of a finding that the child was likely to become a public charge because the adopting parents did not have the financial resources to provide proper care for the child or were, for some other reason, not in a position to provide a proper home. Neither the Department's records nor those of individual immigrant visa issuing offices have a breakdown of overall refusals under section 212(a) (15) to distinguish cases of this type from others.

In response to a specific question on this point, immigrant visa issuing officers abroad indicated that such refusals would be rare. It is estimated that there may have been no more than 10 such cases worldwide since 1968.

Mr. EILBERG. It has been suggested that the two-petition limitation affects only the time when a particular adopted child or orphan can immigrate to the United States, rather than the eligibility of that child to immigrate to the United States. In fact, in your report on H.R. 368, it is stated that the two-petition limitation constitutes a factor of administrative delay in the immigration of the minor alien involved rather than a substantive restriction upon their immigration.

Can you explain why this is true?

Mr. DEWITT. Mr. Chairman, our interpretation of the law is that the two-petition limitation permitted immigration outside the numerical limitations imposed.

Mr. EILBERG. On what basis?

Mr. DEWITT. They were able to immigrate as an immediate relative, with an approved I-600 petition.

Mr. EILBERG. All right.

Mr. DEWITT. But if, under the law, the applicant is eligible for a nonpreference immigrant visa under all the provisions of the law, then legally we must grant the visa.

With the change of the law since 1965—the labor certification requirement—there is a requirement that any alien applying for admission who is 16 years of age or over must meet the labor certification requirement or be eligible for a waiver thereof.

Since in the case of the adopted children, the children will all be under the age of 16, they will not be barred under section 212(a) (14). If they establish their eligibility under all the sections of the law, they are qualified for a nonpreference immigrant visa.

In living up to the spirit of the law and the intent of Congress—to insure that proper safeguards are met in the cases of orphans and adopted children—we have included in our regulations instructions that will insure that the same safeguards are applied whether the child is admitted to the United States as an immediate relative through the petition process or as a nonpreference immigrant.

Mr. EILBERG. In view of the fact that elaborate procedures are established in 101(b) (1) (E) and (F) for the admission of adopted children and orphans, and in view of the fact there is limitation of two petitions in 204(c) of the Immigration Act for such children, is it not a violation of the spirit and intent of that act to process such children as nonpreference immigrants even though it may not be a technical violation of the Immigration and Naturalization Act?

Mr. DEWITT. No, sir. We do not believe this is a violation of the spirit or intent of the law. The law does not place a limit on the number of adopted children or orphans that may be admitted to the United States. In admitting adopted children or orphans as nonpreference immigrants, we have done everything possible to insure that the spirit and intent of the law are lived up to and that the same safeguards are applied to those entering as nonpreference immigrants as those who enter through the petition process.

Mr. EILBERG. How many immigrant visa cases involving an orphan or other adopted child are now being processed as nonpreference immigrant cases because the two-petition limitation prevents approval of an I-600 immediate relative petition for the child?

Mr. SCULLY. We will supply that information for the record.

[The following information was submitted by the Department of State:]

A compilation of reports from consular offices abroad indicates that there are now 38 such cases worldwide in various stages of processing.

Mr. EILBERG. Mr. Scully.

Mr. SCULLY. Mr. Chairman. I think our view of the two-petition limitation is that it is essentially part of the total congressional effort to prevent abuses and that it is not a violation of the intent of the law if we, administratively, can build into the nonpreference procedure the same substantive safeguards.

In other words, we are seeing the two-petition limitation not as a numerical control, per se, as something similar to the 170,000 or that kind of numerical limitation, but as part of the totality of the congressional effort to prevent abuses of adopted children and orphans, and to guarantee that when they are admitted that they are provided suitable homes, proper care, et cetera.

It has been our view that if the same safeguards are applied by the consular officer in processing a nonpreference case as are applied in the processing of the I-600 petitions, then in fact we have met not only the letter of the law but we are acting in accordance with the intent of the Congress in incorporating these safeguards into the law.

Mr. EILBERG. Mr. Scully, where do you find that intent of the Congress?

Mr. SCULLY. That these be substantive, that the Congress establish substantive safeguards, Mr. Chairman, or that the two-petition limitation is intended to be—

Mr. EILBERG. You seem to think you have discretion or that it is congressional intent to admit children by the nonpreference route, aside from the immediate relative approach.

Now where do you get the idea? I mean what authority is there for your statement?

Mr. SCULLY. The difficulty, of course, Mr. Chairman, is that there is not any direct legislative history, as has been previously stated, which would give you a direct answer to the question: Why was the two-petition limitation added to the law?

Mr. EILBERG. So you have created this concept on your own, irrespective of any expression by the Congress, I take it.

Mr. SCULLY. We felt we had to make some effort to try to divine what likely would have been the intent and it seemed to us that the congressional intent likely would have been, had it been expressed directly, that the Congress wanted the substantive safeguards incorporated. So we see that as part of the totality of the substantive safeguards and not as a direct numerical limitation in terms of the numerical limitations on immigration, Mr. Chairman.

Mr. EILBERG. It seems to me that the State Department is legislating in this case rather clearly as far as this member is concerned.

Mr. DEWITT. Excuse me, Mr. Chairman.

Mr. EILBERG. Yes.

Mr. DEWITT. If I could just add one point.

It seems to me that under the law as it exists today, if an alien applies for a visa we grant the visa if he is eligible under all provisions of the law. There is no provision in the law that states that we must deny a visa to an orphan or a proposed adoptive child if the adoptive parents have already adopted two or more children. There is no legal bar to this kind of immigration. The alien is eligible under all aspects of the law.

What we have sought to do in these cases—and I think this was the point Mr. Scully was trying to make—we have tried to incorporate into our regulations and our procedures the safeguards that the Congress has made manifest that it intends to apply to these kinds of cases. But we must administer the law as it is, and we seek to apply the intent of the Congress in these cases in the best way we can.

Mr. EILBERG. Mr. DeWitt, since you have so determined the intent of Congress, which does not appear to me, perhaps it would be more logical for us, the subcommittee, the full committee, to present legislation which would only apply in those cases and to those countries where all the numbers are used up.

If, according to you, there is authority to admit both immediate relatives and nonpreference adoptees or adoptive children without limi-

tation, why should we bother with legislation that would be worldwide in its application when the only problem, as I understand you to phrase it, is with those cases where numbers are used up from the given country? Is that not so?

MR. DEWITT. No, sir. I do not agree entirely with the points that you have made.

In the first place we do require, under our regulations that if an orphan is coming as a nonpreference immigrant that either one or both of the adoptive parents go abroad to be interviewed by the consular officer. Since many of the adoptions take place in the Far East, this is very expensive and it works a hardship on the families concerned.

Nonetheless, we think it is essential from our point of view in order to insure that all the safeguards are met in these cases and that the proposed parent or both parents actually go abroad to be interviewed by the consular officer.

MR. EILBERG. In which cases?

MR. DEWITT. When they are coming in as a nonpreference applicant.

In the case of the IR-4, when the child is coming to the United States to be adopted, there is no necessity for the parents actually to travel abroad themselves.

MR. EILBERG. How does that bear on the ability of that family to take an unlimited number of children?

It seems to me you are saying there should be no limit as long as some agency is checking. I say to you the legislation we are considering says the same thing, but you are already doing this, are you not, that is, making it possible for an unlimited number of children to come in?

The cap does not really apply, because some may go one way and some another way.

MR. DEWITT. If I may, Mr. Chairman, perhaps I might illustrate with an example how the system works, if you will permit me.

MR. EILBERG. Sure.

MR. DEWITT. For example, you may have a family abroad with a large number of children and they would like to send one of the children—say the oldest child who is 12 or 13 years of age—to live with an uncle in the United States, to go to school.

This is not an adoption or an orphan case, but an example of our interpretation of the law.

The individual may apply for a nonimmigrant student visa, but the consular officer determines there are not sufficient ties because of the economic situation of his family to cause him to return. Under the law every applicant must be considered an immigrant until he can clearly demonstrate he is a nonimmigrant.

The consular office then informs the applicant that he must apply for an immigrant visa. This individual will go through the entire process of filing his application, demonstrating he is eligible as an immigrant, and the consular officer under the law will grant the visa if he is eligible in all respects. Aside from the adoptive and orphan cases—the point I am trying to make is that if the individual alien is eligible under the law for the visa, the consular officer must grant the visa. There is no basis in law for denying a visa to an applicant who is eligible in all respects.

There is no basis in law for denying the visa. So what we have tried to do in our regulations is to meet the intent and spirit of the Congress by insuring that the same safeguards are met. But we must have a basis in law for denying the visa.

Mr. ARIAS. Mr. Chairman, there are many cases of children who are not orphans who apply for immigrant visas. If the consular officer determines that they will be well taken care of, in other words they are coming to the United States perhaps to attend school and they are, de facto if not legally, adopted by relatives in the United States, or by friends of the family, they thereby establish that they will not be joining the labor market because of their youth and they overcome the requirement to prove that they will not become public charges.

So legally, we issue visas to such children who qualify in that manner. If we refuse nonpreference visas to children who are coming for legal adoption under the nonpreference category, then we would be discriminating against those orphans.

Mr. EILBERG. Mr. Arias, in our proposed legislation why should we not then limit it to those cases where the nonpreference numbers are used up and just—apparently this is where the problem is, because as long as there are nonpreference numbers available, these children can come in through the nonpreference route. So why do we not—what fault would you find in our moving legislation, if we so decide that would do that?

Mr. ARIAS. That makes sense, Mr. Chairman. The only thing is that it probably would be desirable to have uniform policies and to have all cases processed in one manner.

Mr. EILBERG. All right.

Mr. DeWitt, in your statement you indicate that a large number of adoption cases are processed under the nonpreference classification but that consular officers are reminded that the petition procedures are intended to guarantee that a suitable home and appropriate care will be provided after entry. In other words, consular officers are instructed to apply safeguards that are present in the petition procedure, even though they are processing a particular case via the nonpreference route.

Can you advise us what particular measures are taken by consular officers in order to insure that appropriate safeguards are applied in all cases?

Mr. DEWITT. Mr. Chairman, the proposed adoptive parents must present to the consular officer a list of the adoption requirements where they reside, provided by the State department of welfare.

In addition to the list of requirements, they must demonstrate that they have fulfilled each one of the requirements required by the State. Furthermore, they must travel abroad to the place of residence of the child to be interviewed by the consular officer prior to the approval of the nonpreference immigrant visa.

Mr. EILBERG. Who travels abroad?

Mr. DEWITT. Either one or both of the adoptive parents.

Mr. EILBERG. It seems to me though that your answer suggests that you are relying almost entirely on an interview of the adoptive parent or parents and the question in my mind is, is that enough?

Mr. DEWITT. Mr. Chairman, we rely on the interview with the parents and we also rely on the fulfillment of all the adoption requirements of their State of residence.

In addition to the requirements by the State, the consular officer must be satisfied that the child is eligible under all provisions of the law and especially under section 212(a) (15), the public charge provision. So in this case the consular officer pays special attention to the economic situation of the adopting parents.

Mr. EILBERG. Mr. DeWitt, I am informed that Tennessee does not require a home study and a member of my staff has just talked to an Air Force or Army major trying to adopt a third child from Thailand, and he said no home study was conducted by the State or INA, and the child is in a nonpreference status.

How do you react to that situation?

Mr. DEWITT. Mr. Chairman, as I mentioned, one of the requirements is that the adopting parents fulfill all of the requirements of the State. If no home study is required then this will obviously not be submitted with the rest of the documentation.

The consular officer either through talking to the adopting parents or requesting whatever additional documentation he deems sufficient—establishes the fact that they will be able to provide for the child and give him the care which is required.

Mr. EILBERG. How can that consular officer pass on the quality of the home without seeing it?

Mr. DEWITT. He is not able to pass on the quality of the home because we are guided in our procedures in the nonpreference category—as is the Immigration and Naturalization Service for the petition process—by the State laws what we are seeking to insure—is that the State requirements are met.

Now, this does not prevent the consular officer from asking for any additional information that he thinks necessary to satisfy himself as to the character of the adopting parents and the kind of care they can provide for the child in the United States.

Mr. EILBERG. Would there be any way in that case of getting the consular officer to send a request back to Washington to have somebody go out and take a look at the home?

Mr. DEWITT. Sir, I am not sure of the processes for adoption in the United States. I do not know who would be able to provide this kind of service if the State welfare department does not do it.

I do know that in certain cases where we do not have a home study we can ask for character references from people who can vouch for the character of the adopting parents.

Mr. EILBERG. The consular officer abroad?

Mr. DEWITT. Yes, sir.

Mr. EILBERG. You don't see any way of checking the home where the State doesn't require a home study?

Mr. HALL. Mr. Chairman, may I make a comment?

Mr. EILBERG. Mr. Hall?

Mr. HALL. I had an adoption in Tennessee 20 years ago and the adoptive parents, and a report was filed with the court and the court

I don't believe you are going to find any State in the United States where the trial judge is not going to require some type of investigation of the adoptive parents. I have never had any experience where

you did not have some kind of an examination made of the adoptive parents. I don't know about Michigan, but I believe that no trial judge will enter an adoptive order without knowing something about the adoptive parents.

I think that is just as fundamental as it can be, and I think Tennessee has something in that regard. Maybe not the welfare office itself but the court appoints some person or agency to make an investigation.

In Texas the court does not always appoint a welfare officer, it appoints someone to investigate the antecedent of the adoptive parents and the child that is involved. I think every court has such a procedure.

Mr. SAWYER. Mr. Chairman?

Mr. EILBERG. Mr. Sawyer?

Mr. SAWYER. I might comment that the adoptive laws of Michigan are so rigorous that most of our people go down to Texas to consummate this adoption.

Mr. EILBERG. Mr. Hall, there is also the question, many of these children come before adoption and what you say is very likely true, but for some of these children we are talking about preadoptive proceedings, and that is what concerns me. Before the court yet, and that is what I am worried about.

Mr. SAWYER. Mr. Chairman, could I ask a question?

Mr. EILBERG. Mr. Sawyer.

Mr. SAWYER. I don't quite understand why in a case of an I-600 petition, the parents are not required to go abroad to be interviewed by a consular officer, where if it's a nonpreference situation they are required.

How does that make any sense?

Mr. DEWITT. In devising our regulations for using the nonpreference category for certain adopted children and orphans, we felt that we had to insure that all of the safeguards of the law and its intent were included in using this method of immigration. Because of the great concern of the Congress for the immigration of adopted children we felt it was better to err on the side of strictness than on the side of leniency.

Mr. SAWYER. Why do you apply a different procedure to the I-600 type petition adoption in immigration than you do the nonpreference? I mean all of the other circumstances are the same. Why don't they require a I-600 petitioner to go abroad and be interviewed by a consular officer, or, on the other hand, why do they require a nonpreference one to go abroad to be interviewed? I don't see what the difference is.

Mr. DEWITT. Yes, sir, in the case of the I-600 petition, the consular officer abroad is relying on the work of Immigration and Naturalization Service.

Before the petition is approved, the INS officer must receive all of the required documents. If necessary the INS officer, who is here in the United States, may interview the parents or he may require additional information under the petition process. We do not have the services of the INS at our disposal for the nonpreference immigrant visa.

Mr. SAWYER. Couldn't that be arranged? It seems to me if someone were going to adopt, on a nonpreference basis, a Korean child, for example, it's imposing a somewhat unnecessary hardship to require

them to go there when somebody in the United States seemingly could interview them. You seem to not feel it necessary in an I-600, but you do in a nonpreference. I just wonder why you require that kind of thing.

Mr. DEWITT. As I mentioned, in the I-600 cases we do rely on the services of the Immigration and Naturalization Service and they can conduct whatever interviews they deem necessary.

In the nonpreference route we are unable to rely on the services of the Immigration and Naturalization Service, and therefore, the decision is entirely up to the consular officer. We think it entirely appropriate the adoptive parents go abroad for the interview. If the proposed legislation is enacted, then the I-600 process will be used, I would assume, in practically all of the cases.

Mr. SAWYER. I have no further questions.

Mr. EILBERG. Mr. DeWitt, do you have within your competence, that is the Department, the ability to get for us in the reasonably near future, the home study requirements and preadoptive requirements for all of the States?

In other words, we would like to know the home has been checked out or will be checked out as we move this legislation, if this is not too great a task for you.

Mr. DEWITT. Yes, sir. You would like to see the State adoptive requirements for each of our States; is this correct, sir?

Mr. EILBERG. That is right.

Mr. DEWITT. Yes, sir; we will submit that.

Mr. HALL. I think he can go to volume 5 of Martindale-Hubbell Legal Directory and get it for every State in the Union.

Mr. DEWITT. Thank you, sir.

[The following response was received from the Department of State.]

After checking, we find that virtually the only place in which state laws on adoption are compiled in one place is in volume VI of the Martindale-Hubbell Law Directory, 1976 edition. With permission of the Martindale-Hubbell Company, we have made copies of those portions of volume VI in which appear the summaries of the adoption laws of each state, the District of Columbia, the Virgin Islands and Puerto Rico, and are submitting them herewith. (Material retained in committee files.)

Mr. EILBERG. Mr. DeWitt, does the State Department have any idea as to the volume of orphans who are processed via the nonpreference route?

Mr. DEWITT. Sir, we do not have statistics on that, and it may be difficult to get. What we would propose to do, if it is acceptable to the committee, is to query those posts where there are many adoptive children and orphan cases processed to see if they can give us an estimate. We will submit that for the record.

Mr. EILBERG. We would like to have that, and we hope you can hurry it up so we do not have an undue delay in considering this legislation.

Mr. DEWITT. Yes, sir.

[The following information was submitted by the Department of State:]

Neither the Department's records nor those maintained at individual immigrant visa issuing offices have a breakdown of the total of nonpreference immigrant visas issued which would indicate how many of the total were orphans or other adopted children. Estimates provided by immigrant visa issuing offices abroad, however, indicate that the total since 1968 may be approximately 200 world-wide.

Mr. EILBERG. Mr. DeWitt, we note from your statistics that beginning in 1968 Germany, Korea, and for a period of years Canada were the main source countries of IR-4 adoptions. Can you explain this?

Mr. DEWITT. Sir, I think there are several factors that determine from which country we will have a large number of adopted children and orphans immigrating to the United States. One of these has been the presence of U.S. Armed Forces abroad. Another has been the attitude of the individual country toward the immigration of orphans for adoption to a foreign state. Frankly, sir, to the best of my knowledge, those are about the best reasons I might give. Mr. Scully might be able to add to that.

Mr. SCULLY. The only comment I would add, Mr. Chairman, respecting Canada. I think it is simply geographical propinquity. Persons seeking to adopt children can get to Canada easily, and can deal face to face with local adoption agencies, whereas it's much more difficult to do that if you are going further afield. So I would suspect that that is the reason for the presence of Canada on the list during the period of time.

Mr. EILBERG. Why not then Mexico and countries in the Caribbean?

Mr. DEWITT. Again, to that I would only add, sir, I think the attitude of the foreign government itself is very important. There are some countries that will not permit orphans to depart for adoption in a foreign country. There are others that are quite lenient in this respect. It changes over time, but I think this may be one of the reasons.

Mr. EILBERG. I think we are all speculating here, and I wonder if you would try to go back and see if you can develop anything more in that area; why these particular countries.

Mr. DEWITT. Yes, sir.

[The following information was submitted by the Department of State for the record:]

The countries to which you refer are as follows:

IR-3 (orphans adopted abroad) :		IR-4 (orphans coming for adoption) :	
Canada	1969-72	Canada	1969-74
Germany	1968-75	Colombia	1974-76
Korea	1968-76	Korea	1968-76
Thailand	1974-76	Philippines	1970-76

Information concerning these countries (drawn from reports from consular officers stationed in those countries) is as follows:

Canada.—The high rate of immigration of orphans during the periods indicated reflected, first, the availability of illegitimate and abandoned children for adoption; second, ease of access to Canada for Americans seeking to adopt a foreign orphan and an adoption process both less time-consuming and less expensive than in the United States. In the last 3 to 4 years Canada has ceased to be a significant source of foreign adopted children because the supply of adoptable children has disappeared. This is the result of both a declining birthrate and a greater willingness of unmarried mothers to keep their illegitimate offspring. The Consulate General at Montreal, for example, reports that non-handicapped children are almost totally unavailable for adoption in the Montreal area.

Colombia.—The situation in Colombia has been described in response to a separate question particularly concerning that country [See p. 48.]

Germany.—The high rate of orphan cases in Germany has been principally due to the presence of large numbers of American families—particularly military families together with the availability of orphans for adoption. The rate has declined over the last several years because of a general decline in the birthrate to which greater ease in obtaining abortions has contributed, together with a greater willingness on the part of unwed mothers to keep and raise their children.

Korea.—The high rate of orphan cases in Korea has been due to:

(a) A tradition dating back to the Korean War period of private Americans helping Korean orphans;

(b) Very active adoption agencies working in Korea and the United States;

(c) The active cooperation of the Korean Government; and

(d) A large supply of unwanted children available for adoption. The Korean Government has, however, undertaken a program of encouraging domestic adoption of such children, for the purpose of reducing the rate at which orphans emigrate for adoption.

Mexico.—The increase in the rate of immigration of orphans from Mexico appears to be largely attributable to recent changes in the adoption laws of the state of Baja California and the Federal District (Mexico City) to permit adoption by persons already having natural children.

Philippines.—The presence of large numbers of American families—particularly military families—together with the large number of unwanted children has been the cause of the increase in the rate of immigration of orphans from the Philippines. In addition, Philippine law on adoptions was recently liberalized to permit adoptions by persons having natural children.

Thailand.—The recent high rate of adoption cases in Thailand reflects the large United States military presence in that country until recently, coupled with the rapid reduction in this presence which resulted in an influx of orphan petitions by families about to depart the country who faced the sudden necessity of documenting their adopted children for travel to the United States.

The attached tables contain the country-by-country breakdown of IR-3 and IR-4 visa issuances for the years in question. The tables for 1968 through 1975 are copies from the Annual Reports of the Visa Office for those years. The 1976 table has been typed separately from the statistical data which will be included in the 1976 Annual Report when it is published.

Mr. EILBERG. With regard to IR-4 adoptions, Korea and Canada were the main source countries with no cases from Germany. Can you explain that?

Mr. SCULLY. A comment, Mr. Chairman, if I may.

In preparing this table we only listed countries in which the statistics showed 100 or more per year, feeling that given the overall totals, these were countries that would be significant. The absence of Germany or any particular country from one of these lists does not signify there were no cases originating in that country; this just signifies there were less than 100 in a particular year.

Mr. EILBERG. I understand that, but I would still like to know why the large numbers from these particular countries, and the question I just asked, why no cases from Germany, as far as the IR-4 adoptions are concerned. Do you have any idea about that? Would you try to find out?

Mr. DEWITT. Yes, sir; we will and we will also submit for the record a complete breakdown for all countries. That will be the number of cases, 100 or less, which will perhaps shed a little more light on the same question.

[See submissions above, on p. 34, and in app. 2 at p. 88.]

Mr. EILBERG. We also note that in 1974 and 1975, looking at the chart, Colombia appears for the first time as a source country for IR-4 adoptions. Can you explain this?

Mr. DEWITT. Again, sir, I would have to speculate on this. It may well be that the laws of Colombia have permitted this kind of adoption, and adoption agencies—probably through the church—have established procedures where the IR-4 petitions may be processed. We will look into that, Mr. Chairman, and see if we can provide you a more detailed answer.

Mr. EILBERG. We would be interested also in knowing if there is some special activity going on down there which might be possibly fraudulent or illegal. A suspicion has arisen that there may be some irregular activity taking place.

Mr. DEWITT. We will look into that, Mr. Chairman.

I would say we are concerned about fraud in general in the visa process in Colombia. At our Embassy in Bogotá and at the constituent posts we pay very close attention to the problem of fraud. We have a special fraud unit in the Embassy in Bogotá. If there were such an activity, I believe it would be detected. We will look into it and supply information for the record.

[The following information was submitted by the Department of State:]

The Embassy at Bogotá has responded to a specific question concerning these matters. The Embassy's report is quoted below:

"1. We believe that high rate of issuance of IR-4 visas in Colombia is primarily attributable to three factors: A. Relative ease (compared to long delays in U.S.) with which Colombian legal system permits adoption by foreigners; B. Extraordinary effectiveness of word-of-mouth advertising by perviously successful adoptive parents; C. Availability of small infants for adoption.

"2. Dramatic increase in IR-4 cases since 1973 can also be traced to the creation of two new and reputable official adoption agencies; FANA in 1972 and Los Pisingos in 1975. Prior 1972 CASA (La Casa de la Madre y el Niño) was the only officially recognized agency handling adoptions. It was relatively small and processed few cases. FANA began life with a close relationship which still exists with Florence Crittendon League of Boston. Los Pisingos was created in 1975 primarily to handle adoptions of older children.

"3. We are very alert to the possibilities of fraud in all aspects of visa and passport applications but find little evidence of any in adoption cases. The three agencies mentioned are extremely thorough in the process of prescreening parents, possibly even more so than INS. Colombian Government Welfare Agency (Bienestar Familiar) does further screening after parents arrive in Bogotá to begin adoption process. As a result, local courts routinely grant adoption as a matter of course upon recommendation of Bienestar, although considerable bureaucratic delay is common.

Adoptive parents show off new child to anyone and everyone upon return to U.S. This inevitably leads to more inquiries on part of prospective parents and gradually widening circle of knowledge about possibilities of adoption Colombia. Virtually every parent we see tells us that he learned of Colombia from someone who had previously adopted here and was satisfied with result.

"5. This suggests that there is no limit to potential number of IR-4 applicants in Colombia, however, as indicated in refel C there is likely to be a limit to the administrative capacity of Colombian agencies to handle adoptions and there is always the threat of adverse public reaction to adoption by foreigners creating a climate which would make further adoptions difficult or impossible. Our best guess is that a steady but not explosive increase in annual rate of IR-4 issuance is probable."

Mr. EILBERG. Referring now to your statistics again, how do you account for the increase each year in IR-3 and IR-4 cases, except for 1971, IR-3 cases increased each year, from 773 in 1968 to 1,400 in 1976, and IR-4 cases from 872 in 1968 to 4,716 in 1976.

Mr. DEWITT. Mr. Chairman, I believe it may be attributed to a variety of factors: One, perhaps being the difficulty of adopting children in the United States; two, improved organization on the part of the agencies that assist in processing these cases. In addition it could well be a process of word of mouth. Mr. Olenik was describing to me a case of a couple in a small town in the State of Washington that adopted a Korean child and within 6 months the Embassy has several more applications from residents of this same very small town.

In other words, the success of the adoption process witnessed by others in the neighborhood who would also like to adopt a child, leads them to go through the same process themselves.

Mr. EILBERG. Now, you keep saying I think and I believe. Would you try to verify the statements you have just made?

Mr. DEWITT. Yes, sir, I will.

[The following information was submitted by the Department of State:]

On the basis of information available to the Department, including comments submitted by consular officers abroad, it appears that there are several inter-related causes for this phenomenon. First, the declining birthrate in the United States combined with a greater incidence of illegitimate children being kept by the mother rather than given up for adoption has reduced considerably the number of adoptable children in the United States. This has led persons in the United States seeking to adopt a child to look abroad for this purpose to a greater degree than formerly.

At the same time, a number of countries have in this period modified their own laws to make possible the emigration of children for foreign adoption. Finally, it seems that to a certain extent the plight of children who are victims of natural calamities or civil or other strife has aroused humanitarian concern in the United States and has resulted in adoptions for this reason.

Added to these factors is an additional one—namely, that a successful adoption becomes known to others who are thereby motivated to seek to adopt a child themselves. One consular office, for example, commented that virtually every couple whose adopted child was being processed in its visa unit stated that they were motivated to adopt the child after hearing of another couple who had done so successfully.

Mr. EILBERG. Further, what was the cause of the sudden increase in 1971 of IR-3 cases from 955 to 1,122, and the subsequent decrease the following year to 933?

Mr. DEWITT. Mr. Chairman, we will investigate that and supply an answer for the record.

[The following information was submitted by the Department of State:]

At this distance in time we have no information available which would provide a basis for an answer to this question. Statistics informally furnished us by the Immigration Service indicate that the number of I-600 petitions filed in 1971 (there is no breakdown on petitions between IR-3 and IR-4 cases) remained virtually unchanged from 1970. This is the likely basis for the decline in IR-3 issuances the following year. We have no information available on the underlying reason for this phenomenon.

Mr. SAWYER. Excuse me, Mr. Chairman, I wanted to tell you that is a live quorum call.

Mr. EILBERG. I just have one more question and we will go.

Do you believe this trend will continue, that is of increased numbers of IR-3's and IR-4's, or do you think there will be a leveling off?

Mr. DEWITT. In my personal opinion I believe there will be a leveling off. Mr. Chairman.

Mr. DeWitt would you develop that further for the record?

Mr. DEWITT. Yes, sir, but it is an area where a lot of speculation is required. We will try and get the facts for the record.

[The following information was submitted by the Department of State:]

After considering this matter and receiving comments from consular offices abroad concerning it, we find it difficult to make an overall evaluation. It seems clearly that the demand for adoption will increase and that, unless the situation changes domestically, the supply of adoptable children in the United States will

not meet that demand. This fact alone, however, will not determine the future rate of immigration of foreign orphans.

The number of adoptable children available in other countries, together with the attitude of the governments of those countries toward the emigration of orphans for adoption will also have a major impact. From comments submitted by consular officers, it appears that the situation will fluctuate. Certain countries are making an effort to place children needing adoption with families in the country in order to reduce the rate of emigration of orphans. Other countries have made changes in the other direction. It has been reported, for example, that prior to the tragic 1972 earthquake in Nicaragua it was virtually impossible to adopt a child, but that the law has since been amended to make it relatively easy to do so.

In summary, we believe that the demand for adoption of foreign orphans will continue to exist and that the rate of immigration will continue to rise to the extent that foreign laws and attitudes do not prevent the demand's being met.

Mr. EILBERG. Are there any other questions from members?

Mr. HALL. Tennessee requires something to be done here.

Mr. EILBERG. OK, we will come back and put that on the record.

Mr. HALL. I thought I just did.

Mr. EILBERG. Any further questions?

Mr. SAWYER. No, sir.

Mr. EILBERG. We thank you very much, and I hope you don't feel we gave you too much of a hard time this morning.

Before recessing, our next witness will be the Immigration and Naturalization Service, and we thank you very much, gentlemen.

Mr. DEWITT. Thank you, Mr. Chairman.

[A short recess was taken.]

Mr. EILBERG. The subcommittee will come to order.

We are pleased to have with us for the first time testifying before the subcommittee, though he has attended numerous hearings we have had, David Crosland, General Counsel for the Immigration and Naturalization Service.

We wish you good luck, Mr. Crosland, and look forward to working with you during this Congress and hopefully the next.

TESTIMONY OF DAVID CROSLAND, GENERAL COUNSEL, IMMIGRATION AND NATURALIZATION SERVICE, ACCOMPANIED BY ANDREW J. CARMICHAEL, JR., ASSISTANT COMMISSIONER, NATURALIZATION, INS; GLENN A. BERTNESS, ASSISTANT COMMISSIONER, INVESTIGATIONS; PAUL W. SCHMIDT, OFFICE OF GENERAL COUNSEL, AND RALPH KRAMER, DEPUTY ASSISTANT COMMISSIONER, ADJUDICATIONS

Mr. CROSLAND. Thank you, Mr. Chairman.

I apologize, I have something of a summer cold so I hope you can understand me clearly.

Mr. EILBERG. Would you be good enough to identify your associates?

Mr. CROSLAND. Certainly.

Mr. Chairman, on my right is Ralph Kramer, who is the Deputy Assistant Commissioner for Adjudications of Immigration and Naturalization Service; on my left is Andrew Carmichael, Assistant Commissioner for Naturalization, and on the far left is Glenn Bertness, Assistant Commissioner for Investigations, Immigration and Naturalization Service. To my rear is Paul Schmidt, a lawyer in the General Counsel's Office.

Mr. EILBERG. We are slightly outnumbered on this side. Please go ahead.

Mr. CROSLAND. Mr. Chairman and members of the committee, it is a pleasure to appear before you today to present the views of the Department of Justice on bills relating to the adoption of foreign-born children.

The first group of bills, H.R. 368 and other bills accomplishing the identical result, would eliminate the portion of section 204(c) of the Immigration and Nationality Act (8 USC 1154(c)) which imposes a limit of two upon the number of petitions that can be approved for one petitioner in behalf of adopted children as defined in sections 101(b) (1) (E) and (F) of the act (8 USC 1101(b) (1) (E) and (F)). The only exception presently permitted by statute is where approval of an additional petition is necessary to prevent separation of brothers and sisters. The effect of the bill would be to allow a couple or a single parent to petition for an unlimited number of adopted alien children.

An adopted child may qualify for immigration benefits under section 101(b) (1) (E) of the act if he was adopted while under the age of 14 years, and if he has thereafter been in the legal custody of the adopting parent or parents for 2 years and also has resided with the adopting parent or parents for 2 years.

A child under 14 may qualify for immigration benefits under section 101(b) (1) (F) of the act if it is determined that he is an orphan and he is coming to the United States for adoption by a U.S. citizen parent or parents who have met all preadoption requirements of the place of intended residence in the United States. An orphan under 14 may also qualify under section 101(b) (1) (F) if he has been adopted abroad by a U.S. citizen parent or parents who have seen and observed the child before and during the adoption proceedings. In either case the Attorney General must be satisfied that proper care will be furnished the orphan if admitted to the United States.

The present two-petition limitation derives from similar restrictions contained in special enactments relating to the adoption of orphans which are not part of the I. & N. Act. The two-petition limitation on approval of petitions for adopted children under section 101(b) (1) (E) was added to the Immigration and Nationality Act by the Act of September 22, 1959 (73 Stat. 644).

At that time, the House Judiciary Committee report stated that this limitation was intended to cure a social, legal, and economic problem that had been brought to the committee's attention involving certain families who had adopted large numbers of foreign children. The committee also suggested that the adoption provision had been used to evade quota restrictions. (H.R. Rep. No. 582, 86th Congress, 1st session, at 4 (1959).)

When section 101(b) (F), facilitating the adoption of orphans, was added to the I. & N. Act in 1961 (Act of September 26, 1961, 75 Stat. 650), the two-petition limitation was amended to also include adopted children coming within that section. Over the years the two-petition limitation has caused hardship.

The facts of a published case, "Matter of Kim, 11 I. & N. December 1969 (Regional Commissioner 1964)," illustrates this point. The situation there involved a couple who had adopted two Korean

orphans. One of the orphans was ill upon arrival in the United States and died about a month after entry. The couple then wished to adopt another Korean orphan to take the place of the dead child. There was absolutely no question about the fitness of these people as parents or their ability to support the child. Nevertheless, the petition was barred by the two-petition limitation of section 204 (c).

There are other cases where this strict requirement has prevented people who would be good parents from adopting additional foreign-born children.

The department believes that the two-petition limitation can be removed without any adverse effects on the administration of the immigration laws. Both sections 101(b) (1) (E) and (F) already contain safeguards to insure that petitions are approved only where a bona fide parent-child relationship has been established or, in the case of an orphan coming to the United States for adoption, will be established.

An orphan petition will not be approved under section 101(b) (1) (F) if the service knows that the prospective parents will not be able to support the child or if it is learned that the child is actually going to live with persons other than the petitioner. The department favors enactment of legislation to eliminate the two-petition restriction.

I will turn now to H.R. 1956 and H.R. 3109, identical bills, which would amend section 323 of the Immigration and Nationality Act, by deleting therefrom all requirements pertaining to the legal custody, residence, and physical presence in the United States for naturalization of children adopted by U.S. citizens.

Section 323(a) (3) of the act currently provides that an adopted child, under 18, of U.S. citizens must reside continuously in the United States in the legal custody of the adoptive parent or parents for at least 2 years prior to the filing of a petition for naturalization.

Section 323(b) further requires the adopted child to be physically present in the United States for 1 year during the 2-year period immediately preceding the filing of the petition.

The proposed legislation would eliminate these requirements, and would make an adopted child of a U.S. citizen eligible for naturalization immediately after his admission into this country for lawful permanent residence.

Section 323(c) of the act, providing a waiver of the requirement of physical presence and residence in certain cases, would become superfluous if the proposed legislation were enacted, and accordingly it is eliminated by the bills.

The predecessor of section 323 of the I. & N. Act was section 316 of the Nationality Act of 1940. That provision required the child's adoption to take place in the United States. No statutory period of physical presence in the United States was specified. Statements contained in a 1950 study of the immigration and nationality laws indicated a congressional concern for protection against fraudulent foreign adoptions undertaken for the sole purpose of conferring U.S. citizenship upon a foreign child.

When section 323 was enacted as part of the Immigration and Nationality Act of 1952, the requirement that the adoption take place in the United States was eliminated. However, a physical presence re-

quirement was included in the new provision. The residency and physical presence requirements of section 323 have resulted in an unnecessary distinction for naturalization purposes between natural and adopted children.

Natural children of U.S. citizens may be naturalized immediately upon entry into the United States for lawful permanent residence. On the other hand, adopted children must usually wait a minimum of 2 years before naturalization. Such a distinction between children, usually of tender years, is both artificial and unnecessary.

I wish to emphasize that adopted children naturalized under section 323 must be lawfully admitted for permanent residence and therefore must already have met the requirements imposed by sections 101(b)(1)(E) or (F) upon all adopted children seeking immigration benefits.

As mentioned above, I believe that the requirements contained in those sections of law are sufficient to protect the Government against fraud. The Department believes that there is no need for the additional requirements imposed by sections 323 (a) (3) and (b). Consequently, the Department favors enactment of this legislation to eliminate those requirements.

In summary, the Department believes that the provisions relating to the adoption of foreign-born children which are eliminated by these bills are unnecessary and have caused hardship. The Department therefore favors enactment of the proposed legislation.

I would be pleased to answer your questions.

Mr. EILBERG. Thank you, Mr. Crosland.

Can you briefly describe for the subcommittee the processing procedures followed by INS with regard to the admission of eligible orphans?

In doing so, can you identify those procedures which both you and the State Department believe to be adequate safeguards in those procedures?

Mr. CROSLAND. I would ask Mr. Kramer to explain that to us.

Mr. KRAMER. In the 101(b)(1)(F) cases we require an I-600 petition. This is filed with the Immigration Office of the intended place of residence of the child.

Mr. EILBERG. We would like to place the form I-600 in the record at this point.

[The document referred to follows:]

PETITION TO
CLASSIFY ORPHAN
AS AN IMMEDIATE
RELATIVE

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

(Please tear off here before submitting petition)

INSTRUCTIONS

Read instructions carefully—fee will not be refunded

(Failure to follow instructions may require return of the petition and delay final action.)

1. **ELIGIBILITY.** The term "orphan" under the immigration laws means an alien child who is under the age of 14 years at the time the visa petition in his behalf is filed and who is an orphan because both parents have died or disappeared, or abandoned or deserted the orphan, or the orphan has become separated or lost from both parents. If the orphan has only one parent, that parent must be incapable of providing for the orphan's care and must have in writing irrevocably released the orphan for emigration and adoption. In addition the orphan either must have been adopted abroad by a United States citizen and spouse or must be coming to the United States for adoption by a United States citizen and spouse.

A petition to classify an alien as an orphan for issuance of a visa must be filed by a married United States citizen. The spouse need not be a United States citizen. The same petitioner may not petition for more than two orphans unless necessary to prevent the separation of brothers and sisters. The petitioner must establish that he and his spouse will care for the orphan properly if the orphan is admitted to the United States. If the orphan was adopted abroad it must be established that both petitioner and spouse personally saw and observed the child prior to or during the adoption proceedings. If both petitioner and spouse did not personally see and observe the child before or during the adoption proceedings abroad, the petitioner and spouse must establish that they will adopt the child in the United States and that any preadoption requirements of the State of the orphan's proposed residence have been met; and they must submit, if requested, a statement from an appropriate official in the State in which the child will reside that a regular adoption can be accomplished in that State. If the orphan has not been adopted abroad, the petitioner and spouse must establish that they will adopt him in the United States and that the preadoption requirements, if any, of the State of the orphan's proposed residence have been met.

2. **SUPPORTING DOCUMENTS.** The following must be submitted with petition:

- a. *Proof of United States citizenship of the petitioner.*

- (1) If you are a citizen by reason of birth in the United States, submit (a) your birth certificate, or (b) if birth certificate is unobtainable, a copy of your baptismal certificate under seal of the church, showing place of birth (*baptism must have occurred within 2 months after birth*), or (c) if birth or baptismal certificate cannot be obtained, affidavits of two United States citizens who have personal knowledge of your birth in the United States.
- (2) If you were born outside the United States and became a citizen through the naturalization or citizenship of a parent or husband, and have not been issued a certificate of citizenship in your own name, submit evidence of the citizenship and marriage of such parent or husband, as well as termination of any prior marriages. Also, if you claim citizenship through a parent, submit your birth certificate and a separate statement showing the date, port, and means of all your arrivals and departures into and out of the United States. (*Do not make or submit a photostat of a certificate of citizenship. See Instruction No. 8.*)
- (3) If your naturalization occurred within 90 days immediately preceding the filing of this petition, or if it occurred prior to September 27, 1906, the naturalization certificate must accompany the petition. Do not make or submit a photostat of such certificate (*See Instruction No. 8.*)

- b. *Proof of marriage of the petitioner and spouse.*

The petitioner should submit a certificate of his marriage and proof of termination of all prior marriages of himself and spouse.

- c. *Proof of age of orphan.*

Petitioner should submit certificate of orphan's birth if obtainable; if not obtainable submit an explanation together with best available evidence of birth.

- d. *Evidence that petitioner and spouse are able to support and care for the orphan.*

Such evidence may consist of letters from employers, banks and accountants, financial statements, copy of income tax returns, etc.

- e. *A certified copy of adoption decree together with certified translation, if the orphan has been lawfully adopted abroad.*

- f. *Evidence that the sole or surviving parent is incapable of providing for the orphan's care and has in writing irrevocably released the orphan for emigration and adoption, if the orphan has only one parent.*

- g. *Evidence that the orphan has been unconditionally abandoned to an orphanage.*

- h. *Evidence that the preadoption requirements, if any, of the State of the orphan's proposed residence have been met, if the child is to be adopted in the United States.*

- i. *Fingerprints.*

A completed fingerprint card (Form FD-258) must be submitted by the petitioner and by the spouse. Fingerprint cards with instructions for their completion are available at any office of the Immigration and Naturalization Service. You and your spouse may have your fingerprints recorded on Forms FD-258 at an office of this Service or you may prefer to present Forms FD-258 to a police station or sheriff's office and request an officer there to record your fingerprints on the cards. The card for yourself and that for your spouse must be signed by

each of you in the presence of the officer taking the fingerprints, who must then sign his name and enter the date in the spaces provided. It is important to furnish all the information called for on Form FD-258.

3. **DOCUMENTS IN GENERAL.** All supporting documents must be submitted in the original. An official copy of the original record issued by and bearing the seal of the official custodian of such record may be submitted as the original. If you desire to have the original returned to you, and if copies are by law permitted to be made, you may submit photostatic or typewritten copies. Photostatic copies unaccompanied by the original may be accepted if the copy bears a certification by an immigration or consular officer that the copy was compared with the original and found to be identical. A foreign document must be accompanied by a translation, certified by the translator as to the accuracy of the translation and as to his competency to translate. (Do not make a photostat of a certificate of naturalization or citizenship.)

4. **PREPARATION OF PETITION.** A separate petition for each beneficiary must be typewritten or printed legibly with pen and ink (*one copy only*). The petitioner must be a United States citizen and execute the petition under oath. The certification (*not under oath*) on the petition must be made by the petitioner's spouse.

a. *In the United States* the petition may be sworn to or affirmed before an immigration officer without the payment of fee, or before a notary public or other officer authorized to administer oaths for general purposes, in which case the official seal or certificate of authority to administer oaths must be affixed.

b. *Outside the United States* the petition must be sworn to or affirmed before a United States immigration or consular officer.

c. *A member of the Armed Forces of the United States*, either in the United States or abroad, may swear to or affirm the petition before an officer of the Armed Forces authorized to perform notarial acts under Article 136, Uniform Code of Military Justice.

5. **SUBMISSION OF PETITION.** A petitioner residing in the United States should send the completed petition to the office of the Immigration and Naturalization Service having jurisdiction over his place of residence. A petitioner residing outside the United States should consult the nearest American consulate as to the foreign office of this Service designated to act on the petition. The petition must be submitted before the child becomes 14 years of age.

6. **FEE.** Read instructions carefully. A fee of Twenty Five dollars (\$25) must be paid for filing this petition. It cannot be refunded regardless of the action taken on the petition. **DO NOT MAIL CASH. ALL FEES MUST BE PAID IN THE EXACT AMOUNT** Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States Currency. If petitioner resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." If petitioner resides in Guam, check or money order must be payable to the "Treasurer, Guam." All other petitioners must make the check or money order payable to the "Immigration and Naturalization Service." When check is drawn on an account of a person other than the petitioner, the name of the petitioner must be entered on the face of the check. If payment is made by the type of international money order that cannot be mailed, the money order must be drawn on the postmaster of the city in the United States to which the petition will be mailed, and that city, the money order number, and the date must be shown clearly in the top margin of the petition form.

7. **ASSISTANCE.** In connection with the adoption of an orphan it is suggested that assistance be obtained from a recognized social agency or from any public or private agency recognized by the appropriate authority of the State. The following recognized social agencies, which have offices in many of the principal cities of the United States, have agreed to furnish assistance:

American Branch of International Social Service, Inc.
345 East 46th Street
New York, New York 10017

Catholic Committee for Refugees
United States Catholic Conference
201 Park Avenue South
New York, New York 10003

Church World Service, Inc.
475 Riverside Drive
New York, New York 10027

United HIAS Service, Inc.
200 Park Avenue South
New York, New York 10003

Greek Archdiocese of North and South America
10 East 79th Street
New York, New York 10021

8. **PENALTIES.** Title 18, United States Code, Section 1001 provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

Title 18, United States Code, section 1426(h) provides: "Whoever, without lawful authority, prints, photographs, makes, or executes any print or impression in the likeness of a * * * certificate of naturalization or citizenship, or any part thereof, shall be fined not more than \$5,000 or imprisoned not more than 5 years or both."

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization ServiceForm approved
OMB No. 43-R0392PETITION TO
CLASSIFY ORPHAN
AS AN IMMEDIATE
RELATIVE(Section 101(b)(1)(F) of
the Immigration and
Nationality Act, as
amended.)

Date Filed

Fee Stamp

File No.

TO THE SECRETARY OF STATE:

The petition is approved for orphan:

- ☐ adopted abroad by petitioner and spouse who personally saw and observed child prior to or during adoption proceedings
- ☐ coming to U. S. for adoption by petitioner and spouse who have complied with preadoption requirements

Remarks:

DATE
OF
ACTION

DD

DISTRICT

(PETITIONERS ARE NOT TO WRITE ABOVE THIS LINE)

(Read this form and the attached instructions carefully before filling in petition)

Petition is hereby made to classify the orphan named herein as an immediate relative.

BLOCK 1.-Information pertaining to petitioner and spouse

PETITIONER			PETITIONER'S SPOUSE		
1. Name (First) (Middle) (Last)			1. Name (First) (Middle) (Last)		
2. Date of birth			2. Date of birth		
3. Place of birth (City, State, Country)			3. Place of birth (City, State, Country)		
4. Number of prior marriages, if any.			4. Number of prior marriages, if any.		
5. Address of Petitioner (Apt. No.) (Number) (Street) in United States	(City)	(State) (Zip Code)			
6. Address of Petitioner (Number) (Street) abroad (If any)	(City)	(Province) (Country)			
7. Petitioner's United States citizenship was acquired through (Check one)					
☐ Birth in the United States ☐ Parent(s) ☐ Naturalization ☐ Marriage					
8. If petitioner acquired United States citizenship through naturalization, give the following:					
Number of Naturalization Certificate			Date of Naturalization		
Place of Naturalization			Former Nationality		
9. If petitioner acquired United States citizenship through parent(s) or marriage, has petitioner obtained a certificate of citizenship? ☐ Yes ☐ No If so, give number of certificate _____ Former Nationality (if any) _____					
If not, submit evidence of citizenship in accordance with instruction 2a(2)					
10. Has petitioner or any person through whom petitioner claimed citizenship ever lost United States citizenship? ☐ Yes ☐ No					
If so, attach explanation on separate sheet.					

(over)

FORM I-600
(REV. 4-1-74)N

Received	Trans. In	Ret'd Trans. Out	Completed

BLOCK II.--Information pertaining to orphan beneficiary				
11. Name at birth (First)		(Middle)		(Last)
12. Name at present (First)			(Middle)	(Last)
13. Any other names by which orphan is or was known		14. Date of birth (City) (State or Province) (Country)		
15. The beneficiary is an eligible orphan because: (Check one) ☐ He has no parents ☐ He has only one parent who is the sole or surviving parent.				
16. If the orphan has only one parent, answer the following: State what has become of other parent: ☐ Yes ☐ No Is the remaining parent capable of providing for the orphan's support? ☐ Yes ☐ No Has the remaining parent, in writing, irrevocably released the orphan for emigration and adoption? ☐ Yes ☐ No				
17. Has the orphan been lawfully adopted by petitioner and spouse abroad? ☐ Yes ☐ No If so, give the following: Date and place of adoption: _____ Did both petitioner and spouse personally see and observe the orphan prior to or during the adoption proceedings? ☐ Yes ☐ No				
18. If the orphan has not been lawfully adopted abroad by the petitioner and spouse or, if adopted abroad, the orphan has not been seen and observed personally by the petitioner and spouse prior to or during the adoption proceedings, give the following: Do petitioner and spouse intend to adopt the orphan in the United States? ☐ Yes ☐ No Have the preadoption requirements, if any, of the orphan's proposed state of residence been met? ☐ Yes ☐ No				
19. To petitioner's knowledge, does the orphan have any physical or mental affliction? ☐ Yes ☐ No If so, name the affliction: _____				
20. Has petitioner or spouse ever adopted any other child? ☐ Yes ☐ No If so, give the name of each child and the date and place of birth: _____				
Is petitioner or spouse in the process of adopting any other child? ☐ Yes ☐ No If so, give the name of each child and the date and place of birth: _____				
21. Is the orphan the ward of a foreign country or a political subdivision thereof? ☐ Yes ☐ No				
22. Name of child welfare agency, if any, assisting in this case: _____				
23. Name and address of attorney abroad, if any, representing petitioner in this case: _____				
24. Address in the United States (Number) (Street) (City) (State) (Zip Code) where orphan will reside: _____				
25. Present address (Apartment) (Number) (Street) (City) (State or Province) (Country) If orphan is residing in an institution, give full name of institution: _____ If orphan is not residing in an institution, give full name of person with whom orphan is residing: _____ Give any additional information necessary to locate orphan such as name of district, section, zone or locality in which orphan resides: _____				
26. Location of American Consulate where application for visa will be made (City in Foreign Country) (Foreign Country)				
AFFIDAVIT OF PETITIONER I swear (affirm) that all the statements I have made in this petition are true and correct to the best of my knowledge and that my spouse and I will care for the beneficiary of this petition properly if the beneficiary is admitted to the United States. _____ (Signature of Petitioner) Subscribed and sworn to (affirmed) before me this _____ day of _____ 19____ at _____ [SEAL] My commission expires _____ _____ (Signature of Officer administering oath) _____ (Title)		CERTIFICATION OF PETITIONER'S SPOUSE I certify that my spouse and I will care for the beneficiary of this petition properly if the beneficiary is admitted to the United States. Dated at _____ This _____ day of _____ 19____ _____ (Signature of Petitioner's spouse) Signature of Person Preparing Form, if Other Than Petitioner: I declare that this document was prepared by me at the request of the Petitioner and is based on all information of which I have any knowledge. Signature: _____ Address: _____ Date: _____		

Mr. KRAMER. The petition requires certain documentation. It also requires that the Service make a home study in those instances where a State agency does not make one for us or for the prospective adoptive parents. The home study will cover a neighborhood, employment, and fingerprint check of the petitioners.

Mr. EILBERG. Have you been able to do this with all petitions filed, Mr. Kramer?

Mr. KRAMER. Yes. We give the I-600 top priority in handling. As a matter of fact, generally—

Mr. EILBERG. Without objection we would like to put the operating instructions on the record which we are talking about.

[The document referred to follows:]

OPERATIONS INSTRUCTIONS

204.3 *Child defined in section 101(b) (1) (F)*. (a) *Processing*. When petition Form I-600 is received, an "A" file shall be opened and the petition processed in accordance with AM 2761, 2793.13, 2793.17, and 3130.

(b) *Investigation and adjudication*. Each petition shall be given priority in investigation and adjudication. Neighborhood, employment, fingerprint checks, and a home study shall be made. In every case in which the petitioner is residing in the United States, the state department of welfare shall be requested to furnish an abstract of its records if it conducted an investigation and, if possible, a statement of its views concerning the completed adoption (unless that state department of welfare has advised that it does not conduct or require an investigation in such a case), or the proposed adoption (unless the state department of welfare has advised that it does not conduct or require an investigation prior to the arrival of a child in the United States). There shall also be obtained from the voluntary agency, if any, abstracts of its records if it conducted an investigation and, if possible, statements of its views concerning the proposed or completed adoption. If a home study report is furnished by the state department of welfare or a recognized child welfare agency, a neighborhood, employment, and home study report by a Service investigator shall not be required unless there are unusual factors. Neither shall a neighborhood, employment and home study report by a Service investigator be required, absent unusual factors, if a state court to which a home study report has been presented by a state department of welfare or child placement issues a certificate, order, decree or similar document which in effect finds that the petitioner and spouse, if married, have met the preadoption requirements of the state; and in such a case, it is not essential that a copy of the home study report which was presented to the court be furnished to the Service. The Service home study, when required, shall include a visit by a Service investigator to the petitioner's place of residence and an interview of the petitioner and spouse, if married, to obtain information regarding their plans for the rearing and education of the child. The amount of any fees paid or to be paid, other than to a recognized child welfare agency for arranging the adoption shall be ascertained, as well as whether the petitioner or spouse, if married, has ever sought the assistance of any agency to adopt a child. The investigator shall comment on the home situation and the apparent health of the petitioner in the report. If the child was adopted abroad, the investigator shall ascertain whether the petitioner and spouse, if married, personally saw and observed the orphan prior to or during the adoption proceedings.

If the petitioner is unmarried, he or she must be at least twenty-five years of age at the time of the adoption and when the petition is filed. If the petitioner is married, the form I-600 must be signed by both the petitioner and spouse. If an orphan is adopted abroad by a married United States citizen petitioner, the decree must show that the adoption was by husband and wife jointly.

In all orphan petition cases the only agency checks required are the fingerprint checks of the petitioner and spouse, if married. Therefore, completion of form G-325 shall not be requested. Instead, form G-325D shall be attached to their fingerprint cards and forwarded to the FBI Identification Division. The office code, type of case, and date must be shown in the INS box of form G-325D. (See OI 105.10(b)). Expeditionary responses to the fingerprint checks shall be requested by noting "SPECIAL" on the form G-325D in the manner prescribed by OI 105.10(c).

Through liaison with State departments of welfare or recognized child welfare agencies which furnish home study reports to the Service, every effort shall be made to avoid having the petitioner furnish duplicate sets of documents to the Service and to the agency conducting the home study.

(c) *Sole or surviving parent.*—The statute requires that where there is a sole or surviving parent, that parent must be incapable of providing proper care for the child, and must in writing irrevocably release the child for emigration and adoption. However, when a child has been provisionally adopted in the United Kingdom (including the Channel Islands and the Isle of Man), or has actually been adopted in Germany, the laws of those countries divest the natural parent of any rights or obligations with respect to the child, and there may be difficulty in learning the identity or location of a sole or surviving parent. Accordingly, a form I-600 petition on behalf of a child provisionally adopted in the United Kingdom or actually adopted in Germany may be approved, if otherwise approvable, without a determination that the sole or surviving parent is unable to care for the child properly when the Service is unable to ascertain that parent's identity or whereabouts; also, the requirement for the written release for such child's emigration and adoption may be waived when the Service is satisfied that the petitioner is unable to identify or locate that parent in order to obtain it. A memorandum shall be placed in the file explaining the reason for approval of a petition described in this paragraph when it is approved without a determination of the sole or surviving parent's inability to care for the child properly, or without that parent's irrevocable written release for the child's emigration and adoption. (Revised; Released advance)

(d) *Preadoption requirements.*—If there is any doubt as to the existence or extent of preadoption requirements in any State (e.g., legal possibility of single-parent adoption), a formal request to resolve the doubt shall be made of the attorney general of that State, or of the State department of welfare. The reply resulting from such an inquiry shall be retained for further reference in connection with any other orphan petition concerning an orphan being brought to the United States for adoption in the State.

(e) *Disposition of petition and documents.*—The approved petition shall be forwarded to the consul with evidence of the completed adoption, evidence of ability to properly care for the orphan, any necessary release by the remaining parent, and a form I-604 request for the consular officer to conduct the necessary overseas investigation of the orphan in accordance with paragraph (f) of this OI. Abstracts of records of the voluntary agency or the welfare department and Service investigative reports shall be retained in the "A" file. Only supporting evidence relating to citizenship and marital status shall be returned to the petitioner except that, where such evidence is in the form of copies of documents which have been certified by an attorney to be true and complete copies of the originals, the copies shall be retained in the "A" file. The interested voluntary agency, if any, shall be informed of the decision.

When cable notification of the approval of an I-600 petition is sent to the American Embassy in Seoul, Korea, the name and address of the interested agency in Korea shall be included.

(f) *Overseas investigation.*—Overseas investigation to confirm that the child is an orphan and has no significant affliction or disability not set forth in the petition will be conducted by the American consul in the course of the processing of the visa application after he receives the approved petition. Form I-604 shall be used to request the consul to conduct the investigation and shall be forwarded directly to him in the manner prescribed in AM 2793.13. The approved petition and relating documents shall be attached to form I-604.

If the consul develops no adverse information, he will proceed with the processing of the visa application; if he does develop adverse information, he will suspend action on the visa application and return the petition with completed form I-604 to the Service office of origin. A Service office receiving a report of adverse information on form I-604 shall proceed as set forth in the following paragraph.

If the information relates to the question of orphanage and the district director believes that the child is not an orphan as defined in section 101(b)(1)(F) of the act, the petitioner and spouse, if married, shall be so notified at an interview; inquiry shall be made whether the petitioner wishes to withdraw the petition or have a determination of orphanage made in formal revocation proceedings. If the adverse information relates to an affliction or disability, the pertinent details shall be furnished to the petitioner and spouse, if married, at an interview.

Should they elect to proceed with the petition, the information concerning the affliction or disability shall be incorporated at the bottom of page 1 of form I-600 and initialed by petitioner and spouse, if married. The consul shall be notified by memorandum of the final action. The petition and form I-604 shall be attached to the memorandum for return to the consul only if the action taken is favorable to the petitioner.

(g) *Advance processing when citizen and spouse, if married, intend to proceed abroad.*—When a United States citizen and spouse, if married, notify a Service office in writing that one or both of them intend to proceed abroad to find a child for adoption, the United States citizen and spouse, if married, shall be furnished with fingerprint charts for completion and return to the office. They shall be informed that all processing feasible will be initiated, but that no final adjudication can be made until a child has been found and selected for adoption and form I-600 has been filed with the Service. They shall be advised that in order to expedite the final adjudication of the petition, they should present to the stateside office, in addition to the fingerprint charts, the required supporting documents such as proof of United States citizenship of the petitioner, proof of marriage of the married petitioner and spouse, and evidence of legal termination of any previous marriage(s), or in the case of an unmarried petitioner, proof of legal termination of any previous marriage(s); and evidence that they are able to properly support and care for the orphan. They shall also be advised that in the event a child selected for adoption has one parent, that parent must irrevocably release the orphan for emigration and adoption and evidence of that release must be presented with form I-600; further, that, if only one of the prospective adoptive parents intends to go abroad, it still will be necessary to obtain the other's signature on the form I-600. They shall be advised that the form I-600 may be filed at an overseas office and that their intended destination must be known so that the stateside officer may communicate with the overseas office having jurisdiction over the proposed destination. Those persons who intend to go to Italy should be told to communicate with the District Director at Rome. In all cases, the stateside office shall state the specific overseas office with which the prospective adoptive parent or parents will be expected to deal. (Revised)

When the written request to initiate processing is received by the stateside office, and if the date of intended departure warrants, the stateside office shall notify the designated overseas office telegraphically that initial processing has begun. When the fingerprint charts are in hand, the stateside office will endorse and forward them in the manner prescribed in OI 105.1(h) to insure special handling. A neighborhood, employment, and home study investigation shall also be made if required.

The letter or other written statement which initiates the processing preliminary to the filing of form I-600, together with relating material such as national agency responses and investigative reports and other documentation made available by the prospective adoptive parent or parents, shall be retained by the stateside office until all the necessary processing has been completed. After completion, the material shall be forwarded in the most expeditious manner to the designated overseas office. The overseas office will retain the material in a pending work drawer alphabetically by surname of the prospective adoptive parent or parents. In the event a form I-600 is not filed, the material shall be retained for one year and thereafter destroyed, except that original documents shall be returned to the prospective adoptive parent or parents. (Revised)

If the stateside office develops evidence to indicate that a petition should not be approved, the designated overseas office shall be telegraphically notified that such grounds for denial exist. The possibility of the denial should be communicated to the prospective adoptive parent or parents either by the stateside or the overseas office, depending upon the whereabouts of the prospective adoptive parent or parents. If after such notification, the United States citizen petitioner insists upon filing the form I-600, the petition shall be processed to completion and adjudicated. (Revised)

Mr. KRAMER. Generally we are able to process and complete an I-600 in 3 to 6 weeks. We have one exception, one office which is very badly backlogged. In that office it takes 10 to 12 weeks.

Mr. EILBERG. Which office is that?

Mr. KRAMER. That is Los Angeles.

Each I-600 requires an interview of the petitioner and the spouse, if there is a spouse.

As you know, the law was recently amended to permit adoption by a single parent.

We believe that the home studies that we have seen and received from the State agencies have been most adequate. I have here some figures on how many petitions we have approved and denied over the years, going back to 1958.

In fiscal year 1976, 7,474 I-600's were filed with the service. Of this number 6,913 were approved; 138 were denied. Generally over the years we have been running at a 3 percent denial rate.

The reasons for the denials have been varied, but the overwhelming number of denials is based on the fact that we have found that the child is not an eligible orphan. We have also found in some cases that the petitioner may have a criminal record or other derogatory information that in our view made him unfit to care for the child.

We have some instances where the parent, or the petitioner, will withdraw the petition because for some reason or another the child to be adopted has become unavailable.

Mr. EILBERG. Mr. Kramer, does INS accept at face value findings that are made by the State child welfare agencies or does it go behind the investigations conducted by those agencies.

Mr. KRAMER. Generally we do.

Mr. EILBERG. Do what?

Mr. KRAMER. We do accept at face value the home study.

If there are circumstances in the home study that lead us to question anything in that regard, we will conduct our own study. Generally we have found that the home studies provided by the States have been very reliable.

Mr. EILBERG. Are there any other safeguards?

Mr. KRAMER. When the petition is approved, we require, or we send requests to the consular officer where the immigrant visa is to be issued to make a further check. He must see the child himself. He must determine that the child is in good health. Then he must also make a further determination that the child is in fact an eligible orphan.

Mr. EILBERG. Can you give us an example, Mr. Kramer, of a case where a State in its preadoption proceeding has said that the prospective adoptive parents are suitable but you have, nevertheless, had some question about that? Give us an example of that kind of situation.

Mr. KRAMER. Where the State has said it is not suitable?

Mr. EILBERG. Where they said it is suitable but you have decided to go against it anyway. Where and under what circumstances would you do that?

Mr. KRAMER. I cannot give you the precise reference. I know the situation that was involved. We had a case where home study revealed to us that the prospective parent had been convicted of child molesting. We denied the petition. It was appealed on the basis that a psychiatric report was furnished to us indicating that this incident had happened many, many years ago and that the parent, prospective parent was no longer afflicted with that situation. On appeal this petition was approved.

Mr. EILBERG. Mr. Kramer, was there any follow-up in that case?

Mr. KRAMER. As I say, the derogatory information we had was furnished to us by the State home study. Then we did a follow up and made our own determination.

Mr. EILBERG. That is after the petition was approved? Did you go back after the petition was approved?

Mr. KRAMER. No; I do not believe there was any follow-up in this case.

Mr. EILBERG. So no one followed it up after that?

Mr. KRAMER. The situation is this: When a petition is approved, the child is issued an immigrant visa, he is confirmed, we have no recourse with respect to that child then. We have no legal recourse with respect to a parent who turns a child back to an agency for readoption again. Our hands are really tied because of that fact.

Mr. EILBERG. In the 1964 article prepared by Clayton Doughty, former Deputy Assistant Commissioner for Adjudications for the Immigration and Naturalization Service, it was stated that:

Petitions for eligible orphans are given the highest priority in processing, investigation and adjudication. Neighborhood and employment investigations are conducted and criminal and security records are checked. Petitioners are interviewed in their own homes, information is obtained concerning their plans for rearing and educating the child, and the home environment is carefully observed.

Can you indicate whether each of these procedures are currently followed by INS and are these petitions still given the highest priority in processing, investigation and adjudication?

Mr. KRAMER. I think Mr. Bertness can answer that.

Mr. BERTNESS. Mr. Chairman, the particular procedure that you speak of there was a procedure that was followed prior to the time that the Service began accepting the home study conducted by the volunteer agency or by the State agency. At that time the Service was individually, in each and every case, conducting exactly those items that you referred to. Now that is being done by the volunteer agency or by the State agency except in those cases where such a report is not available; then we do them.

Mr. EILBERG. Do you accept the report of the voluntary agency completely?

Mr. BERTNESS. Yes, sir. The voluntary agencies are approved specifically for that purpose by the State before they are accepted.

Mr. EILBERG. You do not go beyond the report of the voluntary agency?

Mr. BERTNESS. Only if there is something in the case that indicates we should. We would not normally as a routine basis go behind it, no, sir.

Mr. EILBERG. What is the incidence of going behind the report?

Mr. BERTNESS. If there is any indication of arrest, having been arrested, then an investigation is conducted to determine whether or not the arrest, whether or not it resulted in a conviction, whether or not it would bear on the ability of parents to take care of the child.

Mr. EILBERG. We have to go vote.

Gentlemen, excuse us.

[Recess.]

Mr. EILBERG. The subcommittee will come to order. Mr. Crosland, I note that the operating instructions on processing I-600's state that

a home study report by INS is not necessary if such a report has been furnished by a State agency unless there are unusual factors. Does this represent too great a reliance on the State agencies?

Mr. CROSLAND. I think Mr. Kramer could better respond to that.

Mr. KRAMER. As I have indicated, we found the reports we have been getting from the State agencies are continually reliable, and the only time we wouldn't accept it is if, as Mr. Bertness has indicated, there is some indication there may be some impropriety or lack of information we can develop ourselves, and we will do that.

Mr. EILBERG. How often does INS find unusual factors requiring further investigation by INS?

Mr. KRAMER. Very rarely.

Mr. EILBERG. How many such independent investigations were conducted say in the last calendar year?

Mr. CROSLAND. Mr. Bertness?

Mr. BERTNESS. Less than 1 percent of the cases.

Mr. EILBERG. The operating instructions also state that neighborhood and employment checks are not necessary if the preadoption requirements of a State are met. Does INS ever conduct its own neighborhood and employment checks, even though the State preadoption requirements have been met?

Mr. KRAMER. If we have a home study for us by an agency of the State, no, we don't do it ourselves.

Mr. EILBERG. How often does an INS investigator visit the petitioner's place of residence and interview both the petitioner and the spouse regarding their plans for rearing and educating the prospective adoptive child?

Mr. CROSLAND. Mr. Bertness can answer that.

Mr. BERTNESS. Here again, only in the absence of a State home study done, then we do it one time per each case. We only visit the home on one occasion for each investigation.

Mr. EILBERG. Mr. Kramer, it's a little difficult for me to understand that all of the States are so fine that they require very little follow-through. You are not saying that, are you?

Mr. KRAMER. No; we are saying we have found that the reports we get are reliable. There may be an occasional instance where we can look into it because of some information we have.

Mr. EILBERG. What does INS do if the adoption does not take place?

Mr. KRAMER. After we have approved the petition and after a child has come here?

Mr. EILBERG. Yes.

Mr. KRAMER. We don't do anything, sir.

Mr. EILBERG. How often has this occurred?

Mr. KRAMER. We don't even have that information, sir.

Mr. EILBERG. Shouldn't you have that?

Mr. KRAMER. I am sure we don't have the information.

Mr. EILBERG. My question is shouldn't you have it? Shouldn't somebody have it?

Mr. KRAMER. There again, we have the situation what authority do we have to make this kind of inquiry.

Mr. EILBERG. Do you feel we should include that in our bill or legislation or committee report?

Mr. KRAMER. Personally, yes, I do believe that, but there again we would have to be provided with resources to do that.

Mr. EILBERG. But you already said that this kind of situation is the highest priority in the service.

Mr. KRAMER. In handling the petition itself, but if we have to follow up to make an inquiry as to what has happened to the child, that would take extra effort on our part.

Mr. EILBERG. If the adoption does not take place does this child or these children become wards of the State or do they become the responsibility of the adoption agency involved in the State?

Mr. KRAMER. The child becomes the responsibility of the adoption agency.

Mr. EILBERG. How do you know that?

Mr. KRAMER. We have had correspondence from some; for example, I just got a letter from one agency where this very thing has occurred, and they wanted us to tell them just what the immigration status of the child was. So I know this is occurring.

Mr. EILBERG. Have any adoption agencies refused to take responsibility in these cases where the adoption has not gone through?

Mr. KRAMER. I have never heard of any instance.

Mr. EILBERG. Who has the legal custody of the adopted child after admission to the United States but prior to issuance of the final adoption decree?

Mr. KRAMER. The prospective parent, the petitioner.

Mr. EILBERG. Has legal custody?

Mr. KRAMER. Yes. Well, not legal, has the custody of the child. We have to consider what legal custody means in terms of the Immigration Act. The legal custody doesn't begin until the adoption takes place, but the prospective parent is the only one who has any responsibility for that child.

Mr. EILBERG. A prospective parent has physical custody, but you seem not to know whether it's legal.

Mr. KRAMER. Not until the adoption takes place.

Mr. EILBERG. So where is the legal custody when the child is in the country and before the court says OK?

Mr. KRAMER. We have always regarded that the responsibility for the child stayed with the prospective parent, and we have gone on the assumption that this prospective parent is going to go through with the adoption.

Mr. EILBERG. Mr. Crosland, we are having some difficulty with the question, and I don't think it's been adequately answered.

Mr. CROSLAND. I think you are correct, sir. This came up at a previous hearing, and I am not sure we have a valid answer. Legal custody is usually thought of in terms of a court order of a parent or agency who would have legal custody. The Immigration Service has some control over the children, and where they are placed through an agency, and it's not clear to me at this point who actually has the legal custody, whether it's the agency or the Service. I think we would like to submit an answer for the record on that. [See p. 65.]

Mr. EILBERG. Would you do that, please, and it's very essential because, once again, while the subcommittee is interested in this legislation, we do have to be thoroughly prepared on questions that may come up, and this is a very important point, clearly.

Form I-600 requires an affidavit and certification by the petitioner and his spouse that they "will care for the beneficiary of the petition properly if the beneficiary is admitted to the United States." What is the effect of these affidavits and certifications?

Are they legally binding in any respect?

Mr. KRAMER. The courts have held that an affidavit of this nature, with respect to an affidavit of support, these are only a moral obligation. We go beyond the affidavit, and we check into the financial ability of the petitioner to support his child. We will check into his income and his liabilities; we will check into the status in his community as to what is required to raise a child in that area, so we don't accept the affidavit itself as being such.

Mr. EILBERG. Let's assume a case where a child is in the United States but not yet adopted, and an emergency occurs, a serious accident or anything requiring substantial medical treatment, emergency treatment, if you please. Whose responsibility is it to pay for and look after that child before the decree has been signed?

Mr. CROSLAND. Mr. Chairman, it probably more appropriately should be answered in what we wish to submit for the record, that is who has custody, and therefore who would be responsible for the payment.

Mr. EILBERG. Would you provide us with that as soon as you can?

Mr. CROSLAND. Yes, sir.

[The following was submitted by the Department of Justice:]

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., January 9, 1978.

CO 1416.23

CO 1413

HON. JOSHUA EILBERG,

Chairman, Subcommittee on Immigration, Citizenship, and International Law, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On June 15, 1977, I testified before the Subcommittee on Immigration, Citizenship, and International Law concerning H.R. 5804, Alien Adopted Children.

On page 121, beginning at line 2324 and again on page 123, at line 2364 the Service was asked to provide further information regarding the legal custody and care of orphans coming to the United States for adoption. The Committee was interested in determining whose responsibility it would be to pay for and look after a child who requires emergency medical treatment while in the physical custody of the adoptive parents but before the adoption becomes final, or where the prospective adoptive parents decide not to go through with the adoption.

Following is a legal opinion on this subject.

Alien orphans are admitted to the United States for adoption as immediate relatives of the parents who intend to adopt them under sections 101(b)(1)(F) and 201(b) of the Immigration and Nationality Act, 8 U.S.C. §§ 1101(b)(1)(F), 1151(b). Section 101(b)(1)(F) defines "child" to include:

a child, under the age of 14 years at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b) of this Act, who is an orphan . . . coming to the United States for adoption by a United States citizen and spouse who have complied with the preadoption requirements, if any, of the child's proposed residence.

Under section 201(b) of the Act, the child of a United States citizen is entitled to an immigrant visa without regard to the quota limitations in the Act. The Immigration and Naturalization Service requires petitioners for a visa under these sections to demonstrate that they intend to adopt the child, that they have the means to support him or her,¹ and that they have complied with the preadoption

¹ This is required by section 212(a)(15) of the Act, 8 U.S.C. § 1182(a)(15), which declares that aliens "likely to become public charges" are excludable.

tion requirements of the state of adoption.² If a visa is issued, the child is brought to the United States by private persons, normally an adoption agency. The child enters the country as an immigrant and becomes a lawful permanent resident.³ The adoption is then conducted under state law. Thus, section 101(b)(1)(F) extends the status of the child of a United States citizen to an alien orphan who will be adopted by a citizen of the United States.

Section 101(b)(1)(F) of the Immigration and Nationality Act, 8 U.S.C. 1101(b)(1)(F), was amended by the Act of December 16, 1975 (89 Stat. 824) to give the Attorney General discretionary authority to withhold or refuse approval of an adoption petition unless he "is satisfied that proper care will be furnished to the child if admitted to the United States."

At one time the Service performed its own investigations to determine the fitness of the prospective adoptive parents and to assure that the home environment was proper. However, experience showed a high degree of reliability of reports prepared by state agencies approved to conduct such investigations. It was found that by doing its own investigations, the Service was duplicating the efforts of the state agencies.

Therefore, in discharging the Attorney General's duty to inquire as stated in the amended version of section 101(b)(1)(F), the INS relies heavily on reports of investigations by state agencies. The Service conducts its own adoption investigations only where either there is no approved outside agency to investigate, or in cases in which the Service receives information which gives it reason to believe that the prospective parents are unfit.

Although the Attorney General has authority to withhold or refuse approval of an adoption petition, once an immigrant visa is issued pursuant to section 101(b)(1)(F) and section 201(b) of the Act, and the alien orphan is admitted to the United States, the child becomes a lawful permanent resident over whom the INS has no maintenance responsibility.⁴ For the purpose of state law, lawful permanent residents are indistinguishable from citizens as to economic rights. See generally *Graham v. Richardson*, 403 U.S. 365, 377-78 (1971); *Takahashi v. California Fish & Game Commission*, 334 U.S. 410, 418, 420 (1947). We are aware of no basis on which a state in which an adoption agency incurs substantial pre-adoption expenses or where prospective parents renege on an adoption could treat the matter differently than if a domestic child were involved. We therefore conclude that section 101(b)(1)(F) leaves the responsibility for the child's support and expenses to be determined according to state law.

Sincerely,

DAVID CROSLAND, *General Counsel*
(For the Commissioner).

Mr. EILBERG. Do you have any statistics or could you gather statistics on the number of parents who are unable to live up to the assurances they have given in the affidavit or certification?

Mr. KRAMER. We had a study conducted in 1960, and this survey was conducted on all orphans admitted to the United States between September 9, 1959, and June 30, 1960, under the provisions of section 4 of the act of September 11, 1957, as amended, on the basis of petitions approved between September 9, 1959, and June 30, 1960. The survey covering 716 orphans was conducted by Service investigators.

In 11 cases constituting 1.5 percent of the total, the orphan was not residing with either of the petitioners. In two cases, the orphan was residing with only one petitioner. One orphan was deceased as the result of an accidental fall, and we have an outline here as to what happened to this case, and I will be glad to submit that for the record.

² See 8 CFR § 204.2(d)(1)-(2); 1 Gordon & Rosenfeld, *Immigration Law and Procedure*, § 2.18(b)(6), at 2-98.

³ See Immigration and Nationality Act §§ 201(a), 211(a), 8 U.S.C. §§ 1151(a), 1181(a).

⁴ In contrast, the Vietnamese children involved in *Yen v. Kissinger*, 528 F. 2d 1194, 1206 n. 16 (9th Cir., 1975), were paroled into the United States without visas and were therefore in the constructive custody of the Service for purposes of habeas corpus jurisdiction. However, the obligation of the INS to provide emergency medical care to aliens in the United States applies only to aliens within the actual physical custody of the INS. Therefore, the Service would not have any obligation to pay medical expenses for paroled Vietnamese orphans unless they were in the actual physical custody of the INS at the time the medical expenses were incurred.

Mr. EILBERG. We would like to make it a part of the record; and without objection, it will be made a part of the record.
[The information referred to follows:]

SURVEY ON ELIGIBLE ORPHANS ADMITTED BETWEEN SEPTEMBER 9, 1959, AND JUNE 30, 1960, ON THE BASIS OF PETITIONS APPROVED BETWEEN SEPTEMBER 9, 1959, AND JUNE 30, 1960

A survey was conducted on all orphans admitted to the United States between September 9, 1959, and June 30, 1960, under the provisions of section 4 of the Act of September 11, 1957, as amended, on the basis of petitions approved between September 9, 1959, and June 30, 1960. The survey covering 716 orphans was conducted by Service investigators.

In eleven cases constituting 1.5 percent of the total, the orphan was not residing with either of the petitioners. In two cases the orphan was residing with only one petitioner. One orphan was deceased as the result of an accidental fall.

With regard to the eleven cases in which the orphan was not residing with either petitioner was found as follows:

Five cases—child and petitioners were unable to adapt to each other. In four of these cases in which the orphans were to be adopted in the United States home studies of the parents had been conducted by an approved voluntary agency which had recommended the proposed adoptions favorably. The child, in each of those four cases was returned to the interested voluntary agency. One of the four has already been placed with another couple for adoption, while the other three are in private institutions awaiting placement. In the fifth case, the child had been personally selected by the female petitioner and adopted abroad. That child is now in a state-financed boarding home, awaiting placement. (A11 488 263, A12 156 001, A12 155 998, A11 487 097 and A11 928 460)

Two cases—child adopted by proxy was residing with the mother of the male petitioner and being principally supported by sister of male petitioner. (These two children are a brother and sister, who were the niece and nephew of the male petitioner.) The children were reported to be happy and well-cared for. (A11 673 013 and A11 673 014)

Two cases—child brought to United States for adoption had been returned to natural parent abroad, after the petitioners had found that the child could not adapt to new environment. In both these cases, home studies of the petitioners and child studies of the beneficiaries had been conducted by approved voluntary agencies which had recommended the proposed adoptions favorably. (A11 759 851 and A11 639 171)

One case—child brought to United States for adoption was residing with a sister of female petitioner. (Female petitioner was child's aunt). A second sister of female petitioner, who had been raising child in Poland, was expected to arrive in the United States shortly, and there is possibility that sister, rather than petitioners, would adopt the child. (A11 627 237)

One case—because of marital difficulties between the petitioning parents, the child who had been adopted by proxy was surrendered to the Holt Foundation, and has been placed with another couple for adoption. (A11 967 724)

With regard to the two cases in which the child was residing with only one petitioner it was found as follows:

One case—petitioners separated because of alleged infidelity of male petitioner. Child who has been adopted abroad is reportedly happy and well-cared for. (A12 025 556)

One case—petitioners separated, allegedly because of dissension over handling of child. Child was brought to United States for adoption; is residing with male petitioner, who is his paternal uncle. An approved voluntary agency had conducted studies of the petitioners and child, and had recommended the proposed adoption favorably. (A11 519 955)

Mr. EILBERG. Mr. Crosland, obviously the useful quality of a statement from 1960 may have little relevancy, and since this is obviously a matter of high priority in your department, I would hope you could gather a much more recent statement.

Mr. CROSLAND. Yes, sir.

[The following information was submitted for the record:]

The Service does not presently gather this type of information.

Mr. EILBERG. Do you know what happens when a petitioner fails to live up to the assurances?

Mr. KRAMER. In most cases what happens is that the petitioner will turn the child back to the agency, the adoption agency, and the adoption agency will then take measures to provide for the care of the child by either arranging a re-adoption or some foster home situation for the child.

Mr. EILBERG. I am still not quite clear on this point; does INS make its own determination as to the sufficiency or adequacy of the financial resources of the petitioner or do they rely on the State agencies for this?

Mr. KRAMER. Where we have the State agency report and they include that in your home study, we rely on that, but in the interview with the petitioner we examine that situation further as to his ability to take care of the child.

Mr. EILBERG. Isn't it possible for a petition to be filed in different INS district offices by an individual for several orphans without INS being aware that the two petition limitation is being extended?

Mr. KRAMER. We open an A file in every I-600 case. Our procedures provide that the local office where the file is opened to send an index card to our central office index, and our procedure also picks out any relating files that we may have, and we notify the local office of that fact. That is a safeguard we have.

Mr. EILBERG. What happens when that file gets to the central office?

Mr. KRAMER. The file itself doesn't come to the central office. It is kept in the files control office in the field.

Mr. EILBERG. I don't understand.

Mr. KRAMER. We have a central index, sir, of cards, A files, of all A files. If we get an A file on a particular petitioner or child, that kicks back from our computer from our master index any other file on that same name, and then we give that information to the local office so they can make inquiries as to whether other petitions have been filed. We also require the petitioner to state whether or not he has filed similar petitions.

Mr. EILBERG. Do you know of any cases where this system has worked, where the central office index system has worked to indicate that an individual or family has filed more than two petitions?

Mr. KRAMER. We know it works because the basis of the bulk of our denials on orphan petitions is because of the fact they have already had two approved petitions.

Mr. EILBERG. This comes from the central, the system you have in the central office?

Mr. KRAMER. Yes.

Mr. EILBERG. Can you give us a breakdown of the rejections as to the reasons for rejections?

Mr. KRAMER. Yes, we can give you that.

[The following was submitted by the INS:]

The following are estimated percentages for various categories of denials of I-600 applications:

- (1) Failed to establish that child met orphan definition, 35 percent.
- (2) Child ineligible because over 14 years of age, 29 percent.
- (3) Parents financially unable to provide proper care, 18 percent.
- (4) Section 204(c) limit to two orphan petitions, 12 percent.
- (5) Petitioner ineligible because unmarried (this ground no longer applicable since December 16, 1975), 6 percent.

Mr. EILBERG. What types of procedures have been established by the central office for the various INS district offices to ensure close coordination with the various child welfare agencies in State and local governments?

Mr. KRAMER. We rely on our district directors or officers in charge to maintain such close relationships, and we are confident that we have very good relations with all of these agencies.

Mr. EILBERG. In all of the States?

Mr. KRAMER. Yes, sir.

Mr. EILBERG. In view of the past concern of members of this subcommittee that open-ended procedure for bringing in alien children may create serious abuses, should any limits at all be imposed on the number of petitions for alien adopted children and orphans?

Mr. CROSLAND. I think the answer Mr. DeWitt provided to the committee previously this morning is the answer I would submit, that some persons should probably have no children, others could have as many as they could adequately care for and provide the kind of love and affection the children would need. So I would say that there should not be any numerical limitation.

Mr. EILBERG. Mr. Sawyer, any questions?

Mr. SAWYER. I have no questions.

Mr. EILBERG. Mr. Crosland and associates, I thank you very much.

Mr. CROSLAND. Thank you, Mr. Chairman.

Mr. Chairman, there is another exhibit I would like to submit, if I may.

Mr. EILBERG. Would you identify it?

Mr. CROSLAND. One is a series of charts reflecting the number of children that have come from various countries from 1971 through 1976.

Mr. EILBERG. Are those adopted in the United States?

Mr. CROSLAND. Yes, and coming.

Mr. KRAMER. Admitted as orphans.

Mr. CROSLAND. Admitted as orphans.

Mr. EILBERG. And adopted in the United States?

Mr. BERTNESS. Both, broken down between the two.

Mr. EILBERG. Without objection that will be made a part of the record. [The information begins at p. 71.]

[The prepared statement of David Crosland follows:]

STATEMENT OF DAVID CROSLAND, GENERAL COUNSEL, IMMIGRATION AND
NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Mr. Chairman, members of the committee, it is a pleasure to appear before you today to present the views of the Department of Justice on bills relating to the adoption of foreign born children. I am accompanied today by Sol Isenstein, Assistant Commissioner for Adjudications, and by Andrew Carmichael, Assistant Commissioner for Naturalization.

The first group of bills, H.R. 368 and other bills accomplishing the identical result, would eliminate the portion of section 204(c) of the Immigration and Nationality Act (8 U.S.C. 1154(c)) which imposed a limit of two upon the number of petitions that can be approved for one petitioner in behalf of adopted children as defined in sections 101(b)(1)(E) and (F) of the Act (8 U.S.C. 1101(b)(1)(E) and (F)). The only exception presently permitted by statute is where approval of an additional petition is necessary to prevent separation

of brothers and sisters. The effect of the bill would be to allow a couple or a single parent to petition for an unlimited number of adopted alien children.

An adopted child may qualify for immigration benefits under section 101(b) (1) (E) of the Act if he was adopted while under the age of 14 years, and if he has thereafter been in the legal custody of the adopting parent or parents for two years and also has resided with the adopting parent or parents for two years. A child under 14 may qualify for immigration benefits under section 101(b) (1) (F) of the Act if it is determined that he is an orphan and he is coming to the United States for adoption by a United States citizen or parents who have met all preadoption requirements of the place of intended residence in the United States.

An orphan under 14 may also qualify under section 101(b) (1) (F) if he has been adopted abroad by a U.S. citizen parent or parents who have seen and observed the child before or during the adoption proceedings. In either case the Attorney General must be satisfied that proper care will be furnished the orphan if admitted to the United States.

The present two petition limitation derives from similar restrictions contained in special enactments relating to the adoption of orphans which were not part of the I&N Act. The two petition limitation on approval of petitions for adopted children under section 101(b) (1) (E) was added to the Immigration and Nationality Act by the Act of September 22, 1959 (73 Stat. 644). At that time, the House Judiciary Committee report stated that this limitation was intended to cure a social, legal, and economic problem that had been brought to the Committee's attention involving certain families who had adopted large numbers of foreign children. The Committee also suggested that the adoption provision had been used to evade quota restrictions. H.R. Rep. No. 582, 86th Cong., 1st Sess., at 4 (1959).

When section 101(b) (1) (F), facilitating the adoption of orphans, was added to the I&N Act in 1961 (Act of September 26, 1961, 75 Stat. 650), the two petition limitation was amended to also include adopted children coming within that section. Over the years, the two petition limitation has caused hardship. The facts of a published case, *Matter of Kim*, 11 I&N Dec. 69 (Regional Commissioner 1964), illustrates this point. The situation there involved a couple who had adopted two Korean orphans. One of these orphans was ill upon arrival in the United States and died about a month after entry.

The couple then wished to adopt another Korean orphan to take the place of the dead child. There was absolutely no question about the fitness of these people as parents or their ability to support the child. Nevertheless, the petition was barred by the two petition limitation of section 204(c). There are other cases where this strict requirement has prevented people who would be good parents from adopting additional foreign born children.

The Department believes that the two petition limitation can be removed without any adverse effects on the administration of the immigration laws. Both sections 101(b) (1) (E) and (F) already contain safeguards to insure that petitions are approved only where a bona fide parent child relationship has been established, or in the case of an orphan coming to the United States for adoption, will be established. An orphan petition will not be approve under section 101(b) (1) (F) if the Service knows that the prospective parents will not be able to support the child or if it is learned that the child is actually going to live with persons other than the petitioner. The Department favors enactment of legislation to eliminate the two petition restriction.

I will turn now to H.R. 1956 and H.R. 3109, identical bills, which would amend section 323 of the Immigration and Nationality Act (8 U.S.C. 1434), be deleting therefrom all requirements pertaining to the legal custody, residence, and physical presence in the United States for naturalization of children adopted by United States citizens.

Section 323(a) (3) of the Act currently provides that an adopted child, under 18, of United States citizens must reside continuously in the United States in the legal custody of the adoptive parent or parents for at least two years prior to the filing of a petition for naturalization. Section 323(b) further requires the adopted child to be physically present in the United States for one year during the two year period immediately preceding the filing of the petition. The proposed legislation would eliminate these requirements, and would make an adopted child of a U.S. citizen eligible for naturalization immediately after his admission into this country for lawful permanent residence.

Section 323(C) of the Act, providing a waiver of the requirement of physical presence and residence in certain cases, would become superfluous if the proposed legislation were enacted, and accordingly it is eliminated by the bills.

The predecessor of section 323 of the I&N Act was section 316 of the Nationality Act of 1940 (54 Stat. 1137). That provision required the child's adoption to take place in the United States. No statutory period of physical presence in the United States was specified. Statements contained in a 1950 study of the immigration and nationality laws indicated a Congressional concern for protection against fraudulent foreign adoptions undertaken for the sole purpose of conferring United States citizenship upon a foreign child. See S. Rept. No. 1515, 81st Cong., 2d Sess., at 699 (1950).

When section 323 was enacted as part of the Immigration and Nationality Act of 1952, the requirement that the adoption take place in the United States was eliminated. However, a physical presence requirement was included in the new provision. The residency and physical presence requirements of section 323 have resulted in an unnecessary distinction for naturalization purposes between natural and adopted children.

Natural children of U.S. citizens may be naturalized immediately upon entry into the United States for lawful permanent residence. Section 322, I&N Act (8 U.S.C. 1433). On the other hand, adopted children must usually wait a minimum of two years before naturalization. Such a distinction between children, usually of tender years, is both artificial and unnecessary.

I wish to emphasize that adopted children naturalized under section 323 must be lawfully admitted for permanent residence and therefore must already have met the requirements imposed by sections 101(b)(1)(E) or (F) upon all adopted children seeking immigration benefits. As mentioned above, I believe that the requirements contained in those sections of law are sufficient to protect the Government against fraud. The Department believes that there is no need for the additional requirements imposed by sections 323(a)(3) and (b). Consequently, the Department favors enactment of this legislation to eliminate those requirements.

In summary, the Department believes that the provisions relating to the adoption of foreign born children which are eliminated by these bills are unnecessary and have caused hardship. The Department therefore favors enactment of the proposed legislation.

I would be pleased to answer your questions.

[Attachment]

U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE, WASHINGTON, D.C.
ORPHAN VISA PETITIONS (FORM I-600) FILED, APPROVED, AND DENIED: YEARS ENDED JUNE 30, 1958-76

Years	Filed	Approved	Denied
1976.....	7, 474	6, 913	138
1975.....	6, 742	6, 187	103
1974.....	5, 538	5, 325	121
1973.....	4, 665	4, 247	76
1972.....	3, 589	3, 259	97
1971.....	3, 008	2, 258	59
1970.....	2, 902	2, 605	55
1969.....	2, 436	2, 178	39
1968.....	1, 908	1, 699	49
1967.....	1, 950	1, 918	74
1966.....	2, 103	1, 912	80
1965.....	1, 640	1, 538	93
1964.....	1, 930	1, 790	102
1963.....	1, 877	1, 592	75
1962.....	1, 025	646	41
1961.....	2, 857	2, 419	231
1960.....	2, 539	2, 037	200
1959.....	1, 409	1, 399	61
1958.....	566	294	18

IMMIGRANT ORPHANS ADMITTED TO THE UNITED STATES, BY COUNTRY OR REGION OF BIRTH

Country or region of birth	Total	Adopted abroad	To be adopted
YEAR ENDED JUNE 30, 1976			
All countries.....	6,552	1,409	5,143
Europe.....	196	146	50
Germany.....	102	85	17
Greece.....	25	20	5
Italy.....	11	5	6
Poland.....	20	16	4
Portugal.....	10	2	8
Spain.....	6	6	—
United Kingdom.....	13	6	7
Yugoslavia.....	4	3	1
Other Europe.....	5	3	2
Asia.....	5,044	812	4,232
China and Taiwan.....	79	61	18
Hong Kong.....	18	3	15
India.....	22	3	19
Iran.....	23	16	7
Japan.....	52	40	12
Korea.....	3,859	475	3,384
Lebanon.....	10	4	6
Philippines.....	323	44	279
Thailand.....	180	120	60
Vietnam.....	424	21	403
Other Asia.....	54	25	29
North America.....	600	340	260
Canada.....	97	25	72
Costa Rica.....	115	105	10
El Salvador.....	86	8	78
Guatemala.....	41	3	39
Jamaica.....	23	11	12
Mexico.....	127	112	15
Nicaragua.....	17	13	4
Panama.....	27	26	1
Other North America.....	66	37	29
South America.....	676	88	588
Brazil.....	25	16	9
Colombia.....	554	35	519
Ecuador.....	42	21	21
Peru.....	15	5	10
Other South America.....	40	11	29
Africa.....	22	11	11
Ethiopia.....	5	5	—
Cape Verde Islands.....	10	—	10
Other Africa.....	7	6	1
Oceania.....	14	12	2
Australia.....	6	6	—
New Zealand.....	3	2	1
Pacific Islands.....	3	3	—
Other Oceania.....	2	1	1
YEAR ENDED JUNE 30, 1975			
All countries.....	5,633	1,227	4,406
Europe.....	265	176	89
Germany.....	128	99	29
Greece.....	25	23	2
Italy.....	15	11	4
Poland.....	25	18	7
Portugal.....	17	—	17
Spain.....	12	11	1
United Kingdom.....	28	4	24
Yugoslavia.....	8	6	2
Other Europe.....	7	4	3
Asia.....	4,221	518	3,703

IMMIGRANT ORPHANS ADMITTED TO THE UNITED STATES, BY COUNTRY OR REGION OF BIRTH—Continued

Country or region of birth	Total	Adopted abroad	To be adopted
YEAR ENDED JUNE 30, 1975—Continued			
China and Taiwan.....	66	52	14
Hong Kong.....	14	-----	14
India.....	37	5	32
Iran.....	20	16	4
Japan.....	57	44	13
Korea.....	2,913	230	2,683
Lebanon.....	15	9	6
Philippines.....	244	7	237
Thailand.....	139	105	34
Vietnam.....	655	20	635
Other Asia.....	60	30	31
North America.....	607	381	226
Canada.....	133	45	88
Costa Rica.....	94	82	12
El Salvador.....	69	17	52
Guatemala.....	31	17	14
Jamaica.....	25	7	18
Mexico.....	162	153	9
Nicaragua.....	15	12	3
Panama.....	21	20	1
Other North America.....	57	28	29
South America.....	503	119	384
Brazil.....	26	16	10
Colombia.....	379	48	331
Ecuador.....	61	40	21
Peru.....	15	5	10
Other South America.....	22	10	12
Africa.....	21	18	3
Ethiopia.....	9	9	-----
Tunisia.....	7	7	-----
Other Africa.....	5	2	3
Oceania.....	16	15	1
Australia.....	6	6	-----
New Zealand.....	2	2	-----
Pacific Islands.....	6	6	-----
Other Oceania.....	2	1	1
YEAR ENDED JUNE 30, 1974			
All countries.....	4,770	1,817	3,583
Europe.....	325	219	106
Germany.....	177	141	36
Greece.....	18	14	4
Ireland.....	3	1	2
Italy.....	12	5	7
Poland.....	22	20	2
Portugal.....	17	-----	17
Spain.....	12	11	1
United Kingdom.....	39	6	33
Yugoslavia.....	12	12	-----
Other Europe.....	13	9	4
Asia.....	3,591	526	3,065
China and Taiwan.....	58	42	16
Hong Kong.....	11	2	9
India.....	17	3	14
Iran.....	20	16	4
Japan.....	71	56	15
Korea.....	2,453	228	2,225
Lebanon.....	14	7	7
Philippines.....	223	6	217
Thailand.....	126	113	13
Vietnam.....	561	30	531
Other Asia.....	37	23	14
North America.....	474	287	187

IMMIGRANT ORPHANS ADMITTED TO THE UNITED STATES, BY COUNTRY OR REGION OF BIRTH—Continued

Country or region of birth	Total	Adopted abroad	To be adopted
YEAR ENDED JUNE 30, 1974—Continued			
Canada.....	188	62	126
Costa Rica.....	23	22	1
Guatemala.....	24	20	4
Jamaica.....	18	3	15
Mexico.....	129	117	12
Nicaragua.....	18	15	3
Panama.....	20	19	1
Other North America.....	54	29	25
South America.....	344	126	218
Brazil.....	20	12	8
Colombia.....	245	65	180
Ecuador.....	40	29	11
Peru.....	18	10	8
Other South America.....	21	10	11
Africa.....	25	20	5
Ethiopia.....	16	16	—
Morocco.....	4	1	3
Other Africa.....	5	3	2
Oceania.....	11	9	2
Australia.....	6	6	—
New Zealand.....	4	3	1
Tonga.....	1	—	1
YEAR ENDED JUNE 30, 1973			
All countries.....	4,015	1,032	2,983
Europe.....	388	246	142
Austria.....	6	4	2
Germany.....	197	153	44
Greece.....	50	46	4
Italy.....	10	6	4
Malta.....	2	—	2
Poland.....	5	5	—
Portugal.....	21	3	18
Spain.....	19	13	6
United Kingdom.....	56	4	52
Other Europe.....	22	12	10
Asia.....	2,976	441	2,535
China and Taiwan.....	40	30	10
Hong Kong.....	13	2	11
India.....	8	—	8
Iran.....	32	17	15
Japan.....	57	51	6
Korea.....	2,183	206	1,977
Lebanon.....	6	5	1
Philippines.....	205	10	195
Thailand.....	70	66	4
Vietnam.....	324	24	300
Other Asia.....	38	30	8
North America.....	452	214	238
Canada.....	289	83	206
Costa Rica.....	14	14	—
Honduras.....	13	9	4
Jamaica.....	7	1	6
Mexico.....	85	79	6
Nicaragua.....	2	1	1
Panama.....	13	13	—
Other North America.....	29	14	15
South America.....	169	106	63
Brazil.....	20	14	6
Colombia.....	107	57	50
Ecuador.....	21	20	1
Peru.....	7	6	1
Other South America.....	14	9	5
Africa.....	13	8	5

IMMIGRANT ORPHANS ADMITTED TO THE UNITED STATES, BY COUNTRY OR REGION OF BIRTH—Continued

Country or region of birth	Total	Adopted abroad	To be adopted
YEAR ENDED JUNE 30, 1973—Continued			
Cape Verde Islands.....	5	5	5
Ethiopia.....	5	5	
Other Africa.....	3	3	
Oceania.....	17	17	
Australia.....	8	8	
New Zealand.....	6	6	
Other Oceania.....	3	3	
YEAR ENDED JUNE 30, 1972			
All countries.....	3, 023	957	2, 066
Europe.....	361	257	104
Austria.....	6	4	2
Germany.....	204	165	39
Greece.....	43	40	3
Italy.....	18	4	14
Malta.....	5		5
Poland.....	8	4	4
Portugal.....	15	12	3
Spain.....	10	8	2
United Kingdom.....	32	3	29
Other Europe.....	20	17	3
Asia.....	2, 114	417	1, 697
China and Taiwan.....	55	37	18
Hong Kong.....	19	1	18
India.....	9	1	8
Iran.....	26	1	25
Japan.....	88	74	14
Korea.....	1, 585	211	1, 374
Lebanon.....	13	12	1
Philippines.....	136	16	120
Ryukyu.....	14	14	
Thailand.....	28	21	7
Vietnam.....	119	13	106
Other Asia.....	22	16	6
North America.....	444	207	237
Canada.....	355	137	218
Costa Rica.....	7	7	
Honduras.....	5	5	
Jamaica.....	6	1	5
Mexico.....	44	37	7
Nicaragua.....	5	5	
Panama.....	9	9	
Other North America.....	13	6	7
South America.....	63	46	17
Brazil.....	8	4	4
Colombia.....	35	25	10
Ecuador.....	8	6	2
Peru.....	4	4	
Other South America.....	8	7	1
Africa.....	23	16	7
Cape Verde Islands.....	6		6
Ethiopia.....	12	12	
Other Africa.....	5	4	1
Oceania.....	18	14	4
Australia.....	6	6	
New Zealand.....	6	6	
Other Oceania.....	6	2	4

IMMIGRANT ORPHANS ADMITTED TO THE UNITED STATES, BY COUNTRY OR REGION OF BIRTH—Continued

Country or region of birth	Total	Adopted abroad	To be adopted
YEAR ENDED JUNE 30, 1971			
All countries.....	2,724	1,082	1,642
Europe.....	488	331	157
Austria.....	5	3	2
Germany.....	295	246	49
Greece.....	53	41	12
Italy.....	14	6	8
Malta.....	12	-----	12
Portugal.....	16	10	6
Spain.....	11	7	4
United Kingdom.....	62	4	58
Other Europe.....	20	14	6
Asia.....	1,672	470	1,202
China and Taiwan.....	50	31	19
Hong Kong.....	34	-----	34
India.....	7	1	6
Japan.....	88	243	6
Korea.....	1,174	-----	931
Lebanon.....	8	8	-----
Philippines.....	153	16	137
Ryukyu Islands.....	19	18	1
Thailand.....	22	18	4
Vietnam.....	89	33	56
Other Asia.....	28	20	8
North America.....	481	217	264
Canada.....	345	101	244
Costa Rica.....	23	23	-----
Guatemala.....	5	4	1
Jamaica.....	10	4	6
Mexico.....	71	66	5
Panama.....	9	9	-----
Other North America.....	18	10	8
South America.....	47	33	14
Brazil.....	7	6	1
Colombia.....	23	20	3
Paraguay.....	3	1	2
Peru.....	6	3	3
Other South America.....	8	3	5
Africa.....	27	22	5
Ethiopia.....	18	17	1
Other Africa.....	9	5	4
New Zealand and Tonga.....	7	7	-----
All other.....	2	2	-----

IMMIGRANT ORPHANS BORN IN KOREA ADMITTED TO THE UNITED STATES, YEARS ENDED JUNE 30, 1955-74¹

	1955-74	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974
Total admitted.....	15,994	30	166	194	979	945	574	853	482	370	520	466	436	478	515	746	845	1,174	1,585	2,183	2,453
Refugee Relief Act of 1953 ²	460	30	166	194	64	5	-----	1	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Act of Sept. 11, 1957 ³	3,729	-----	-----	-----	915	940	574	852	420	23	5	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Orphans adopted abroad.....	3,258	-----	-----	-----	637	873	538	798	389	18	5	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Orphans to be adopted.....	189	-----	-----	-----	14	49	36	54	31	5	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Orphans whose status was adjusted to immigrant ⁴	282	-----	-----	-----	264	18	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Immigration and Nationality Acts of 1952 and 1965 ⁵	11,805	-----	-----	-----	-----	-----	-----	-----	62	347	515	466	436	478	515	746	845	1,174	1,535	2,183	2,453
Orphans adopted abroad.....	2,165	-----	-----	-----	-----	-----	-----	-----	21	85	212	188	142	151	147	176	155	243	211	206	223
Orphans to be adopted.....	9,640	-----	-----	-----	-----	-----	-----	-----	41	262	303	278	294	327	368	570	690	931	1,374	1,977	2,225

¹ Data on Korean orphans not available prior to 1955.² Statistics on orphans admitted under the Refugee Relief Act of 1953 were not broken down according to the number adopted abroad and the number to be adopted after admission to the United States.³ Expired on June 30, 1961, and was superseded by Public Law 87-301 (see note 5, below).⁴ Sec. 4(c) of the act of Sept. 11, 1957, provided that orphans paroled into the United States could

adjust their status to permanent resident (immigrant). Statistics on those adjusting under this provision were not broken down according to the number adopted abroad and the number to be adopted after admission to the United States. This provision was in effect for 2 yr: 1958 and 1959.

⁵ Sec. 101(b)(6) of the act of 1952, as amended by Public Law 87-301 which became effective on Sept. 26, 1961. Sec. 201(b) of the act of 1965, which became effective on Dec. 1, 1965.

Mr. CROSSLAND. I believe that is all.

Mr. EILBERG. Thank you very much, gentlemen.

Next we will have Mr. Rosoff.

Our next witness is Mr. Saul R. Rosoff, Acting Director, Office of Child Development, Office of Child Development, Office of Human Development, Department of Health, Education, and Welfare.

Would you identify your associates?

TESTIMONY OF SAUL R. ROSOFF, ACTING DIRECTOR, OFFICE OF CHILD DEVELOPMENT, OFFICE OF HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, ACCOMPANIED BY ELAINE SCHWARTZ AND FRANK FERRO, ASSOCIATE CHIEF, CHILDREN'S BUREAU, OFFICE OF CHILD DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. ROSOFF. Thank you, Mr. Chairman,

Mr. Chairman and Members of the subcommittee. I am pleased to appear before you today to discuss briefly the adoption of alien children.

The bills being considered include three different aspects of that topics:

(1) H.R. 871 and identical bills and H.R. 368 and identical bills would allow potential adoptive U.S. parents to gain visas for the adoption of more than two foreign-born children by eliminating the numerical limitations that appear in current immigration law;

(2) H.R. 3109 and identical provisions in other bills would eliminate the requirement that the alien child remain in the legal custody of the potential adoptive parents for two years after placement of the child in the home; and

(3) H.R. 1859 would lower the minimum age from 18 to 16 at which a person may file a naturalization petition on his own behalf.

The concerns of the Department of Health, Education, and Welfare include the welfare of children and their families, with a major focus on helping States and families to insure that when children are adopted the adoptions will be appropriate and stable.

However, the bills being considered today focus on Federal actions in immigration and visa granting. Thus, we defer to the Department of State and the Department of Justice on these bills.

As you know, adoption is a matter controlled by State law so practices vary widely. To assist States in improving policies in this area, HEW's Children's Bureau, in the Office of Human Development, has been developing model standards and guidelines for improving the practicing of adoption, including intercountry adoption.

We intend to continue this function, particularly in light of the increase in the number of children coming to this country for adoption. From 1968 to 1976 there was an increase of 450 percent, from 872 to 4,716, in the number of children adopted from overseas.

We recognize more than ever the importance of working with the Departments of Justice and State to insure that good adoption practices take place as it relates to the children and families involved.

Therefore the children's bureau, with the assistance of 20 representatives of Federal, State, and international public and private agencies, will soon begin a 2-year effort for the development of good practice guidelines for international adoption.

In summary, the purposes of these guidelines are to:

One. Provide for the basis of good practice in the adoptive placement of foreign children in the United States of America;

Two. Provide for a system that protects foreign children from inappropriate separation from their biological parents or their native countries for adoption in the United States of America;

Three. Provide post placement adoption services to these children and their adoptive parents; and

Four. Provide consistency in intercountry adoptions both in the country and abroad for those children who are to be adopted in the United States.

We believe that our effort to develop good practice guidelines for the adoption of foreign children will benefit all parties involved.

This concludes my prepared remarks, Mr. Chairman. I will be happy to answer any questions you may have.

Mr. EILBERG. Mr. Rosoff, you state that there has been an increase from 1966 to 1976 of 450 percent, from 872 to 4,716 of children adopted from overseas. How do you account for this?

Mr. ROSOFF. There are a number of reasons. One is a shortage of opportunities for adoption here in this country; the other is the increasing number of potential children overseas and the desire on the part of an increasing number of families to adopt children.

Mr. EILBERG. Why are you beginning now a 2-year effort for the development of good practice guidelines for international adoption? Are we to infer from this decision that there have been deficiencies in the system?

Mr. ROSOFF. No. I think that in keeping with our concerns as to what is happening to children in this country, it is crucial to look and see what is happening. We have done this generally on foster care, on general adoption procedures, and now as we look at intercountry adoptions we feel it is useful to bring people together, exchange ideas on practices, and survey what is being done and what ought to be done in the future.

Mr. EILBERG. Do you observe from your knowledge or experience whether the States and voluntary agencies in the States have been doing a good job?

Mr. ROSOFF. I have no basis to make a definite judgment, but I believe generally that is the case. I know children are placed with families, there are home studies undertaken, and we would have no reason to believe there are any inappropriate actions being taken. The usefulness of the kind of study we will be doing is to give us current information.

Actually, it may be very useful down the line for us, when we bring a group together, to supply you and this committee with a list of the participants whom we have invited, those who have accepted, and those who will be coming together to review what is going on.

Mr. EILBERG. I hope that as your work proceeds that you will keep this subcommittee posted.

Mr. ROSOFF. Yes, sir, if that is your desire we will do so.

Mr. EILBERG. We would like to be remembered.

The four purposes of your development effort seem to be factors that should have been considered all along. Have the Government and agencies come to realize perhaps there are a number of situations which require corrective action?

Mr. ROSOFF. What we want to do is to stand back, see what is being done in different States, what the practices are in terms of States learning from each other. Agencies learning from each other and to, in fact, lay out in one place the variety of information relating to these kinds of factors.

Mr. EILBERG. Do you have any experience or background on the question that has been asked of several witnesses; namely, should there be any cap or limitation on the number of foreign children that might be adopted and brought to this country.

Mr. ROSOFF. I would agree with the previous responses. We ought to leave it to the family and to the agency based on information found in the home study.

Mr. EILBERG. You may have answered this although I am not quite sure that you have.

Do you believe all State adoption procedures are adequate to insure that alien children coming for adoption will be adequately cared for after their arrival in the United States.

Mr. ROSOFF. We believe all States have some procedures in place that look at factors such as the suitability of the home and what may happen to the child. The exact differences of procedures is among the factions we want to look at, to be able to see what is in place and see how things might be improved if needed.

Right now, if I had to make a judgment, I would say yes, they are adequate.

Mr. EILBERG. All States?

Mr. ROSOFF. I believe so.

Mr. EILBERG. Although I have asked State and Justice to submit State laws on adoption, and preadoption I would appreciate whatever material you have on State law and regulations. Do you have any?

Mr. ROSOFF. Very little at this point. We do hope within the next year we will have not only an analysis of what is in place, but also a comparison of some of the differences between the States, and how improvements might be made.

Mr. EILBERG. You understand, of course, that this subcommittee is desirous of moving this legislation?

Mr. ROSOFF. Yes.

Mr. EILBERG. I hope we will hear from you as soon as possible.

Mr. ROSOFF. Yes, although as indicated we endorse the legislation.

Mr. EILBERG. In view of the past concern of members of this subcommittee that an open-ended procedure for bringing in alien children may create serious abuses, should any limits at all be imposed on the number of petitions for alien adopted children and orphans?

Mr. ROSOFF. No, sir, we do not recommend that.

Mr. EILBERG. Have any abuses come to your attention in recent years with regard to the practices of adopting alien children?

Mr. ROSOFF. No, sir, they have not.

Mr. SAWYER. I have no questions.

Mr. EILBERG. Thank you very much for your appearance this morning.

Mr. ROSOFF. Thank you for having us, and your interest in children.
[The prepared statement of Mr. Saul R. Rosoff follows:]

STATEMENT BY SAUL R. ROSOFF, ACTING DIRECTOR, OFFICE OF CHILD DEVELOPMENT,
OFFICE OF HUMAN DEVELOPMENT

Mr. Chairman and members of the subcommittee, I am pleased to appear before you today to discuss briefly the adoption of alien children.

The bills being considered include three different aspects of that topic: (1) H.R. 871 and identical bills and H.R. 368 and identical bills would allow potential adoptive U.S. parents to gain visas for the adoption of more than two foreign-born children by eliminating the numerical limitations that appear in current immigration law; (2) H.R. 3109 and identical provisions in other bills would eliminate the requirement that the alien child remain in the legal custody of the potential adoptive parents for 2 years after placement of the child in the home; and (3) H.R. 1859 would lower the minimum age (from 18 to 16) at which a person may file a naturalization petition on his own behalf.

The concerns of the Department of Health, Education, and Welfare include the welfare of children and their families, with a major focus on helping States and families to ensure that when children are adopted, the adoptions will be appropriate and stable.

However, the bills being considered today focus on Federal actions in immigration and visa-granting. Thus, we defer to the Department of State and the Department of Justice on these bills.

As you know, adoption is a matter controlled by State law so practices vary widely. To assist States in improving policies in this area, HEW's Children's Bureau, in the Office of Human Development has been developing model standards and guidelines for improving the practice of adoption, including intercountry adoption. We intend to continue this function, particularly in light of the increase in the number of children coming to this country for adoption. From 1968 to 1976 there was an increase of 450 percent (from 872 to 4,716) in the number of children adopted from overseas. We recognize more than ever the importance of working with the Departments of Justice and State to ensure that good adoption practices take place as it relates to the children and families involved.

Therefore the Children's Bureau, with the assistance of 20 representatives of Federal, State, and international public and private agencies, will soon begin a 2-year effort for the development of good practice guidelines for international adoption.

In summary, the purposes of these guidelines are to:

- (1) Provide for the basis of good practice in the adoptive placement of foreign children in the United States of America;
- (2) Provide for a system that protects foreign children from inappropriate separation from their biological parents or their native countries for adoption in the United States of America;
- (3) Provide post placement adoption services to these children and their adoptive parents; and
- (4) Provide consistency in intercountry adoptions both in this country and abroad for those children who are to be adopted in the United States.

We believe that our effort to develop good practice guidelines for the adoption of foreign children will benefit all parties involved.

This concludes my prepared remarks Mr. Chairman. I'll be happy to answer any questions you may have.

Mr. EILBERG. The subcommittee stands adjourned.

[Whereupon, at 1:04 p.m., the subcommittee adjourned.]

Mr. Roosevelt, I think you are having us and your interest in children.

The program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

Mr. Smith, the program statement of Mr. Smith is as follows:

APPENDIXES

APPENDIX 1.—STATEMENTS SUBMITTED BY MEMBERS OF CONGRESS

STATEMENT OF HON. STEWART MCKINNEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Mr. Chairman, I wish to express my support for H.R. 368 and related bills which amend the Immigration and Nationality Act. The legislation before the Subcommittee would eliminate the portion of section 204(c) which imposes a limit of two petitions that can be approved for one petitioner on behalf of adopted children.

In my opinion, those families who are willing and economically able should be allowed to adopt more than two foreign-born children. The section in question also adversely affects those families whose adopted child may have died either before or after arrival in the United States. A family in this calamitous situation is presently barred from adoption of a third child even though they have successfully only adopted one. What is this unfortunate family, who is willing to give their love to an abandoned child, to do? I believe, therefore, that no restrictions should be imposed on the number of foreign-born children a U.S. family may adopt except those restrictions rightfully levied by the adoption authorities. This freedom from limitation should be preserved as long as it is determined that the family is willing and able to give the necessary love and care to the adopted children. I leave it to my colleagues to expound on the substantial justifications for the repeal of section 204(c). My purpose here, is to relate the unnecessary hassles and time required to presently adopt a third child. I became involved in an adoption case brought to my attention by the Friends of Children, Inc. in Darien, Conn. concerning a family who had already adopted two Vietnamese children and wanted to adopt a third.

The third child in question is Lee So Ryung (Joseph). Joseph was found in April 1976 strapped to the back of his dead mother somewhere in Korea. She had died of starvation and Joseph was found in the advance stages of malnutrition and dehydration. Fortunately, he was taken to the Star of the Sea Orphanage in Inchon, Korea by a Korean police officer. There he was treated for his condition and was found to have physical and motor disabilities due to lack of nutrition. The orphanage officials determined that Joseph would only improve if he were placed in a family surrounding. Friends of Children, Inc. discovered a family which they believed would provide a perfect situation but the problem, as I have mentioned, was that this particular family had already adopted two foreign-born children. It was then that the Darien organization came to me; I introduced a private bill, H.R. 1936, and nursed it successfully through the House of Representatives.

The bill is now pending in the Subcommittee on Immigration of the Senate Judiciary Committee and there has been no action taken to date. It has been over a year since adoption proceedings began and still no conclusion has been reached. Recently, however, the Attorney General of the United States granted parole to Joseph which allows him to come to the United States while the immigration process is in the final stages. An important point to be made at this time is the fact that even after the Senate has successfully concluded Joseph's bill, he still will not be a citizen of the United States. I ask the distinguished members of this Subcommittee to also strongly consider H.R. 6488, a bill which would reduce the time period before an adopted foreign-born child can become a U.S. citizen. The present 2 year period is both unessential and only postpones time consuming work which could be accomplished expeditiously at the time of adoption.

Fortunately for Joseph, he is now with his adoptive parents living what will be, I am sure, a happy and fruitful life. But not all foreign born children like Joseph and those families who want to adopt a third child are as fortunate. With

the successful passage of legislation like H.R. 368 more children in Joseph's situation will be able to live a life surrounded by the love and security of a family.

I urge the Subcommittee to take prompt and favorable action on H.R. 368 and related bills so that both the forsaken foreign child and the eager U.S. families can live a more meaningful life together.

I thank the Chairman for allowing my views to be considered.

STATEMENT BY HON. DON H. CLAUSEN, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF CALIFORNIA

Mr. Chairman, I am delighted to be here today to address the distinguished members of the Subcommittee on Immigration and Naturalization regarding the adoption of alien children.

As a sponsor of H.R. 3324, one of the bills to be considered, I appreciate your willingness to consider this very important issue.

Current law prohibits the filing of more than two petitions for immediate relative status in behalf of a foreign-born child. Aliens classified as immediate relatives are not subject to the numerical limitations which aliens classified as nonpreference or Western Hemisphere applicants are.

In other words, technically, there is no restriction in the Immigration and Nationality Act on the number of alien children who may be adopted by U.S. citizens or permanent resident aliens, but only on the number of petitions which may be filed by such adoptive parents to confer immediate relative status on the child.

I believe it is a tragedy that a family which has two foreign born children and who would like to have more and are able and willing to offer love and a good home cannot do so under the present law unless they enter the difficult and lengthy waiting period associated with a nonpreference application.

Waiting for a visa can be risky and sometimes fatal for a child. A resident in my Congressional District became personally aware of these risks when during a 13 month wait for their Vietnamese son to obtain a passport and U.S. visa, he contracted polio in the orphanage which resulted in severe paralysis of both legs.

By permitting families to apply for immediate relative status, these dangerous delays can be avoided.

While my proposal has met with strong support and approval from families in my Congressional District, objections to our proposal from other sources have centered around the contention that a number of alien children would be brought into the United States for unscrupulous reasons. This argument is not supported by fact.

The Humboldt County Council on Adoptable Children has reported to me that "The majority of adoptive families do not even choose to pursue foreign adoptions because of the expense involved. For example, in the year from July 1, 1973 to June 30, 1974 there were 2,549 placements of American-born children by California agencies, as opposed to 132 placements of foreign-born children with California families. Current costs of foreign adoptions through reputable agencies run in the neighborhood of \$2,000; the cost of a domestic adoption through a public agency in California is \$500."

Children brought to the United States under the immediate relative status would be better protected than they are at present. Under current law, families seeking to adopt a third foreign-born child under the nonpreference process need only meet very minimal standards. The family can by-pass an adoption agency and is only required to demonstrate it can financially support another child. Our bill would require that families adopting third, fourth or additional foreign children meet the same rigid standards established by the State of California which apply to those adopting their first and second child. In other words, the families would be required to undergo an adoption homestudy and would be screened to determine if they have the financial and emotional resources to meet the needs of another child.

I strongly recommend prompt action on our bill by the Subcommittee so that waiting families will be free to offer a warm and loving home to a child urgently in need of one.

EUREKA, CALIF., June 10, 1977.

Hon. Don Clausen, this letter is to let you know that many families in Humboldt County actively support your I-600 legislation.

A number of children have joined our families from other countries and some of them are ready for brothers and sisters, which you will provide by removing the limit on I-600 petitions.

Very few children born in the United States are placed for adoption in Humboldt County because of the distance and cost of placement to the agencies.

Thank you for your efforts to help our families grow.

Sincerely yours,

BARBARA LEGER,
Humboldt County's Council
on Adoptable Children (C.O.A.C.).

STATEMENT OF HON. GUY VANDER JAGT, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF MICHIGAN

Mr. Chairman and members of this distinguished committee, I am pleased to have the opportunity to present this statement to you on the subject of the adoption of alien children. My remarks will be brief, but will focus on an area which I am certain already has the attention of the Committee.

The legislation I introduced this year to facilitate the adoption of two or more alien children, H.R. 3704, meets a problem that is not the concern of many, but to those who face it, there can be little doubt that its cause is unintentional on the part of the Congress. I am confident this Committee will quickly see the need for a remedy to this problem to eliminate a cause of needless grief.

Simply stated, the present language in the Immigration and Nationality Act in Section 204 (e) states that no more than two petitions shall be approved for relative status for one petitioner in behalf of adopted children or orphans. The effect of this language technically is to prevent the acceptance of more than two such petitions by the Immigration and Naturalization Service even though only one or, for that matter, neither of two accepted petitions results in relative status for an adopted child due to circumstances of whatever nature.

An illustration of these circumstances is provided in the attached letter, which I hereby submit for the record, from Mr. and Mrs. James Vaude Vusse of Grand Haven, Michigan. The case is most unfortunate, but at the same time makes very clear the nature of the problem which my legislation would remedy.

I am confident that the Committee, in its wisdom and understanding, will have little difficulty in agreeing to appropriate modification of the Immigration and Nationality Act.

Your time and attention to this problem have my deep appreciation, and I am certain the deep gratitude of those families who are unable under present law to adopt the number of alien children it is the intent of law to allow.

Thank you very much.

[Attachment]

GRAND HAVEN, MICH., October 31, 1976.

HON. GUY VANDER JAGT,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. VANDER JAGT: Enclosed you will find copies of the Immigration and Nationality Act, pages 14, 15 and 30. From our convention on October 19, 1976 at Republican headquarters in Grand Haven, Mich., you will remember our discussion of this act and its implications for our family. In 1974 we were in the process of adopting a Korean orphan, and the regional office of Immigrations in Detroit, approved a visa for a baby we had been assigned to by Holt Adoption Program (Eugene, Oregon). Before the baby was able to use the visa and come to the United States, he became ill with pneumonia and died in Korea. Naturally, we were very disappointed, but right away decided to go through the process again and wait for another child to be assigned to us.

Our social worker questioned Immigrations as to whether the first visa that had been approved counted as one, and was told that it wouldn't. Because none of us knew at the time how the law was written, we never questioned their answer and therefore didn't ask for anything in writing to confirm it. Shortly

after that our second visa was approved for another child that Holt had assigned us. Fortunately, she was able to make use of her visa, and arrived in the United States to become a very special part of our family. We thank God for her every day, because she has brought such joy to our lives. She is our only child, and because we are unable to have children of our "own", we would very much like for her to have a Korean brother. We are now in the process of applying through Holt once again, but have been told by the Immigration office in Detroit that we're not allowed another visa since two have already been approved for us. Our point is that two visas were approved, but only one was used and therefore we should be entitled to another one.

We know that in other regional offices exceptions have been made in unusual cases (such as ours) where there are extenuating circumstances. Such was the case when an over-seas orphan, whose visa had been approved, was reclaimed by its natural mother, and Immigration simply allowed the next child assigned to the adoptive parents to use the visa intended for the first child. I think this was the most humane and practical things to do under the circumstances, and wonder why the Detroit office hasn't done the same.

Although a non-preference visa is a possibility for us, it is a remote one; for, this type can involve a waiting period of up to two years after a child has been assigned to you. That means your assigned child would have to live in an orphanage or foster care until the visa was approved, which is hardly fair to him. Also many agencies, such as Holt, won't even work with you on a nonpreference type, unless you're asking for a hard to place child. For a family, like ours, who wants a healthy infant, a non-preference visa would be of no help.

We fully understand that certain quotas have to be maintained in order to satisfy both the Korean and American governments, but when the law is interpreted by certain individuals so as to infringe upon the rights of orphans and their prospective parents, it is certainly an injustice. It is then that taxpayers have every right to ask whether some prejudice or just plain laziness exist within such a department, and if so, how it will be corrected.

Because of this visa problem, Holt has told us to wait with our homestudy. The cost of that plus Holt's adoption fees is a most expensive one, and it would all be wasted if Immigration will not accept cases such as ours. Therefore, we do need a ruling so we can go ahead with the required paper work.

We thank you for your deep concern, and know that you will do everything in your power to seek a solution to this problem. Hopefully we will be hearing from either you or Immigration in the near future.

Sincerely,

Mr. and Mrs. JAMES VANDE VUSSE.

STATEMENT OF HON. WENDELL R. ANDERSON, A U.S. SENATOR
FROM THE STATE OF MINNESOTA

In March of this year I was pleased to introduce S. 987, which is identical to the legislation under consideration by your Subcommittee to remove the limit on the number of foreign children who can be adopted by U.S. citizens on immediate relative status. For this reason, I am especially gratified by your Subcommittee's prompt attention to an unnecessary and restrictive immigration procedure which is at the least troublesome and at the worst can have tragic effects for adoptable foreign children and for families who wish to bring them into their homes.

As you know, under the present law, only two children can be adopted by an American family on immediate relative status. The alternative immigration status, non-preferred, routine results in delays of a year or more before the child can be admitted to this country. As several witnesses have pointed out, adoption agencies often refuse to authorize adoption of a child on non-preferred status because of the lengthy waiting periods which can be so detrimental to the child's wellbeing.

In my home state of Minnesota, there were 723 placements of foreign children in fiscal year 1977. A total of 3,815 foreign children have been placed with Minnesota families since 1965. Many of the families involved in intercountry adoptions deeply want to adopt more than two children, and there is no question about the importance of providing warm, loving homes to the youngsters.

Even if a family experiences the tragedy of the death of an adopted foreign child, it cannot at this time bring another child into the country on immediate

relative status. Mr. Chairman, I would like to submit for the record a text of a letter I received from such a family in Anoka, Minnesota, which expresses in very moving terms the importance of this legislation:

"Dear Senator ANDERSON: My name is Carolyn Johnson. I have a husband whose name is Charles, and a very precious little son named Christopher.

My husband and I adopted Chris through Lutheran Social Services in Minneapolis. He arrived from Seoul, Korea on July 10, 1974 when he was eighteen months old. During the past two and a half years we have shared all the love we have within us, and have gotten twice that much in return from him.

On July 19, 1976 our beautiful three month old daughter arrived from Korea. We had all the love, affection, anticipation, pride and everything that parents can feel towards their newly arrived child. We felt so fortunate to have received a second child.

We were advised at the airport to take our daughter to a doctor immediately, as she was very ill. Kara was placed in the hospital and two days later it was diagnosed that she had shigella. Kara was not able to win the fight for her beautiful and precious life. She passed away on July 20, 1976.

Kara was taken from us for a very special purpose. We have accepted that—for we know it was God's will. However, there is a great emptiness in our family. We know that no one can take the place of the very special little girl who was so much a part of our family for such a very short time. We will never try to replace our little Kara, but we still have all the love and hope within us to adopt another Korean child.

As you know, each family is entitled to only two I-600's for foreign adoption. . . . We would greatly appreciate any and all the help that you could give us. . . .

APPENDIX 2.—TABULATIONS OF VARIOUS VISA ISSUANCES SUBMITTED BY THE DEPARTMENT OF STATE [SEE P. 33]

FISCAL YEAR 1976 (JULY-JUNE ONLY)

Country—Title	IR-3	IR-4	Country—Title	IR-3	IR-4
EUROPE			Thailand.....	107	53
Austria.....	4		United Arab Emirates.....	4	
France:			Vietnam.....	6	4
Governing country.....			Asia, total.....	798	3,760
French Guiana.....		2			
Total.....		2	AFRICA		
Germany (West).....	75	16	Cape Verde.....		9
Great Britain and Northern Ireland:			Ethiopia.....	5	
Governing country.....	8	8	Liberia.....	2	
Belize.....	1		Mauritius.....		1
Hong Kong.....	5	17	South Africa, Republic of.....	1	
St. Christopher-Nevis-Anguilla.....		1	Tunisia.....	1	1
St. Lucia.....		1	Zambia.....	2	
Total.....	14	27	Africa, total.....	11	11
Greece.....	20	4	NORTH AMERICA		
Italy.....	1		Bahamas, The.....	1	1
Latvia.....	6	4	Canada.....	28	74
Netherlands:			Costa Rica.....	95	10
Governing country.....			Dominican Republic.....	8	6
Netherlands Antilles.....	1		El Salvador.....	9	80
Surinam.....	1		Guatemala.....	8	34
Total.....	2		Haiti.....	1	2
Norway.....		1	Honduras.....	25	13
Poland.....	23	4	Jamaica.....	10	11
Portugal:			Mexico.....	118	14
Governing country.....	1	9	Nicaragua.....	14	7
Macao.....		1	Panama.....	24	1
Total.....	1	10	Trinidad and Tobago.....		5
San Marino.....	1		North America, total.....	341	258
Spain.....	5				
Yugoslavia.....	3	1	SOUTH AMERICA		
Europe, total.....	155	69	Argentina.....	2	
ASIA			Bolivia.....	3	9
Bangladesh.....	2	11	Brazil.....	18	10
China.....	56	19	Chile.....	3	10
Cyprus.....		1	Colombia.....	29	550
India.....	4	19	Ecuador.....	21	22
Indonesia.....	13	4	Guyana.....	1	1
Iran.....	14	6	Paraguay.....	1	2
Israel.....	2		Peru.....	5	9
Japan.....	37	13	Venezuela.....	1	2
Jordan.....		1	South America, total.....	85	617
Korea.....	499	3,354			
Laos.....		4	OCEANIA		
Lebanon.....	3	8	Australia.....	6	
Malaysia.....	3		Fiji.....	1	
Pakistan.....		2	New Zealand.....	2	
Philippines.....	46	260	Papua New Guinea.....	1	
Singapore.....	2	1	Tonga, Kingdom of.....		1
			Oceania, total.....	10	1
			Grand total.....	1,400	4,716

TABLE X.—IMMEDIATE RELATIVE VISAS ISSUED

Area of birth or presumed foreign state chargeability	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1969						
Europe						
Albania	1				6	7
Andorra						
Austria	119	13	1		6	139
Belgium	87	12		1	10	110
Bulgaria	22	3			9	34
Czechoslovakia	128	17		2	16	163
Danzig, Free City of	7					7
Denmark	132	20			9	161
Greenland						
Total	132	20			9	161
Estonia	5				2	7
Finland	58	3	1	2	7	71
France	401	83	6	1	47	538
French Guiana	3					3
Guadeloupe	3	2			1	6
Martinique	1	1			2	4
Reunion						
Comoro Islands						
French Polynesia	4					4
French Southern Territories						
French Territory of Afars and Issas					1	1
New Caledonia						
St. Pierre and Miquelon						
Wallis and Futuna Islands						
New Hebrides						
Total	412	86	6	1	51	556
Germany	3,277	995	215	78	205	4,770
Great Britain and Northern Ireland	2,244	396	12	83	361	3,096
Antigua	52	13			2	67
Bahamas	54	10		2	1	67
Bermuda	65	21	1		3	90
British Honduras	69	17	4	1	18	109
British Solomon Islands						
British Virgin Islands	23	8			10	41
Brunei						
Cayman Islands	12	4	1		2	19
Dominica	9	3				12
Falkland Islands						
Fiji Islands	10				9	19
Gibraltar	3				2	5
Gilbert and Ellice Islands	1					1
Grenada	33	8	1	1	5	48
Hong Kong	13	3	2		4	22
Montserrat	4				6	10
New Hebrides						
Pitcairn						
St. Christopher-Nevis-Anguilla	56	22	1		8	87
St. Helena						
St. Lucia	13	8			5	26
St. Vincent	20	7			6	33
Seychelles	16					16
Southern Rhodesia	1					1
Swaziland						
Turks and Caicos Islands	3	1			2	6
Total	2,701	521	22	87	444	3,775

TABLE X.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth or presumed foreign state chargeability	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1969—Continued						
Europe—Continued						
Greece.....	1,017	125	35	49	464	1,690
Hungary.....	178	26	1	1	51	257
Iceland.....	24	10	1		2	37
Ireland.....	172	40	1	4	28	245
Italy.....	1,769	891	7	24	1,560	4,251
Latvia.....	11				8	19
Liechtenstein.....						
Lithuania.....	14				8	22
Luxembourg.....	18		3	1		22
Malta.....	22	7		12	9	50
Monaco.....						
Netherlands.....	261	20			14	295
Netherlands Antilles.....	15	22			2	39
Surinam.....	5				1	6
Total.....	281	42			17	340
Norway.....	105	13		1	6	125
Poland.....	264	55	5	2	200	526
Portugal.....	303	171		8	377	859
Angola.....					2	2
Cape Verde Islands.....	26	27		3	29	85
Macao.....	1	2			1	4
Mozambique.....	3					3
Portuguese Guinea.....						
Portuguese India.....						
Portuguese Timor.....						
Principe and Sao Tome.....						
Total.....	333	200		11	409	953
Romania.....	54	17			34	105
San Marino.....	2				2	4
Spain.....	494	61	14	4	175	748
Equatorial Guinea.....						
Irni.....						
Spanish Sahara.....						
Total.....	494	61	14	4	175	748
Sweden.....	105	23			8	137
Switzerland.....	92	17		2	4	115
U.S.S.R.....	28	5			41	74
Yugoslavia.....	163	18	4	1	98	284
Europe total.....	12,096	3,220	316	283	3,889	19,804
Asia						
Afghanistan.....	11					11
Arabian Peninsula.....		2				2
Bhutan.....						
Burma.....	10	1			3	14
Cambodia.....	1					1
Ceylon.....	6				1	7
China.....	1,121	370	40	77	1,000	2,608
Cyprus.....	36	3	1		18	58
India.....	118	13	4	6	37	178
Indonesia.....	40	2	1		30	73
Iran.....	85	9	1	2	34	132
Iraq.....	35	3			44	83

TABLE X.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth or presumed foreign state chargeability	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1969—Continued						
Asia—Continued						
Israel.....	129	22			18	169
Japan.....	1,621	123	80	7	84	1,915
Jordan.....	113	82	1		54	250
Korea.....	2,230	230	193	582	65	3,300
Kuwait.....	1					1
Laos.....	2		2			4
Lebanon.....	112	15	7		22	156
Malaysia.....	30		2		2	34
Maldives Islands.....						
Muscat and Oman.....						
Nepal.....	2	1	1			4
Pakistan.....	26	4	2		6	38
Philippines.....	1,979	752	3	78	273	3,085
Saudi Arabia.....	2					2
Singapore.....	13					13
Southern Yemen.....	3	3				6
Syria.....	26	7			13	46
Thailand.....	602	107	26	5	1	741
Turkey.....	116	11	5		180	312
Vietnam.....	549	166	4	49	3	771
Yemen.....	13	41			2	56
Asia total.....	9,034	1,967	373	806	1,890	14,070
Africa						
Algeria.....	16	2			3	21
Botswana.....						
Burundi.....						
Cameroon.....	1					1
Central African Republic.....						
Chad.....	1					1
Congo (Brazzaville).....	5	1				6
Congo (Kinshasa).....						
Dahomey.....						
Equatorial Guinea.....			8		3	55
Ethiopia.....	32	12				
Gabon.....						
Gambia, The.....	4	1				5
Ghana.....	6					6
Guinea.....						
Ivory Coast.....			2			14
Kenya.....	11	1				
Lesotho.....			2			16
Liberia.....	14				1	6
Libya.....	4	1				
Malagasy Republic.....			1			2
Malawi.....	1					
Mali.....						
Mauritania.....	1					1
Mauritius.....	46	3			19	68
Morocco.....						
Niger.....	14			1		15
Nigeria.....						
Rwanda.....	1					1
Senegal.....	2					2
Sierra Leone.....	1					1
Somali Republic.....	65	15			8	88
South Africa, Republic of.....						
South-West Africa.....	2					2
Sudan.....						
Swaziland.....	4					4
Tanzania.....						
Togo.....	13	2			7	22
Tunisia.....	3	1				4
Uganda.....	53				37	90
United Arab Republic.....						
Upper Volta.....	1					1
Zambia.....						
Africa total.....	301	39	13	1	78	432

TABLE X.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth or presumed foreign state chargeability	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1969—Continued						
North America						
Barbados.....	102	21			30	153
Canada.....	2,139	581	114	159	111	3,104
Canal Zone.....						
Costa Rica.....	73	25	6		6	110
Cuba.....	46	18		14	356	424
Dominican Republic.....	526	169			12	707
El Salvador.....	91	15			3	109
Guatemala.....	94	20	2			116
Haiti.....	30	28			21	79
Honduras.....	100	22			4	126
Jamaica.....	501	127		5	90	723
Mexico.....	7,493	3,195	6	1	392	11,087
Nicaragua.....	54	30			6	90
Panama.....	333	139	9		26	507
Trinidad and Tobago.....	208	31		1	71	257
North America total.....	11,790	4,421	137	170	1,074	17,592
South America						
Argentina.....	88	11			11	110
Bolivia.....	46	4			1	51
Brazil.....	176	25	1	1	8	211
Chile.....	101	20	1	1	6	129
Colombia.....	215	56		1	19	298
Ecuador.....	104	7	5		22	138
Guyana.....	77	10	7		4	99
Paraguay.....	15	4			1	20
Peru.....	190	33	3		19	245
Uruguay.....	26	7			5	38
Venezuela.....	79	17	1		4	101
South America total.....	1,117	194	25	3	101	1,440
Oceania						
Australia.....	308	38	10		10	366
Christmas Islands.....						
Cocos Island.....						
Papua.....						
Total.....	308	38	10		10	166
Nauru.....			1			1
New Guinea.....						
New Zealand.....	138	20	7		1	366
Cook Islands.....						
Total.....	138	20	7		1	166
Pacific Islands.....	504	131	16		8	659
Tonga, Kingdom of.....	1				3	4
Western Samoa.....	11	6	1		1	19
Oceania total.....	962	195	35		23	1,215
Grand total, 1969.....	35,300	10,036	899	1,263	7,055	54,553
FISCAL YEAR 1968						
Europe						
Albania.....	2				6	8
Andorra.....						
Austria.....	122	24	4		16	166
Belgium.....	66	15			19	100
Bulgaria.....	13				4	17
Czechoslovakia.....	135	18			19	172
Danzig, Free City of.....	9	1			5	15
Denmark:						
Governing country.....	139	9	7	1	11	177
Greenland.....						
Total.....	149	9	7	1	11	177

TABLE X.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth or presumed foreign state chargeability	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1968—Continued						
Europe—Continued						
Estonia.....	7				2	9
Finland.....	81	4			8	93
France:						
Governing country.....	472	115	5	1	56	649
French Guiana.....	3					3
Guadeloupe.....	9	9			1	9
Martinique.....	2	1			2	5
Reunion.....						
Comoro Islands.....						
French Polynesia.....	2	5				7
French Southern Territories.....						
French Territory of Afars and Issas.....						
New Caledonia.....	2				1	3
St. Pierre and Miquelon.....						
Wallis and Futun Islands.....						
New Hebrides.....						
Total.....	490	130	5	1	60	686
Germany.....	4, 012	1, 350	293	61	257	5, 973
Great Britain and Northern Ireland:						
Governing country.....	1, 864	339	4	64	368	2, 639
Aden.....		1				1
Antigua.....	72	27			16	115
Bahamas.....	45	17			8	70
Basutoland.....						
Bechuanaland.....						
Bermuda.....	55	20			5	80
British Honduras.....	77	17			18	112
British Solomon Islands.....						
British Virgin Islands.....	34	6			15	55
Brunei.....						
Cayman Islands.....	9	6			2	17
Dominica.....	14	13				27
Falkland Islands.....						
Fiji Islands.....	6				13	19
Gambia.....						
Gibraltar.....					2	2
Gilbert and Ellice Islands.....						
Grenada.....	30	6			7	43
Hong Kong.....	20	3	1		9	33
Maldiv Islands.....						
Mauritius.....	2					2
Montserrat.....	11	2			5	18
New Hebrides.....						
Pitcairn Island.....						
St. Christopher-Nevis.....	46	15	2		11	74
St. Helena.....						
St. Lucia.....	10	4			5	19
St. Vincent.....	18	11		1	8	38
Seychelles.....	7					7
Southern Rhodesia.....	2	1				3
Swaziland.....						
Turks and Caicos Islands.....	2	2				4
Zanzibar.....						
Total.....	2, 324	490	7	65	492	3, 378
Greece.....	1, 121	180	43	6	553	1, 903
Hungary.....	153	29	2		67	251
Iceland.....	23	7	2			32
Ireland.....	123	21		16	51	211
Italy.....	1, 921	1, 122	10	68	1, 823	4, 944
Latvia.....	5				8	13
Liechtenstein.....						
Lithuania.....	15					
Luxembourg.....	16	3	6	1	11	26
Malta.....	20	4	1		1	27
Monaco.....	1				7	32
Netherlands:						
Governing country.....	237	27			18	282
Netherlands Antilles.....	9	18			2	29
Surinam.....	3	1				4
Total.....	249	46			20	315

TABLE X.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth or presumed foreign state chargeability	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1968—Continued						
Europe—Continued						
Norway.....	71	16	-----	-----	10	97
Poland.....	273	63	7	-----	216	559
Portugal:						
Governing country.....	314	181	-----	11	414	920
Angola.....	-----	-----	-----	-----	-----	-----
Cape Verde Islands.....	37	33	-----	12	26	108
Macao.....	2	-----	-----	-----	6	8
Mozambique.....	-----	-----	-----	-----	-----	-----
Portuguese Guinea.....	-----	-----	-----	-----	-----	-----
Portuguese India.....	-----	-----	-----	-----	-----	-----
Portuguese Timor.....	-----	-----	-----	-----	-----	-----
Principe and Sao Tome.....	-----	1	-----	-----	-----	1
Total.....	353	215	-----	23	446	1,037
Romania.....	30	3	-----	-----	22	55
San Marino.....	1	1	-----	-----	2	4
Spain:						
Governing country.....	519	63	7	2	133	724
Fernando Po.....	-----	-----	-----	-----	-----	-----
Ifni.....	-----	-----	-----	-----	-----	-----
Rio Muni.....	-----	-----	-----	-----	-----	-----
Spanish Sahara.....	-----	-----	-----	-----	-----	-----
Total.....	519	63	7	2	133	724
Sweden.....	87	6	-----	-----	5	98
Switzerland.....	66	13	-----	-----	4	83
U.S.S.R.....	30	2	-----	-----	63	95
Yugoslavia.....	170	15	3	1	75	264
Europe total.....	12,657	3,850	397	245	4,416	21,565
Asia						
Afghanistan.....	2	1	-----	-----	-----	3
Arabian Peninsula.....	1	-----	-----	-----	-----	1
Bhutan.....	-----	-----	-----	-----	-----	-----
Burma.....	11	3	-----	-----	4	18
Cambodia.....	-----	-----	-----	-----	-----	-----
Ceylon.....	4	2	-----	-----	-----	6
China.....	1,140	508	40	72	1,002	2,762
Cyprus.....	29	8	-----	-----	16	53
India.....	96	17	3	7	51	174
Indonesia.....	22	4	2	-----	53	60
Iran.....	71	3	3	5	34	116
Iraq.....	15	-----	-----	-----	12	27
Israel.....	90	18	-----	-----	12	120
Japan.....	1,615	154	82	11	88	1,950
Jordan.....	13	8	-----	-----	17	38
Korea.....	1,410	166	159	383	57	2,175
Kuwait.....	-----	-----	-----	-----	-----	-----
Laos.....	1	-----	-----	-----	-----	1
Lebanon.....	74	27	6	2	25	134
Malaysia.....	31	3	3	-----	-----	37
Maldives Islands.....	-----	-----	-----	-----	-----	-----
Muscat and Qman.....	-----	-----	-----	-----	-----	-----
Nepal.....	2	1	-----	-----	-----	3
Pakistan.....	28	2	-----	1	7	38
Palestine, Arab.....	92	154	-----	-----	55	301
Philippines.....	2,014	728	24	74	276	3,116
Saudi Arabia.....	1	-----	-----	-----	-----	1
Singapore.....	2	-----	-----	-----	-----	2
Southern Yemen.....	1	7	-----	-----	-----	8
Syria.....	25	5	1	-----	16	47
Thailand.....	296	37	15	3	3	354
Turkey.....	136	10	7	1	199	353
Vietnam.....	324	83	3	66	1	477
Yemen.....	13	10	-----	-----	-----	23
Asia total.....	7,559	1,959	348	625	1,907	12,398

TABLE X.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth or presumed foreign state chargeability	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1968—Continued						
Africa						
Algeria.....	16				3	19
Botswana.....						
Burundi.....						
Cameroon.....	2					2
Central African Republic.....						
Chad.....						
Congo (Brazzaville).....	1					1
Congo (Kinshasa).....	3					3
Dahomey.....						
Ethiopia.....	28	3	4			35
Gabon.....						
Gambia.....						
Ghana.....	6					6
Guinea.....	1					1
Ivory Coast.....						
Kenya.....	9					9
Lesotho.....						
Liberia.....	2					2
Libya.....	7	1			4	12
Malagasy Republic.....						
Malawi.....						
Mali.....						
Mauritania.....						
Mauritius.....						
Morocco.....	48	5			31	84
Niger.....						
Nigeria.....	9	2				11
Rwanda.....						
Senegal.....	2					2
Sierra Leone.....	2					2
Somali Republic.....						
South Africa, Republic of.....	69	14			2	85
South-West Africa.....						
Sudan.....	1	2			1	4
Tanganyika.....						
Tanzania.....	2					2
Togo.....						
Tunisia.....	10	1			8	19
Uganda.....	1					1
United Arab Republic.....	41	3		1	24	69
Upper Volta.....						
Zambia.....						
Africa total.....	260	31	4	1	73	369
Oceania						
Australia:						
Governing country.....	208	36	6		14	264
Christmas Island.....						
Cocos Islands.....						
Papua.....						
Total.....	208	36	8		14	264
Nauru.....						
New Guinea.....						
New Zealand:						
Governing country.....	104	15	4		3	126
Cook Islands.....						
Total.....	104	15	4		3	126
Pacific Islands.....	473	120	12	1	6	612
Tonga, Kingdom of.....	3				4	7
Western Samoa.....	7	8	2		4	21
Oceania total.....	795	179	24	1	31	1,030
Grand total, 1968.....	21,271	6,019	773	872	6,427	35,362

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1975						
Europe						
Albania					3	3
Andorra						
Austria	65	11			14	90
Belgium	72	28	1		10	111
Bulgaria	8				3	11
Czechoslovakia	76	1			16	93
Danzig, Free City of	2		2			4
Denmark	107	8	1		7	123
Greenland						
Total	107	8	1		7	123
Estonia	4	2			1	7
Finland	58	1			5	64
France	279	29			11	319
French Guiana	1					1
Guadeloupe	2	3				5
Martinique	5				1	6
Reunion						
Comoro Islands						
French Polynesia	1	3				4
French Southern Territories						
French Territory of Afars and Issas						
New Caledonia	1					1
St. Pierre and Miquelon						
Wallis and Futuna Islands						
New Hebrides						
Total	289	35			12	336
Germany	1,807	652	101	30	126	2,716
Great Britain and Northern Ireland	2,077	573	2	27	328	3,007
Antigua	130	37		2	34	203
Belize	175	105		1	54	335
Bermuda	59	25				84
British Solomon Islands						
British Virgin Islands	13	9			11	33
Brunei	1				1	2
Cayman Islands	10	14	1		3	28
Dominica	43	12	1	1	13	70
Falkland Islands						
Gibraltar						
Gilbert and Ellice Islands						
Hong Kong	19	8			7	34
Montserrat	1	6			9	24
New Hebrides	9					1
Pitcairn	1					1
St. Christopher-Nevis-Anguilla	118	46			28	192
St. Helena						
St. Lucia	45	12			2	59
St. Vincent	64	18	3		17	102
Seychelles	6	4				10
Southern Rhodesia	6	1			1	8
Turks and Caicos Islands	5					5
Total	2,782	870	7	31	507	4,197
Greece	961	124	22	2	256	1,365
Hungary	96	9	1		16	122
Iceland	30	22				52
Ireland	159	16		2	17	194
Italy	772	165	14	4	606	1,561
Latvia	6				3	9
Liechtenstein						
Lithuania	5				7	12
Luxembourg	10	3				13
Malta	19	7			9	35
Monaco						
Netherlands	188	25			18	231
Netherlands Antilles	37	10				47
Surinam	9	4		1	3	17
Total	234	39		1	21	295

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1975—Continued						
Europe—Continued						
Norway.....	93	11			3	107
Poland.....	221	38	13	6	110	388
Portugal.....	221	61		12	501	795
Angola.....						
Cape Verde Islands.....	15	19		9	40	83
Macao.....	2				2	2
Portuguese India.....						
Portuguese Timor.....						
Principe and Sao Tome.....						
Total.....	238	80		21	543	882
Romania.....	68	12	1		13	94
San Marino.....		1			1	2
Spain.....	414	68	9	1	100	592
Spanish Sahara.....						
Total.....	414	68	9	1	100	592
Sweden.....	104	13			7	124
Switzerland.....	79	7			5	91
U.S.S.R.....	45	5			27	77
Yugoslavia.....	142	14	6	1	75	238
Europe total.....	8,966	2,242	178	99	2,523	14,008
Asia						
Afghanistan.....	2	1			2	5
Bahrain.....	3					3
Bangladesh.....	10		2		2	14
Bhutan.....						
Burma.....	5				8	13
Cambodia.....	14	1	3	12	2	32
China.....	1,172	210	57	23	1,585	3,047
Cyprus.....	31	16			14	61
India.....	166	16	2	36	153	373
Indonesia.....	38	12	13	2	17	82
Iran.....	152	9	20	4	62	247
Iraq.....	62	9			50	121
Israel.....	251	43	3		28	325
Japan.....	1,180	180	39	14	64	1,477
Jordan.....	146	45	2		64	257
Korea.....	2,297	280	245	2,706	774	6,302
Kuwait.....	1					1
Laos.....	24	8	5			37
Lebanon.....	113	31	8	7	31	190
Malaysia.....	34	5	1		5	45
Maldives, Republic of.....						
Nepal.....	9			2		11
Oman.....						
Pakistan.....	55			2	29	86
Philippines.....	3,650	2,018	7	245	3,720	9,640
Qatar.....						
Saudi Arabia.....		1				1
Singapore.....	30	10			2	42
Sri Lanka.....	3				10	13
Syria.....	41	7			23	71
Thailand.....	1,795	551	116	37	17	2,516
Turkey.....	99	12	2		104	217
United Arab Emirates.....						
Vietnam.....	720	480	21	618	18	1,857
Yemen (Aden).....	3	1				4
Yemen (Sana).....	16	25				41
Asia total.....	12,122	3,971	546	3,708	6,784	27,131

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1975—Continued						
Africa						
Algeria	11				1	12
Botswana	1	3			1	5
Burundi						
Cameroon	1					1
Central African Republic						
Chad	1					1
Congo						
Dahomey						
Egypt	79	1			21	101
Equatorial Guinea	1					1
Ethiopia	26	5	8			39
Gabon						
Gambia, The	1					1
Ghana	32	5				37
Guinea						
Guinea-Bissau						
Ivory Coast						
Kenya	10	7			2	19
Lesotho						
Liberia	17	4			1	22
Libya	5					5
Madagascar	2	1				3
Malawi	1					1
Mali	1					1
Mauritania						
Mauritius	8					8
Morocco	69	5			8	82
Mozambique		2			2	4
Niger						
Nigeria	17	4				21
Rwanda						
Senegal	1					1
Sierra Leone	3					3
Somalia	3					3
South Africa, Republic of	64	6			15	85
South-West Africa	1					1
Sudan	6	1				7
Swaziland	1					1
Tanzania	13				3	16
Togo	1					1
Tunisia	25		7		2	34
Uganda	3	1			1	5
Upper Volta						
Zaire	7	1				8
Zambia	2	1	1		1	5
Africa total	413	47	16		58	534
North America						
Bahamas, The	108	19	2	2	5	136
Barbados	198	60			26	284
Canada	2,537	575	41	88	105	3,346
Canal Zone		1				1
Costa Rica	246	71				317
Cuba	66	6	87	12	22	438
Dominican Republic	1,312	828	9		241	3,133
El Salvador	420	172	9	11	47	2,207
Grenada	91	23	15	54	41	702
Guatemala	369	126			41	1,555
Haiti	472	101	15	15	17	542
Honduras	352	165			48	622
Jamaica	1,042	448	16	6	47	1,586
Mexico	10,798	5,188	140	22	111	16,226
Nicaragua	264	114	12	10	590	984
Panama	577	303	24	3	43	947
Trinidad and Tobago	633	197	1	5	70	906
North America total	19,485	8,397	368	230	1,533	30,013

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1975—Continued						
South America						
Argentina.....	410	30	-----	1	46	487
Bolivia.....	157	22	7	2	27	215
Brazil.....	344	32	14	11	16	417
Chile.....	368	44	1	5	32	450
Colombia.....	1,468	252	44	347	111	2,222
Ecuador.....	631	162	41	23	43	900
Guyana.....	268	94	1	2	78	443
Paraguay.....	38	3	1	-----	2	44
Peru.....	814	84	4	8	53	973
Uruguay.....	106	13	1	1	5	126
Venezuela.....	157	34	1	2	5	199
South America total.....	4,761	780	115	402	418	6,476
Oceania						
Australia.....	297	32	5	-----	15	349
Christmas Island.....	-----	-----	-----	-----	-----	-----
Cocos Islands.....	-----	-----	-----	-----	-----	-----
Papua New Guinea.....	1	-----	-----	-----	-----	1
Total.....	298	32	5	-----	15	350
Fiji.....	8	1	1	-----	15	25
Nauru.....	-----	-----	-----	-----	-----	-----
New Guinea.....	-----	-----	-----	-----	-----	-----
New Zealand.....	90	18	2	-----	1	111
Cook Islands.....	1	-----	-----	-----	-----	1
Niue.....	-----	-----	-----	-----	-----	-----
Total.....	91	18	2	-----	1	112
Pacific Islands.....	48	18	2	-----	2	70
Tonga, Kingdom of.....	2	1	-----	-----	10	13
Western Samoa.....	12	2	-----	-----	11	25
Oceania total.....	459	72	10	-----	54	595
Grand total, 1975.....	46,206	15,509	1,233	4,439	11,370	78,757
FISCAL YEAR 1974						
Europe						
Albania.....	3	-----	-----	-----	2	5
Andorra.....	-----	-----	-----	-----	-----	-----
Austria.....	71	8	1	-----	7	87
Belgium.....	76	14	1	-----	11	102
Bulgaria.....	9	2	-----	-----	4	15
Czechoslovakia.....	90	8	-----	-----	14	112
Danzig, Free City of.....	1	1	-----	-----	-----	2
Denmark.....	131	12	-----	-----	10	153
Greenland.....	-----	-----	-----	-----	-----	-----
Total.....	131	12	-----	-----	10	153
Estonia.....	8	1	-----	-----	4	13
Finland.....	59	3	-----	1	1	64
France.....	288	43	2	-----	24	357
French Guiana.....	-----	-----	-----	-----	1	1
Guadeloupe.....	5	10	-----	-----	-----	15
Martinique.....	6	-----	1	-----	-----	7
Reunion.....	-----	-----	-----	-----	-----	-----
Comoro Islands.....	-----	-----	-----	-----	-----	-----
French Polynesia.....	-----	-----	-----	-----	-----	-----
French Southern Territories.....	-----	-----	-----	-----	-----	-----
French Territory of Afars and Issas.....	-----	-----	-----	-----	-----	-----
New Caledonia.....	1	-----	-----	-----	-----	1
St. Pierre and Miquelon.....	-----	-----	-----	-----	1	1
Wallis and Futuna Islands.....	-----	-----	-----	-----	-----	-----
New Hebrides.....	-----	-----	-----	-----	-----	-----
Total.....	300	53	3	-----	26	382
Germany.....	2,357	884	149	35	117	3,542

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1974—Continued						
Asia—Continued						
Great Britain and Northern Ireland.....	2, 219	597	4	42	270	3, 132
Antigua.....	157	41			29	227
Belize.....	173	107			48	328
Bermuda.....	48	18	1		2	69
British Solomon Islands.....						
British Virgin Islands.....	11	7			13	31
Brunei.....	1					1
Cayman Islands.....	8	5			2	15
Dominica.....	30	8			7	45
Falkland Islands.....						
Gibraltar.....	1				1	2
Gilbert and Ellice Islands.....						
Hong Kong.....	25	5	1		3	34
Montserrat.....	13				7	20
New Hebrides.....						
Pitcairn.....						
St. Christopher-Nevis-Anguilla.....	114	40		1	14	169
St. Helena.....	1					1
St. Lucia.....	66	18	2		7	93
St. Vincent.....	78	10		4	16	108
Seychelles.....	6	1				7
Southern Rhodesia.....	3	1				4
Turks and Caicos Islands.....	7	1				8
Total.....	3, 097	871	8	47	437	4, 460
Greece.....	1, 088	81	14	3	282	1, 468
Hungary.....	109	11	2		17	139
Iceland.....	22	7				29
Ireland.....	159	20	1	2	20	202
Italy.....	813	168	3	12	676	1, 672
Latvia.....	7	1			3	11
Liechtenstein.....						
Lithuania.....	7				8	15
Luxembourg.....	11	1			2	14
Malta.....	27	8			6	41
Monaco.....				1		1
Netherlands.....	254	29			18	301
Netherlands Antilles.....	54	17	2			73
Surinam.....	12	12			1	25
Total.....	320	58	2		19	399
Norway.....	62	20	1	1	1	105
Poland.....	241	63	14	2	107	427
Portugal.....	197	52		17	373	639
Angola.....	1					1
Cape Verde Islands.....	26	11		5	23	65
Macao.....	1				1	2
Mozambique.....		1				1
Portuguese Guinea.....						
Portuguese India.....					1	1
Portuguese Timor.....						
Principe and Sao Tome.....						
Total.....	225	64		22	398	709
Romania.....	79	16			33	128
San Marino.....						
Spain.....	445	71	12	2	83	613
Spanish Sahara.....						
Total.....	445	71	12	2	83	613
Sweden.....	115	13			1	129
Switzerland.....	77	3	1		9	90
U.S.S.R.....	41	6			47	94
Yugoslavia.....	169	18	12	4	68	271
Europe total.....	10, 103	2, 474	224	132	2, 395	15, 328
Asia						
Afghanistan.....	5					5
Bahrain.....	1					1
Bangladesh.....	16	5	3			24
Bhutan.....						
Burma.....	2				5	7
Cambodia.....	2			3		5

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse I-4R	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1974—Continued						
Asia—Continued						
China.....	1,244	242	44	121	1,056	2,707
Cyprus.....	25	2			9	36
India.....	146	24	5	12	79	266
Indonesia.....	55	3	6	2	17	83
Iran.....	178	14	15	4	62	273
Iraq.....	76	1			41	118
Israel.....	204	25	1		7	237
Japan.....	1,487	197	58	15	69	1,826
Jordan.....	153	59		4	44	260
Korea.....	2,352	246	206	2,210	552	5,566
Kuwait.....						
Laos.....	18	4	7			29
Lebanon.....	111	44	4	7	28	194
Malaysia.....	34	8	1		7	50
Maldives, Republic of.....						
Nepal.....	2			2		4
Oman.....	1					1
Pakistan.....	55	7			13	75
Philippines.....	3,854	2,247	1	223	3,649	9,974
Qatar.....						
Saudi Arabia.....	2	3				5
Singapore.....	29	3	1		3	36
Sri Lanka.....	6				2	8
Syria.....	35	9			11	55
Thailand.....	2,096	606	113	12	6	2,833
Turkey.....	98	15	5	1	114	233
United Arab Emirates.....	1					1
Vietnam.....	778	466	26	557	12	1,839
Yemen (Aden).....	6	4				10
Yemen (Sana).....	19	51				70
Asia total.....	13,091	4,285	496	3,173	5,786	26,831
Africa						
Algeria.....	24				3	27
Botswana.....	1	1				2
Burundi.....	1					1
Cameroon.....	1					1
Central African Republic.....						
Chad.....						
Congo.....						
Dahomey.....						
Egypt.....	74	3			24	101
Equatorial Guinea.....						
Ethiopia.....	73	31	16			120
Gabon.....						
Gambia, The.....						
Ghana.....	14	7				21
Guinea.....						
Ivory Coast.....						
Kenya.....	18	3				24
Lesotho.....	1					1
Liberia.....	12	2				14
Libya.....	7				2	9
Madagascar.....	5	2				7
Malawi.....	4	2	1			7
Mali.....						
Mauritania.....						
Mauritius.....	2					2
Morocco.....	69	7		3	12	91
Niger.....						
Nigeria.....	16	5				21
Rwanda.....						
Senegal.....	4					4
Sierra Leone.....	3	2				5
Somalia.....	1					1
South Africa, Republic of.....	67	14			5	86
South-West Africa.....						
Sudan.....	4					4
Swaziland.....	2					2
Tanzania.....	3				2	5
Togo.....	3	2				5
Tunisia.....	16				3	19
Uganda.....	4	1				5
Upper Volta.....						
Zaire.....	4					4
Zambia.....	3	9	1			13
Africa total.....	436	91	18	3	54	602

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1974—Continued						
North America						
Bahamas, The	134	49	1		8	192
Barbados	265	76			27	368
Canada	2,523	533	58	125	102	3,341
Canal Zone						
Costa Rica	262	71	19	1	15	368
Cuba	98	11			227	336
Dominican Republic	2,274	1,209	5	9	38	3,535
El Salvador	501	148	8	5	33	695
Grenada	202	24			41	267
Guatemala	493	110	18	4	22	647
Haiti	571	37	2	3	27	640
Honduras	439	176	8	5	39	667
Jamaica	1,353	389	3	16	98	1,859
Mexico	14,607	7,864	270	10	774	23,525
Nicaragua	322	84	15	3	57	481
Panama	593	314	18	1	91	1,017
Trinidad and Tobago	953	203			59	1,215
North America total	25,590	11,298	425	182	1,658	39,153
South America						
Argentina	523	34	2		36	595
Bolivia	181	27	2	1	20	231
Brazil	394	28	15	7	20	464
Chile	452	73	3	1	44	573
Colombia	1,509	199	67	191	89	2,455
Ecuador	986	200	23	10	86	1,305
Guyana	424	79		6	84	593
Paraguay	33	2	1	2	2	40
Peru	920	92	5	9	55	1,081
Uruguay	132	15			6	153
Venezuela	175	44			5	224
South America total	6,129	793	118	227	447	7,714
Oceania						
Australia	290	45	6		19	360
Christmas Island						
Cocos Islands						
Papua New Guinea						
Total	290	45	6		19	360
Fiji	15	3			19	37
Nauru						
New Guinea						
New Zealand	84	13	3	1	5	106
Cook Islands						
Total	84	13	3	1	5	106
Pacific Islands	45	13			1	59
Tonga, Kingdom of	6	5		1	7	19
Western Samoa	17	7			7	31
Oceania total	457	86	9	2	58	612
Grand total, 1974	55,806	19,027	1,290	3,719	10,398	90,240
FISCAL YEAR 1973						
Europe						
Albania	2				3	5
Andorra						
Austria	96	6	3	2	9	116
Belgium	52	8	2	3	14	79
Bulgaria	12	1			1	14
Czechoslovakia	97	2			13	112
Danzig, Free City of	6				1	7
Denmark	88	17			9	114
Greenland						
Total	88	17			9	114
Estonia	4					4
Finland	69	14		2	5	90

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1973—Continued						
Europe—Continued						
France.....	304	46	—	—	32	382
French Guiana.....	—	1	—	—	—	1
Guadeloupe.....	9	5	—	—	1	15
Martinique.....	1	1	—	—	—	2
Reunion.....	—	—	—	—	—	—
Comoro Islands.....	—	—	—	—	—	—
French Polynesia.....	—	—	—	—	—	—
French Southern Territories.....	—	—	—	—	—	—
French Territory of Afars and Issas.....	—	—	—	—	—	—
New Caledonia.....	—	—	—	—	—	—
St. Pierre and Miquelon.....	—	—	—	—	—	—
Wallis and Futuna Islands.....	—	—	—	—	—	—
New Hebrides.....	—	—	—	—	—	—
Total.....	314	53	—	—	33	400
Germany.....	2,137	808	155	49	128	3,277
Great Britain and Northern Ireland.....	2,250	551	5	46	346	3,198
Antigua.....	130	30	—	—	14	174
Bahamas.....	106	26	—	—	11	143
Belize.....	171	66	—	4	47	288
Bermuda.....	71	22	—	—	4	97
British Solomon Islands.....	—	—	—	—	—	—
British Virgin Islands.....	17	4	—	—	4	25
Brunei.....	—	—	—	—	—	—
Cayman Islands.....	8	2	—	—	—	10
Dominica.....	36	16	—	—	2	54
Falkland Islands.....	—	—	—	—	—	—
Gibraltar.....	2	—	—	—	—	2
Gilbert and Ellice Islands.....	—	—	—	—	—	—
Grenada.....	135	11	—	—	10	156
Hong Kong.....	35	11	2	—	6	54
Montserrat.....	17	7	—	—	5	29
New Hebrides.....	—	—	—	—	—	—
Pitcairn.....	—	—	—	—	—	—
St. Christopher-Nevis-Anguilla.....	108	31	—	2	18	159
St. Helena.....	—	—	—	—	—	—
St. Lucia.....	48	13	—	—	5	66
St. Vincent.....	81	11	—	—	14	106
Seychelles.....	9	5	—	—	—	14
Southern Rhodesia.....	11	3	—	—	—	14
Turks and Caicos Islands.....	1	—	—	—	—	1
Total.....	3,236	809	7	52	486	4,593
Greece.....	1,161	62	49	8	275	1,550
Hungary.....	89	10	—	—	24	125
Iceland.....	31	13	—	—	—	44
Ireland.....	168	13	1	1	19	202
Italy.....	997	236	4	3	840	2,080
Latvia.....	5	—	—	—	2	7
Liechtenstein.....	—	—	—	—	—	—
Lithuania.....	4	1	—	—	10	15
Luxembourg.....	6	1	6	—	—	13
Malta.....	17	2	—	2	7	28
Monaco.....	—	—	—	—	—	—
Netherlands.....	242	17	—	1	16	176
Netherlands Antilles.....	32	11	—	—	2	45
Surinam.....	9	2	—	—	—	11
Total.....	283	30	—	1	18	332
Norway.....	73	14	—	1	7	95
Poland.....	231	70	5	—	89	395
Portugal.....	217	86	17	18	312	650
Angola.....	—	—	—	—	—	—
Cape Verde Islands.....	22	17	—	6	20	65
Macao.....	1	1	—	—	1	3
Mozambique.....	—	—	—	—	—	—
Portuguese Guinea.....	—	—	—	—	—	—
Portuguese India.....	1	1	—	—	—	2
Portuguese Timor.....	—	—	—	—	—	—
Principe and Sao Tome.....	—	—	—	—	—	—
Total.....	241	105	17	24	333	720
Romania.....	65	30	1	—	23	119
San Marino.....	1	1	—	—	—	2

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1973—Continued						
Europe—Continued						
Spain.....	429	55	14	5	105	608
Spanish Sahara.....						
Total.....	429	55	14	5	105	608
Sweden.....	109	19	2		4	134
Switzerland.....	72	13			6	91
U.S.S.R.....	27				33	60
Yugoslavia.....	131	23	6	3	91	254
Europe total.....	10,253	2,416	272	156	2,588	15,685
Asia						
Afghanistan.....	6				1	7
Bahrain.....						
Bangladesh.....	11		11			22
Bhutan.....						
Burma.....	9	2			4	15
Cambodia.....	13					
China.....	1,151	237	30	20	1,050	2,488
Cyprus.....	29	1			5	35
India.....	125	12	2	11	53	203
Indonesia.....	50	6	4	2	7	69
Iran.....	123	6	19	7	59	214
Iraq.....	55	3		1	19	78
Israel.....	202	22	1		18	243
Japan.....	1,741	250	54	5	72	2,122
Jordan.....	129	50	1	1	60	241
Korea.....	2,232	351	222	1,962	582	5,349
Kuwait.....	3					3
Laos.....	18	4	1			23
Lebanon.....	115	47	6	1	26	195
Malaysia.....	46	3	3		3	55
Maldives, Republic of.....						
Nepal.....	2					2
Oman.....						
Pakistan.....	50	8		1	15	75
Philippines.....	3,467	1,970	3	193	1,565	7,198
Qatar.....						
Saudi Arabia.....	4					4
Singapore.....	21	1			2	24
Sri Lanka.....	12			1	3	16
Syria.....	35	3	1		13	52
Thailand.....	2,095	547	65	1	2	2,710
Turkey.....	96	9	1	1	86	193
United Arab Emirates.....						
Vietnam.....	1,392	610	24	285	8	2,319
Yemen (Aden).....	2	28				30
Yemen (Sana).....	19	193			6	218
Asia total.....	13,253	4,363	448	2,492	3,660	24,216
Africa						
Algeria.....	13				5	18
Botswana.....	1					1
Burundi.....						
Cameroon.....	1					1
Central African Republic.....						
Chad.....						
Congo.....						
Dahomey.....						
Egypt.....	76	2			22	100
Equatorial Guinea.....	1					1
Ethiopia.....	42	8	5		3	58
Gabon.....						
Gambia, The.....	1					1
Ghana.....	10	2				12
Guinea.....	2					2
Ivory Coast.....	1					1
Kenya.....	8	5				13
Lesotho.....						
Liberia.....	11	3				14
Libya.....	11	3			1	15
Madagascar.....	2					2
Malawi.....	1					1
Mali.....						
Mauritania.....						
Mauritius.....	6					6

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1973—Continued						
Africa—Continued						
Morocco.....	76	11	6		11	104
Niger.....	1					1
Nigeria.....	15	3				18
Rwanda.....		1				1
Senegal.....	2					2
Sierra Leone.....	1					1
Somalia.....	3					3
South Africa, Republic of.....	87	13			4	104
South-West Africa.....						
Sudan.....	2				2	4
Swaziland.....	1					1
Tanzania.....	3					3
Togo.....	3					3
Tunisia.....	13	5			3	21
Uganda.....	6					6
Upper Volta.....	1					1
Zaire.....	4					4
Zambia.....	4					4
Africa total.....	409	56	11		51	527
North America						
Barbados.....	215	37		2	17	271
Canada.....	3, 013	642	73	196	105	4, 029
Canal Zone.....						
Costa Rica.....	223	65	14		18	320
Cuba.....	78	18			227	323
Dominican Republic.....	2, 632	915		8	39	3, 594
El Salvador.....	467	129	4	1	36	637
Guatemala.....	457	78	9		26	570
Haiti.....	332	34	3	1	31	401
Honduras.....	432	179	10	4	37	662
Jamaica.....	1, 233	247	1	6	84	1, 571
Mexico.....	14, 894	7, 338	73	21	819	23, 145
Nicaragua.....	214	64	1	1	35	315
Panama.....	646	293	16		74	1, 029
Trinidad and Tobago.....	997	206		1	57	1, 261
North America total.....	25, 833	10, 245	204	241	1, 605	38, 128
South America						
Argentina.....	495	35			52	582
Bolivia.....	140	29	5	1	22	198
Brazil.....	366	54	12	8	12	452
Chile.....	330	38	2		58	428
Colombia.....	1, 285	162	61	48	105	1, 661
Ecuador.....	848	121	28	3	51	1, 051
Guyana.....	409	44	1	3	42	499
Paraguay.....	33				1	34
Peru.....	721	63	7	1	60	852
Uruguay.....	115	6			6	127
Venezuela.....	184	38			5	227
South America total.....	4, 926	590	117	64	414	6, 111
Oceania						
Australia.....	319	36	6		2	363
Christmas Island.....						
Cocos Islands.....						
Papua New Guinea.....						
Total.....	319	36	6		2	363
Fiji.....	24				9	33
Nauru.....						
New Guinea.....						
New Zealand.....	95	20	4		1	120
Cook Islands.....						
Total.....	95	20	4		1	120
Pacific Islands.....	57	18	1		1	77
Tonga, Kingdom of.....	7	1				8
Western Samoa.....	21	3	1		14	39
Oceania total.....	523	78	12		27	640
Grand total, 1973.....	55, 197	17, 748	1, 064	2, 953	8, 345	85, 307

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1972						
Europe						
Albania.....	1				5	6
Andorra.....						
Austria.....	89	10	3	2	12	116
Belgium.....	75	11	1		13	100
Bulgaria.....	7				2	9
Czechoslovakia.....	100	6			17	123
Danzig, Free City of.....	5	6				11
Denmark.....	118	12			10	140
Greenland.....						
Total.....	118	12			10	140
Estonia.....	6				3	9
Finland.....	70	2			2	74
France.....	298	50	2		38	388
Franch Guiana.....	1					1
Guadeloupe.....	4	1	1			6
Martinique.....	4	1				5
Reunion.....						
Comoro Islands.....						
French Polynesia.....	1					1
French Southern Territories.....						
French Territory of Afars and Issas.....						
New Caledonia.....						
St. Pierre and Miquelon.....						
Wallis and Futuna Islands.....						
New Hebrides.....	1					1
Total.....	309	52	3		38	402
Germany.....	2,101	746	160	42	130	3,179
Great Britain and Northern Ireland.....	1,779	396	1	36	254	2,466
Antigua.....	75	20		3	15	113
Bahamas.....	73	22			5	100
Bermuda.....	51	15			2	68
British Honduras.....	141	59			33	233
British Solomon Islands.....						
British Virgin Islands.....	21	8			5	34
Brunei.....						
Cayman Islands.....	4	5			1	10
Dominica.....	16	2			4	22
Falkland Islands.....						
Gibraltar.....	1					1
Gilbert and Ellice Islands.....						
Grenada.....	58	5			14	77
Hong Kong.....	44	10	1	2	50	107
Montserrat.....	12	3			5	20
New Hebrides.....						
Pitcairn.....						
St. Christopher-Nevis-Anguilla.....	89	22			6	117
St. Helena.....						
St. Lucia.....	32	5			5	42
St. Vincent.....	46	5			6	57
Seychelles.....	13	7				20
Southern Rhodesia.....	7	3				10
Turks and Caicos Islands.....	3	1			3	7
Total.....	2,465	588	2	41	408	3,504
Greece.....	1,109	88	43	2	293	1,535
Hungary.....	88	13	2		29	132
Iceland.....	41	24			1	66
Ireland.....	152	13	1	1	18	185
Italy.....	1,027	274	4	10	1,058	2,373
Latvia.....	8				9	17
Liechtenstein.....						
Lithuania.....	6				9	15
Luxembourg.....	11		2		2	15
Malta.....	25	1		5	3	34
Monaco.....						
Netherlands.....	228	24		2	17	271
Netherlands Antilles.....	39	11				50
Surinam.....	6	1			4	11
Total.....	273	36		2	21	332
Norway.....	69	10			4	83
Poland.....	218	56	9	4	110	397

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1972—Continued						
Europe—Continued						
Portugal.....	192	74	10	5	251	532
Angola.....						
Cape Verde Islands.....	28	27		6	14	75
Macao.....					1	1
Mozambique.....	2					2
Portuguese Guinea.....						
Portuguese India.....						
Portuguese Timor.....						
Principe and Sao Tome.....						
Total.....	222	101	10	11	266	610
Romania.....	56	13			21	90
San Marino.....	3					3
Spain.....	388	41	9	2	149	589
Spanish Sahara.....						
Total.....	388	41	9	2	149	589
Sweden.....	126	7			10	143
Switzerland.....	84	10			1	95
U.S.S.R.....	38	7			44	89
Yugoslavia.....	141	25	8	1	98	273
Europe total.....	9,431	2,152	257	123	2,786	14,749
Asia						
Afghanistan.....	7					7
Arabian Peninsula.....						
Bahrain.....	1					1
Bangladesh.....						
Bhutan.....						
Burma.....	4			1	6	11
Cambodia.....	2					2
China.....	1,092	191	37	29	623	1,972
Cyprus.....	16	2			4	22
India.....	119	12	1	8	26	166
Indonesia.....	35	1	4		25	65
Iran.....	151	13	2	24	41	231
Iraq.....	38				37	75
Israel.....	162	28	1		16	207
Japan.....	1,299	152	72	14	66	1,603
Jordan.....	114	62			41	217
Korea.....	2,158	324	190	1,292	337	4,301
Kuwait.....		3		3		6
Laos.....	4	2	1			7
Lebanon.....	99	17	12	1	25	154
Malaysia.....	35	2	4			41
Maldives, Republic of.....						
Nepal.....	2	2			1	5
Oman.....	2					2
Pakistan.....	46	4		1	11	62
Philippines.....	3,241	1,704	19	125	1,066	6,155
Qatar.....	8	2				10
Saudi Arabia.....	19		3			22
Singapore.....	10					20
Sri Lanka.....	32	4			9	45
Syria.....	1,829	421	16	6		2,272
Thailand.....	107	7	3	1	98	216
Turkey.....						
United Arab Emirates.....						
Vietnam.....	1,660	547	12	111	8	2,338
Yemen (Aden).....	3	8				11
Yemen (Sana).....	24	104			5	133
Asia total.....	12,319	3,612	377	1,616	2,455	20,379
Africa						
Algeria.....	19				4	23
Botswana.....	2					2
Burundi.....						
Cameroon.....	2					2
Central African Republic.....						
Chad.....						
Congo.....						
Dahomey.....						
Egypt.....	63	1			23	85
Equatorial Guinea.....						
Ethiopia.....	33	12	11			56
Gabon.....	1					1

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1972—Continued						
Africa—Continued						
Gambia.....	1					1
Ghana.....	7	2		1		10
Guinea.....	1					1
Ivory Coast.....		2				2
Kenya.....	11	5				16
Lesotho.....	1					1
Liberia.....	8	3	3			14
Libya.....	5				3	8
Madagascar.....						
Malawi.....	1					1
Mali.....						
Mauritania.....						
Mauritius.....	4					4
Morocco.....	58	7	1		7	73
Niger.....						
Nigeria.....	10					10
Rwanda.....						
Senegal.....						
Sierra Leone.....						
Somalia.....	2					2
South Africa, Republic of.....	56	15			5	76
South-West Africa.....						
Sudan.....	3	1				4
Swaziland.....						
Tanzania.....	5				1	6
Togo.....	1					1
Tunisia.....	19				1	20
Uganda.....	5					5
Upper Volta.....						
Zaire.....	3					3
Zambia.....						
Africa total.....	319	48	15	1	44	427
North America						
Barbados.....	184	27			19	230
Canada.....	3,004	649	128	217	127	4,125
Canal Zone.....	1					2
Costa Rica.....	201	35	3		11	250
Cuba.....	66	11			227	304
Dominican Republic.....	1,872	578	1	2	25	2,478
El Salvador.....	269	94	1	2	20	386
Guatemala.....	328	61	1		14	404
Haiti.....	151	31	2		29	213
Honduras.....	282	111	5		20	418
Jamaica.....	890	182	1	5	70	1,148
Mexico.....	12,073	6,117	45	46	641	18,922
Nicaragua.....	180	49	5		20	254
Panama.....	510	265	15		59	849
Trinidad and Tobago.....	606	100		1	23	730
North America total.....	20,617	8,311	207	273	1,305	3,713
South America						
Argentina.....	297	19			56	372
Bolivia.....	117	13	1	1	14	146
Brazil.....	278	29	6	3	24	340
Chile.....	260	37	2		44	343
Colombia.....	706	111	25	11	55	908
Ecuador.....	488	100	11	2	69	670
Guyana.....	309	57			36	402
Paraguay.....	23	2	1		2	28
Peru.....	448	52	6		53	559
Uruguay.....	56	4			11	71
Venezuela.....	111	34	2		5	152
South America total.....	3,093	458	54	17	369	3,991
Oceania						
Australia.....	293	47	6		22	368
Christmas Island.....						
Cocos Islands.....						
Papua.....						
Total.....	293	47	6		22	368
Fiji.....	12	7		2	6	27
Nauru.....						
New Guinea.....						

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1972—Continued						
Oceania—Continued						
New Zealand	84	21	8		4	117
Cook Islands						
Total	84	21	8		4	117
Pacific Islands	531	165	9	1	9	715
Tonga, Kingdom of	3	1			7	11
Western Samoa	15	11			9	35
Oceania total	938	252	23	3	57	1,273
Grand total, 1972	46,717	14,833	933	2,033	7,016	71,532
FISCAL YEAR 1971						
Europe						
Albania					1	1
Andorra						
Austria	107	12	2	1	12	134
Belgium	76	6	2		15	99
Bulgaria	7				3	10
Czechoslovakia	106	13			24	143
Danzig, Free City of	9	1				10
Denmark	124	9			7	140
Greenland	1					1
Total	125	9			7	141
Estonia	1					1
Finland	78	6	2	1	4	91
France	316	55			40	411
French Guiana						
Guadeloupe	1	6			1	8
Martinique	5				1	6
Reunion					1	1
Comoro Islands						
French Polynesia	4					4
French Southern Territories						
French Territory of Afars and Issas						
New Caledonia						
St. Pierre and Miquelon						
Wallis and Futuna Islands						
New Hebrides						
Total	326	61			43	430
Germany	2,475	861	247	53	151	3,787
Great Britain and Northern Ireland	2,060	425	5	56	308	2,854
Antigua	88	11	2		12	113
Bahamas	75	12			2	89
Bermuda	59	23			4	86
British Honduras	125	61	1		33	220
British Solomon Islands						
British Virgin Islands	13	6			3	22
Brunei						
Cayman Islands	6	4			5	15
Dominica	16	1			2	19
Falkland Islands						
Fiji Islands	3				1	4
Gibraltar						
Gilbert and Ellice Islands						
Grenada	38	10		2	13	63
Hong Kong	23	3			7	33
Montserrat	12	2			5	19
New Hebrides						
Pitcairn						
St. Christopher-Nevis-Anguilla	57	23			12	92
St. Helena						
St. Lucia	27	4		1	3	35
St. Vincent	26	10		1	8	45
Seychelles	6	1				7
Southern Rhodesia	2					2
Turks and Caicos Islands	4					4
Total	2,640	596	8	60	418	3,722

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1971—Continued						
Europe—Continued						
Greece.....	1,131	120	33	10	394	1,688
Hungary.....	115	16	2		48	181
Iceland.....	28	12			6	46
Ireland.....	161	21	2		12	196
Italy.....	1,344	449	6	11	1,202	3,012
Latvia.....	8				1	9
Liechtenstein.....						
Lithuania.....	1				5	6
Luxembourg.....	12	1	3	1	1	18
Malta.....	22	11		12	2	47
Monaco.....						
Netherlands.....	249	20			28	297
Netherlands Antilles.....	24	11			2	37
Surinam.....	4	3			4	11
Total.....	277	34			34	345
Norway.....	91	17		4	2	114
Poland.....	240	39	1	3	97	380
Portugal.....	272	144	13	5	293	727
Angola.....		2				2
Cape Verde Islands.....	44	28	2		16	90
Macao.....	1				2	3
Mozambique.....	1					1
Portuguese Guinea.....					1	1
Portuguese India.....	1					1
Portuguese Timor.....						
Principe and Sao Tome.....						
Total.....	319	174	13	7	312	825
Romania.....	127	87			48	262
San Marino.....	2	1			2	5
Spain.....	396	82	6	5	128	617
Spanish Sahara.....						
Total.....	396	82	6	5	128	617
Sweden.....	120	10			11	141
Switzerland.....	82	11			8	101
U.S.S.R.....	22	1			33	56
Yugoslavia.....	176	44	2	5	91	318
Europe total.....	10,624	2,695	329	173	3,115	16,936
Asia						
Afghanistan.....	6				2	8
Arabian Peninsula.....	1					1
Bhutan.....						
Burma.....	5	2			16	23
Cambodia.....						
Ceylon.....	4	4	2		2	12
China.....	1,122	247	30	49	633	2,081
Cyprus.....	21	7		1	15	44
India.....	107	20	1	5	32	165
Indonesia.....	28	4	1		17	50
Iran.....	100	16		11	37	164
Iraq.....	47				29	76
Israel.....	144	18			23	185
Japan.....	1,695	122	85	5	46	1,953
Jordan.....	96	64		1	60	221
Korea.....	3,243	412	244	939	188	5,026
Kuwait.....	1	2				3
Laos.....	8	2	4			14
Lebanon.....	104	23	6		26	559
Malaysia.....	38	1	5		2	46
Maldives, Republic of.....						
Muscat and Oman.....						
Nepal.....	3			1		4
Pakistan.....	36	1	3		9	49
Philippines.....	3,617	1,694	9	137	763	6,220
Saudi Arabia.....	3					5
Singapore.....	21	3			1	16
Southern Yemen.....	1	7				9
Syria.....	37	1			23	61

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1971—Continued						
Asia—Continued						
Thailand	1,471	274	22	1	2	1,770
Turkey	92	6	2		144	244
Vietnam	1,197	377	35	53	4	1,666
Yemen	17	85			3	105
Asia total	13,256	3,394	449	1,203	2,078	20,380
Africa						
Algeria	16				1	17
Botswana						
Burundi						
Cameroon						
Central African Republic						
Chad						
Congo (Brazzaville)						
Congo (Kinshasa)	2		1			3
Dahomey						
Equatorial Guinea						
Ethiopia	41	6	21			68
Gabon						
Gambia	1					1
Ghana	9	5				14
Guinea	1	1				2
Ivory Coast	2					2
Kenya	11	2				13
Lesotho						
Liberia	7		2			9
Libya	6	5				11
Madagascar	2					2
Malawi	1					1
Mali						
Mauritania						
Mauritius	2				2	4
Morocco	59	6	3		4	72
Niger						
Nigeria	13	2			1	16
Rwanda						
Senegal	3					3
Sierra Leone	2					2
Somali Republic	3					3
South Africa, Republic of	46	8		2	6	62
South-West Africa						
Sudan	2	2			1	5
Swaziland						
Tanzania	3					3
Togo	1					1
Tunisia	19				3	22
Uganda	1	2	1			4
United Arab Republic	43	1		4	15	63
Upper Volta						
Zambia	1					1
Africa total	297	40	28	6	33	404
North America						
Barbados	121	41			14	176
Canada	3,005	731	112	235	160	4,243
Canal Zone						
Costa Rica	150	35	26		13	224
Cuba	36	16			310	362
Dominican Republic	1,430	609		1	32	2,072
El Salvador	218	51	1	4	25	299
Guatemala	221	57	5		22	305
Haiti	117	20	1		36	174
Honduras	191	91	2		22	306
Jamaica	771	166	4	6	92	1,039
Mexico	10,349	5,037	86	12	586	16,070
Nicaragua	120	36				156
Panama	475	220	10		53	758
Trinidad and Tobago	446	94		2	25	567
North America total	17,650	7,204	247	260	1,404	26,765

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1971—Continued						
South America						
Argentina	232	41			39	312
Bolivia	78	19			19	117
Brazil	273	40	6	1	21	341
Chile	245	55		2	27	329
Colombia	481	68	23	2	58	632
Ecuador	325	38	1	1	50	415
Guyana	200	22			32	254
Paraguay	14	1	1	2	5	23
Peru	344	69	1	4	46	464
Uruguay	59	8			3	70
Venezuela	107	40			1	148
South America total	2,358	401	32	13	301	3,105
Oceania						
Australia	299	43	5	2	14	363
Christmas Island						
Cocos Islands						
Papua						
Total	299	43	5	2	14	363
Fiji	6				3	9
Nauru						
New Guinea						
New Zealand	86	15	6		4	111
Cook Islands						
Total	86	15	6		4	111
Pacific Islands	608	148	23	1	7	787
Tonga, Kingdom of	3	1	3		2	9
Western Samoa	14	12			17	43
Oceania total	1,016	219	37	3	47	1,322
Grand total, 1971	45,201	13,953	1,122	1,658	6,978	68,912
FISCAL YEAR 1970						
Europe						
Albania	1				13	14
Andorra						
Austria	110	12	1		19	142
Belgium	96	11	1	1	22	131
Bulgaria	14	1			1	16
Czechoslovakia	142	10			40	192
Danzig, Free City of	12	3				15
Denmark	142	21			7	170
Greenland	1					1
Total	143	21			7	171
Estonia	7				2	9
Finland	71	2		2	3	78
France	368	63			55	486
French Guiana						
Guadeloupe	6				2	8
Martinique	3				1	4
Reunion					2	2
Comoro Islands						
French Polynesia	3					3
French Southern Territories						
French Territory of Afars and Issas						
New Caledonia						
St. Pierre and Miquelon						
Wallis and Futuna Islands						
New Hebrides						
Total	380	63			60	503
Germany	3,205	1,026	220	75	201	4,727

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1970—Continued						
Europe—Continued						
Great Britain and Northern Ireland.....	2, 639	490	3	88	438	3, 658
Antigua.....	66	40			12	118
Bahamas.....	68	13	1	1	2	85
Bermuda.....	76	41	5		5	127
British Honduras.....	100	52			25	177
British Solomon Islands.....						
British Virgin Islands.....	18	9			3	30
Brunei.....						
Cayman Islands.....	11	6			2	19
Dominica.....	13	4			4	21
Falkland Islands.....						
Fiji Islands.....	14	1			7	22
Gibraltar.....						
Gilbert and Ellice Islands.....						
Grenada.....	36	17			10	63
Hong Kong.....	20	4	2		2	28
Montserrat.....	15	1			12	28
New Hebrides.....						
Pitcairn.....						
St. Christopher-Nevis-Anguilla.....	72	28			15	115
St. Helena.....	1					1
St. Lucia.....	22				2	24
St. Vincent.....	32	13		1	7	53
Seychelles.....	20	5				25
Southern Rhodesia.....	2					3
Turks and Caicos Islands.....		8				8
Total.....	3, 226	732	11	90	546	4, 605
Greece.....	1, 200	127	48	5	454	1, 834
Hungary.....	154	18	1	1	55	229
Iceland.....	29	13				42
Ireland.....	158	25	17		24	211
Italy.....	1, 711	739	17	55	1, 409	3, 931
Latvia.....	10				8	18
Liechtenstein.....						
Lithuania.....	15				9	24
Luxembourg.....	22	3	5	3		33
Malta.....	37	7		7	1	52
Monaco.....						
Netherlands.....	294	37			25	356
Netherlands Antilles.....	28	9		1	2	40
Surinam.....	7	1			1	9
Total.....	329	47		1	28	405
Norway.....	89	23			8	120
Poland.....	249	54	10	2	134	449
Portugal.....	266	148	2	12	388	816
Angola.....	1	3				4
Cape Verde Islands.....	28	32		1	26	87
Macao.....	2				3	5
Mozambique.....						
Portuguese Guinea.....	1					1
Portuguese India.....	2					2
Portuguese Timor.....						
Principe and Sao Tome.....		1				1
Total.....	300	184	2	13	417	916
Romania.....	83	40	2		37	162
San Marino.....					1	1
Spain.....	454	68	17	6	168	713
Spanish Sahara.....						
Total.....	454	68	17	6	168	713
Sweden.....	132	13			9	154
Switzerland.....	98	16	4		5	123
U.S.S.R.....	27	4			65	96
Yugoslavia.....	212	33	4	1	124	374
Europe total.....	12, 716	3, 295	343	266	3, 870	20, 490
Asia						
Afghanistan.....	5					5
Arabian Peninsula.....						
Bhutan.....						
Burma.....	9				7	16
Cambodia.....	1					1

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1970—Continued						
Asia—Continued						
Ceylon	5				4	9
China	1,084	295	45	57	661	2,142
Cyprus	22	2	1		21	46
India	123	6	3	5	44	181
Indonesia	27	6	1		24	58
Iran	92	11	2	3	47	155
Iraq	30	1	1		27	59
Israel	128	24	2		19	173
Japan	1,773	145	96	6	69	2,089
Jordan	125	86			58	269
Korea	2,833	354	140	711	159	4,197
Kuwait						
Laos	8	2	2			12
Lebanon	112	46	4		32	194
Malaysia	40	2	1			43
Maldives, Republic of						
Muscat and Oman						
Nepal	1					1
Pakistan	45	12	1		12	70
Philippines	3,108	1,450	11	123	446	5,138
Saudi Arabia	6	1				7
Singapore	18	4	3		1	26
Southern Yemen	3	10				13
Syria	25	2			15	42
Thailand	993	158	16	9		1,176
Turkey	124	16	10		186	336
Vietnam	900	190	6	74	6	1,176
Yemen	24	57				81
Asia total	11,664	2,880	345	988	1,838	17,715
Africa						
Algeria	11				4	15
Botswana	2		1			3
Burundi						
Cameroon	1					1
Central African Republic						
Chad						
Congo (Brazzaville)	2					2
Congo (Kinshasa)	3				5	8
Dahomey	1					1
Equatorial Guinea						
Ethiopia	35	3	9		3	50
Gabon						
Gambia, The						
Ghana	9	5				14
Guinea	3					3
Ivory Coast	1	1				2
Kenya	11	3	2			16
Lesotho						
Liberia	6	1				7
Libya	8	3			2	13
Malagasy Republic	1	2				3
Malawi	3	2				5
Mali	1					1
Mauritania					1	1
Mauritius	2					2
Morocco	53	4	2		14	72
Niger						
Nigeria	10	2		1		13
Rwanda						
Senegal	1					1
Sierra Leone	1				1	2
Somali Republic	5					5
South Africa, Republic of	66	22	2		8	98
South-West Africa						
Sudan	5					5
Swaziland	1					1
Tanzania	2					2
Togo	3	2				5
Tunisia	14	1			3	18
Uganda	2					2
United Arab Republic	38	5			21	64
Upper Volta						
Zambia	1	4				5
Africa total	302	60	16	1	62	441

TABLE XII.—IMMEDIATE RELATIVE VISAS ISSUED—Continued

Area of birth	Spouse of U.S. citizen IR-1	Child of U.S. citizen IR-2	Orphan adopted abroad by U.S. citizen and spouse IR-3	Orphan to be adopted in U.S. by citizen and spouse IR-4	Parent of U.S. citizen at least 21 yr of age IR-5	Total
FISCAL YEAR 1970—Continued						
North America						
Barbados.....	131	33	-----	1	35	200
Canada.....	3,297	952	151	186	144	4,730
Canal Zone.....	-----	-----	-----	-----	-----	-----
Costa Rica.....	103	20	13	-----	10	146
Cuba.....	59	24	-----	-----	484	567
Dominican Republic.....	1,155	432	3	2	39	1,631
El Salvador.....	164	45	-----	1	23	233
Guatemala.....	183	49	-----	-----	11	243
Haiti.....	71	28	2	-----	28	129
Honduras.....	146	88	-----	-----	27	261
Jamaica.....	666	234	3	13	121	1,037
Mexico.....	9,719	4,978	8	2	485	15,192
Nicaragua.....	98	23	-----	-----	17	138
Panama.....	473	229	3	-----	53	758
Trinidad and Tobago.....	311	57	-----	-----	25	393
North America total.....	16,576	7,192	183	205	1,502	25,658
South America						
Argentina.....	178	36	1	-----	34	249
Bolivia.....	74	4	3	1	12	94
Brazil.....	234	45	5	-----	13	297
Chile.....	173	32	-----	1	31	237
Colombia.....	374	74	14	2	59	523
Ecuador.....	241	41	4	-----	23	309
Guyana.....	100	13	3	-----	13	129
Paraguay.....	25	5	-----	-----	1	31
Peru.....	249	41	4	-----	26	320
Uruguay.....	27	-----	-----	-----	8	35
Venezuela.....	100	20	1	-----	6	127
South America total.....	1,775	311	35	4	226	2,351
Oceania						
Australia.....	407	50	5	1	23	486
Christmas Islands.....	-----	-----	-----	-----	-----	-----
Cocos Islands.....	-----	-----	-----	-----	-----	-----
Papua.....	-----	-----	-----	-----	-----	-----
Total.....	407	50	5	1	23	486
Nauru.....	-----	-----	-----	-----	-----	-----
New Guinea.....	-----	-----	-----	-----	-----	-----
New Zealand.....	131	22	3	-----	7	163
Cook Islands.....	-----	-----	-----	-----	-----	-----
Total.....	131	22	3	-----	7	163
Pacific Islands.....	540	128	24	1	14	707
Tonga, Kingdom of.....	8	1	-----	-----	2	11
Western Samoa.....	15	18	1	-----	13	47
Oceania total.....	1,101	219	33	2	59	1,414
Grand total, 1970.....	44,134	13,957	955	1,466	7,557	68,069

1 Fiji became an independent state on Oct. 10, 1970. Prior to independence, Fiji was a British colony.

APPENDIX 3.—BACKGROUND ANALYSIS PREPARED BY THE CONGRESSIONAL RESEARCH SERVICE, THE LIBRARY OF CONGRESS

INTERCOUNTRY ADOPTIONS AND IMMIGRATION LAWS: ISSUES AND PROPOSALS

(By Jean Yavis Jones, Education and Public Welfare Division)

I. BACKGROUND ON INTERCOUNTRY ADOPTIONS

Prior to World War II the adoption of foreign children by American citizens was a relatively uncommon occurrence. The end of that war brought with it a marked increase in the number of such adoptions as a growing number of Americans sought to assist children orphaned and made homeless by the war in

Europe. The conclusion of the Korean conflict saw the emergence of a shift in nationalities of foreign children being adopted as more Asian children began to be brought to the United States for adoption.

While the guiding factor in the emerging number of foreign adoptions may have been the war and an awareness of the devastation it visited upon the children of the countries involved, the continuing growth in the number of foreign adoptions indicates that such adoptions have become more than just a periodic response to national disasters. Between 1965 and 1976, 37,469 foreign children were adopted by United States citizens with 6,116 of these in 1976 alone. Statistics indicate that as many as 60 percent of the foreign children adopted over the last ten years were from Asian countries, although in recent years there is evidence that a growing number of South and Central American children are being adopted by U.S. citizens.

There are a number of contributing factors to the increase in intercountry adoptions. Aside from the previously mentioned conditions of war-torn countries and the growing awareness of such conditions, it is also likely that the willingness of a growing number of U.S. adoption agencies to expand their services to facilitate intercountry adoptions has been a factor. Another factor has been the growth in social acceptance of adoption for both single and married persons. This combined with a shortage of health young American children available for adoption has prompted many Americans to look overseas for such children.

The length of time and cost involved in adopting a foreign child varies according to the country from which the child is being adopted, the complexities of the foreign adoption process, the health and other characteristics of the child, the eligibility of the child for immediate relative status under the U.S. immigration law, and the availability of children. In most cases the adoption of a foreign child can be accomplished in well under a year although it is possible for it to take longer. This, however, compares favorably to the long waiting periods for adopting healthy young American children, where prospective parents are frequently told that it could take as long as ten years or where waiting lists for such children are so long that applications are no longer accepted by agencies. The expenses involved in a foreign adoption are widely varied and can range from \$250 to \$2,500 or more.

Adoption of foreign children may be accomplished either through an adoption agency or through a private arrangement. Agency adoptions are usually carried out through an agency permitted to arrange adoptions in foreign countries (usually an international agency), or through a local agency which has contacts in the foreign country. Some countries (e.g., Korea) have laws which only allow intercountry adoptions of their children through agencies recognized by the government. This is not, however, true for all countries. In fact, some countries do not allow foreign agencies to arrange adoptions of their children. In South Vietnam, for example, prior to 1973 the government did not allow agency adoptions at all. As a result, Vietnamese children were adopted only through private arrangements. In some countries, while agency adoptions are not forbidden, they are the exception rather than the rule. This is true in Brazil, Cambodia, Costa Rica, El Salvador, Haiti, Honduras, Indonesia, Laos, Lebanon, Mexico, Nepal and Thailand. It might be noted that foreign countries are very deeply concerned about the welfare of their own children and are not generally enthusiastic about having their children adopted abroad.

While most countries do not require that an agency handle the adoption arrangements, they frequently will require that the child be adopted in his or her own country before being permitted to leave. In such countries prospective parents must meet the adoption requirements of the country and if they are not required to be present for the adoption, will generally have to provide documented evidence that they will be suitable parents and that they meet the requirements of the country's adoption laws. In some countries international agencies or individuals are permitted to arrange adoptions through a lawyer in that country who retains power of attorney for the adoptive parents.

Agency adoptions

Adoption agencies require a homestudy before they will try to locate a child for a prospective adoptive parent. International agencies will frequently request that the applicant have a homestudy done by an adoption agency in the area where the applicant lives. During this period of time, prospective parents are advised to contact State authorities to ascertain information on State laws and regulations (if any) regulating adoptions. Once the international agency receives an approved homestudy they will locate a child and then notify the local U.S.

agency assisting the prospective parents with a picture and general background information on the child. The local agency caseworker then reviews the information and if satisfactory, forwards the information to the prospective parents. After a formal acceptance is sent to the international agency the agency will then send information and documents necessary for immigration of the child to the United States. Most countries require that a child be adopted in their country prior to departure to the United States and this will generally require forwarding of documents and evidence of suitability of the parents as required by the country's adoption law. In some cases, prospective parents may be required to be present at the actual adoption proceedings in the foreign country. In general, most countries will allow the international agencies to arrange adoptions through a lawyer in that country who retains power of attorney for the adoptive parents. During this time the prospective parents file a visa petition (form I-600) for immediate relative status for the child at the nearest office of the Immigration and Naturalization Service. This must be accompanied by evidence that the child is under 14 years of age; that adoption requirements of the State of residence have been met and that the child is legally available for adoption. If the parents are not going to be present for the adoption proceeding in the foreign country they must submit proof from the State of residence that they will be eligible to adopt the child once he or she enters the country. This may be accompanied by a brief investigation of the adoptive parents' application by the Immigration and Naturalization Service or acceptance of the determination made by the earlier homestudy by an agency. In addition, the Immigration and Naturalization Service sends a public health doctor to examine the medical condition of the child. Once this process is complete and the requirements of the country of the child's origin have been met, a passport and exit visa will be issued and the child is free to come to the United States to be adopted according to the adoption laws of the State in which he or she will reside.

Private adoptions

Persons wishing to adopt a foreign child without the assistance of an adoption agency must make their own contacts in trying to locate a child to adopt. These may be based on recommendations from people who have adopted foreign children, or through another party (such as a doctor, lawyer or social worker involved in this case), or they may be made directly by the person seeking to adopt the child. In addition, adoptive parent groups or organizations like the Foreign Adoption Center may be of assistance in helping to locate a child. Once a child is found, the prospective adoptive parent must meet the adoption requirements of the foreign country, as well as those of the State in which he or she resides, and the requirements of the immigration law. It is generally useful for a prospective adoptive parent to retain a local lawyer to assist with local and State adoption requirements and a lawyer in the foreign country who is familiar with the customs and language and who can handle the legal work involved in the adoption of the child in his or her own country. These lawyers can also assist in applying for the visa and passport for the child. Private adoptions frequently require the presence of the prospective parent in the country although this is not always the case.

II. IMMIGRATION LAW AND REQUIREMENTS

While the immigration law provides for immediate relative status, exempt from numerical limitations, for the spouses and children of U.S. citizens, and the parents of U.S. citizens over 21, it does not provide for automatic immediate relative status to foreign children being adopted by Americans.

Children who have been adopted abroad while under the age of 14 and who have resided with their adoptive parents for a period of 2 or more years meet the definition of "adopted child," a subcategory under the definition of "child" under the immigration law, and can gain entry into the United States as an "immediate relative" without the necessity of an investigation of the adoptive parents and child (other than to verify visa application information). A form 130 is filed with INS which includes proof of legal adoption and length of residence of the two parents with the child. Generally speaking, such cases do not present great difficulty to the petitioning parents or INS officials.

Other children adopted abroad or being brought into the United States for the purpose of adoption must meet the definition of "orphan" in order to be eligible for immediate entry into the United States as a "child." In order to so qualify, the child must be under the age of 14 and have an I-600 petition filed in his behalf which shows that he or she is an orphan as a result of the death or disap-

pearance of, abandonment or desertion by or separation or loss from both parents or, has only one surviving parent who is incapable of providing care for such orphan and who has irrevocably released the child for emigration and adoption. If the adoption is completed abroad, the adoptive parent must meet the orphan personally prior to or during the adoption proceedings. If the orphan is being brought to the U.S. for adoption, the petitioning parent must meet the adoption requirements, if any, of the State in which the child will reside prior to issuance of a visa.

Current immigration law does not allow a family to file visa petitions for immediate relative status on behalf of more than two adopted children or orphans (unless they are siblings). While this does not mean that a family cannot adopt more than two foreign children, it does mean that any children beyond that number are likely to be subject to long waiting lists for non-preference visas (see Legislative History of Two-Petition Limitation—Appendix II).

It should be noted that immigration laws regarding the qualifications of an adoptive parent are to a large extent dependent upon the requirements of the country from which the child is adopted, and the State in which the child will reside.

III. ISSUES AND PROPOSALS

A. Current issues

It has been suggested that the immigration law makes the already difficult process of intercountry adoption even more difficult than it needs to be. In addition, there is some contention that the law is outdated in terms of current adoption trends and that it overlooks the altruistic motives of parents trying to adopt foreign children. The 94th Congress reacted to the growing trend of single-parent adoption when it amended the immigration law to allow a child adopted by a single person to be granted the same alien status as a child adopted by two parents (Public Law 94-155).

Prior to the passage of that amendment foreign children being adopted by single persons could not qualify as "children" for immediate relative status and, therefore, were subject to quota restrictions.

In the first session of the 95th Congress, as in previous Congresses, legislation has been introduced to eliminate the current two-petition limitation which would allow adoptive parents to petition for immediate entry of more than two foreign children for the purpose of adoption. The current restriction has been criticized as arbitrary in that it does not take into consideration the growing number of Americans willing and able to adopt more than two foreign children or the need of many children throughout the world for adoptive placement.

Another issue which has been raised recently with regard to intercountry adoptions is the restriction of admission for children who do not meet the definition of "orphan," but whose parents are willing to put them up for adoption and for whom adoptive parents are available. This issue has recently come to attention because of a program called Operation Outreach, which is attempting to bring the children of Korean lepers to the United States for Adoption. These are healthy children who, with their families, have been segregated from the rest of Korean society because of their parents' disease and whose parents are willing to place them for adoption by Americans. Because these children have two living parents or even one who is able to take care of them, they do not meet the definition of orphan as described in the law. As a result the only way such a child can get preferred status for entry into the United States is if prospective parents go overseas, adopt the child and reside abroad with that child for a period of two years or more. Otherwise, the child is subject to the quota restriction and must wait his or her turn, which in Korea means a long wait. It has been suggested that the immigration law should allow for some kind of preferential visa for special situations like this.

An additional issue which has been raised with regard to intercountry adoptions is that of lack of controls in private adoptions. Recently there have been allegations that there are "baby connections" which have been channeling infant children from Thailand to the United States for adoption. These adoptions have been arranged through private persons as opposed to agencies. There has been some concern that because of lack of government or agency controls there is a greater possibility of fraud, bribery or possibly kidnapping of babies as well as inappropriate placements of such children. The concern was highlighted by the recent arrest of a woman who is charged with having beaten and murdered a two-year old Thai boy who was brought to the United States through this type of private adoption arrangement.

"Another aspect of immigration procedure which might be mentioned, is that there is no statistical data available on what happens to children brought into the United States for adoption after they have arrived in this country." We do not know how many of these children are actually adopted in the United States by the persons petitioning to bring them into the country for that purpose. It seems likely that such statistics would provide some insight into the prevalence or rarity of cases where the prospective petitioning parents change their minds, or are determined to be incapable of raising a child after the child has arrived.

Each of these issues give rise to two concerns about intercountry adoptions and immigration laws, which although apparently contradictory are not really exclusive. One concern, (as highlighted by the two-petition controversy and the "orphan" definition) is that the current immigration restrictions cause unnecessary burdens and arbitrarily limit the entry of alien children into the United States without taking into consideration the humanitarian motives and needs involved. The other (as indicated by the recent murder of a two-year old Thai child) is that the immigration law, because of its heavy reliance on local and foreign adoption laws and procedures, does not provide enough protection to the parents and children involved when those jurisdictions do not have adequate laws or procedures. This is a paradoxical dilemma, since the easing of immigration requirements may run the risk of abuse, while the tightening of requirements may result in additional delay or restrictions on intercountry adoptions. Any discussion of problems and alternative approaches must then take into consideration both elements.

B. Specific legislative issues

To summarize, the two most common complaints about the immigration law with regard to intercountry adoptions are that (1) it is too rigid and makes it more difficult than need be to adopt a foreign child, and (2) it makes it too easy for children to be brought into the country for adoption with very little protection against the inappropriate removal from or placement of a child for adoption. The following is a list of specific issues or criticisms which have been made of current immigration law.

1. *Two-petition limitation* (section 204(c)).—Current law provides a limitation of two (except in cases where siblings are involved) on the number of petitions for preferred entry status which can be filed for alien children adopted abroad or those being brought to the United States for the purpose of adoption. This limitation does not apply for children coming to the country with non-preference visas; however, the long waiting lists for non-preference visas in many countries makes it much more difficult for children to gain entry in this way. The two-petition restriction was included in the immigration law at a time when there was a limit on the total number of nonquota visas which could be issued for orphan children. In 1959 when the limitation was expanded to include a two-petition limitation for children adopted abroad and living with their parents for at least two years, it was alleged that the lack of a restriction in those situations had resulted in abuse by certain families adopting large numbers of children abroad and by persons seeking to evade quota restrictions. The two-petition limitation has resulted in serious hardship for those families who have tried to adopt more than two unrelated children from abroad. In addition, the limitation occasionally has resulted in tragic situations where children waiting for non-preference visas (because of the two-petition limit) have died before a visa became available. Because of the poor health situations of many children coming to the United States for adoption, there have also been instances where children have died after arriving in the United States. The current immigration law does not allow additional petitions beyond two, even in these situations. In addition, it has been argued that the limitation prevents many well-meaning American parents from adopting additional poor or homeless children who will otherwise be unlikely to ever find a home.

2. *Definition of orphan* (section 101(b)(1)(F)).—In order to attain eligibility for immediate relative status as an orphan, a child must be either parentless, abandoned or deserted, or have one parent who is incapable of supporting the child and who has irrevocably released the child for emigration and adoption. It has been argued that this restriction does not take into consideration those cases where the child has two living parents who are willing to give their child up for adoption. In such cases, parents, having the best interests of their children in mind (e.g., Korean lepers who recognize that their disease condemns their children to a lifetime of deprivation) discover that despite the willingness of someone to adopt their child this is impeded by immigration procedures. Ironically,

this requirement could serve to force such concerned parents to abandon or desert their child (resulting in needless suffering for both parents and child) so that the child would be eligible as an "orphan" under immigration law. This definition of orphan has been criticized for being overly rigid, and archaic in its disregard for current adoption trends which show growing numbers of "un-orphaned" children being adopted in the United States and other countries.

3. *Inadequate foreign and State laws protecting children from inappropriate placements.*—For protection against fraudulent adoptions, immigration laws already depend to a large extent on the adoption requirements of the child's native country and/or laws regulating adoptions in the State in which the child will reside. The Immigration and Naturalization Service, of course, has no control over either State or foreign laws. As a result, the lack of sufficient protections in those laws makes it possible for illegal or fraudulent adoptions or inappropriate placements, unless sufficient safeguards are taken through the immigration process. Current immigration law also requires that parents meet the requirements of the adoption law in the State in which the child will reside in cases where a child is brought into the country for adoption. Obviously, if the child is adopted abroad, the parents must meet the requirements of the foreign country's adoption law.

The necessity for a home investigation of the parents is dependent upon requirements in those laws. While most States require an agency homestudy of some kind prior to an adoption of a child, this usually occurs after the child has already been brought to the United States so that the investigation of the prospective parents occurs after the fact, at least as far as immigration is concerned. Most States do not require that a homestudy be done prior to the child's entry and there is no specific authority for INS to require a homestudy by an agency to satisfy immigration law itself. It might be noted that current immigration law does specify that the Attorney General should be "satisfied that proper care will be furnished the child if admitted to the United States" (101(b)(1)(F)). The Attorney General may have the authority to require that a homestudy be conducted by an authorized agency if he feels it is necessary to comply with that section of the law. However, it is not clear whether he would have the authority to extend such a requirement across the board or only on a case by case basis.

INS investigations of petitions on behalf of orphans generally include neighborhood and employment investigations, checks of criminal and security records and home interviews. A person adopting an orphan child must show that he or she is a citizen and will be able to support a child. Generally INS investigators are not trained to determine the ability of the applicants to care for the child other than in meeting its physical needs. As a result, the INS investigators primarily concentrate on documenting the statements of income, citizenship and other objective information required on the I-600 form. INS investigators' lack of training for an intensive child welfare agency type of homestudy leads many to believe that in the absence of any evidence of child abuse or other violent or psychotic behavior, most prospective parents meeting the more objective criteria of the I-600 form are likely to be approved by immigration authorities.

Along with the increased possibility of an inappropriate placement, insufficient home investigations of prospective parents may also lead to situations where, after the child comes to the United States for adoption, the prospective parent may discover that he or she is not really prepared to care for the child and may change his/her mind. An intensive homestudy would be likely to discover the likelihood of such an occurrence before the child was brought to the United States. In the absence of a thorough homestudy, it is also more possible for persons to fraudulently bring children to the United States without any intention of adopting the child, but rather for the purposes of selling the child. The extent to which a child can be protected from such an occurrence is dependent upon State laws. As previously mentioned, the law does not mandate that INS follow up on children being brought into the U.S. for adoption once they are in the United States and there is no information available to determine how many children brought into the country for adoption are actually adopted by the person who initially filed the I-600 application on their behalf. As a result we do not know how serious a problem this may be.

It might be added that with the exception of isolated incidents there is not any significant amount of evidence that adoptive parents who have not been investigated by an agency are any better or worse parents than those who have had homestudies done by a licensed agency.

4. *Inadequate investigation of circumstances surrounding the acquisition of foreign children for adoption.*—Because of the growing demand for the adoption of healthy young foreign children and the willingness of many Americans to adopt such children without regard to expense there is considerable concern about kidnapping or buying foreign children from parents.

While INS officials conduct an inquiry abroad, it generally includes a check on the orphan's residence (prior to immigration) to determine whether or not the child qualifies as an eligible orphan. Beyond this, a medical examination of the child is conducted to ascertain his or her health condition. Although INS certainly has authority to dig deeper into the circumstances surrounding the acquisition of the child, this may not occur unless there is some evidence or indication of fraud, or perhaps forgery in documentation.

Documentation of foreign records can be a lengthy or impossible process. Sometimes a country may not have adequate marriage and birth records available or other sources of verification may be difficult to find. In addition, one must be careful not to offend a foreign government by conducting an intensive investigation when the adoption has already been approved by that government. The possibility of fraudulent obtaining of children for adoption is likely to be increased when adoptions are arranged privately. While INS does encourage petitioners to utilize the services of recognized child welfare agencies in the intercountry adoption process, the immigration law does not require it.

C. *Proposals*

1. Elimination of the two-petition limit on the number of petitions which can be approved for one petitioner in behalf of alien children adopted, or brought to the United States for the purpose of adoption (Section 204(c)).

The effect of this proposal would be to allow a couple or a single person to petition for an unlimited number of adopted alien children.

Pro

Representatives for the Departments of State and Justice have testified¹ in favor of removing the two-petition limitation. They testified that the apparent purpose of the provision, written at a time when there was a limited number of preference visas available for alien orphans has been negated and that there are sufficient safeguards in the current law to permit the removal of this limitation without adverse effects. The Department of Justice testified that "Over the years the two-petition limitation has caused hardship" and that there have been many cases "where this strict requirement has prevented people who would be good parents from adopting additional foreign children." The Department of Justice further testified that the current provisions of the immigration law "already contain safeguards to insure that petitions are approved only where a bona fide parent-child relationship has been established, or in the case of an orphan coming to the United States for adoption, will be established." Department of State officials testified that the time delays and uncertainties resulting in cases where additional adopted children are waiting for an entry visa "are not warranted in legitimate adoption cases and that the two-petition restriction . . . should be removed because there are other existing safeguards to prevent abuse."

Con

Any attempt to relax immigration laws so that an unlimited number of children can be brought into the country with preferred status has the possibility of bringing with it the misuse of the change for fraudulent purposes. While it is true that there are more safeguards in the immigration law now than there were when this provision was first enacted, it does not follow that these are adequate. As has been previously mentioned, immigration law depends to a large extent upon the protections included in the adoption laws of the child's native country or those of the State in which the child will reside. If these are not sufficient, then neither is the immigration law. Under current law, the restriction on the number of children who can be brought in as orphans does at least make the wide-scale importation of children for illegal purposes difficult. Removal of the two-petition limitation without some form of added protection against fraudulent adoptions could open the door to additional abuse. In addition, it would encourage increased adoptions of foreign children at a time when there are large numbers of handicapped or otherwise hard-to-place children available in the United States.

¹ Hearings before the Subcommittee on Immigration, Committee on the Judiciary, June 15, 1977.

2. Extend two-petition limitation to four for adoption of alien orphans and for children adopted abroad and residing with adoptive parents for a period of two or more years; with an exception from the limitation in cases where such limitation would separate siblings or in special cases where unusual circumstances have occurred and the Attorney General has given special approval for the filing of an additional petition (Section 204 (c)).

Pro

This would permit additional alien children to be eligible for preferred status visas without allowing unlimited entry and the accompanying risks. It would protect against mass importing of children to meet the demand for such children in the United States, with less severe restrictions than those which currently exist. At the same time, while it would set a limit, it would allow permission for application for an additional preference visa beyond that number for siblings and in special situations with the approval of the Attorney General. The continuation of a limitation with a special circumstances clause would have the affect of discouraging continued adoptions by families which have already adopted foreign children so that other families will have a better chance to adopt such children without restricting additional petitions altogether.

Con

This approach would continue an arbitrary albeit, increased limit on the number of petitions which would be permitted without necessarily increasing the protections for children and families involved in intercountry adoptions. Although it would set up a mechanism for additional petitions over the limit for special situations, it would also introduce the possibility of special treatment for some individual cases since there are no guidelines to the Attorney General regarding the "special situations." On the other hand, the introduction of guidelines as to what would constitute a "special situation" could serve to restrict the exception to the point that it would be rendered meaningless.

3. Eliminate the current two-petition limitation on the numbers of petitions which can be filed on behalf of alien children (Sec. 204(c)) and add a requirement that all children applying for preferred entry into the United States as "orphans" be required to have their adoptions handled by a recognized adoption agency (Sec. 101(b)(1)(F)). (This would not apply to those children who have been adopted abroad and have resided with the adopting parents for 2 or more years.)

Pro

Such a requirement would reduce the risk of children being brought to the United States and placed in inappropriate homes, because a homestudy would always be conducted prior to the child even being located for the parent. In addition, the agency supervising the adoption would be responsible for the child if it was determined after the initial placement that the placement was not working out. Also, post-placement services would be provided both to the child and the parents, making adjustment less difficult. Such a requirement would also be likely to reduce the risk of children being illegally or inappropriately removed from their homes and families since agencies would be likely to have a more reputable and better supervised network of child location than persons not licensed to provide adoption services. By placing responsibility on the agency, the pressure currently placed on INS to provide subjective judgments on the ability of applicants to care for a child without any training to make these kinds of judgments would also be reduced. In addition, consular offices would have more assurance that the child was not kidnapped or otherwise fraudulently obtained.

Con

In many countries (where intercountry agencies are not active or allowed adoptions are carried out by individual child caring agencies or institutions or through concerned individuals living in that country, or relatives of the child. A prohibition on all but agency authorized adoption would effectively prohibit adoptions of children from those countries. It would also place an enormous burden on adoption agencies which are currently not staffed or prepared to handle the increased demand for their services which such a requirement would entail. Because of these two factors, this requirement would further restrict the already limited number of children who could be adopted by Americans. The required utilization of agencies for intercountry adoptions might also require the Federal

Government to establish licensing requirements or Federal standards so that some kind of monitoring of agencies handling such adoptions would be effected. This could be construed as a duplication of effort in those States which already have licensing requirements or a Federal intrusion into State affairs by those States which do not have similar requirements. It might also be added that there is a continuing debate over the issue of agency-only adoptions in the United States with opponents of this philosophy feeling that many agencies are arbitrary in their application policies; and that the costs involved in agency adoptions (as opposed to private arrangements) are often prohibitive for middle income families; and that the bureaucracy and red tape of agency procedures frequently results in unnecessarily long waiting periods.

4. Eliminate the two-petition limitation on the number of petitions which can be filed on behalf of alien children (Sec. 204(c)) and add a requirement that a homestudy conducted by an authorized or licensed agency in the State in which the child will reside be provided as part of the I-600 petition to bring an orphan child into the country (Sec. 101(b)(1)(F)). (This would not apply to cases where the child had been adopted and resided with the adoptive parents for 2 or more years.)

Pro

This would make it possible for all children being brought into the country to have an authoritative evaluation done of the home in which they will be placed prior to placement in the home without restricting international adoption to those handled by adoption agencies. Such a requirement would reduce the risk of bad placements which currently exists without restricting the number of children who might be available for adoption, might result from an agency-only adoption requirement. In addition it would also be likely to reduce the risk of prospective parents changing their minds about adopting the child after he or she arrived in the country since most agency personnel are trained to be aware of such a possibility. This requirement would also be likely to encourage more prospective parents to utilize the services of adoption agencies and encourage agencies to increase their intercountry adoption services without the burden which would result from being the only mechanism available for intercountry adoptions. The Federal Government would also not have to be involved in Federal standards or licensing requirements since the law could stipulate that the agency conducting the homestudy be one which has been licensed or is authorized to operate in the State in which the child would reside.

Con

Although a mandatory homestudy would restrict people from bringing children into the United States for adoption without a thorough home investigation, it would not protect children from being kidnapped or otherwise fraudulently obtained for the purpose of black market adoption in their own countries. It would only protect children once they arrived in the United States. In addition, the requirement could result in lengthy delays because adoption or child welfare agencies are not presently equipped to handle the large number of requests for homestudies which would result from such a requirement.

Currently, homestudies required by courts prior to actual adoption in the United States are usually conducted after the child has been placed in the home so that a lengthy delay does not keep the child from coming to America. It might also occur that some agencies will be arbitrary in their rejections, a complaint which is sometimes made about agency adoption practices. In addition, to avoid the possibility that some States might have less than adequate licensing requirements and oversight of their adoption agencies this requirement might necessitate the intrusion of the Federal Government into State adoption policies or practices, or it might require Federal standards or licensing requirements which would conflict with State practices.

5. Expand the definition of orphan to include eligibility for children whose parents have voluntarily agreed to relinquish their parental custody, rights and relationship so that their child may be placed for adoption, as long as such an agreement is shown to be in the best interests of the child (Sec. 101(b)(1)(F)).

Pro

This would eliminate the current discrimination which exists with regard to children who may be in need of adoption as much as those who currently meet the definition of orphan but who are not eligible for a preference visa because of the requirement that the child be either parentless, or have only one parent who

cannot provide care for the child. It would also reduce the risk that such children will be deliberately abandoned by their parents or that documents will be forged so that the child can be eligible for a preference visa. This would also provide recognition that adoption trends have changed over the last ten years making the adoption of "non-orphan" children a more common and necessary occurrence.

Con

This change of definition for "orphan children" could increase the risks of adoptions for profit. Along with the possibility of parents selling their children to baby brokers, unscrupulous persons, or perhaps even insensitive, well-meaning persons wishing to provide adoptable children to Americans (who are frequently willing to pay any price) may put unfair pressure on parents to place their children with American families who are financially better equipped to care for them.

APPENDIX I

PROVISIONS RELATING TO INTERCOUNTRY ADOPTIONS IN THE IMMIGRATION AND NATIONALITY ACT

Two-petition limitation

Sec. 204(c) Notwithstanding the provisions of subsection (b) no more than two petitions may be approved for one petitioner in behalf of a child as defined in section 101(b) (1) (E) or (F) unless necessary to prevent the separation of brothers and sisters and no petition shall be approved if the alien has previously been accorded a nonquota or preference status as the spouse of a citizen of the United States or the spouse of an alien lawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws.

Definition of "child"—Section 101(b)

(1) The term "child" means an unmarried person under twenty-one years of age who is—

(A) a legitimate child; or

(B) a stepchild, whether or not born out of wedlock provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred; or

(C) a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in or outside the United States, if such legitimation takes place before the child reaches the age of eighteen years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation. [; or]

(D) an illegitimate child, by, through whom, or on whose behalf a status, privilege, or benefit is sought by virtue of the relationship of the child to its natural mother; [or]

(E) a child adopted while under the age of fourteen years if the child has thereafter been in the legal custody of, and has resided with, the adopting parent or parents for at least two years: *Provided*, That no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act. [; or]

(F) a child, under the age of fourteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b), who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and spouse jointly, or by an unmarried citizen at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who have or has complied with the preadoption requirements, if any, of the child's proposed residence: *Provided*, That the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States: *Provided further*, That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

APPENDIX II

LEGISLATIVE HISTORY OF THE TWO-PETITION LIMITATION FOR ALIEN ORPHANS AND ADOPTED CHILDREN UNDER THE IMMIGRATION AND NATIONALITY ACT (SECTION 204 (C) ; 8 U.S.C. 1154 (C))

(By Joyce C. Viallet, Education and Public Welfare Division)

The following is a legislative history of the limitation to two on the number of petitions for immigration benefits which may be filed for certain orphans and adopted children. This limitation is contained in Section 204(c) of the Immigration and Nationality Act, as follows:

Notwithstanding the provisions of subsection (b) no more than two petitions may be approved for one petitioner in behalf of a child as defined in section 101(b)(1)(E) or (F) unless necessary to prevent the separation of brothers and sisters.

It should be noted that this provision does not constitute an absolute bar to the entry of more than two alien children adopted, or to be adopted, by a single family. The limitation applies primarily to the number of petitions which may be filed by U.S. citizens for numerically exempt immediate relative status, allowing immediate entry, for alien orphans or adopted children. Provided visa numbers are available and the children are otherwise eligible for entry, additional children adopted by a single family could enter under the nonpreference visa category. However, there are long waiting lists for nonpreference visas for many countries.

The legislative history of the two-petition limitation is different for the provisions of current law applying to adopted children as defined as Section 101(b)(1)(E), and to orphans and adopted children as defined in Section 101(b)(1)(F). Both are subsections of the definition of "child" as used in Titles I and II of the Immigration and Nationality Act. Section 101(b)(1)(E) defines the term to include an adopted child under 14 who has resided with and been in the legal custody of his adopting parents for two years; Section 101(b)(1)(F) defines the term to include a child under 14 who is an orphan or whose surviving parent has released him for adoption, and who was either adopted abroad by a U.S. citizen or is coming to the U.S. to be so adopted. The latter provision has evolved directly from the temporary alien orphan programs which began in 1953; Section 101(b)(1)(E) is of more recent origin. The legislative history of the two-petition limitation is traced separately below for the two categories.

Two-petition limitation on section 101(b)(1)(F) cases

The restriction from which the present two-petition limitation derives appeared first in 1953 legislation which restricted to 4,000 the number of special nonquotas visas available to eligible orphans, provided that the orphan's country of origin was oversubscribed. In this context, it would appear that the purpose of the provision was to assure that this limited number of special visas would be made available to as many couples wishing to adopt alien orphans as possible.

Specifically, Section 5(a) of the Refugee Relief Assistance Act of 1953 (Public Law 83-203, 67 Stat. 400) read as follows:

Not to exceed four thousand special nonquota immigrant visas may be issued to eligible orphans as defined in this Act who are under ten years of age at the time the visa is issued: Provided, that no more than two such special nonquota immigration visas may be issued to eligible orphans adopted or to be adopted by any one United States citizen and spouse, unless necessary to prevent the separation of brothers and sisters.

As originally introduced at the request of the Eisenhower Administration under the name of the Emergency Migration Act of 1953, the bill from which this legislation evolved (S. 1917) did not contain separate provisions for orphans. The provision as it was incorporated into law first appeared in S. 1917 as it was reported out of the Senate Judiciary Committee (Senate Report No. 974), and was retained in the bill reported by the Conference Committee (H.R. 6481, House Report No. 1069).

The restriction to two on the number of orphans which normally can be granted nonquota immigrant status in connection with their adoption by a single family has continued, with variations, in our immigration law ever since its first appearance in 1953. As background, the Refugee Relief Act of 1953 was the third of six acts establishing temporary programs for the admission of orphans. These were the Displaced Persons Act of 1948, the Act of July 29, 1953,

the Refugee Relief Act, the Act of September 11, 1957, the Act of September 9, 1959, and the Act of July 14, 1960.¹

The Act of September 11, 1957 (71 Stat. 639) provided in Section 4(a):

On or before June 30, 1959 special nonquota immigrant visas may be issued to eligible orphans as defined in this section who are under fourteen years of age at the time the visa is issued. Not more than two such special nonquota immigrant visas may be issued to eligible orphans adopted or to be adopted by any one United States citizen and spouse, unless necessary to prevent the separation of brothers and sisters.

This provision differs from the 1953 version in the change in age from ten to fourteen, and in that the number of special nonquota immigrant visas available for eligible orphans is not numerically restricted, but limited only by the June 30, 1959 termination date. The rationale for maintaining the two per-family restriction on visas for orphans would appear to be, along with precedent, a desire to impose an additional limit on the total number of alien orphans brought into the country. The Senate report (S. 2792. Senate Report No. 1057) is silent about the reason for the continuation of this feature, as is the House report on the related House bill (H.R. 8123. House Report No. 1199).

The Act of September 11, 1957 also amended the permanent immigration law by the addition of Section 101(b)(1)(E), although without a two-petition limitation. (See pages 6-8 below).

The Act of September 9, 1959 (P.L. 86-253. 73 Stat. 409) amended Section 4 of the 1957 act by extending the period during which an unlimited number of special nonquota immigrant visas might be made available to eligible orphans to June 30, 1960, again with the following restriction:

Not more than two such special nonquota immigrant visas may be issued to eligible orphans adopted or to be adopted by any one United States citizen or spouse, unless necessary to prevent the separation of brothers or sisters.

It also significantly amended the 1957 orphan program by requiring that a visa petition be filed and approved by the Attorney General, a feature retained in the law to date. The reason for this requirement was discussed as follows in a 1960 article:

A thorough investigation of each petition is conducted by the Immigration and Naturalization Service to determine whether the statutory requirements have been met and to discharge the responsibility of the Attorney General. In this connection it is pertinent to note that the recent amendment was enacted after allegations to Congress that children were being exploited for personal gain (Congressional Record, Senate, August 27, 1959, page 15726; to Congressional Record, House, July 16, 1959, page 12386), that tragedy had resulted from certain proxy adoptions (Congressional Record, Senate, July 22, 1959, page 12742), that prospective parents of children adopted by proxy were not informed of the physical or mental impairment of children, that children were not going to proper homes, and that the termination of the parental rights has been obtained in highly questionable ways (Congressional Record, House, July 15, 1959, page 12254).²

The Act of July 14, 1960 (74 Stat. 504) extended the termination date of the orphan program established under the 1959 legislation from June 30, 1960 to June 30, 1961. This was the sixth and final piece of temporary legislation relating to nonquota visas for alien orphans.

The Immigration and Nationality Act amendments of 1961 (P.L. 87-301. 75 Stat. 650) incorporated, with revisions, the orphan program previously authorized by temporary legislation as a permanent part of the immigration legislation. This was accompanied by amending Section 101(b)(1) of the Immigration and Nationality Act to include eligible aliens orphans as category (F) under the definitions of "child". Thus, an alien orphan, eligible for entry under the requirements of the legislation and adopted or entering the country for adoption by a U.S. citizen and his spouse, qualified as their "child" for immigration purposes. As such, he qualified for nonquota immediate relative benefits, provided certain special substantive and procedural requirements were met.

The provision restricting to two the number of petitions which normally can be filed by one petitioner was continued by the 1961 amendments, as an amendment

¹ See Clayton B. Doughty, Adoption and Immigration of Alien Orphans. I and N Reporter, April 1964, pp. 50-52.

² John M. McWhorter, "The Orphan Program," I&N Reporter, April 1960, p. 47. Congressional Record references are to the daily edition.

to a similar restriction on the number of petitions which could be filed for adopted children, as defined in Section 101(b)(1)(E). Again neither the Senate report (No. 646), the House Report (No. 1086), nor the Conference Report (House Report No. 1172) on the 1961 legislation appears to touch at any point on the two-petition restriction.

The 1961 provision reads as follows:

Not more than two such petitions may be approved for one petitioner in behalf of a child as defined in Section 101(b)(1)(E) or (F), unless necessary to prevent the separation of brothers and sisters.

This is essentially the same provision as that now contained in the Immigration and Nationality Act, as amended by the 1965 legislation (P.L. 89-236), 79 Stat. 911).

The only other amendment to the provisions under discussion was the Act of December 16, 1975 (P.L. 94-155; 89 Stat. 824) which amended Section 101(b)(1)(F) to allow for the adoption of orphans, as defined in the subsection, by unmarried U.S. citizens 25 or over, as well as by a U.S. citizens and spouses, provided the Attorney General is satisfied the children will be provided proper care. The two-petition limitation is, of course, equally applicable in both cases.

Two-petition limitation on section 101(b)(1)(E) cases

The Act of September 11, 1957 (Public Law 85-316; 71 Stat. 639) amended the permanent immigration law—the Immigration and Nationality Act of 1952, which remains in effect today—by the addition of Section 101(b)(1)(E), adding to the definition of "child" adopted children under 14 who have resided with and been in the legal custody of their adopting parents for two years. The need for this provision was explained as follows in a section-by-section analysis inserted in the Congressional Record by Senator John Kennedy:

An adopted child may not now be given the status of child under the immigration laws. This has led to hardship in many cases, particularly where a child was adopted at a young age, long before his adoptive parents contemplated emigration to the United States. If, in such cases, the child was born in a country with a heavily oversubscribed quota, he cannot accompany his adoptive parents. It is therefore desirable that consideration be given to an amendment whereby a child adopted while under the age of 14 and who has lived with his adoptive parents for at least 2 years prior to the visa application may be considered a child under the immigration laws. A proposal of this type would prevent abuse through ad hoc adoptions made only for purpose of circumventing the immigration laws.³

No limitation was placed by the 1957 act on the number of children adopted by a single family who would be eligible for nonquota entry by virtue of their inclusion under the definition of "child". The limitation is current law on the number of petitions which may be filed for Section 101(b)(1)(E) adopted children derives from legislation enacted in 1959.

The Act of September 22, 1959 (Public Law 86-363, 73 Stat. 644) amended the provision of the Immigration and Nationality Act relating to petitions for non-quota immigrant status by the addition of the following sentence:

Not more than two such petitions may be approved for one petitioner in behalf of a child as defined in Section 101(b)(1)(E), unless necessary to prevent the separation of brothers and sisters.

The reason for this amendment was explained in the House report as follows:

CRS-8

Section 5 of the bill is designed to cure a social, legal, and economical objectionable situation. Under section 2 of the act of September 11, 1957, children, adopted while under 14 years of age, who spent 2 years or more in the legal custody of the adoptive parents and resided with them, are entitled to nonquota immigrant status. It has been found that certain families have adopted abroad a rather large number of children and the committee has been made aware of certain problems arising from that situation, as well as attempts to evade quota restrictions. The purpose of this provision of the instant bill is to grant nonquota status to not more than two children adopted by one family, unless a departure from that limitation is desirable for the purpose of preventing the separation of brothers and sisters.

(H. Rept. No. 582, 86th Cong., p. 4)

³ Congressional Record [daily ed.], Aug. 14, 1957: 13348.

This appears to be the most explicit statement of the reason for the two-petition limitation in the legislative history of the provisions under discussion.

As noted above, Section 101(b)(1)(F), including orphans and adopted children within the definition of "child", was added to the Immigration and Nationality Act by the Act of September 26, 1961. At the same time, the restriction to two on the number of petitions for numerically exempt status which could be filed by one petitioner was amended to apply also to Section 101(b)(1)(F).

APPENDIX III

International adoption agencies or contacts in the United States (and Canada)

<i>Name</i>	<i>Country in which they are active</i>
David Livingston Missionary Foundation Adoption Program, P.O. Box 232, Tulsa, Okla. 74101.	Korea.
Families for Children, 10 Bowling Green, Pointe Claire 720, Quebec, Canada.	India, Bangladesh, Vietnam, and parts of South East Asia, the Philippines, Ecuador, and occasionally other countries.
Foreign Adoption Center, Inc., ¹ P.O. Box 2158, Boulder, Colo. 80302.	Primarily Colombia and Guatemala, also beginning in Haiti, Honduras, India, Korea, Nicaragua, Peru, and Thailand.
Friends for All Children, 445 S. 68th Street, Boulder, Colo. 80302.	Vietnam (Saigon) and Cambodia.
Friends of Children of Vietnam, 600 Gilpin Street, Denver, Colo. 80218.	Vietnam.
Friends of Children, Inc., 14 Brookside Road, Darien, Conn. 06820.	Vietnam.
Holt Adoption Program, P.O. Box 2420, Eugene, Oreg. 94720.	Primarily Korea and Vietnam. Small programs in South America and Philippines.
Lutheran Social Services of Minnesota, 2414 Park Avenue, Minneapolis, Minn. 55404.	Korea.
My Friends House, 161 Auburn Street, Newton, Mass. 02166.	Vietnam.
Pearl Buck Foundation, 29 Delancy Place, Philadelphia, Pa. 19103.	Vietnam and Thailand, and possibly Taiwan.
International Social Service of America, 345 East 46th Street, New York, N.Y. 10017.	Korea and Vietnam (will place children from Hong Kong and Japan with couples of Japanese or Chinese heritage).
United States Catholic Conference, Migration and Refugee Service, 201 Park Avenue, South, New York, N.Y. 10003.	Vietnam.
Welcome House, P.O. Box 836, Doylestown, Pa. 18901.	Korea (also places Canadian Indian children).
World Vision International, 919 West Huntington Drive, Monrovia, Calif. 91016.	Vietnam.
Vietnam Orphanage Project, P.O. Box 35118, Fort Louis, Wash.	Vietnam.

¹ Provides both placement through their agency and referrals for information on adoption.

Source: The Adoption Adviser, by Joan McNamara, Hawthorne Books, Inc., New York, N.Y.