111th CONGRESS 2D Session

S. 1376

AN ACT

To restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States.

1 Be it enacted by the Senate and House of Representa-

2 tives of the United States of America in Congress assembled,

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as "International Adoption3 Simplification Act".

4 SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION 5 REQUIREMENT.

6 Section 212(a)(1)(C)(ii) of the Immigration and Na7 tionality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by
8 striking "section 101(b)(1)(F)," and inserting "subpara9 graph (F) or (G) of section 101(b)(1);".

10 SEC. 3. SIBLING ADOPTIONS.

Section 101(b)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as
follows:

14 "(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child's 15 16 behalf to accord a classification as an imme-17 diate relative under section 201(b), who has 18 been adopted in a foreign state that is a party to the Convention on Protection of Children 19 20and Co-operation in Respect of Intercountry 21 Adoption, done at The Hague on May 29, 22 1993, or who is emigrating from such a foreign state to be adopted in the United States by a 23 24 United States citizen and spouse jointly or by 25 an unmarried United States citizen who is at 26 least 25 years of age, Provided, That—

1	"(I) the Secretary of Homeland Secu-
2	rity is satisfied that proper care will be
3	furnished the child if admitted to the
4	United States;
5	"(II) the child's natural parents (or
6	parent, in the case of a child who has one
7	sole or surviving parent because of the
8	death or disappearance of, abandonment or
9	desertion by, the other parent), or other
10	persons or institutions that retain legal
11	custody of the child, have freely given their
12	written irrevocable consent to the termi-
13	nation of their legal relationship with the
14	child, and to the child's emigration and
15	adoption;
16	"(III) in the case of a child having
17	two living natural parents, the natural par-
18	ents are incapable of providing proper care
19	for the child;
20	"(IV) the Secretary of Homeland Se-
21	curity is satisfied that the purpose of the
22	adoption is to form a bona fide parent-
23	child relationship, and the parent-child re-
24	lationship of the child and the natural par-
25	ents has been terminated (and in carrying

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1	out both obligations under this subclause
2	the Secretary of Homeland Security may
3	consider whether there is a petition pend-
4	ing to confer immigrant status on one or
5	both of such natural parents); and
6	"(V) in the case of a child who has
7	not been adopted—
8	"(aa) the competent authority of
9	the foreign state has approved the
10	child's emigration to the United
11	States for the purpose of adoption by
12	the prospective adoptive parent or
13	parents; and
14	"(bb) the prospective adoptive
15	parent or parents has or have com-
16	plied with any pre-adoption require-
17	ments of the child's proposed resi-
18	dence; and
19	"(ii) except that no natural parent or prior
20	adoptive parent of any such child shall there-
21	after, by virtue of such parentage, be accorded
22	any right, privilege, or status under this chap-
23	ter; or
24	"(iii) subject to the same provisos as in
25	clauses (i) and (ii), a child who—

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1	"(I) is a natural sibling of a child de-
2	scribed in clause (i), subparagraph (E)(i),
3	or subparagraph (F)(i);
4	"(II) was adopted abroad, or is com-
5	ing to the United States for adoption, by
6	the adoptive parent (or prospective adop-
7	tive parent) or parents of the sibling de-
8	scribed in clause (i), subparagraph (E)(i),
9	or subparagraph (F)(i); and
10	"(III) is otherwise described in clause
11	(i), except that the child is younger than
12	18 years of age at the time a petition is
13	filed on his or her behalf for classification
14	as an immediate relative under section
15	201(b).".
16	SEC. 4. EFFECTIVE DATE.
17	(a) IN GENERAL.—Except as provided in subsection
18	(b), the amendments made by this Act shall take effect

19 on the date of the enactment of this Act.

(b) EXCEPTION.—An alien who is described in section 101(b)(1)(G)(iii) of the Immigration and Nationality
Act, as added by section 3, and attained 18 years of age
on or after April 1, 2008, shall be deemed to meet the
age requirement specified in subclause (III) of such section if a petition for classification of the alien as an imme-

- 1 diate relative under section 201(b) of the Immigration and
- 2 Nationality Act (8 U.S.C. 1151(b)) is filed not later than
- 3 2 years after the date of the enactment of this Act.

Passed the Senate July 21, 2010.

Attest:

Secretary.

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