

# Updated - Information for U.S. Citizens in the Process of Adopting Children from Ukraine

Last Updated: May 5, 2022

This updates and supersedes notices previously issued on [March 25, 2022](#), [March 10, 2022](#), and on [February 28, 2022](#).

The Department of State continues to receive many inquiries from U.S. citizens concerned about the plight of Ukrainian children. We share this concern for these children, and we understand that some U.S. citizens want to respond by offering to open their homes to provide temporary safe haven, to host, or to adopt these children in need.

We recognize the security situation in Ukraine is of great concern to prospective adoptive parents (PAP) at any stage of the process, including both former host families and those adopting children they have not yet met. The Department's [Travel Advisory for Ukraine](#) remains [Level 4: Do Not Travel](#). The Department urges U.S. citizens not to travel to Ukraine and advises U.S. citizens in Ukraine to depart immediately if it is safe to do so. There are currently no in-person U.S. consular services available in Ukraine and the U.S. government will not be able to evacuate U.S. citizens from Ukraine.

Please review the following key notices about intercountry adoption and hosting programs involving Ukrainian children:

- [Statement by the Department of State's Special Advisor for Children's Issues](#)
- [Ukraine Ministry of Social Policy Statement on Child Safeguards and Intercountry Adoption](#) - Please note that the Ministry of Social Policy of Ukraine (MSP) stated on March 13 that adoption in Ukraine is "impossible" at this time.
- [Status of Intercountry Adoption and Hosting Programs During the Ukraine Crisis](#)
- [Visas for Ukrainian Children in the Process of Intercountry Adoption and/or Who Previously Traveled for Hosting Programs in the United States](#)

**Q: Can Ukrainian children come to the United States temporarily for their safety?**

The Ukrainian government has confirmed they are not approving children to participate in host programs in the United States at this time and prefers to keep them in closer geographical

this time and prefers to keep them in closer geographical proximity in European countries. We are in close touch with the Ukrainian government, which confirms that most children who were residing in institutions have already been evacuated and are receiving appropriate care, including specialized medical treatment, as necessary. The Ukrainian authorities are not making exceptions to this policy for children who previously participated in hosting programs or are already in the process of adoption. We will continue to convey to the Ukrainian government that U.S. families are interested in completing adoptions in process and in providing safe haven to Ukrainian children.

See the Department's March 9, 2022 [Ukraine Adoption Update](#) and the Ukrainian government report from April 16 on [Protection of Children's Rights](#).<sup>↗</sup>

The following resources provide information on other ways to help:

- Department of State – [United with Ukraine: How You Can Help](#)<sup>↗</sup>
- U.S. Agency for International Development (USAID) - see the [How You Can Help](#) section on the Ukraine Crisis page

#### **Q. Can "Uniting for Ukraine" program be used to bring Ukrainian orphans to the United States?**

Information about the [Uniting for Ukraine](#) program is available on the Department of Homeland Security website (italicized below):

*Children traveling without their parent or legal guardian are not eligible for parole under Uniting for Ukraine. Upon arrival at a U.S. port of entry, a child who is not traveling with their parent or legal guardian may be placed in the custody of the Department of Health and Human Services (HHS), as required by law under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), to protect the child from human trafficking and other forms of exploitation. For more information, please visit the [HHS Unaccompanied Children webpage](#).*<sup>↗</sup>

This process may not be used by prospective adoptive parents to circumvent the adoption processes. Any further questions about Uniting for Ukraine should be directed to the Department of Homeland Security.

#### **Q. Can I visit children who have been evacuated to European countries?**

We are aware some PAPs and host-families have travelled or may be considering travel to Poland and other neighboring countries in an effort to visit with children who have been evacuated. Please

keep in mind the children's Ukrainian guardians have authority to approve visitation. We encourage all travelers to register in the [Smart Traveler Enrollment Program](#) order to receive security and other critical updates from the relevant U.S. Embassy. Country-specific information is available on the [Department's website](#).

**Q: What action is the Government of Ukraine taking to protect children in institutional care?**

The Ministry of Social Policy and the National Social Service Office of Ukraine have jurisdiction over decisions about the protection of the children in their care and take this responsibility very seriously. Since the start of the invasion, the Ministry reported that over 10,000 children from vulnerable categories were evacuated to neighboring countries and these efforts are continuing. The Minister of Social Policy Lazebna repeatedly stated that all the children are safe and provided with housing, food, medical and educational services. The Ukrainian government is in the process of concluding a Memorandum of Understanding with 23 countries in close geographical proximity to Ukraine to guarantee the protection of evacuated children and their return to Ukraine. The Government of Ukraine has also formed a Coordination Headquarters/Task Force to protect children's rights, and their monthly reports will be available on the Ministry of Social Policy's website, <https://www.msp.gov.ua/>. Prospective adoptive parents and other concerned individuals may wish to monitor statements released by the Ukrainian government for current information about child protection activities.

Individuals with specific information regarding concerns about the safety of evacuated children may email details to our office at [Adoption@state.gov](mailto:Adoption@state.gov). We will share credible information with the Ukrainian government as appropriate.

**Q: How can I begin the process to adopt a child in Ukraine?**

Information about intercountry adoption, including country specific information, is available on our website, [adoption.state.gov](#). You may also wish to consult with an [accredited adoption service provider](#).

Please review carefully the [Special Advisor for Children's Issues statement](#) regarding children of Ukraine. It can be extremely difficult in times of war and crisis to determine whether children who appear to be orphans are truly eligible for adoption and immigration under U.S. laws. Children may be temporarily separated from their parents or other family members during a conflict or natural disaster and their parents may be looking for them. It is not uncommon in dangerous situations for parents to

them. It is not uncommon in dangerous situations for parents to send their children out of the area for safety reasons, or for families to become separated during an evacuation. Even when it can be demonstrated that a child's parents have died, children are often cared for by other relatives. In addition, it can be exceptionally difficult to fulfill the legal requirements for intercountry adoption of both the United States and the child's country of origin under such circumstances. It can also be challenging to gather documents necessary to establish that the child meets the requirements of U.S. immigration law. Prospective adoptive parents may wish to consult with an experienced immigration attorney when considering adopting or caring for a child under these circumstances. For context, you may wish to review the [general procedural information](#) on our website about applying to adopt a child from another country to the United States. See in particular those sections describing the U.S. immigrant visa process for an eligible adopted child.

On March 13 the Ministry of Social Policy [published a statement](#)<sup>↗</sup> that intercountry adoptions in Ukraine are not possible at this time.

**Q: Can the State Department expedite the processing of Ukraine adoption cases already in progress?**

We are working with the Government of Ukraine on behalf of families who have final adoption orders to obtain required documents for the child's immigrant visa processing. These are cases in which a Ukrainian court has already granted legal custody to the adoptive parents. We have asked the Ukrainian government whether it may be possible for cases with official referrals to proceed. We have received reports that some Ukrainian courts are holding hearings for some cases with official referrals, but the Ukrainian government has not officially confirmed it approves of these cases moving forward. We will continue to share information and guidance regarding specific adoption cases in process with the relevant ASPs as we receive it. We will continue to raise U.S. families' commitment to and interest in completing adoption cases that are in process. However, in general, intercountry adoption cases in process are not expected to move forward in the near term.

On March 13, 2022, the Ukrainian Ministry of Social Policy issued a [statement](#) that adoption is not possible in Ukraine at this time. Families at any stage of the process, including those who have started but not completed required court hearings, should consult with their accredited adoption service provider (ASP) to discuss the impact of the Ministry of Social Policy's statement on their adoption plans. any stage of the process, including those who have started but not completed required court hearings, should

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The following resources provide helpful background on concerns relating to intercountry adoption in times of crisis:

- UNICEF and the UN High Commission on Refugees – [Unaccompanied and Separated Children Fleeing Escalating Conflict in Ukraine Must be Protected](#)
- Hague Conference on Private International Law - [Information Note on Children Deprived of their Family Environment Due to the Armed Conflict in Ukraine](#)
- The National Council for Adoption - [Regarding Refugee Children Fleeing the War in Ukraine](#)
- International Social Services – [Ukraine Crisis Fact Sheet](#)
- Save the Children – [Ukraine Crisis: Call for Immediate Halt on Intercountry Adoptions to Keep Children Safe](#) 

**Q: Who is the primary point of contact for PAPs in the process of adopting in Ukraine?**

ASPs are the most appropriate point of contact for PAPs who are in the adoption process. ASPs can provide guidance about how the situation in Ukraine may impact each family's adoption plans. PAPs may also contact the Office of Children's Issues directly at [Adoption@state.gov](mailto:Adoption@state.gov).

**Q: What if I have already accepted an official referral from the National Social Service Office of Ukraine before the invasion started, but there have not yet been any court hearings?**

We continue to engage the Ministry of Social Policy on behalf of families who have approved referrals from the National Social Service Office of Ukraine. We will share information and updates received from the Ukrainian government as we are able.

**Q: What if I am partway through the adoption process and the child's orphanage was evacuated to Poland or another neighboring country? Will I be able to resume the intercountry adoption process from there?**

Based on the Ministry of Social Policy's March 13 statement that adoptions are not possible at this time, we do not expect adoption cases to move forward in the near term. The Ukrainian government retains the authority for decisions about the best interests of Ukrainian children in institutional care, even when the children have been evacuated to other countries.

**Q: Is the State Department able to facilitate legal entry to the**

## United States for a child I am in the process of adopting?

For children in the intercountry adoption process, the Department does not have the authority to facilitate travel to the United States outside of the intercountry adoption process. Questions about humanitarian parole for Ukrainian children in institutional care should be directed to U.S. Citizenship and Immigration Services (USCIS), which has jurisdiction over this issue. Information about the [humanitarian parole application process](#) and [refugee and asylum status](#) is available on the USCIS website. Questions about the [Uniting for Ukraine](#) program may be directed to the Department of Homeland Security (DHS).

**Q: What if I am in the process of adopting a child that has previously traveled to the United States through a hosting program? Can this child receive a new non-immigrant (tourist) visa, or if the visa expiration date on the previously issued visa has not yet passed will the child be able to enter the U.S.?**

Children who travel to the United States for hosting programs do so with the Ukrainian government's authorization and on a U.S. non-immigrant visa. The visa is typically valid only for one entry to the United States and only during the narrow date range of the program. To qualify for another nonimmigrant visa, applicants must establish that they are not an intending immigrant. Children in the process of intercountry adoption without a final adoption or guardianship order are generally not eligible for issuance of nonimmigrant visas. Applications for nonimmigrant visas are evaluated under Section 214(b) of the INA which states that every applicant for a nonimmigrant visa "...shall be presumed to be an immigrant until (s)he establishes to the satisfaction of the consular officer... that (s)he is entitled to nonimmigrant status..."

This presumption of immigrant intent can be difficult to overcome for children who are in the process of an intercountry adoption. Please see [Visas for Ukrainian Children](#) for additional information.

**Q. What is the State Department doing to convince Ukrainian authorities to allow children hosted in the past by the U.S. families to be brought to the United States for safety?**

We are in regular communication with the Ukrainian government and have conveyed that U.S. families are concerned and interested in bringing children to the U.S. now on temporary basis. In all of our engagements, Ukrainian officials have clearly stated that they prefer the children to remain in close geographic proximity to Ukraine and will not authorize any temporary travel to the United States.

For many years, the United States has maintained a close and

positive partnership with Ukraine to assist Ukrainian orphans in finding permanent and loving homes with U.S. families. We respect the Ukrainian government's legal authority over Ukrainian children in this crisis and their right to determine what is best for their children of any age or familial status.