

# Notice - Visas for Ukrainian Children

Last Updated: March 22, 2022

## Visas for Ukrainian Children in the Process of Intercountry Adoption and/or Who Previously Traveled for Hosting Programs in the United States

The Office of Children's Issues and many U.S. Embassies in Europe, particularly in countries near Ukraine, are receiving inquiries about how to bring Ukrainian children to the United States for their safety.

For families in various stages of the adoption process for children from Ukraine, we fully understand that prospective adoptive parents fervently wish to explore and employ available and appropriate options for facilitating the arrival into the United States of their prospective adoptive child. We take very seriously and prioritize the importance of facilitating full and final adoptions that comply with both U.S. and Ukrainian laws. Toward that end, we urge families to be cautious of any consultants, legal advisors, or organizations that suggest travel for prospective adoptive children or formerly-hosted children from Ukraine is possible without the approval of the authorities with legal guardianship of the child.

**Adoption-Based Visas:** Each step in the intercountry adoption process is aimed at ensuring legal requirements in both Ukraine and the United States are met and that immigrant visas are issued to children who are truly in need of permanency. Children without a final adoption decree or guardianship order from a Ukrainian court are not eligible for adoption-based immigrant visas. Please see [Information for U.S. Citizens in the Process of Adopting Children from Ukraine](#) for more information. On March 13, the Ukrainian Ministry of Social Policy confirmed that [intercountry adoption is not possible at this time](#).

**Host Programs and Other Temporary Travel:** The Ukrainian authorities, who have jurisdiction over and responsibility for the safety of Ukrainian children, have expressed concern about moving children out of Europe at this point. Our understanding is that children may depart Ukraine with their legal guardians, who are often the orphanage directors, if

other required criteria are met. **ATLA Doc No. 22032254. (Posted 3/22/22)**

Other required criteria are met. The Ukrainian government has confirmed they are not approving children to participate in host programs in the United States at this time and are taking measures to ensure their safety in neighboring countries. See the Department's March 9, 2022 [Ukraine Adoption Update](#) and the Ukrainian Ministry of Social Policy's March 19 [Statement on the Evacuation of Children in Institutional Care](#) for additional information.

The Department of State's Visa Office's resource, [Information for Nationals of Ukraine](#), includes important information about nonimmigrant visas and adoptions specifically.

**Prior Travel for Host Programs:** Typically, 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, if they are found eligible, that is valid only for one entry to the United States during the narrow date range of the program. To travel to the United States a second time, the children would need new visas. Unfortunately, these are not typical times, and the Ukrainian government does not authorize children under their purview to participate in these programs in the United States.

Anyone, including children, who is present in another country and able to schedule an appointment, may apply for a nonimmigrant visa at a U.S. Embassy or Consulate outside Ukraine. For information on application procedures at a specific Embassy or Consulate, applicants may visit that post's website; a directory of post websites is available at <https://www.usembassy.gov>. We reemphasize the parameters detailed above and encourage awareness that under Section 214(b) of the Immigration and Nationality Act (INA), 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. Consular officers are required to deny visas to applicants who do not qualify under the law and to issue visas to those who do. Consular officers cannot issue visas based on assurances or recommendations by third parties or on the ability of a

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sponsor to provide financial support. A nonimmigrant visa is not a viable alternative to an immigration or resettlement process.

In addition to overcoming this legal requirement, evidence of the child's legal guardian's permission to travel to the United States would be required, and our understanding is that the Ukrainian child welfare authorities will not provide it at this time. Permission to evacuate children from Ukraine to neighboring countries does not constitute permission for their onward travel to the United States.

**Visa Scams:** Information about the [proper procedure to apply for a nonimmigrant visa](#), including the requirements and fees, is readily available on the Department's website. Any step or payment not consistent with the information on the website is not required. We urge individuals to be extremely vigilant against fraud and scams relating to visit, work, or immigration to the United States. Immigration fraud and scams are constant and plentiful.

To increase awareness of immigration scams and predatory advisors, you may want to visit the [USCIS Fraud and Scam Awareness](#) resource for information and tips on recognizing and responding to fraud and scams.

**Humanitarian and Other Types of Parole:** Questions about all types of parole for Ukrainian children in institutional care should be directed to U.S. Citizenship and Immigration Services (USCIS), which has jurisdiction over this issue. USCIS. Information about the [humanitarian parole application process](#) is available on the USCIS website. Information about [refugee and asylum status](#) is also available on the USCIS website.