



**US Adoptees
Without Citizenship
National and South Dakota
Estimates
Adoptee Rights Campaign**

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Executive Summary

The US International Adoption system is flawed and adopted children are paying the price. Children entering the U.S. for adoption undergo an exhaustive legal process yet they are not guaranteed US Citizenship by virtue of adoption.

In 2000, Congress passed the Childhood Citizenship Act (CCA) which granted automatic citizenship **to some, but not all** adopted children. Without citizenship, children adopted by US citizens are often denied driver's licenses, educational loans, employment, healthcare, and the right to vote. Adoptees are also vulnerable to deportation. Disparities in the US adoption system are jeopardizing thousands of American families.

For adoption to function as intended, it must operate on a sound legal basis that prioritizes fundamental US protections for all adopted children. Comprehensive legislation is needed to ensure citizenship rights are equally applied to all children of US citizens.

How many children adopted by US citizens lack citizenship and how can this number be estimated?

- The Adoptee Rights Campaign (ARC) estimates that the current number of children adopted from 1945 to 1998 who entered adulthood without US citizenship **ranges from 25,000 to 49,000**.
- **An additional 7,321-14,643 children** adopted from 1999 to 2016 are at-risk of reaching adulthood without US citizenship.
- These figures do not include children brought to the US for adoption on non-immigrant visas and adoptions after 2016.
- **The total number of children adopted by US citizens living without the protection of US citizenship will increase to a new total of 32,000 to 64,000 adoptees between 2015 and 2033.**

Adoptees who are now adults without US citizenship were adopted from Argentina, Brazil, Cambodia, China, Colombia, Costa Rica, Dominican Republic, El Salvador, Germany, Great Britain, Guatemala, Haiti, India, Iran, Ireland, Japan, Mexico, Panama, Philippines, Russia, Samoa, South Korea, St. Kitts, Thailand, Ukraine, and Vietnam (ARC).

This report provides a comprehensive review of the available national statistics on intercountry adoption and for all 50 states, the District of Columbia, US territories and Armed Forces families.

The current system undermines American family values and is an ineffective use of taxpayer dollars. It separates families, denies adoptees equal rights and threatens family permanency.

Impact on South Dakota

- ARC estimates 1,418 children were brought to **South Dakota** through international adoption between 1945-2016.
- For adoption to function as intended, it must facilitate security and permanency for every child. However, we have failed to protect adoptees in **South Dakota**:
 - 68-136 **South Dakota** adoptees are adults without US citizenship.
 - 19-41 **South Dakota** adoptees are still children and could reach the age of 18 without this core protection.
 - A total of 87-177 **South Dakota** adoptees have already been or could be deprived of US citizenship.

**Adult Adoptees without US Citizenship &
Children At-Risk of Reaching Adulthood without US Citizenship**

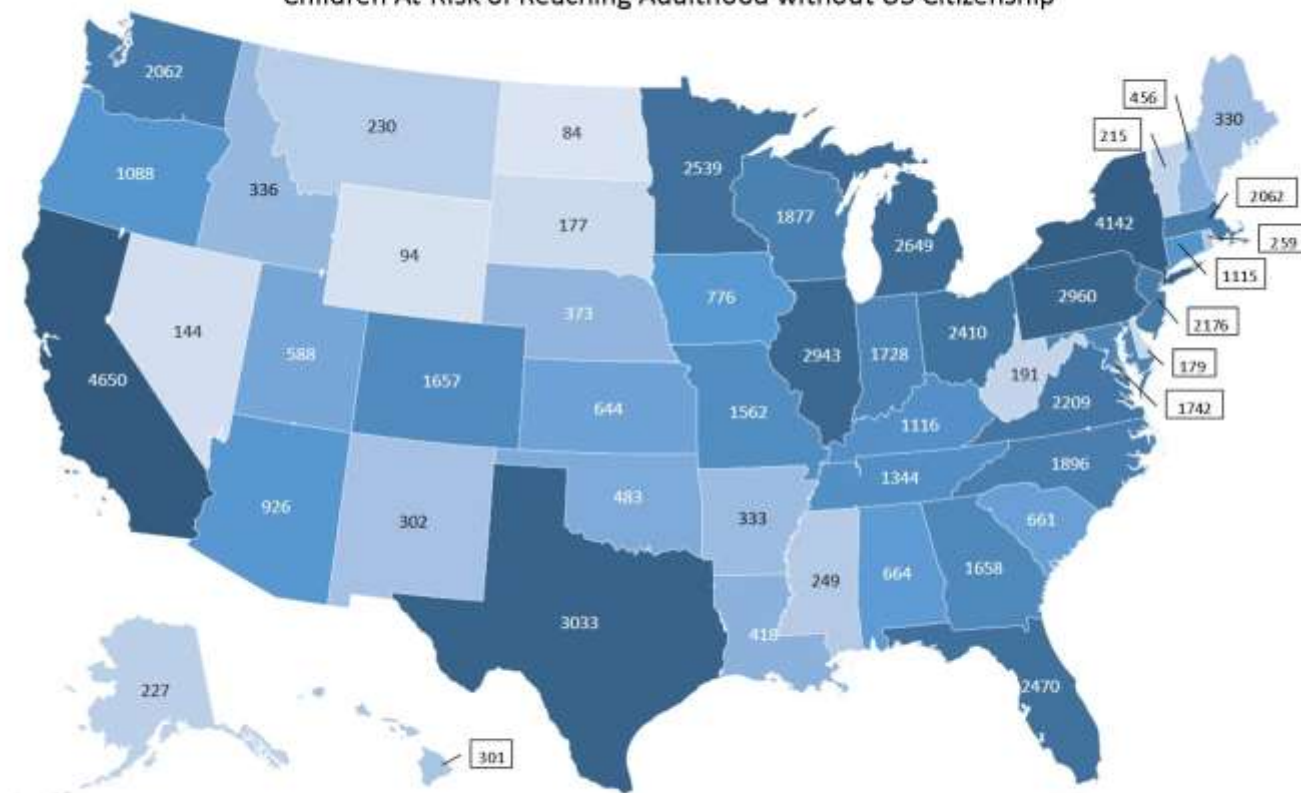


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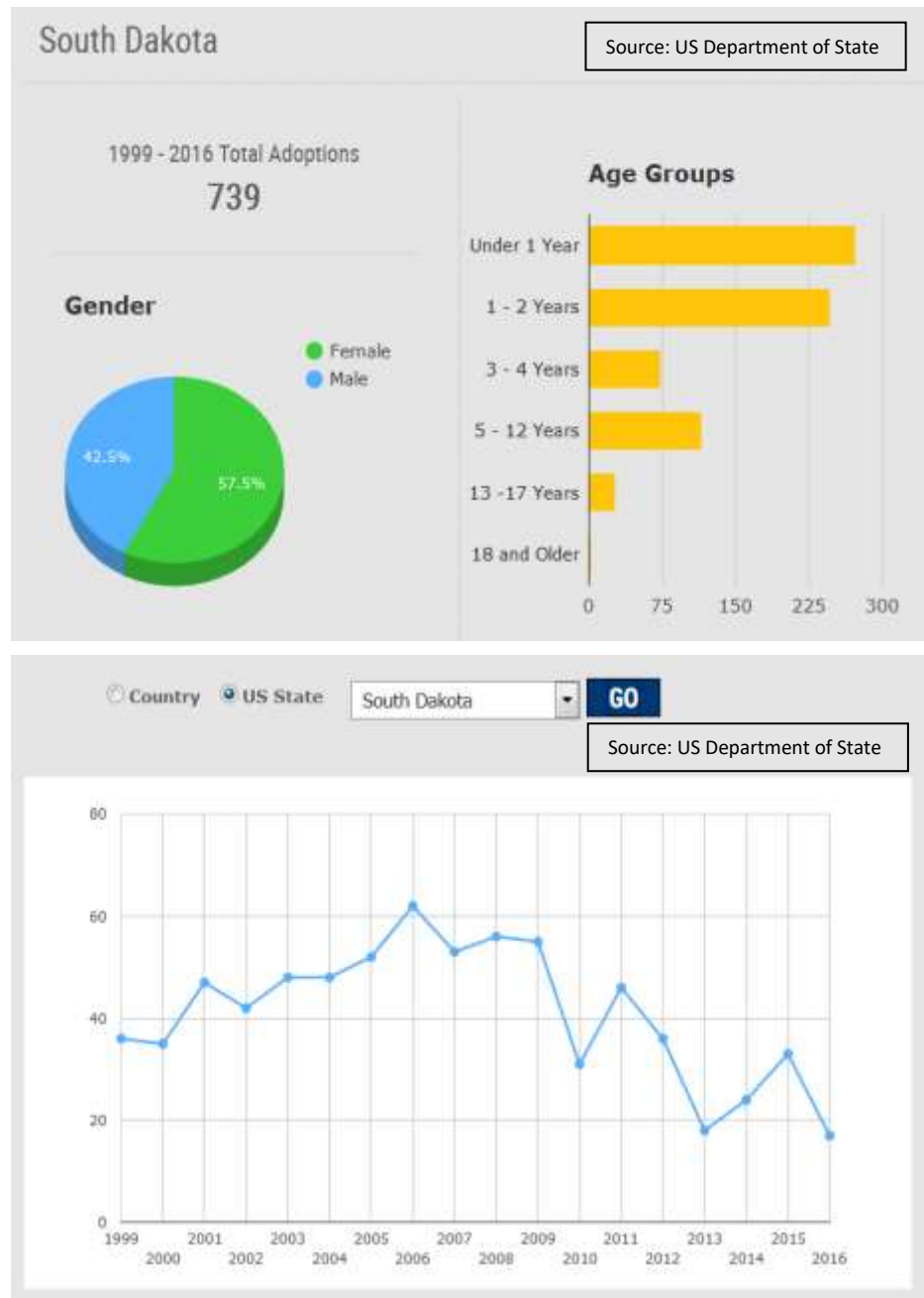
South Dakota Impact Study—Estimate of US Adoptees without Citizenship

Overview

According to the US State Department (USDOS), **739** intercountry adoptees entered the US to live with US citizen parents in South Dakota between 1999-2016. In addition, ARC estimates **679** children were adopted between 1945-1998 by South Dakota parents. USDOS began producing Annual Intercountry Adoption Reports during the second half of 2008. These annual reports provide a detailed breakdown of intercountry adoptions by country including a delineation of finalized and unfinalized adoptions by state for each year.

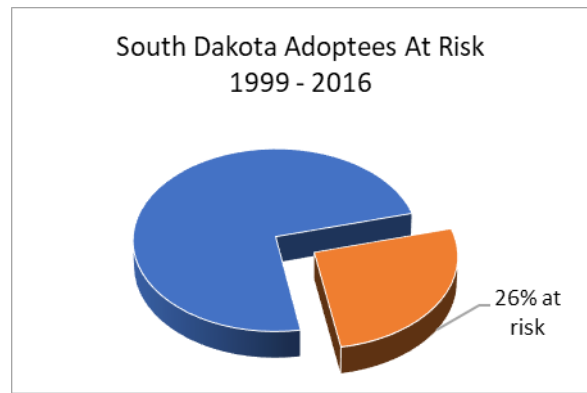
South Dakota represents .3% of total adoptions nationwide between 1999-2016. This figure was used to calculate the percentage of intercountry adoptions that took place from 1945-1998, where detailed state-by-state statistics are unavailable. The highest number of adoptees joined South Dakota families in 2006 with 62 children and the number of intercountry adoptions has declined since that year. The majority of children placed in South Dakota homes were under 2 years of age at the time of their adoption.

Prior to February 27, 2001 the effective date of the Child Citizenship Act of 2000 (CCA), adopting a child did not invoke any legal rights to US citizenship or facilitate a process by which internationally adopted children would automatically or easily qualify for naturalization. The CCA provided that ***some but not all children adopted by US citizens internationally would automatically qualify for citizenship***. Children entering on IR4 and IH4 visas have adoptions considered to be unfinalized and therefore require re-adoption by the US citizen parents within the United States. ***Data on the adoption of South Korean children by US citizen parents demonstrates that up to 20%***



are without verified citizenship records indicating that their US citizen parents either failed or refused to complete this process for their children.

Between 1999-2016, 195 children or approximately 26% of the total population of South Dakota intercountry adoptees (see Table 10, Intercountry Adoptions) entered the US legally with unfinalized adoptions that preclude these children from the automatic citizenship protections of the CCA. These children are vulnerable to reaching age 18 without US citizenship between 2015 and 2033. The number of South Dakota children vulnerable to reaching adulthood without the protection of citizenship is .3% of the 73,214-total adopted between 1999-2016 nationwide. This does not include children adopted between 1945-1998, 20% of whom are estimated to have reached adulthood without citizenship.



USDOS online data for the period of 1999-2007 reports only the total number of South Dakota intercountry adoptions. The more detailed USDOS Annual Reports on Intercountry Adoptions available online for 2008-2016 provide breakdowns for finalized and unfinalized adoptions by State. In order to calculate an estimate of unfinalized adoptions for 1999-2007, the average percentage of unfinalized adoptions by South Dakota residents between 2008 and 2016 was calculated and then applied to the total annual adoptions for 1999-2007. The number of unfinalized adoptions for 1999-2007 as well as the total for 1999-2016 are therefore estimates based on the available USDOS data.

The South Dakota children estimated to be at risk as reported in Table 10 began to reach age 18 in 2015 and will continue through 2033. These children represent only a portion of the total number of intercountry adoptees brought legally to the US by US citizen parents for adoption now living without the protection of citizenship. **The South Korean government reports that citizenship cannot be verified for 20% of the US Korean adoptee population. Based on this data, ARC estimates that a range of 10-20% or as many as 68-136 adoptees may be living without citizenship in South Dakota.**

It is important to recognize that these adult adoptees are denied the full rights, protections and privileges afforded other children of US citizen parents under the US Constitution and US law. They can and have been deported as adults to their birth countries, separated from their families including their children, without the ability to speak languages other than English, social and family networks to help them obtain work, housing, medical care, or other resources critical to survival. These adoptees are our family members, friends, and neighbors. They work, pay taxes, own homes, have children, grandchildren and serve our country in the military. They are as American as any child of a US citizen. The only difference is that we as a country intentionally refuse to grant them the rights of Americans. For every adoptee without citizenship, the struggles are compounded by their immediate family and beyond. In the words of a father to one such adoptee,

"It is critical to consider, not only the impact to the adoptee, but the burden to the immediate family of the adoptee. US citizen relatives can be adversely affected when the risks under which an adoptee without citizenship are realized. Adoptees can have parents, a spouse, children and siblings. Thus, for every adoptee at risk, there can be an average of 2 or 3 US citizen relatives also at risk of suffering emotional and financial hardships."

Intercountry Adoptions into South Dakota					Adoptees w/o citizenship as percentage of parents failing to finalize adoptions			
Year	Finalized	Unfinalized	Total	² Percent of adoptees at risk without citizenship	³ Year of child aging out	10%	15%	20%
1999	26	10	36	27.0%	2015	1	2	2
2000	26	9	35	27.0%	2016	1	1	2
2001	34	13	47	27.0%	2017	1	2	3
2002	31	11	42	27.0%	2018	1	2	2
2003	35	13	48	27.0%	2019	1	2	3
2004	35	13	48	27.0%	2020	1	2	3
2005	38	14	52	27.0%	2021	1	2	3
2006	45	17	62	27.0%	2022	2	3	3
2007	39	14	53	27.0%	2023	1	2	3
2008	41	15	56	27.0%	2024	2	2	3
2009	27	28	55	50.9%	2025	3	4	6
2010	18	13	31	41.9%	2026	1	2	3
2011	41	5	46	10.9%	2027	1	1	1
2012	33	3	36	8.3%	2028	0	0	1
2013	16	2	18	11.1%	2029	0	0	0
2014	15	9	24	37.5%	2030	1	1	2
2015	25	1	26	3.8%	2031	0	0	0
2016	19	5	24	20.8%	2032	1	1	1
Totals	544	195	739	26.4%		19	29	41

Notes:

- 1 Children are adopted between infancy and age 18 according to US DOS statistics.
- 2 Estimates are based on average of the total number of children with unfinalized adoptions (who entered the US on IR4/IH4 visas) between 2008-2016.
- 3 Using 2 years as the age of the child when adopted.

For internationally adopted children residing in South Dakota, if **10% of adoptive parents fail or refuse to readopt these children, 19 children** will enter adulthood without citizenship. **If 15% of parents neglect their duties, 29 children will suffer** and if the highest estimates of **20% are reached, 41 South Dakota children** will be deprived of the opportunity to work, vote, have passports and be afforded the same rights, privileges and protections as children who join their families through birth, domestic adoption, or adoption from countries whose process is considered finalized prior to entrance to the US. **This will be in addition to the estimated 68-136 South Dakota adult adoptees without citizenship.**

Under previous as well as current law, the US Federal Government intentionally places children in vulnerable environments by issuing visas for the purpose of adoption without ensuring procedural safeguards in the event that the US citizen parents fail or refuse to complete their obligations. The ultimate responsibility lies with the US Federal Government to create a procedure for intercountry adoption whereby every child who legally enters the

country for adoption by a US citizen is guaranteed the same legal rights, privileges and protections as a child born to or adopted by their US citizen parents.

A legislative remedy exists if members of the South Dakota delegation consider the protection of all internationally adopted children and adults as a family value. We encourage South Dakota citizens to communicate with their legislators on the importance of family and equal rights for all children of US citizen parents—no matter how they join their families.

If Congress and adoptive parents fail to act, between 7,321-14,643 children adopted by US citizens between 1999 and 2016 will enter adulthood without citizenship joining their adult adoptee counterparts who were deprived of US citizenship. ***An estimated 68 to 136 South Dakota adult adoptees live without citizenship. 19 to 41 additional South Dakota children adopted between 1999 and 2016 will join them as they reach their 18th birthday.*** In the absence of federal legislation, the total number of children adopted by US citizens living without the protection of US citizenship will increase from the current national total of 25,000-49,000 adoptees to a new total of 32,000-64,000 adoptees between 2015 and 2033.

The Adoptee Rights Campaign (ARC) is a grassroots coalition led by impacted adoptees without US citizenship. We advocate for equal citizenship rights for intercountry adoptees. By promoting corrective legislation and advocating for the prevention of deportation, ARC aims to empower adoptees toward family unity, economic stability, and community engagement. ARC is supported by individuals and families who have been impacted by adoption, parent networks, legal associations, immigration specialists, faith communities, human rights coalitions and organizations in the US and abroad.

The purpose of this report is to estimate the number of US adoptees living without citizenship and to predict the size of the future population. Federal and state government agencies regulating adoption and immigration failed to maintain consistent statistics on children who entered the US for adoption or the disposition of their citizenship status. Our research reveals incomplete, non-existent or inaccessible data for intercountry adoptions prior to 1999

and the period between 1999-2016. The US State Department (USDOS) website provides limited searchable data regarding intercountry adoptees who entered the US between 1999-2016 on IR3 and IH3 visas (for finalized adoptions), IR4 and IH4 visas (for unfinalized adoptions). Data for 1945-1998 lacks the granularity of data for 1999-2016 regarding countries, states and visa type. In addition, ARC has documented cases of adoptees without US citizenship nationwide. Collectively this data demonstrates that:

- Intercountry adoptees often lack critical identity documentation or are given records containing falsified information.
- Not all adoptees entered the US on IR3, IH3, IR4 or IH4 visas.
- ***Some adoptees entered on visitor and non-immigrant visas that are not reflected in USDOS adoption statistics and do not provide pathways to US citizenship.***
- Gaps in data limit access for government entities to critical information on which to formulate policy.

Data Sources

These 53 national and state reports utilize data sets which exhibit inconsistencies and gaps. Each is described in terms of the impact and problems identified.

- USDOS Intercountry Adoption data available for 1999-2016 (Tables 1-6, 10)
- USDOS and USCIS Intercountry Adoption data for 1945-1998 (Tables 7-9)
- Information provided by the South Korean Ministry of Health and Welfare.

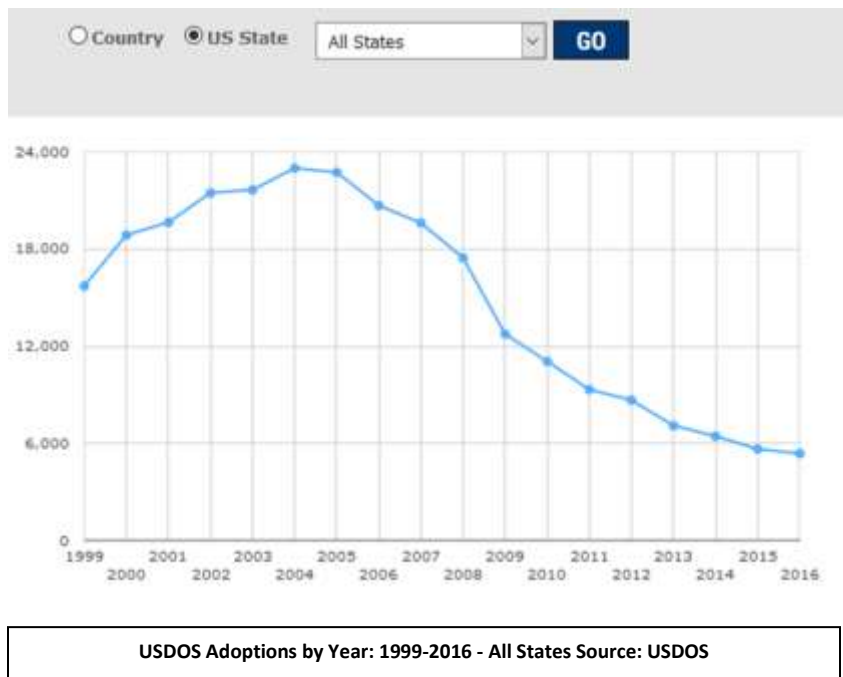
Table 1

All States Yearly Adoptions		Figures from Annual Reports	Top 5 Adopting Countries and States	
2016	5370	5372	2012	
2015	5647	5648	1. China	1. Texas
2014	6438	6441	2. Ethiopia	2. California
2013	7092	7094	3. Russia	3. New York
2012	8667	8668	4. South Korea	4. Florida
2011	9319	9320	5. Ukraine	5. Illinois
2010	11058	**11059	2011	
2009	12744	12753	1. China	1. California
2008	17449	*8251	2. Ethiopia	2. Texas
2007	19601	19601	3. Russia	3. New York
2006	20675	20675	4. South Korea	4. Illinois
2005	22726	22726	5. Ukraine	5. Florida
2004	22989	22989	2010	
2003	21647	21647	1. China	1. California
2002	21459	21459	2. Ethiopia	2. New York
2001	19644	19644	3. Russia	3. Texas
2000	18856	18856	4. South Korea	4. Illinois
1999	15717	15717	5. Ukraine	5. Michigan
Totals 267,098		257,920	2009	
*Reporting period for 6-month period. All other years have reporting period of Oct 1—Sept 30. No annual report data available. **Numbers do not include 1090 Haitian children issued Humanitarian Parole.			1. China	1. California
Source: USDOS Adoption Statistics website			2. Ethiopia	2. New York
			3. Russia	3. Texas
			4. South Korea	4. Illinois
			5. Guatemala	5. Florida
			2008	
			1. Guatemala	1. California
			2. China	2. New York
			3. Russia	3. Illinois
			4. Ethiopia	4. Florida
			5. South Korea	5. Texas

South Korean Data

The South Korean Ministry of Health and Welfare (MHW) maintains records of all children adopted from Korea and their citizenship status. According to their records, 112,000 Korean children were adopted by US citizens in the last 60 years. Of these adoptees, 20,000 who were sent to live with US families lack records of US citizenship finalization (MHW). Now adults, these 20,000 adoptees represent 20% of the total number of South Korean children adopted by US citizens. Although 20% may

not be indicative of all sending countries that have participated in intercountry adoption by US citizens, this figure represents the only reliable data on the number of adult adoptees without US citizenship from any country. Therefore, the figure of 20% is used throughout this analysis as the high estimate to calculate the number of adult adoptees without citizenship and the number of adoptees who are currently children and who could pass their 18th birthday without the protection of US citizenship. The full South Korean MHW dataset has not been made available for detailed analysis. However, Korean government officials from the MHW and the Ministry of Foreign Affairs have made repeated inquiries to the US government regarding adult and minor Korean adoptees who lack US naturalization and live in US families as well as Korean adoptees who have been deported by the US government and the US government’s failure to remedy the problem through legislation.



USDOS Data 1999-2016

The USDOS provides intercountry adoption data on its website for the years 1999-2016. According to this data, **267,098 children were adopted by US citizens from 1999-2016**. The vast majority of children were adopted when they were under the age of 3 years old. The peak of adoptions by US citizens was reached in 2004 and 2005 and then began to fall. Data for adoptions prior to 1999 was obtained from USDOS, USCIS and academic sources and is discussed later in the report.

Detailed USDOS Annual Intercountry Adoption Reports are available as PDF files online for 2008-2016. These reports provide different totals when compared to the figures reported on the USDOS

website (Table 1). For most years, the differences are minor but still concerning for several reasons. Annual Reports for 2011-2016 do not explicitly state the reporting period dates. It is assumed the data represent adoptions for the US Government fiscal year October 1-September 30; however, the annual report for 2008 lists data for only 6 months rather than a full year. There is no amended report or addendum available online that accounts for the discrepancies and the resulting lower total of annual adoptions. The online figure for 2008 shows a substantially higher number of total adoptions - 17,449 when compared to the 2008 Annual Report total which lists only 8,251 adoptions. For this reason, we have adjusted the 2008 total by a factor of two. For 2010, the USDOS

Annual Report notes that the total number of adoptions excludes 1090 Haitian children issued nonimmigrant visas under humanitarian parole during that year. These children entered the US as unaccompanied refugee minors and **have a legal pathway to citizenship under the Help Haiti Act of 2010 only if their US adoptive parents complete the adoption and immigration process in the US.** Otherwise these children will be vulnerable to reaching age 18 without US citizenship. USDOS does not track children who enter US families via humanitarian parole or non-immigrant visas and are subsequently adopted. Therefore, these children are not included in the statistics for 1999-2016, although they are still subject to the same vulnerability as the children identified in this report.

Entry by Visa Type 1999-2016

The USDOS reports the total number of IR3, IH3, IR4 and IH4 visas issued to children for the purpose of adoption between 1999-2016 as 267,098. Of these, 73,214 represent IR4 and IH4 visas. However, the totals for IR4 and IH4 visas reported in USDOS sources are inconsistent. This inconsistency can be identified when examining the number of IR4 and IH4 visas reported in the Annual Reports for 2008-2016 versus the adoption statistics available on the USDOS website. 2008 Annual Report figures report only 6 months of data. The total adoptions reported online for Serbia & Montenegro, Yugoslavia and the Palestinian Authority also appear to be in error. These totals omit some non-immigrant visa categories that were used for admitting children to the US for adoption by US citizens such as humanitarian parole. Therefore, the following scenarios are possible:

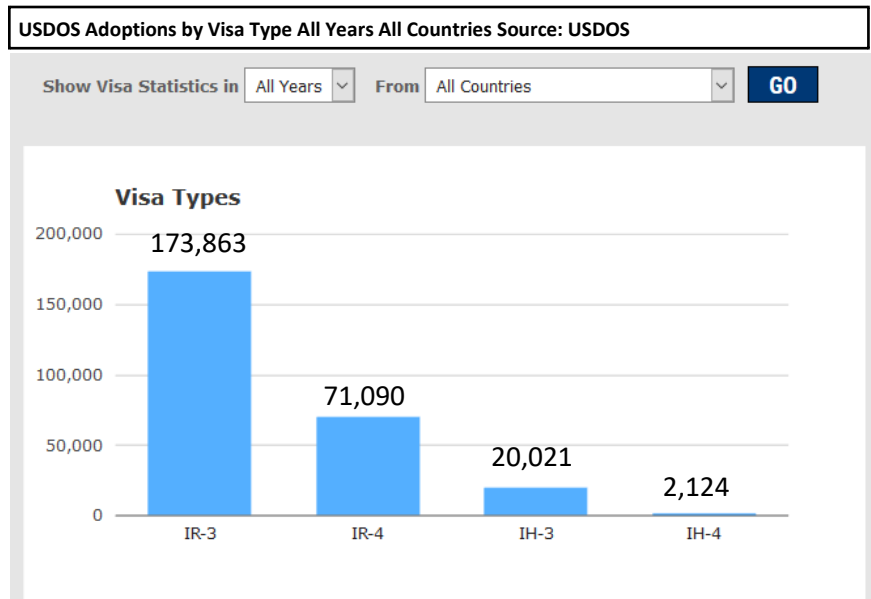
Table 2 Adoptions by Visa Type: 1999-2016	
Visa Type	Total
IR 3 visas	173,863
IR 4 visas	71,090
IH 3 visas	20,021
IH 4 visas	2,124
Total	267,098
Total IR4 & IH4 visas	73,214
Source: USDOS	

- The total number of children adopted by US citizens between 1999-2016 reported by USDOS is incorrect based on visa data;
- The number of reported IR4 and IH4 visas issued to children for the purpose of adoption by US citizens between 1999-2016 is underreported and/or incomplete; and
- The number of children who enter the US on humanitarian parole or nonimmigrant visas and are adopted in the US are subject to the same vulnerabilities in the immigration and citizenship process as the children identified in the USDOS reports. However, they are not considered in the USDOS total of adoptees by year.

It is important to examine the total number and type of visas issued to children adopted by US citizens from 136 countries because the information reveals which adoptees are subject to automatic citizenship under of the Child Citizenship Act of 2000, and which adoptees are excluded from that key provision of permanency. According to US Citizenship and Immigration Service (USCIS):

“Children with IR-4 and IH-4 visas:

- Do not acquire automatic citizenship upon entry to the US, but instead become Permanent Residents.
- Will automatically receive a permanent resident card.
- Will automatically acquire citizenship **on the date of their adoption in United States if the adoption occurs before the child’s 18th birthday.**



Children with IR-3 and IH-3 visas automatically acquire citizenship if:

- they enter the United States prior to their 18th birthday.
- they are under 18 years old they are automatically U.S. citizens upon admission to the United States.
- they reside in the United States with their parents (U.S. government or military personnel assigned overseas may qualify as residing in the United States).” (USCIS 2017)

Country-by-Country Visa Data 1999-2016

Analysis of visas issued for adoption between 1999-2016 by country reveals a critical need to address the status of internationally adopted children with unfinalized adoptions (those issued IR4 and IH4 visas) who are currently minors, vulnerable to reaching 18 years of age without finalized adoptions, and therefore subject to the potential denial of US citizenship if their US citizen parents fail or refuse to complete the re-adoption process. The reasons these children were issued IR4 and IH4 visas depends on the definition of a final adoption

Country	IR4	IH4	Percentage
Solomon Islands	1		100%
Congo-Kinshasa	1,288		nearly 100%
Egypt	20		nearly 100%
Guinea Bissau	15		nearly 100%
Hong Kong	159	113	nearly 100%
India	4,098	489	nearly 100%
Iran	128		nearly 100%
Japan	451		nearly 100%
Jordan	45		nearly 100%
Mali	7		nearly 100%
Morocco	325		nearly 100%
Senegal	13		nearly 100%
Slovakia	58		nearly 100%
South Korea	19,222		nearly 100%
Syria	5		nearly 100%
Thailand	700	265	nearly 100%
Trinidad Tobago	58		nearly 100%
Uganda	1,530		nearly 100%

Source for Tables 3-5 US DOS Adoption Statistics
India and S. Korea are among countries that recently changed their laws; in response USDOS/USCIS now issue IR3 or IH3 visas to most or all adoptees.

Country	IR4	IH4	Percentage
Ethiopia	8,768		over 50%
Fiji	13		over 50%
Gabon	3		over 50%
Gambia	15		over 50%
Germany	8	4	over 50%
Guatemala	16,319		over 50%
Panama	55	1	over 50%
Somalia	9		over 50%
The Philippines	2,071	1,167	over 50%
Portugal	11		over 50%
Romania	1,918		over 50%
Samoa	65		over 50%
Sierra Leone	204		over 50%
Tajikistan	9		over 50%
UK	45	9	over 50%
unknown Place of Birth	29	5	over 50%
Venezuela	4	2	over 50%
Jamaica	593		near 50%
Turkey	12	1	near 50%
Yugoslavia, Serbia, Montenegro & the Palestinian Authority	*		

**71090 was reported for each of these individual countries and this number is therefore seen as suspect requiring further clarification from the USDOS. It was excluded from the total.*

Table 5 Sending Countries for Adoptees Entering US on IR4 and IH4 Visas: 1999-2016								
Country	IR4	IH4	Country	IR4	IH4	Country	IR4	IH4
Afghanistan	36		Estonia	13		Niger	4	
Algeria	5		France	1		Nigeria	92	
Antigua & Barbuda	2		Georgia	15		Pakistan	575	
Argentina	1		Ghana	234		Papua New Guinea	2	
Armenia	31		Greece	2		Paraguay	1	
Australia	1		Grenada	3		Rwanda	31	
Azerbaijan	6		Guinea	2		South Africa	20	
Bangladesh	187		Guyana	67		Sri Lanka	2	
Barbados	6		Haiti	807		St. Lucia	8	
Belgium	2		Honduras	17		St. Vincent & the Grenadines	2	
Belize	50	31	Hungary	2		Sudan	21	
Benin	2		Iceland			Suriname	11	
Bolivia	7		Indonesia	1		Swaziland	1	
Bosnia Herzegovina	4		Iraq	2		Taiwan	607	
Brazil	7		Ireland	4		Tanzania	11	
Bulgaria	259		Israel	2		Togo	1	
Burkina Faso	2		Italy	2		Tonga	10	
Burundi	5	1	Kyrgyzstan	52		Tunisia	3	
Cambodia	195		Kenya	19		Ukraine	486	
Cameroon	43		Kazakhstan	73		Uzbekistan	3	
Canada	15	25	Laos	10		Vietnam	693	
Cape Verde	1		Latvia	79		Yemen	2	
Central African Republic	1		Lebanon	35		Zambia	13	
Chile	20		Lesotho	12		Zimbabwe	5	
China	6277		Liberia	1005		Totals for Tables 3-5	*70,905	2,119
Congo Brazzaville	1		Macedonia	2		Total IR4 & IH4 Visas Tables 3-5	73,024	
Costa Rica	1		Malawi	2		IR4 & IH4 Visas Totals USDOS online	73,214	
Cote d'Ivoire	6		Malaysia	3				
Croatia	4		Mauritius	1				
Cuba	1		Mexico	83				
Czech Republic	5	1	Moldova	15				
Djibouti	1		Mongolia	8				
Dominica	1		Mozambique	3				
Dominican Republic	32		Myanmar	2				
Ecuador	9		Nepal	173				
El Salvador	11		Netherlands	1	1			
Eritrea	36		New Zealand	2				

Source for Tables 3-5: USDOS Adoption Statistics. Data is available for a total of 136 countries. *70,905 differs from the total 71,090 reported online. 71,090 IR4 visas were reported individually for Yugoslavia, Serbia, Montenegro and the Palestinian Authority. This number is not included in the total reflected here. It appears to be in error and requires further clarification from the USDOS.

under both US and the sending country's law. This report examines detailed visa data from 1999-2016 that allows for more accurate predictions regarding the number of children who require re-adoption in order to secure US citizenship. Adoptions prior to 1999 required that US citizen parents undertake multiple steps to finalize the adoption and secure citizenship for the adopted child regardless of the type of entry visa issue to the child by the US government.

Impact of the Child Citizenship Act of 2000

Prior to February 27, 2001, the effective date of the CCA, adopting a child did not invoke any legal right to US citizenship or facilitate a process by which internationally adopted children would automatically or easily qualify for naturalization. Adoptees entered the US, and joined their US citizen families, through IR3, IR4, and other visa types, some of which were non-immigrant visas such as visitor or student visas issued by the US Federal Government. Adoptive parents were responsible for completing the naturalization process as well as re-adoption proceedings, if necessary. Adoption agencies, attorneys, and the US Federal Government were inconsistent in providing pre- and post-adoption assistance and information to ensure that all internationally adopted children would eventually be naturalized. Adoption agencies were inconsistent in providing parents clear instructions on the requirements to naturalize their adopted children.

The CCA made it possible for many, but not all, foreign-born children who were without US citizenship at birth to gain citizenship through a US citizen parent automatically, if certain conditions were met, as long as they were under the age of 18 on February 27, 2001. As a result, ***adoptees born before February 27, 1983, were intentionally excluded from coverage under the CCA by Congress.*** In addition, children whose adoptions were not completed in the country of their birth (those issued IR4 and IH4 visas) are not subject to the automatic citizenship provision of the CCA. ***These children require re-adoption in the US by their US citizen parents before their adoptions are considered final and they are eligible for US citizenship under the CCA.***

Study Methodology

Historically, the US Federal Government did not maintain accurate figures on international adoption and it does not currently track the number of internationally adopted children who ultimately receive citizenship. Our

Table 6 Intercountry Adoptions by US Citizens 1945-2016			
Year	Intercountry Adoptions	Year	Intercountry Adoptions
1945	1,300	1988	9,120
1948	4,100	1989	7,948
1953	4,300	1990	7,088
1957	10,900	1991	9,088
1962	400	1992	6,536
1963	1,300	1993	7348
1964	1,700	1994	8200
1965	1,400	1995	9384
1966	1,700	1996	11,316
1967	2,000	1997	12,596
1968	1,600	1998	14,867
1969	2,100	1999	15,717
1970	2,300	2000	18,856
1971	2,800	2001	19,644
1972	3,100	2002	21,459
1973	4,323	2003	21,647
1974	5,446	2004	22,989
1975	6,290	2005	22,726
1976	7,051	2006	20,675
1977	6,854	2007	19,601
1978	5,652	2008	17,449
1979	4,864	2009	12,753
1980	5,139	2010	11,059
1981	4,868	2011	9,320
1982	5,749	2012	8,668
1983	7,127	2013	7,094
1984	8,327	2014	6,441
1985	9,286	2015	5,648
1986	9,945	2016	5,372
1987	10,097	Total	512,627

Total of adoptions 1945-1998 245,509 Sources: [Atwood et al \(2007\)](#), [Bernal et al \(2007\)](#), [Carter et al \(2006\)](#), [Jones et al \(2017\)](#), [Lovelock \(2000\)](#), [USDOS \(2008-2016\)](#), [USINS \(1997-2001\)](#), [Weil \(1984\)](#).

goal in this study is to estimate the number of adoptees without citizenship for the population adopted between 1945-1998 and to analyze how these estimates may grow for adoptions between 1999-2016. **Between 1945-2016, 512,627 children born abroad were adopted by U.S. citizen parents (Table 7).** For purposes of consistency, we have divided the impacted population into two groups: adoptions from 1945-1998 and those from 1999-2016.

Analysis of Intercountry Adoptions between 1945-1998

Table 7 Percentage of IR4 & IH4 Visas As a Basis for Estimates of At-Risk Population		
Total adoptions 1999-2016	267,098*	
Total IR 4 Visas	71,090*	
% of IR 4 Visas	26.6%	
Total IH 4 Visas	2119*	
% of IH 4 Visas	.79%	
Total IR4 & IH4 visas	73,214	
% of total IR4 & IH4 visas	27.4%	
*as reported on the USDOS website		
% of Parents who do not finalize	Estimated children impacted	Estimated impacted adoptees from 1945-1998
10% of parents	7,321	24,551
15% of parents	10,982	36,826
20% of parents	14,643	49,102

Adoption statistics prior to 1999 are incomplete and inconsistent. The data presented in Table 7 were gathered from USDOS, USCIS and academic studies on intercountry adoption and migration. **The total number of intercountry adoptions by US citizens between 1945 and 1998 is 245,509 however this total represents an undercount. It does not include children who entered the US for the purpose of adoption on non-immigrant visas.** ARC has documented many adoptees currently without citizenship who entered the US on non-immigrant visas that made them vulnerable to deportation as adults. It is important to note that the decision to issue non-immigrant visas to children entering the US for the purpose of adoption was made at the discretion of US Federal Government officials. Prior to passage of the CCA, no adopted child was subject to automatic citizenship provisions. National estimates were calculated for 10%, 15% and 20% of the 1945-1998 adoptee total resulting in a **range of 24,551 to 49,102 adult adoptees currently living without US citizenship. The combined number of current and future adoptees without US citizenship could grow to 32,000-64,000 adoptees by 2033.**

Data on the number of intercountry adoptions for 1945-1998 was limited to annual totals. Further granularity regarding visa type, country of origin and state of US residency was unavailable. However, 1999-2016 data contains sufficient detail to calculate the percentage of national intercountry adoptions for each state. To

estimate the total number of adoptees between 1945-1998 for each state, as well as the number living without US citizenship, we made two calculations:

1. We applied the 1999-2016 percentage of national adoptions by state to the total number of adoptees who entered from 1945-1998 (245,509 adoptees, Table 6) to estimate the number of adoptions that took place for each state between 1945-1998.
2. Using the figures reported by the South Korean government (see box below) we calculated that 24,551-49,102 of the estimated 245,509 individuals adopted between 1945-1998 are living without citizenship (Table 7; additional detail on page 16). State-by-state results are provided in Tables 8 and 9.

South Korean government officials have reported that citizenship status cannot be verified for 20% of Korean adoptees. Based on this figure, ARC estimates, 25,000 to 49,000 children who were legally adopted by US citizens between 1945 and 1998 may lack the security of citizenship. These numbers will continue to grow adding 7,321 to 14,363 children to the total as children adopted between 1999 and 2016 reach their 18th birthdays. Without a change in the law to protect all children adopted by US citizens, adoptees who entered on non-immigrant, IR4 and IH4 visas may join the tens of thousands of adult adoptees living without citizenship.

Although imperfect, this method provides a means to calculate low to high estimates for the 50 states, the District of Columbia, US territories and US Armed Forces. ARC has been transparent regarding shortcomings and gaps in the data and encourages Congress to direct the Congressional Research Service to undertake a comprehensive analysis of federal government intercountry adoption data from 1945-2016.

Analysis of Intercountry Adoptions between 1999-2016

There were **267,098 intercountry adoptions between 1999-2016, 73,214 of these children were issued IR4 and IH4 visas** (Table 6). **27.4% of total intercountry adoptees between 1999-2016 were therefore ineligible for automatic protections under the CCA.** In order for children adopted during this period to have finalized adoptions and receive US citizenship, the US citizen adoptive parents must re-adopt in the US following the child’s arrival. **These figures represent an undercount and do not include adoptees entering on other non-immigrant visa types or humanitarian parole who were subsequently adopted.** If the US citizen parents fail or refuse to finalize the adoptions, these children will join the current adult adoptee population living without the protection of citizenship. **In some instances, these children could become stateless.**

To predict the number of minors adopted between 1999-2016 who will join their adult peers living without citizenship, we calculated 10%, 15% and 20% of the total 73,214 IR4 and IH4 visas issued. Our calculations reveal that **if 10% of parents fail or refuse to finalize, 7,321 additional children will be without US citizenship at 18. If 15% of parents fail or refuse, 10,982 additional children will be without US citizenship. If the high estimate of 20% of parents fail or refuse, 14,643 additional children** legally adopted by US citizen parents will reach the age of 18 without the same rights, protections and privileges granted to other intercountry adoptees who enter on IR3 and IH3 visas, birth children and domestic adoptees. The US Department of State 2016 Annual Report on Intercountry Adoption, stated its goal to implement a strategy that seeks to:

“increase proactive efforts to maintain intercountry **adoption as a viable option for children in need of permanency** around the world.

The Department is working to identify barriers and threats to the initiation and continuation of intercountry adoption...” (USDOS 2016 **Annual Report on Intercountry Adoptions**)

If US citizen adoptive parents fail or refuse to finalize their child’s adoption, the child has no legal recourse to remedy their citizenship status before the age of 18 when it is too late. **Children under the age of 18 have no legal means to change their citizenship status without the help of their US citizen adoptive parents.**

Rank	State	Adult Adoptees without Citizenship	Children at-risk of reaching adulthood without Citizenship	Total Impact by State
1	California*	3493	1157	4650
2	New York*	3256	886	4142
3	Texas*	2484	549	3033
4	Pennsylvania*	2345	615	2960
5	Illinois*	2308	635	2943
6	Michigan	2039	610	2649
7	Minnesota*	1836	703	2539
8	Florida*	2041	429	2470
9	Ohio	1928	482	2410
10	Virginia*	1741	468	2209
11	New Jersey*	1639	537	2176
12	Massachusetts	1611	451	2062
13	Washington*	1536	526	2062
14	North Carolina*	1471	425	1896
15	Wisconsin*	1397	480	1877
16	Maryland	1360	382	1742
17	Indiana	1333	395	1728
18	Missouri	1211	351	1562
19	Georgia*	1376	282	1658
20	Colorado*	1270	387	1657

*Has member of Congress serving on House or Senate Judiciary Committee

Table 9 Adult Intercountry Adoptees without US Citizenship & Children At-Risk by State

Rank	State	1945-1998 Adult Adoptees without Citizenship *	Children at-risk of reaching adulthood without Citizenship**	Total Impact by State	Rank	State	1945-1998 Adult Adoptees without Citizenship *	Children at-risk of reaching adulthood without Citizenship**	Total Impact by State
27th	Alabama	578	86	664	42nd	Montana	161	69	230
43rd	Alaska	170	57	227	34th	Nebraska	286	87	373
25th	Arizona	669	257	926	50th	Nevada	108	36	144
36th	Arkansas	254	79	333	32nd	New Hampshire	338	118	456
1st	California	3493	1157	4650	11th	New Jersey	1639	537	2176
20th	Colorado	1270	387	1657	38th	New Mexico	212	90	302
23rd	Connecticut	848	267	1115	2nd	New York	3256	886	4142
47th	Delaware	134	45	179	14th	North Carolina	1471	425	1896
45th	District of Columbia	152	39	191	52nd	North Dakota	64	20	84
8th	Florida	2041	429	2470	9th	Ohio	1928	482	2410
19th	Georgia	1376	282	1658	31st	Oklahoma	369	114	483
39th	Hawaii	211	90	301	24th	Oregon	787	301	1088
35th	Idaho	246	90	336	4th	Pennsylvania	2345	615	2960
5th	Illinois	2308	635	2943	40th	Rhode Island	214	45	259
17th	Indiana	1333	395	1728	28th	South Carolina	557	104	661
26th	Iowa	578	198	776	48th	South Dakota	136	41	177
29th	Kansas	509	135	644	21st	Tennessee	1054	290	1344
22nd	Kentucky	851	265	1116	3rd	Texas	2484	549	3033
33rd	Louisiana	358	60	418	49th	US Territories & Armed Forces	136	29	165
37th	Maine	244	86	330	30th	Utah	482	106	588
16th	Maryland	1360	382	1742	44th	Vermont	156	59	215
12th	Massachusetts	1611	451	2062	10th	Virginia	870	1741	8730
6th	Michigan	2039	610	2649	13th	Washington	1536	526	2062
7th	Minnesota	1836	703	2539	46th	West Virginia	159	32	191
41st	Mississippi	222	27	249	15th	Wisconsin	1397	480	1877
18th	Missouri	1211	351	1562	51st	Wyoming	72	22	94

*1945-1998 adoption statistics are available as national totals only. An estimate of the total number of adoptees by individual state for 1945-1998 was calculated by applying the percentage of total adoptions by state to the published in the USDOS 1999-2016 data. The estimate for the adoptees without citizenship was then calculated by taking 10-20% of the state total. The high end of the range (20%) is reflected in this table for the 1945-1998 population of adoptees.

**The high end of the at-risk range (20%) is reflected in this table for the 1999-2016 population.

The failure to finalize intercountry adoption of current minors and the past failure to complete the necessary steps or to institute comprehensive procedural safeguards to ensure citizenship rests with two parties, US citizen parents as well as the US Federal Government. The government has created a system under which minor children are legally brought to the US to live in the custody of US citizen parents who were not and are not



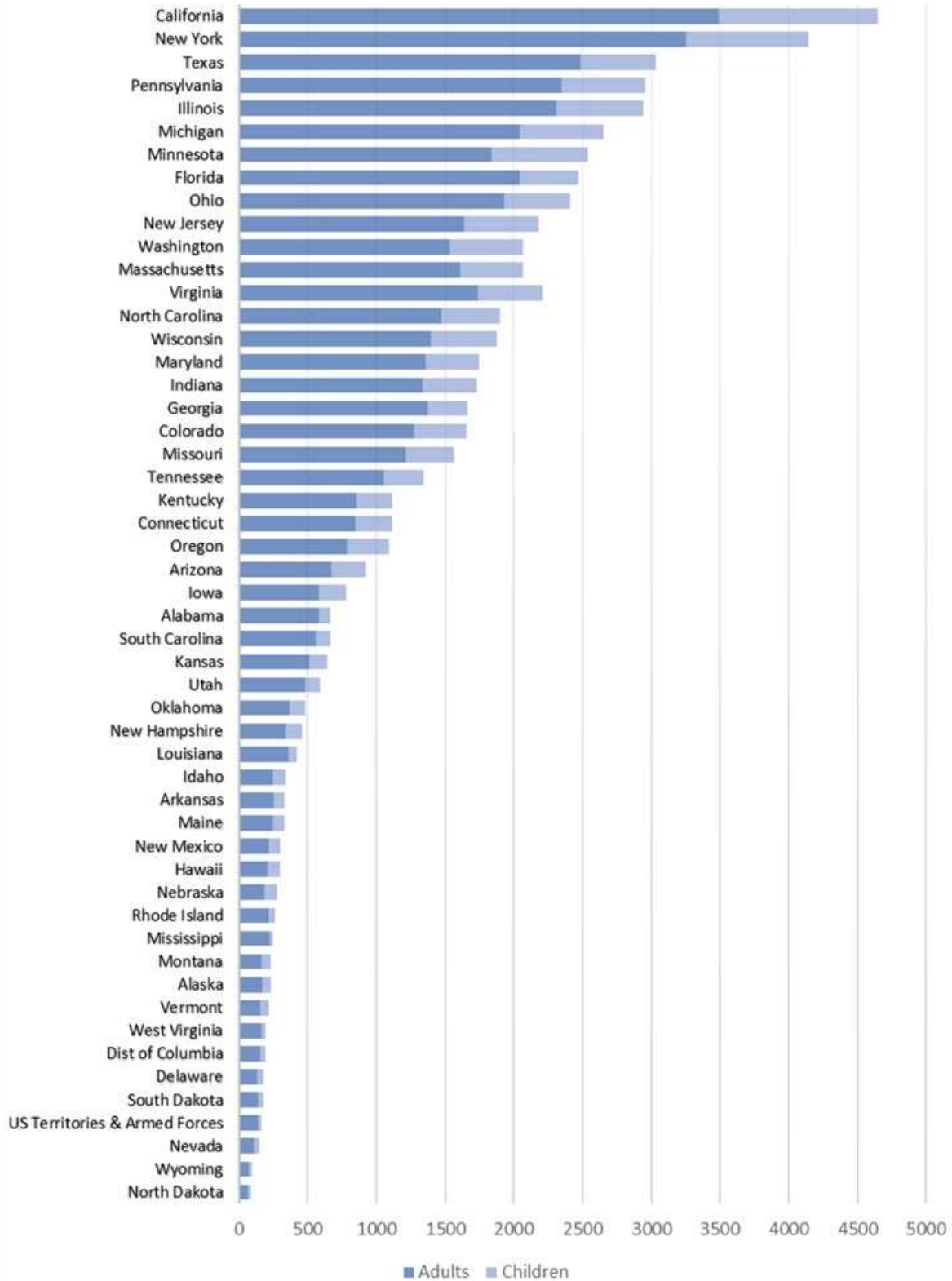
compelled to complete the adoption and naturalization processes. Children whose parents fail to complete naturalization procedures, as well as those who either are neglected or abused by their parents have no governmental protection, as well as no legal recourse to remedy their citizenship status. Under previous as well as current law, the US Federal Government issued visas for the purpose of adoption without ensuring procedural safeguards in the event that the US citizen parents fail or refuse to complete their obligations, thereby placing children in potentially vulnerable environments. ***The ultimate responsibility lies with the US Federal Government to create a procedure for intercountry adoption whereby every child who legally enters the country for the purpose of adoption by a US citizen is guaranteed the same legal rights, privileges and protections as a child born to or adopted by their US citizen parents.***

Our research demonstrates that adult adoptees without citizenship do not fit one profile or experience.

- Some lived in loving families that did their best to provide a safe, secure permanent home.
- Some lived in negligent and abusive homes and some were removed from their adoptive parents' custody and placed in foster care where they aged out at 18.
- Some possess valid green cards, and some have been able to reinstitute citizenship in their birth countries.
- Some are stateless.
- Some are undocumented.
- Some are in USCIS custody awaiting deportation.
- Some are under USCIS supervision subject to incarceration and deportation at any time.
- Some have been deported.

All of the adoptees without citizenship live in fear, denied both permanency and protection promised through their adoption by US citizen parents. Many are seeking naturalization, if a path is available to them based on their current situation. However, ***there are substantial numbers of adult intercountry adoptees with no viable path to citizenship.***

Adult Adoptees without US Citizenship & Children At-Risk of Reaching Adulthood without Citizenship



*US Federal Government policy for children adopted internationally by US citizens does NOT ensure permanency for ALL children of US citizen parents. **The Federal Government does not guarantee the ability of internationally adopted children to obtain US citizenship, the child's right to remain in the country to which she or he was brought legally as a minor, or access to the same legal rights, privileges and protections as children born to or adopted domestically by their US citizen parents.***

These adoptees are our family members, friends, and neighbors. They work, pay taxes, own homes, have children, and grandchildren and serve our country in the military. They are as American as any child of a US citizen. The only difference is that we as a country intentionally refuse to grant them the rights of other American children. For every adoptee without citizenship, the struggles extend to their immediate family and beyond.

In the words of one adoptee's father,

It is critical to consider, not only the impact to the adoptee, but the burden to the immediate family of the adoptee. U.S. citizen relatives can be adversely affected when the risks under which an adoptee without citizenship are realized. Adoptees can have parents, a spouse, children and siblings. Thus, for every adoptee at risk, there can be an average of 2 or 3 U.S. citizen relatives also at risk of suffering emotional and financial hardships.

In addition to this national study, ARC is releasing reports for each of the 50 states, the District of Columbia, and the US Territories and Armed Forces. The subsequent reports detail the following data for individual states and jurisdictions:

- The estimated number of adult adoptees from 1945-1998 living without citizenship (10-20% of the total population of intercountry US adoptees)
- The total number of vulnerable children adopted from 1999-2016 who entered on IR4 and IH4 visas that exclude them from the citizenship provisions of the CCA without further parental action
- The estimated number of children adopted from 1999-2016 at-risk of passing their 18th birthday without the protection of a finalized adoption and US citizenship (10-20% of the vulnerable population).

References

- Atwood, Thomas C., Lee A. Allen, Virginia C. Ravenel and Nicole F. Callahan, eds., (2007): **Adoption Factbook IV** National Council for Adoption. Available online: <https://www.adoptioncouncil.org/files/large/c3dfa7b8619e8aa>
- Bernal, Raquel, Luojia Hu, Chiaki Moriguchi and Eva Nagypal (2007): Child **Adoption in the United States Historical Trends and the Determinants of Adoption Demand and Supply 1951-2002**. Available online: <http://faculty.wcas.northwestern.edu/~cmo938/adoptAEA.pdf>
- Carter, Susan, Scott Gartner, Michael Haines, Alan Olmstead, Richard Sutch, and Gavin Wright, eds. (2006): **Historical Statistics of the United States, Earliest Times to the Present**: Millennial Edition. New York: Cambridge University Press.
- Jones, Jo and Paul Placek (2017): **Adoption By the Numbers, A Comprehensive Report of U.S. Adoption Statistics**. National Council on Adoption. <https://www.adoptioncouncil.org/files/large/249e5e967173624>
- Lovelock, Kirsten (2000): "Intercountry Adoption as a Migratory Practice," **International Migration Review** 34(3), Autumn 2000, 907-949.
- South Korean Ministry of Health and Welfare (2017): **South Korean Adoption Statistics**. Provided via in person meeting with the Adoptee Rights Campaign volunteers.

- United States Census Bureau (2014): **Adopted Children and Stepchildren 2010 Census 2000 Special Reports.**
<https://www.census.gov/prod/2003pubs/censr-6.pdf>
- United States Census Bureau (2014): **Adopted Children and Stepchildren 2010 Population Characteristics.**
<https://www.census.gov/library/publications/2014/demo/p20-572.html>
- United States Citizen and Immigration Service (2017): **Before Your Child Immigrates to the United States.**
<https://www.uscis.gov/adoption/your-child-immigrates-united-states>
- United States Citizen and Immigration Service (2001): **Statistical Yearbook of the Immigration and Naturalization Service, 1978-2001.** Washington, DC: Immigration and Naturalization Service
- United States Citizen and Immigration Service (2000): **Immigrants Admitted to the United States Series, 1972-2000,** available at the ICPSR online database.
- United States Citizen and Immigration Service **Yearbook Immigration Statistics & Tables 1997, 1998, 1999** available online https://www.dhs.gov/immigration-statistics/yearbook/1996_1999.
- United States Department of State (2017): **Adoption Statistics 1999-2016.**
https://travel.state.gov/content/travel/en/Intercountry-Adoption/adopt_ref/adoption-statistics.html
- United States Department of State (2009-2017): **Annual Intercountry Adoption Reports 2008-2016.** Available online via the DOS Publications Page https://travel.state.gov/content/travel/en/Intercountry-Adoption/adopt_ref/adoption-publications.html
- **Annual Intercountry Adoption Report 2008**
https://travel.state.gov/content/dam/aa/pdfs/Adoption_Report_v9_SM.pdf
 - **Annual Intercountry Adoption Report 2009**
https://travel.state.gov/content/dam/aa/pdfs/fy2009_annual_report.pdf
 - **Annual Intercountry Adoption Report 2010**
https://travel.state.gov/content/dam/aa/pdfs/fy2010_annual_report.pdf
 - **Annual Intercountry Adoption Report 2011**
https://travel.state.gov/content/dam/aa/pdfs/fy2011_annual_report.pdf
 - **Annual Intercountry Adoption Report 2012**
https://travel.state.gov/content/dam/aa/pdfs/fy2012_annual_report.pdf
 - **Annual Intercountry Adoption Report 2013**
https://travel.state.gov/content/dam/aa/pdfs/fy2013_annual_report.pdf
 - **Annual Intercountry Adoption Report 2014**
https://travel.state.gov/content/dam/aa/pdfs/fy2014_annual_report.pdf
 - **Annual Intercountry Adoption Report 2015**
https://travel.state.gov/content/dam/aa/pdfs/2015Annual_Intercountry_Adoption_Report.pdf
 - **Annual Intercountry Adoption Report 2016**
[https://travel.state.gov/content/dam/aa/pdfs/Annual%20Report%20on%20Intercountry%20Adoptions%20Narrative%20FO%20Edits%20Revised%20on%20TSG%20Corrected%20with%20Saint%20Martin%206.8.17%20\(2\).pdf](https://travel.state.gov/content/dam/aa/pdfs/Annual%20Report%20on%20Intercountry%20Adoptions%20Narrative%20FO%20Edits%20Revised%20on%20TSG%20Corrected%20with%20Saint%20Martin%206.8.17%20(2).pdf)
- Weil, R. H. (1984): "International Adoptions: The Quiet Migration." **International Migration Review** 18(2): 276-293.