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American Institute in Taiwan Taipei Office

No.7, Ln. 134, Sec. 3, Xinyi Rd., Taipei City 10659

DATE: December 20, 2012
AIT B- 1155

Mr. Patrick Ho
Chief of Administrative Division
Coordination Council for North American Affairs
Headquarters for Taipei Economic and Cultural
Representative Office in the U.S. (TECRO)
133 Po Ai Road
Taipei, Taiwan

Dear Mr. Ho:

As we have discussed on a previous occasion, Taiwan and the United States have been working together to implement new procedures for U.S.-bound adopted children from Taiwan.


This new process, the Pre-Adoption Immigration Review (PAIR), would allow the United States Citizenship and Immigration Service (USCIS) to first determine whether or not a Taiwan child meets the definition of an orphan per the U.S. Immigration and Nationality Act. The PAIR process is designed to prevent the situation in which a child adopted in Taiwan child does not qualify as an orphan per U.S. law and therefore cannot immigrate immediately to the United States. Such situations have occurred in the past, causing extreme hardship for the adoptive parents and the adopted child. This has also burdened Taiwan authorities and other institutions which must then work to provide temporary child-care or adoption termination.

As we move forward with the PAIR process, I am sending you an information package which includes the following:

- 1) a response from USCIS to the Taiwan Child Welfare Bureau proposal for implementing PAIR in Taiwan;
- 2) a sample Preliminary Determination Letter;
- 3) a sample PAIR Denial letter;
- 4) a PAIR Taiwan process map;
- 5) a sample letter from AIT confirming the PAIR preliminary determination for use in Taiwan courts.

We look forward to the implementation of the PAIR program in Taiwan and request TECRO's support during this process.

Sincerely,



Morgan Parker
Chief
Consular Section

Pre-Adoption Immigration Review Program in Taiwan

To initiate the Pre-Adoption Immigration Review (PAIR) program in Taiwan, on or about January 1, 2013, the Taiwan Child Welfare Bureau will issue an administrative order to all licensed Taiwan adoption services providers (ASP) currently licensed, and any licensed in the future, effective March 1, 2013. The administrative order will require that all adoption cases filed on behalf of U.S. prospective adoptive parents with the Taiwan courts undergo PAIR. The administrative order will instruct Taiwan ASPs that they must include a letter issued by the American Institute in Taiwan (AIT) confirming that USCIS completed the PAIR process with each court filing initiated after March 1, 2013. This administrative order will also be sent to the Judicial Yuan for their awareness. The administrative order will state that pending cases filed with Taiwan courts prior to March 1, 2013 under the jurisdiction of the Judicial Yuan, will not be affected by the new requirements of the Child Welfare Bureau.

To enable prospective adoptive parents adopting from Taiwan to comply with Taiwan's new requirement, USCIS will issue a policy memo allowing prospective adoptive parents to file a Form I-600 prior to entry of a final adoption decree, and instructing USCIS adjudicators to review the Form I-600 and supporting documentation to make a preliminary determination of the child's immigration eligibility. These new procedures will allow for an assessment of the child's likely eligibility for U.S. immigration benefits prior to the finalization of the adoption decree by the Taiwan courts, and include other elements such as those set forth below. The new procedures will be as follows:

1. U.S. prospective adoptive parents will submit an application to USCIS to determine their suitability and eligibility to adopt under U.S. regulations after the Taiwan ASP matches the U.S. prospective adoptive parent(s) to a child for whom the island-wide database generates a certificate of availability for intercountry adoption, but before the U.S. prospective adoptive parent(s) initiate the Taiwan court process.
2. The U.S. prospective adoptive parents will use the Form I-600 petition to initiate the request for a preliminary determination regarding the child's likely immigration eligibility. Petitioners will include all documentation

required in support of a Form I-600 for a Taiwan child, except for the adoption decree. The supporting documentation should include, in addition, the child's certificate of availability for intercountry adoption generated by the island wide database, the Adoption Agreement between the prospective adoptive parents and the birth parents or adoption service provider (ASP), and the power of attorney appointing the Taiwan ASP to represent the prospective adoptive parents. A full list of documentation required in support of a Form I-600 Petition is listed below.

3. USCIS will review the PAIR petition filing and ask AIT to conduct an evaluation of orphan status according to U.S. immigration eligibility requirements. Upon completion of this evaluation and favorable determination, USCIS will issue a preliminary determination of the child's likely immigration eligibility to the U.S. prospective adoptive parent(s). If an unfavorable determination is made, USCIS may issue a request for additional evidence or may issue a denial letter to the U.S. prospective adoptive parent(s). If requests for additional evidence are made, it may take several additional months for a preliminary determination to be reached on the child's likely immigration eligibility.
4. USCIS will forward its preliminary favorable determination, together with the prospective adoptive parent's file, to AIT. USCIS will also forward the original preliminary determination letter to the prospective adoptive parents for their records. AIT will then issue a letter to the prospective adoptive parents to be included in the court filing indicating that the preliminary determination regarding the child's likely immigration eligibility has been completed, and will attach a copy of the original USCIS letter.
5. If USCIS issues a preliminary determination that the child appears eligible to immigrate to the U.S., the Taiwan ASP will file a case with the Taiwan District Family Court to initiate the adoption, which will include AIT's notice of USCIS' Pre-Adoption Immigration Eligibility Review. The Taiwan District Family Court will make its own determination regarding the child's adoptability.

6. The U.S. adoptive parent(s) will submit their adoption decree, upon issuance, and all necessary documents to AIT for final petition approval and immigrant visa processing.

Examples of the PAIR preliminary determination of immigration eligibility and a PAIR denial letter are attached.

LIST OF EVIDENCE REQUIRED TO SUBMIT PAIR FILING

Please note: All documents originally produced in a foreign language must be accompanied by certified English translation. Documents issued in the United States that would eventually be submitted to Taiwan courts, must be translated into Mandarin, must be certified by the Taipei Economic and Cultural Representation Office (TECRO) office for that district, and English versions must be notarized by a U.S. notary public.

- Proof of U.S. Citizenship of the petitioner
 - Example of documents to establish U.S. citizenship include:
 - U.S. birth certificate
 - Unexpired U.S. passport
 - Certificate of Naturalization
 - Certificate of Citizenship
 - Consular Report of Birth Abroad of U.S. Citizen
 - Other evidence of acquisition of U.S. citizenship
- Proof of Marriage of U.S. citizen petitioner and spouse, if applicable
 - Marriage certificate
 - Evidence of termination of prior marriages, if applicable
- Proof of age of orphan
 - Child's birth certificate
- Proof of child's orphan status as defined in section 101(b)(1)(F) and 8 CFR 204.3(b)
 - If child of a sole birth mother, evidence that birth mother is the sole parent, is incapable of proper care, and has irrevocably released the child for emigration and adoption
 - If child of a surviving parent, evidence that the other parent is deceased, the surviving parent is incapable of providing proper care, and has irrevocably released the child for emigration and adoption
 - If no parents, evidence that there are no parents as a result of death, abandonment, loss, desertion, disappearance, or separation.

Examples of documents to establish orphan status could include:

- Child's original Household registration
 - Copies of birth parent(s) death certificate(s)
 - Birth parent-ASP contract showing relinquishment of child
 - Court order separating child from parents and placing child into care of ASP
 - Documentation of abandoned child and placement with ASP
 - ASP report on history of child
- Evidence required for Pre-Adoption Immigration Review filing
 - Certificate of availability for intercountry adoption generated by island-wide database
 - Signed adoption agreement between birth parents and prospective adoptive parents for use in Taiwan District Family courts
 - Power of attorney appointing the Taiwan ASP to represent the prospective adoptive parents
 - Completed Form I-600, Petition to Classify Orphan as an Immediate Relative
 - Evidence of prospective adoptive parents' suitability and eligibility to adopt. Evidence would include:
 - U.S. home study
 - Copy of U.S. state law pertaining to intercountry adoption
 - Valid I-171H approval notice for Form I-600A, Application for Advance Processing of Orphan Petition
 - Valid fingerprint clearances

Taiwan authorities and U.S. adoption authorities would notify the public, appropriate government entities and families of the new requirements of the PAIR program in Taiwan, including the following actions:

Prior to the implementation date, USCIS and the Department of State's Office of Children's Issues would conduct public engagement sessions in the United States to inform Congress, adoption service providers, families intending to adopt children from Taiwan, the adoption community in general, and other interested parties of the details of the PAIR program. Taiwan's Child Welfare Bureau will meet with Taiwan adoption service providers prior to implementation to discuss the details of the PAIR program.

USCIS and Children's Issues would be available to explain the U.S. PAIR process to Taiwan adoption service providers at the request of the Taiwan authorities.

有關收養兒少之收養前移民資格審查方案

臺灣將於 2013 年 3 月 1 日開始實施【收養兒少之收養前移民資格審查方案】。臺灣兒童局將於或可能於 2013 年 1 月 1 日發出一份行政命令通知所有已被核可或未來將會被核可辦理兒童及少年收出養媒合服務的機構，該行政命令將要求所有美國準養父母在向台灣法院提交收養許可案件都必須通過收養前移民資格審查程序。行政命令將指示收出養媒合服務機構自 2013 年 3 月 1 日開始，機構在向法院提交收養核可申請時必須檢附美國在台協會（AIT）發出的一封確認信，以確認美國公民及移民服務局已完成出收養前移民資格審查程序。此行政命令亦會送達司法院以為知會，並在信中註明在 2013 年 3 月 1 日之前提交其管轄法院中的待審案件，將不會受此新要求的影響。

為了使從台灣收養孩子的領養父母遵守台灣的新規定，美國公民及移民服務局將發出一個政策備忘錄以允許養父母在法院就收養申請進入最終裁定前，可以提交 Form I-600 申請，並指示審核者就收到的 I-600 和所檢附文件進行審查，以便就出養童的移民資格在收養前進行初步確認。這些新程序將可使孩子是否適用美國移民資格的評估，可以在台灣法院作出裁定前完成。這些新程序包括其他的元素，如下文所載。新的程序如下：

1. 美國準養父母在台灣收出養媒合服務的機構將他們與已取得由台灣「跨單位收出養媒合資訊平台」發出的可跨國收養證書的出養童進行媒合後，但在向台灣法院提出收養認可前，可向美國公民及移民服務局(USCIS)提出申請，以就他們在美國法規下的養父母資格的適合性進行確認。
2. 美國準養父母將使用 Form I-600 申請書，著手進行出養童的移民資格適合性進行初步確認。除了台灣法院的出養裁定書外，提案人必須檢附 Form I-600 申請所要求的所有文件。這些證明文件包括了「跨單位收出養媒合資訊平台」發出的關於出養童可跨國收養證書、美國準養父母與生父母或收出養媒合服務機構所簽訂的收出養契約書、以及指定機構代理養父母的委任書。一份完整的 I-600 所需檢附文件一覽表，列於下方。
3. 美國公民及移民服務局(USCIS)將出養童之收養前移民資格審查申請進行審理，並要求美國在台協會依據美國移民資格法規來對出養童孤兒資格進行審核。如果評估完成後的結果是合於美國移民資格，美國公民及移民服務局(USCIS)將會發給美國準養父母一份出養童合於美國移民資格的初步裁定書。如果完成後的評估結果是不合於美國移民資格，美國公民及移民服務局(USCIS)可能會要求美國準養父母補繳額外證明文件，或發出拒絕信給美國準養父母。如果是要求更多的證明文件則將會需要花費數個月的額外時間來完成程序，以便就出養童的移民資格作出裁定。
4. 美國公民及移民服務局(USCIS)會將其初步的合格裁定書包含準養父母所提交的文件，一起郵寄至美國在台協會。美國公民及移民服務局(USCIS)也會將確認信寄給美國準養父母，以便他們作為檔案記錄。AIT 隨後會發出一封信給養父母以便他們將該信包含在所檢附法

院的文件中，以證明出養童收養前移民資格審查程序已完成，並會隨函附上美國公民及移民服務局(USCIS)確認信的副本。

5. 如果收到美國移民局(USCIS)核發的初步裁定書是顯示出養童很明顯合於移民美國資格，台灣的收出養媒合服務機構就可以開始向台灣地方家事法庭提出申請。機構所提交的檢附文件中包含美國在台協會的收養前移民資格審查的確認信。台灣地方家事法庭將會就其裁量作出裁決，以決定出養童是否適於被收養。
6. 美國養父母在法院核發後，他們將法院的裁定確定書連同其它的必要的文件提交 AIT 以進行最後作業和移民簽證的作業程序。

被收養兒少之收養前移民資格審查的確認函和拒絕函例本如附件。

列舉提送被收養兒少之收養前移民資格審查(PAIR)申請，須要提交的證據

請注意：所有外國發出之外國文字文件，必須附有經認證的英文翻譯。提交給台灣法院之美國發出文件，必須翻譯成中文，且須經該地區之台北經濟文化代表處認證，同時英文版本必須經由美國公證人公證。

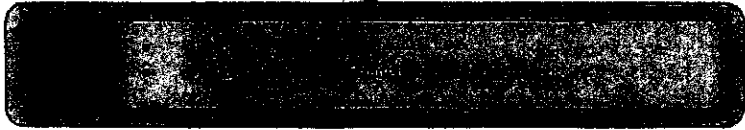
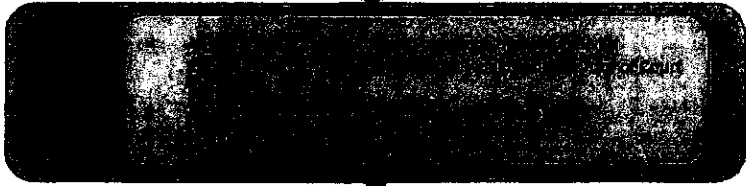
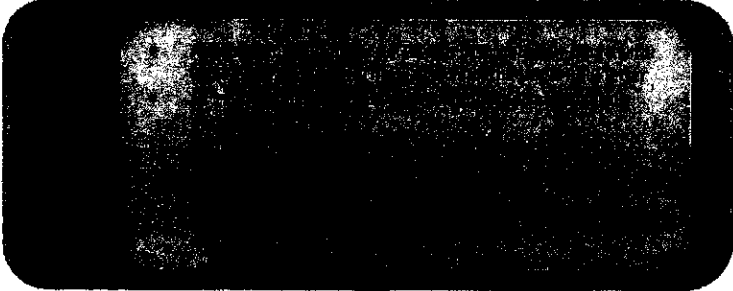
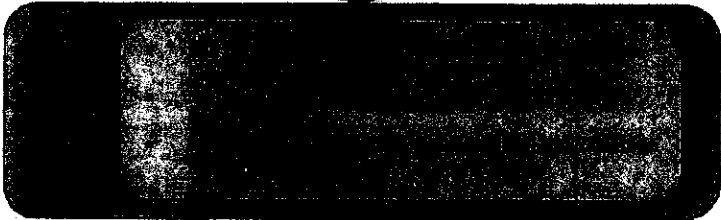
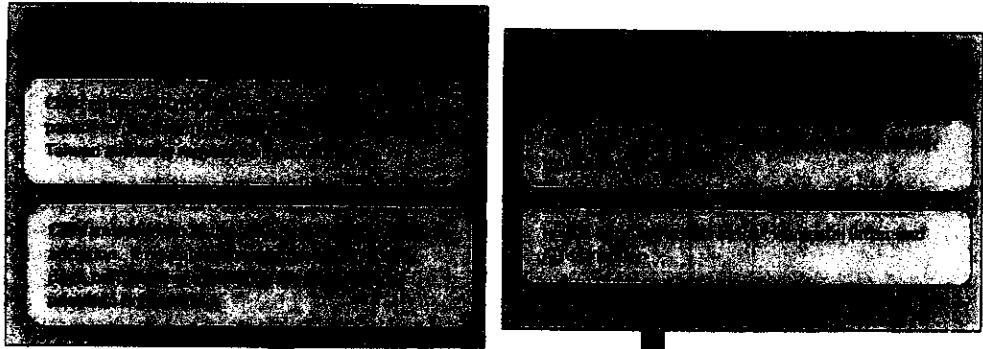
- 證明提出申請人為美國公民之證明文件
證明為美國公民身份之文件範例
 - 美國出生證明
 - 未過期的美國護照
 - 歸化美籍證書
 - 公民證書
 - 海外領事出生證明
 - 取得美國公民的其他證據
- 提出申請之美國公民及其配偶的婚姻證明，如適用
 - 結婚證書
 - 以前婚姻終止證據，如適用
- 孤兒年齡證明
 - 孩子的出生證明
- 證明出養童之孤兒身分，符合移民法 101(b)(1)(F) 及 8 CFR 204.3(b)的定義
 - 如果是單親母親所生孩子，需提供生母為單親的證明，且該單親生母無能力提供孩子適當之照顧，同時聲明不會撤回對於放棄孩子且同意出養和移民之主張。

- 如果孩子尚有健在單親，需提供已過世父或母的死亡證明，且健在單親無能力提供孩子適當照顧，同時聲明不會撤回對於放棄孩子且同意出養和移民之主張。
 - 如果沒有父母，需提供證據表明，由於父母死亡，或被父母遺棄、丟失、離棄、失蹤、或分離所致的結果。
- 確認孤兒身份之文件範例，可包含：
 - 孩子的原始戶籍登記
 - 親生父/母的死亡證書副本
 - 親生父/母與兒少收出養媒合機構，所簽訂合約書，表明同意放棄孩子
 - 法院命令孩子與父母分離，並將孩子安置於兒少收出養媒合機構，委其照顧
 - 有關被遺棄孩子及將其安置於兒少收出養媒合機構之文檔
 - 兒少收出養媒合機構對孩子過去來歷之報告
- 在收養之前，預先提出移民審查申請，所需證據
 - 兒童局之跨單位收出養媒合資訊平台，查證全台灣島資料庫後，所發出之可跨國收養證明書
 - 親生父母與未來領養父母之間簽訂的收養協議，未來將用於臺灣地方法院家事法庭
 - 授權委託書，委任由台灣兒少收出養媒合機構，代表未來領養父母
 - 填妥 I-600 表格，歸類為直系親屬孤兒類別之申請書
- 未來領養父母適宜及合資格收養的證據。證據將包括：
 - 美國領養家庭的調查報告
 - 美國州法律有關跨國收養規定之副本
 - 有效的 I-171H，即為預先申請處理孤兒申請書，I-600A，之核准通知

台灣當局和美國收養部門將通知公眾、相關政府部門及家庭，有關在台灣被收養兒少之收養前移民資格審查 (PAIR) 的新要求，包括以下行動：

在實施日期之前，美國公民及移民服務局和國務院的兒童事務辦公室，將在美國舉辦公聽會，並通知國會、收養服務提供者、有意來台灣收養孩童的家庭、一般的收養社團、及其他利害相關的當事人，關於被收養兒少之收養前移民資格審查(PAIR)方案的詳細訊息。在實施日期之前，台灣兒童福利局亦會與台灣領養服務提供者會面並討論被收養兒少之收養前移民資格審查(PAIR)方案的細節。

如在台灣當局要求下，美國公民及移民服務局和兒童事務辦公室，願意就有關被美國收養兒少於收養前之移民資格審查(PAIR)程序對台灣收養服務供應者提供說明。



Proposed PAIR process in Taiwan

Blue denotes US action
 Green denotes Taiwan action

- Relevant Abbreviations:
 AIT - American Institute in Taiwan
 USCIS - US Citizenship and Immigration Services
 ASP - Adoption Service Provider
 PAP - Prospective Adoptive Parent
 BP - Birth Parent
 NBC - National Benefits Center (USCIS)
 PAIR - Pre-Adoption Immigration Review
 AP - Adoptive Parent

經由親生父母的同意書，或由台灣當局所屬的兒童福利單位提出的要求，或法院命令將兒童安置於兒童及少年收出養媒合服務機構。

將兒童資料輸入跨單位收出養媒合資訊平台以尋求國內收養，如果於 11-75 天之內沒有家庭收養，系統發出的出養童可跨國收養證書。

美國養父母向 NBC 或 USCIS 的海外辦事處提出 I-600A 申請

I-600A 批准書以郵信寄給美國養父母並電傳至 AIT

媒合

- ASP 安排與美國公民家庭媒合
- PAP 接受媒合
- ASP 促成 PAP/BP 之間的收養契約簽訂

收養前 移民資 格審查

- PAP 將 I-600 和所有相關文件提交 USCIS (該處與台協會以轉送到 NBC) 但不包含收出養的裁定書
- NBC 完成審查，並要求美國在台協會進行 I-604 調查
- 一旦收到的 I-604 的結果，NBC 簽發 PAIR 認可信，發送到 AIT 和隨函將全部檔案轉發到 AIT

法院 程序

- 將申請連同 AIT 對 PAIR 函及 NBC 發出的 PAIR
- 第一次出庭將會於提交申請後的 30 天內舉行 - 親生家庭在法庭上出席。
- 法院要求社工提出報告，如有必要將會舉行額外的開庭
- 法院核發裁定書
- 10 天的上訴期。如無上訴法院核發裁定確定書

登 錄

- AP 或代理人向台灣戶政事務所登記領養完成。
- AP 為孩子申請並取得護照

I-600 的核 准

- ASP 向 AIT 提交法院裁定確定書、護照、醫療報告和出生簽證申請。在過渡期間，文件需包括向法院提案日期的證明。
- AIT 審核文件，如果沒有問題，批准 I-600。

簽證 流程

- AP 出席 AIT 面試。
- 如果沒有任何不合資格事項，AIT 核發簽證。

在臺灣擬議的 PAIR 流程

藍色美國方面的流程
綠色台灣方面的流程

相關縮寫

- AIT - 美國在台協會
- USCIS - 美國公民及移民服務局
- ASP - 兒童及少年收出養媒合服務機構
- PAP - 美國準養父母
- BP - 原生父母
- NBC - 美國移民局國家權益中心
- PAIR - 收養兒少之收養前移民資格審查方案
- AP - 美國養父母

DATE

XXX

Refer to file No.:

____ XXXX

ADDRESS

USA

Email: XXX@XXX.com

**PRE-ADOPTION IMMIGRATION REVIEW
PRELIMINARY DETERMINATION**

Dear Mr. /Ms. XXX:

On _____, you filed a Form I-600, Petition to Classify Orphan as an Immediate Relative, on behalf of [insert **BENEFICIARY name**].

After review of the Form I-600 petition, supporting evidence, and the results of the Form I-604 Determination on Child for Adoption conducted by the American Institute in Taiwan [and the evidence provided in response to the Request for Evidence/Notice of Intent to Deny issued on XXX], United States Citizenship and Immigration Services (USCIS) is pleased to inform you that we have *preliminarily* determined that the beneficiary child appears eligible to immigrate to the United States as an orphan, as defined by section 101(b)(1)(F) of the Immigration and Nationality Act, as amended.

PLEASE NOTE: This is a preliminary determination that the beneficiary appears to qualify to immigrate to the United States as an orphan, and is not a final adjudication of your Form I-600 petition. USCIS, or the American Institute in Taiwan, under the authority delegated to it by USCIS, will make a final decision on your petition *only after* you have obtained and submitted the additional evidence described below. It is possible that other issues may arise that would require USCIS to further investigate and/or deny your Form I-600 petition.

Once you have taken the necessary steps to adopt or obtain custody of the child and submitted the evidence described below to the American Institute in Taiwan, we will complete the processing of your Form I-600 petition.

- If you (and your spouse, if **married**) will complete the adoption abroad, and you will have seen **the beneficiary** during or before the adoption proceeding, you must submit:
 - A legible certified copy of the adoption decree; and
 - Evidence that you (and your spouse, if married) saw the child before or during the adoption proceeding in Taiwan.

- If you (and your **spouse**, if **married**) will re-adopt the child in the United States, you **must** submit:
 - Proof that you or someone acting on your behalf have obtained custody of **the** child, with authority to bring the child from Taiwan to the United States for adoption;
 - Proof that the individual or entity who had custody of the child immediately before you obtained custody has consented to the child's emigration and adoption; and
 - Proof that you have complied with any pre-adoption requirements that you may need to meet in the U.S. state in which you will complete the adoption.

USCIS or the American Institute in Taiwan will make a final decision on your Form I-600 petition as soon as possible after you submit this additional evidence to the American Institute in Taiwan. *(Please note that neither this letter nor final approval of a Form I-600 petition guarantees the issuance of an immigrant visa. The American Institute in Taiwan conducts the final review and ultimate adjudication of the immigrant visa.)*

Sincerely,

Robert M. Cowan
Director

[Date]

[PAP]

[Address of PAP]]

Dear PAP,

The American Institute in Taiwan is pleased to forward the attached letter from the U.S. Citizenship and Immigration Services (USCIS). USCIS made a preliminary determination that [Name of Child] appears likely to qualify as an orphan for the purpose of eligibility for immigration benefits as an adopted child of U.S. citizen(s) [Name of Petitioner(s)]. The attached letter is not a final determination on the child's immigration eligibility, which can only be established after Taiwan courts have made a final determination on the adoption petition or granted legal custody. This letter intends only to provide you with information regarding [name of child's] likely eligibility to immigrate to the United States as an adopted child.

Sincerely,

[Name of Consular Chief or AIT Director]
[Title]



U.S. Citizenship
and Immigration
Services

December 5, 2012

NAME
ADDRESS
City, STATE ZIP

File: SIM
Form: I-600

Notice of Decision

Upon consideration, it is ordered that your Petition to Classify Relative as an Immediate Relative, Form I-600, that you filed on _____ be denied for the following reason(s):

Case specific information is inserted here

This denial may be appealed to the Administrative Appeals Office (AAO) pursuant to 8 CFR 103.3(a)(1)(ii). If you wish to appeal this decision, you must file a Form I-290B with the appropriate fee within 33 days of the date of this notice. Form I-290B and the form instructions can be found on the USCIS website: www.uscis.gov.

If you wish to file a motion to reopen or a motion to reconsider this decision, you must file a Form I-290B with the appropriate fee within 33 days of the date of this notice. The requirements for a motion to reopen and a motion to reconsider can be found in 8 CFR 103.5(a)(2) and 8 CFR 103.5(a)(5).

An appeal or a motion to reopen or motion to reconsider this decision must be filed with the Phoenix Lock Box:

For U.S. Postal Service deliveries (USPS), the address is:

USCIS 290B
PO Box 21100
Phoenix, AZ 85036

For Express Mail or courier deliveries:

USCIS
Attn: 290B
1820 E Skyharbor Circle S
Suite 100
Phoenix, AZ 85034

Please include this letter with your response to the address listed above.

Sincerely,

A handwritten signature in black ink, appearing to read "R.M.C.", with a long horizontal flourish extending to the right.

Robert M. Cowan
Director

RMC Officer:

CC:

File:

Form: