

## **Intercountry Placement Adoption**

Virginia law ([Code of Virginia, Title 63.1, Chapter 10, Section 207](#)) requires the consent of the Commissioner of Social Services before any non-resident child can be brought into Virginia for the purpose of an adoptive placement. In cases of children from foreign countries, the United States (INS) Immigration and Naturalization Services has the ultimate responsibility and authority for approving the child's entrance into the United States.

The INS Service relies on a state's provisions, in accordance with its child welfare laws, being met prior to a United States citizen's bringing of any foreign child into such state. Such provisions are intended to ensure that foreign children entering the U.S. are provided the same rights and protections as children born in the U.S. Therefore, the family must meet all INS requirements to include providing evidence that the State's pre-adoptive requirements have been met.

The only instance where the pre-adoptive requirements for Virginia are not applicable and the Commissioner's consent is not required is in the event that a family has a final decree of adoption granted in another country for a specific child. In such instances, the family should contact INS to request information about INS requirements for receiving approval for the child's entrance into the United States.

In cases where a family has a final decree of adoption granted in another country, re-adoption in Virginia is recommended in order to give the foreign born child the same legal protections afforded a child born in the United States. This also ensures that full faith and credit will be given to the adoption.