Comment, Across Oceans, Across Hearts: International Family Reunification

I. Introduction

The United States has been the most popular destination for migrant families,[1] whether due to aspiration, opportunity, a promise of better life, or its diverse palette of cultures and nationalities. Specifically Caribbean migrants move to the United States because of the increased economic hardship and disenchantment they face.[2] The growing economy, high wages, and employment opportunities, of the United States were also incentivizing factors leading to their migration.[3] However when they migrated they had the ability to choose from four migration forms.[4] The parent could chose to migrate to the country of their choice for up to six months at a time to work in the country.[5] This is categorized as seasonal migration. Additionally, the parent could chose to migrate either with their spouse or alone with the intention of sending for the rest of their family at a later date, which is a serial migration.[6] Or the parent could migrate for a defined time or indefinitely but still have no intention of having their children live in the overseas

---

1 Anna Fleck, *Migration: The Countries That Attract the Most Migrants*, Statista (last updated Sept. 13, 2023), https://www.statista.com/chart/30815/top-destination-countries-for-international-migrants/#:~:text=The%20United%20States%20has%20been,than%2050%20million%20in%202020.

2 *Caribbean Migration*, In Motion: The African-American Migration Experience, https://www.inmotionaame.org/print.cfm@migration=10.html#:~:text=The%20significant%20growth%20of%20the,high%20wages%20and%20growing%20employment (last visited Oct. 31, 2023).

3 *Id.*

4 Audrey M. Pottinger & Sharon Williams Brown, *Understanding the Impact of Parental Migration on Children: Implications for Counseling Families from the Caribbean,* American Counseling Ass'n 2-3, https://www.counseling.org/resources/library/vistas/vistas06_online-only/pottinger.pdf (last visited Oct. 31, 2023).

5 *Id.*

6 *Id.*

country.[7] This would be parental migration.[8] The last form of migration is family migration where the parents migrate with their entire family.[9] The most common form of migration for Caribbean migrants is parental migration.[10] Although the parents intend to retrieve the child at some point in the future to bring them into the United States,[11] this process may not always happen the way they expected. Sometimes due to economic factors or legal barriers, another family member may be in a better position to bring the child into the United States.[12] In this circumstance, they would seek reunification of the family through adoption.

Adopting family members who are residents of Caribbean countries while being a U.S. citizen is an issue that is not widely discussed but impacts migrant families from a number of countries.[13] This comment focuses on the adoption procedure that families are expected to go through in both the United States and the respective Caribbean countries. In Part II, the comment will begin by outlining the different paths a family can take to bring the family member into the United States, particularly focusing on the Non-Convention Process and the Family-Based Petition process.[14] In Part III, it will discuss the requirements and qualification for an adoptive parent to adopt a child in Caribbean countries.

---

7 *Id.*

8 *Id.*

9 *Id.*

10 Mala Jokhan, *Parental Absence as a Consequence of Migration: Reviewing the Literature*, 57 Soc. & Econ. Stud. 89, 89 (2008), http://www.jstor.org/stable/27866552.

11 *Caribbean Families*, Encyclopedia, https://www.encyclopedia.com/reference/encyclopedias-almanacs-transcripts-and-maps/caribbean-families (last visited Nov. 1, 2023) (where children are sent to live with relatives because the parents have migrated).

12 Kathleen M. Tana, *A Recent Trend in International Adoptions*, Legal Intelligencer, July 12, 2016, at 1, https://plus.lexis.com/api/permalink/4a39d26c-6e88-4086-a891-b3af9cf3a3ab/?context=1530671. Additionally in some states, like Pennsylvania, this is referred to as "kinship" adoption. *Id. See also infra* discussion in text at notes 177-188, where other countries refer to it as "kupai omasker."

13 *Id.*

14 *Adopting a Relative for Immigration to the United States*, Travel State Gov, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/how-to-adopt/adopting-a-relative-for-immigration.html (last visited Dec. 31, 2023).

Part IV focuses on the barriers that families face when attempting to comply with domestic and overseas adoption laws. Some of the challenges include residency, finances, and family disputes.

Adoption is not a new concept; however, in more recent years people increasingly have started to consider international adoptions before domestic ones.[15] Adoption is one of the main ways[16] for families who are separate by oceans to seek reunification. The word "family" can be defined either in the physical/biological sense or based on geography.

> [F]amily is broadly defined to include, the spouse of the claimant, or any parent, child, brother sister, grandparent, grandchild, son-in-law, or daughter-in-law of the claimant or the claimant's spouse, including step, foster and adoptive relationships, or any guardian or person with whom the claimant has assumed reciprocal rights, duties, and liabilities of a parent-child, or a grandparent-grandchild relationship, whether or not the same live in a common household.[17]

A family also includes those with or without child, an elderly family,[18] a near-elderly family,[19] a disabled family, and a single

---

15 Rebecca Berfanger, Editorial, *International Adoptions Remain Popular; More Awareness, New Accreditation Are Main Differences from the Past.*, Ind. Law. (Ind.), Apr. 30, 2008, at 1, https://plus.lexis.com/document/?pdmfid=1530671&crid=187bdd5d-9b5c-4abf-bf56-6e56253efda4&pddocfullpath=%2Fshared%2Fdocument%2Flegalnews%2Furn%3AcontentItem%3A4SDM-Y210-02CY-H0JF-00000-00&pdworkfolderid=bfbd3ba0-6af6-4bff-a964-c99923ca27dc&pdopendocfromfolder=true&prid=99f3be6c-2689-4e46-b334-81ef6032cafd&ecomp=vb_k&earg=bfbd3ba0-6af6-4bff-a964-c99923ca27dc.

16 *Id.* Additionally the international adoption process varies from the domestic adoption process, where it includes an application, a complete home study by a state licensed agency, and a dossier of the applicant's documents that the other country would need, followed by the adoptive parent seeking permission from the U.S. Citizenship and Immigration Services (UCIS). Once the UCIS gives its preliminary approval, the agency chosen by the adoptive parent will handle the foreign country's adoption process. The adoptive parent and agency's representative will travel to meet the child's family. The adoptive parent will get a visa for the child from the U.S. embassy and then will be required to perform their state's adoption process. *Id.*

17 Macgregor v. Unemployment Ins. Appeals Bd., 689 P.2d 453, 457 n.4 (Cal. 1984).

18 25 U.S.C.S. § 4103(4).

19 *Id. See also* 25 U.S.C.S. § 4103(5) (noting that a person is considered elderly if they are at least 62 years old).

person.[20] Courts have also ruled that under compelling circumstances, a minor child of the claimant that requires care and supervision and for whom there is no reasonable alternation is family.[21]

When defining family based on geography, courts consider a spouse, child, parent, sibling, or a person who regularly resided in the same household to be family.[22] In some cases, people who are not blood relatives but who live together and occupy a single house-keeping unit with single culinary facilities are considered family.[23] The general definition of family is distinct from that of an immediate family which is defined by *Black's Law Dictionary* as, "(1) A person's parents, spouse, children, and siblings; (2) A person's parents, spouse, children, and sibling, as well as those of the person's spouse."[24] Stepchildren and adopted children are usually also considered to be immediate family members.[25] Additionally, certain states have broadened the definition of immediate family to include any dependent relatives who reside in the individual's household.[26]

As briefly indicated, a family can get separated for numerous reasons. If the family lacks access to resources, their abilities to obtain a visa or have opportunities to migrate into the United States are much lower than that of working class persons. The method of migration often depends on the economic status of the family.[27] It might be cheaper to move to a foreign country alone because the immigrant fee for the United States is $220, and the only way to bypass the additional fees for children is if they are entering the United States as an orphan or under the Hague adoption program.[28] Families with fewer economic resources would not be able to afford the immigrant fees on top of securing housing for their family once they get into the United States, especially if they are entering unemployed and the first of their family to be in the

---

20 25 U.S.C.S. § 4103(6).

21 *Macgregor*, 689 P.2d 453.

22 S.C. Code Ann. § 16-3-1900(4).

23 Kenner v. Normal Life of Louisiana, Inc., 483 So.2d 903, 904 (La. 1984).

24 State v. Kendall, No. 10CA26, 2011 Ohio App. LEXIS 2113, at *10 (Ohio Ct. App. May 19, 2011).

25 *Id.*

26 Conn. Gen. Stat. § 1-79(6).

27 Pottinger & Brown, *supra* note 4, at 3.

28 *USCIS Immigration Fee*, U.S. Citizenship & Immigration Servs., https://www.uscis.gov/forms/filing-fees/uscis-immigrant-fee (last visited Dec. 15, 2023).

States. This financial barrier can cause families to separate in the hopes that one person can start building a life for their family who will soon join them in America. On average, most Caribbean immigrants obtain lawful permanent resident status in the United States through family reunification or humanitarian channels.[29] However, when a family member or parent moves abroad, it can take them anywhere between two to ten years or more to satisfy the legal, financial, and immigration requirements of countries that allow them to bring their family over.[30] The separation between the parent and the children during this period categorizes the child as a "barrel child."[31] Dr. Crawford Brown coined this term to be used for children who are waiting to reunite with their migrant parents.[32] Originally the term was interchangeable with "barrel pickney" and was used as a curse word to ridicule children who were separated from their migrant parents.[33]

A family may seek to adopt a relative to combat the detriments a "barrel child" might face. The family would need to proceed with intercountry adoption because the child is not a citizen of any U.S. State or territory. Intercountry adoption is the process of adopting a child from a country other than one's own through permanent legal means.[34] The child will then be brought into the United States and reside in the state where the adoptive parent has residency and live with the parent permanently. ("Parent" can

---

29 Jane Lorenzi & Jeanne Batalova, *Caribbean Immigrants in the United States*, Migration Policy Inst. (July 7, 2022), https://www.migrationpolicy.org/article/caribbean-immigrants-united-states.

30 Melissa Noel, *Jamaica's 'Barrel Children' Often Come Up Empty with a Parent Abroad*, NBC News (Dec. 27, 2017), https://www.nbcnews.com/news/nbcblk/jamaica-s-barrel-children-often-come-empty-parent-abroad-n830636.

31 *Id.*

32 Mala Jokhan, *Exploring the "Barrel Children" Cycle: Parent-Child Separation Due to Migration*, Childhood Explorer (2018), https://www.childhoodexplorer.org/exploring-the-barrel-children-cycle-parentchild-separation-due-to-migration#:~:text=In%20the%20Caribbean%2C%20migration%20for,can%20afford%20to%20do%20so.

33 Jazz B., *Dr. Claudette-Crawford Brown—Changing the World by Saving the Children*, A Life Well Lived Blog (Jan. 2, 2020), https://welllivedliving.home.blog/2020/01/08/dr-claudette-crawford-brown-changing-the-world-by-saving-the-children/.

34 *Intercountry Adoption*, Travel State Gov, https://travel.state.gov/content/travel/en/Intercountry-Adoption.html (last visited Oct. 31, 2023). *See also* Joan H. Hollinger, 2 Adoption Law and Practice § 10.02 (2023).

be used to refer to biological caregiver as well as an upbringer, meaning any person who cares for, nurtures, and establishes a close, enduring relationship, attachment, or bond with the child.[35]) Intercountry adoption is important because parental migration, or any of the other forms of migration besides family migration, can cause children to face issues of grief, loss, and attachment.[36] The long separation could also give rise to depression, emotional distress, and behavioral disorders.[37] Intercountry adoption offers children not only the ability to be reunited with their family but to grow up in a loving home.[38] In some circumstances when the children that were left behind remain with their relatives overseas, they do not receive the same care, and allowing intercountry adoption provides another pathway for children to get that care, security, and love from their immediate family abroad.[39] The Preamble in the Hague Adoption Convention states that for a full and harmonious development of the child's personality they should grow up in a family environment in an atmosphere of happiness, love, and understanding.[40] It is important to acknowledge that sometimes this suitable family cannot be found in the child's country of origin.[41] If the families are able to reunite, the child would return to living in a permanent, stable routine in a loving home.[42] This would increase their chances of being successful in school and social settings.[43] The reunification would also promote better mental

---

35 Mala Jokhan, *Parental Absence as a Consequence of Migration: Reviewing the Literature*, 57 Soc. & Econ. Stud. 89, 90 (2008), http://www.jstor.org/stable/27866552.

36 Pottinger & Brown, *supra* note 4, at 3.

37 Jokhan, *supra* note 35.

38 *Why Adoption*, Travel State Gov, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/before-you-adopt/why-adoption.html#:~:text=When%20children%20cannot%20remain%20with,a%20permanent%20family%20can%20provide (last visited Oct. 31, 2023).

39 *Id.*

40 Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, May 29, 1993, S. Treaty Doc. No. 105-51, 1870 U.N.T.S. 167 [hereinafter Hague Convention].

41 *Id.*

42 *Reunification: The Ultimate Goal of Foster Care*, Nebraska Children's Home Soc'y (NCHS) (Dec. 8, 2022), https://blog.nchs.org/reunification-the-goal-of-foster-care.

43 *Id.*

health, reduce anxiety, and allow the children to live happier lives.[44] Researchers have found that having the support system of family nearby enables children to be more resilient and overcome the challenges they might face of adjusting to life in a new country.[45]

II. Methods Available for Reunification

U.S. immigration law provides three different processes through which a child may immigrate to the United States on the basis of intercountry adoption.[46] However, to adopt a child and bring that child into the United States, the individual must be eligible to adopt under U.S. federal and state law.[47] The individual must be a U.S. citizen.[48] If they are unmarried, they need to be at least twenty-five years old.[49] However if they are married, the child must be jointly adopted.[50] This is applicable to couples who are separated and not divorced, and both individuals must be U.S. citizens.[51] The adopting individual(s)must also meet the requirements in their criminal background check, fingerprinting, and home study.[52]

Nonetheless because adoption law is a subsection of family law, it is primarily governed by statutes law, which permits each state to establish specific regulations and statutes.[53] These requirements can

---

44 *Id.*

45 Weldon Legal Group, *What Is Family Reunification*?, Weldon Law Group, PLLC (Aug. 15, 2023), https://www.weldonlegal.com/reuniting-loved-ones-the-importance-of-family-reunification-in-immigration-policies/#:~:text=Family%20togetherness%20is%20important%20to,mental%20health%20for%20all%20involved.

46 *Adopting a Relative for Immigration to the United States*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/how-to-adopt/adopting-a-relative-for-immigration.html?utm_source=-canva&utm_medium=iframely (last visited Oct. 31, 2023). The Convention process, The Non-Convention process, and the immediate relative petition process. *Id.*

47 *Who Can Adopt*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/before-you-adopt/who-can-adopt.html (last visited Oct. 31, 2023).

48 *Id.*

49 *Id.*

50 *Id.*

51 *Id.*

52 *Id.*

53 Mary Kay Kisthardt & Richard A. Roane, *Who Is a Parent and Who Is a Child in a Same-Sex Family?,* 30 J. Am. Acad. Matrim. Law. 55, 55 (2017).

vary from the U.S. federal adoption requirements. For instance, in Maryland the adoptive parent must be twenty-one years or older to adopt.[54] In New York the adoptive parent must be at least eighteen years old.[55] And in Idaho, the adoptive parent has to be either at least twenty-five years of age or fifteen years older than the child they are adopting.[56] Additionally, every state can change the marital status requirement for adoption. Maryland allows any adult to adopt, and if they are married, spouses will be required to jointly file to adopt the child.[57] For New York the adoptive parent can be an unmarried person, a married couple, or two unmarried adult intimate partners.[58] Idaho does not have a marriage requirement for adoption. In contrast to some Caribbean countries, all fifty U.S. states allow same-sex couples to adopt.[59]

Once the individual is eligible to adopt, they can proceed by choosing one of the ways offered in the United States for reunification. After the individual applies with the United States Citizenship and Immigration Services (USCIS), they will need to file either Form I-800A or I-600A.[60] The parent will choose either Form 1-800A or I-600A depending on the country they are adopting from.[61] People in countries that are a party to the Hague Adoption Convention use the I-800A form,[62] while people in countries that are not a party to the Hague Convention will file an I-600A form.[63] The family member can choose to proceed with the

---

54 *A Step-By-Step Guide to the Adoption Process in Maryland*, Mummert Law (Sept. 2016), https://www.mummertlaw.com/blog/2016/09/a-step-by-step-guide-to-the-adoption-process-in-maryland/.

55 *About Adoption*, N.Y. State Unif. Ct. Sys., https://nycourts.gov/courthelp/family/adoptionBasics.shtml (last visited Oct. 31, 2023).

56 Idaho Admin. Code § 16.06.01.762 (2023).

57 Md. Code Ann., Fam. Law § 5-3A-29(a) (LexisNexis 2023).

58 N.Y. Dom. Rel. Law § 110 (2023).

59 *Resources for LGBTQI+ Prospective Adoptive Parents,* U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/before-you-adopt/LGBTI-adoption-resources.html#:~:text=U.S.%20federal%20law%20does%20not,same%2Dsex%20couples%20to%20adopt (last visited Oct. 31, 2023).

60 *Eligibility to Adopt*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/before-you-adopt/eligibility-to-adopt.html (last visited Oct. 31, 2023).

61 *Id.*

62 *Id.*

63 *Id.*

Convention Process,[64] the Non-Convention Process, or the Family-Based Petition Process.[65]

A. *Non-Convention Process*

The Non-Convention Process is also known as the "orphan" process.[66] This requires that the child qualify as an orphan[67] under U.S. immigration law. The adoptive parent would need to file both Form I-600A, an application for advance processing of an orphan petition, and Form I-600, a petition to classify an orphan as an immediate relative.[68] The first form must be filed before the child's sixteenth birthday[69] unless the adoptive parent already has adopted the child's birth sibling who immigrated or will immigrate as either an orphan or an adopted child.[70] In that case, the forms must be filed before the child's eighteenth birthday.[71]

B. *Family-Based Petition Process*

The Family-Based Petition process, unlike the Convention and Non-Convention process, can only be used by a parent to adopt their son or daughter.[72] Children who are unmarried and under the

---

64 *See Convention Adoption Process*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/how-to-adopt/hague-adoption-process.html (last visited Oct. 31, 2023). This option for intercountry adoption will not be discussed in the paper. *See also* Hague Convention, *supra* note 40.

65 *Adopting a Relative for Immigration to the United States*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/how-to-adopt/adopting-a-relative-for-immigration.html?utm_source=-canva&utm_medium=iframely (last visited Oct. 31, 2023).

66 *Id.*

67 *Orphan Process*, U.S. Citizenship & Immigration Servs., https://www.uscis.gov/adoption/immigration-through-adoption/orphan-process (last visited Oct. 31, 2023).

68 *Adopting a Relative for Immigration to the United States*, Travel State Gov, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/how-to-adopt/adopting-a-relative-for-immigration.html?utm_source=-canva&utm_medium=iframely (last visited Oct. 31, 2023).

69 *Id.*

70 8 U.S.C.S. § 1101 (b)(1)(E)(i) – (ii) (2023). *See also Orphan Process*, *supra* note 67.

71 *Id.*

72 *Family-Based Petition Process*, U.S. Citizenship & Immigration Servs., https://www.uscis.gov/adoption/immigration-through-adoption/family-based-petition-process (last visited Oct. 31, 2023).

age of twenty-one are eligible to be adopted under this process.[73] Siblings seeking to adopt their sibling can also use this avenue for reunification.[74] Under the family-based petition, the child must be adopted while under the age of sixteen or be a natural sibling of a child who was adopted by the same parent while under the age of eighteen.[75] The child must also be in the legal and physical custody of and reside with the adoptive parents for at least two years before the adoptive parent files an I-130 petition.[76] This is not the case if the child is being adopted from a country that is a party to the Hague Convention.[77] In that case, the two-year legal and physical custody period must be satisfied outside of the United States for the Form I-130 to be approved.[78] The two-year period does not need to be continuous and may be counted in the aggregate.[79] It may also be waived if the child being adopted is being abused.[80]

In addition to intercountry adoption, family members could try to bring their families into the country through family-based immigration.[81] Under this concept, the person seeking to live permanently in the United States would be required to have an immigrant visa (IV).[82] They would need to be sponsored by an immediate relative who is at least twenty-one years old and a U.S. citizen.[83] Immigration law also allows the immediate relative to be a U.S. lawful permanent resident (LPR).[84] Although this is another avenue that separated families can explore, the immediate relative visa and the family preference visa have their own restrictions and requirements. If a family member chooses to proceed with an immediate relative visa, as a U.S. citizen they are only allowed to file

---

73 *Id.*

74 *Id.*

75 *Adopting a Relative for Immigration to the United States*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/how-to-adopt/adopting-a-relative-for-immigration.html?utm_source=-canva&utm_medium=iframely (last visited Oct. 31, 2023).

76 *Id.*

77 *Id.*

78 *Id.*

79 *Family-Based Petition Process*, *supra* note 72.

80 *Id.*

81 *Family Immigration*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/us-visas/immigrate/family-immigration.html (last visited Oct. 31, 2023).

82 *Id.*

83 *Id.*

84 *Id.*

a visa petition for their spouse, son or daughter, parent, or brother or sister. On the other hand, if the family member chose the family preference visa, the lawful permanent resident can only file for their spouse or unmarried son or daughter.[85] The major difference between these two visas is that the immediate relative visa is not subject to any yearly limitation, while the family preference visa is capped at 23,400 visas a year.[86]

Both visas ultimately leave individuals who may not fall under either category without resolution. These provisions do not allow for siblings who may not meet the requirements under an intercountry adoption to seek reunification under a family-based visa to bring their sibling into the country. The same issues will be faced by aunts and uncles who seek to bring in their nephews and nieces under these visas. Children of a certain age may also have the opportunity to seek reunification through a work visa or an education visa. Although these methods of reunification are temporary, they do allow the child to be with their parents for a certain period. The duration of the visa depends on the specific conditions tied to it. For instance, a school visa concludes upon the completion of the child's education, while work visas expire either when the child ceases employment or after a span of three years.[87] Nonetheless the process for these visas can be highly competitive[88] and extremely expensive.[89] U.S. immigration offers several types of

---

85 *Id.*

86 *Id.*

87 *Foreign Students in Public Schools Students: Understand Your Post-Completion Grace Period*, U.S. Homeland Security, https://www.uscis.gov/green-card/green-card-eligibility-categories (last visited Dec. 31, 2023). *See How Long Can You Stay in the U.S. After Your Work Visa Expires*, Usafis, https://www.usafis.org/how-long-can-you-stay-in-the-us-after-your-work-visa-expires/ (last visited Dec. 31, 2023).

88 Adrian Ma et al., *The Precarity of the H-1B Work Visa*, National Public Radio (NPR) (Jan. 9, 2023, 8:34 AM), https://www.npr.org/2023/01/09/1147977339/the-precarity-of-the-h-1b-work-visa#:~:text=In%20the%20United%20States%2C%20thousands,the%20lottery%20to%20receive%20one.

89 *Foreign Students in Public Schools*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/us-visas/study/student-visa/foreign-students-in-public-schools.html (last visited Oct. 31, 2023). *See also U.S. Immigration, Explained*, Boundless, https://www.boundless.com/immigration-resources/us-immigration-explained/#:~:text=To%20immigrate%20to%20the%20United%20States%20means%20to%20relocate%20permanently,a%20pathway%20to%20U.S.%20citizenship (Last visited Oct. 31, 2023). A family-based green card could cost

green cards,[90] all which have varying eligibility, filing requirements, availability, and associated fees.[91]

III. Overseas Procedure for Reunification

One of the issues Caribbean families may face when seeking reunification is the inability to adopt from the country where their family is. Although there are only thirteen Caribbean countries out of 193 countries,[92] several of these islands ban American citizens from adopting there. This may result in people having to think of other ways to reunify their family. It is astonishing that Caribbean countries would stop American citizens who are more than likely originally from that island from adopting their relatives and bringing them into the United States. There are 4,494,000 Caribbean immigrants in the United States.[93] Of that population, 17.2% are Jamaican, 30.3% are Cuban, 26.0% are Dominican (Dominican Republic), 15.6% are Haitian, 4.7% are Trinidadian, 4.7% are Bajan, 1.2% are Bahamian, 0.8% are Dominican (Dominica), 0.7% are Grenadian, 0.4% are Vincentian, and the rest are from some island in the West Indies.[94] Additionally, these countries set different requirements for applicants when considering their eligibility for intercountry adoption. These requirements can vary; some may be very specific and significant, while others might be more general and not the sole determinants in a case.[95]

---

approximately $1760 if the applicant lives in the United States and around $1400 for applicants living abroad.

90 *Green Card Eligibility Categories*, U.S. Citizenship & Immigration Servs., https://www.uscis.gov/green-card/green-card-eligibility-categories (last visited Oct. 31, 2023).

91 *Green Card Processes and Procedures*, U.S. Citizenship & Immigration Servs., https://www.uscis.gov/green-card/green-card-processes-and-procedures (last visited Oct. 31, 2023).

92 *How Many Countries Are There?*, World Population Rev. (2023), https://worldpopulationreview.com/country-rankings/how-many-countries-are-there.

93 Lorenzi & Batalova, *supra* note 29.

94 *Id.*

95 U.S. Embassy Nassau, *Adoption*, U.S. Embassy in the Bahamas, https://bs.usembassy.gov/adoption/ (last visited Oct. 31, 2023). For example, The Bahamas determines if a U.S. citizen is eligible for adoption based on their finances, health, living accommodations, police record (which needs to be clean), marriage certificate (if applicable), and divorce decree (if applicable).

A. *Marital Status*

Whether the parent or relative is married, single, divorce, or separated in some countries will impact their eligibility to adopt. Jamaica[96] and the Dominican Republic do not recognize same-sex marriage. The Dominican Republic furthers its adoption law by restricting heterosexual couples from adopting by requiring them to have been married for at least five years prior to adopting.[97] It also does not allow single applicants to adopt children from the Dominican Republic.[98] Similar to the length of marriage restrictions, Haiti only allows couples who have been married ten years to adopt.[99] St. Vincent and the Grenadines allow single and married individuals adopt[100] as long as they are compliant with the age requirement.[101]

B. *Income*

Some countries like the Bahamas will consider the income of the applicant but do not have a required earning amount in place for eligibility.[102] Similarly in Dominica, the adoptive parents are required to be employed and have means to support the child.[103]

---

96 *Jamaica,* U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/Jamaica.html (last visited Oct. 31, 2023).

97 *Dominican Republic Adoptions*, Agape Adoptions, https://agape-adoptions.org/dominican-republic#:~:text=One%20adoptive%20parent%20must%20be%20a%20US%20citizen.&text=30%20%2D%2060%20years%20old%2C%20and,child%20you%20plan%20to%20adopt.&text=Only%20heterosexual%20couples%20who%20have,adopt%20from%20the%20Dominican%20Republic (last visited Oct. 31, 2023).

98 *Id.*

99 *International Adoptions – Haiti*, Haiti U.S. Embassy 3, http://www.haiti.org/wp-content/uploads/2012/09/international_adoptions.pdf (last visited Oct. 31, 2023).

100 *Saint Vincent and the Grenadines*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/SaintVincentandtheGrenadines.html (last visited Oct. 31, 2023).

101 *Id.*

102 U.S. Embassy Nassau, *supra* note 95.

103 *Dominica*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/Dominica.html (last visited Oct. 31, 2023).

C. *Residency*

The adoptive parent will be a resident of the United States, but some Caribbean countries ask them to visit the country for a specified amount of time or frequency. Generally Barbados does not require applicants to reside in the country but if the applicant chooses to have the adoption take place in Barbados as opposed to the United States, they will be required to reside on the island for at least eighteen months.[104] If they want to complete the adoption in the United States, they would only need to go to Barbados for a few weeks to attend the High Court hearing for their adoption license.[105] Meanwhile other countries actually require the adoptive parent to be a resident of the country. For instance, Grenada does not allow non-residents or individuals not domiciled in Grenada to adopt from Grenada.[106]

D. *Age*

The most common requirement for intercountry adoption is the age of the applicant. The age requirement can be either a minimum age or an age difference. In Dominica the adoptive parents must be twenty-five years old.[107] St. Vincent and the Grenadines set their minimum age to adopt at twenty-one years old.[108] The Bahamas requires adoptive parents to be twenty-five years old or at least twenty-one years older than the child.[109] The exception to this requirement is if the applicant is related to the child and then they must be at least eighteen years old.[110] And in Haiti the adoptive parent

---

104 *Barbados*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/Barbados.html (last visited Oct. 31, 2023).

105 *Id.*

106 *Grenada*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/Grenada.html (last visited Oct. 31, 2023).

107 *Dominica*, *supra* note 103.

108 *Saint Vincent and the Grenadines*, *supra* note 100.

109 U.S. Embassy Nassau, *supra* note 95.

110 *Id.*

must be older than thirty-five if they are single.[111] But if they are married, only one of the parents must be older than thirty-five.[112]

E. *Others*

A few Caribbean countries look at other variables when considering adoption from a U.S. citizen in their country. Haiti requires the married couple to be childless in order to adopt.[113] The Dominican Republic (DR) sets its education requirement for adoption to be at least a high school diploma or an equivalent.[114] The DR also reviews the adoptive parents' criminal violations.[115] For adoption in the Dominican Republic criminal violations cannot have occurred within the last ten years prior to adoption.[116] And if prospective adoptive parents have any history of domestic violence, sexual abuse, or child abuse, they would not be allowed to adopt.[117] In St. Vincent and the Grenadines the child and the adoptive parent are required to meet prior to the finalization of the adoption.[118] The Bahamas considers whether the person applying for the adoption of the child is the mother or father; if they are neither they must be at least eighteen years old and a relative of the child.[119]

The adoption laws of some Caribbean countries are more nuanced about whether U.S. citizens can adopt. In Cuba the law does not specifically prohibit foreigners from adopting children, but adoptions by U.S. citizens are extremely rare and ultimately unsuccessful.[120] However, some of the adoption laws in Caribbean

---

111 *International Adoptions – Haiti* 3, Haiti U.S. Embassy, http://www.haiti.org/wp-content/uploads/2012/09/international_adoptions.pdf (last visited Oct. 31, 2023).

112 *Id.*

113 *Id.*

114 *Dominican Republic Adoptions*, *supra* note 97.

115 *Id.*

116 *Id.*

117 *Id.*

118 *Saint Vincent and the Grenadines*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/SaintVincentandtheGrenadines.html (last visited Oct. 31, 2023).

119 U.S. Embassy Nassau, *supra* note 95.

120 *Adoption*, U.S. Embassy in Cuba, https://cu.usembassy.gov/u-s-citizen-services/child-and-family-matters/adoption/#:~:text=Cuban%20law%20does%20not%20specifically,and%20may%20ultimately%20be%20unsuccessful (last visited Oct. 31, 2023). Although it is unclear the exact reason why Cuba

countries plainly state they do not allow U.S. adoptions.[121] In the case of Grenada, this means that a U.S. citizen originally a resident of Grenada, now residing in a U.S. state would not be able to adopt anyone from Grenada regardless of whether they are relatives or not. It is almost a reversing effect and would call for the family to migrate back to the country and reunify there instead of the United States. One of the problems this poses is some Caribbean countries face a great deal of political uprising and it might be the reason the individual migrated[122] and sought out a method to bring their family into the United States.

While some countries are opposed to U.S. adoptions, other Caribbean countries are open to the idea. For instance Trinidad and Tobago will match the U.S. citizen with a child.[123] This means they will refer the adoptive parent to a child, not necessarily allow them to pick a specific child in the country.[124] Then the family will decide whether they will be able to meet the needs of the child and provide permanent family placement for the referred child.[125] If they are able to meet the needs of the child, according to Trinidad and Tobago's adoption law, during the probationary period the country will grant the adoptive parents temporary custody of the child.[126] The adoption board will closely supervise the child and monitor how the child reacts with the family.[127] One major

---

reserves adoption for Cuban children for adoptive parents who are Cuban citizens. *See Adoption Agencies and Information for Cuba*, Adoption Services, Inc., https://www.adoptionservices.org/adoption-agencies-cuba/ (last visited Dec. 31, 2023).

121 *Grenada*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/Grenada.html (last visited Oct. 31, 2023).

122 *Caribbean Migration*, In Motion: The African-American Migration Experience, https://www.inmotionaame.org/print.cfm@migration=10.html#:~:text=The%20significant%20growth%20of%20the,high%20wages%20and%20growing%20employment (last visited Oct. 31, 2023).

123 *How to Adopt from Trinidad and Tobago*, Adoption, https://adoption.com/wiki/How_to_Adopt_from_Trinidad_and_Tobago (last visited Oct. 31, 2023).

124 *Id.*

125 *Id.*

126 *Who Can Be Adopted from Trinidad and Tobago*, Adoption, https://adoption.com/wiki/Who_Can_Be_Adopted_from_Trinidad_and_Tobago (last visited Oct. 31, 2023).

127 *Id.*

concern with intercountry adoption is the effects of removing the child from the country in which they were born and reared and placing them in a new country with different cultures and societal standards.[128] The adoption law in Trinidad and Tobago embodies the heart of adoption; it favors adopting children to put them in a better off position and environment than the ones they were in.[129] Joyce A. Ladner, in a study observing biracial adoption (whites adopting black babies), highlighted that many people adopt because they want a child, they want to expand their family, or they are incapable of conceiving naturally.[130] By not restricting who gets adopt, Trinidad and Tobago helps to eliminate the number of children who remain in its public system and allow everyone an equal chance to adopt. It may be disappointing for a family seeking to adopt their specific relative, but there may be other avenues available for them to reunite.

Caribbean countries that are party to the Hague Convention are not necessarily opposed to U.S. adoption, but they will attempt to place the child with a family in the country before determining if they qualify for intercountry adoption.[131] For instance the Dominican Republic is a party to the Hague Convention and will try placement in the country before internationally.[132] On the hand, Trinidad and Tobago is not a party to the Hague Convention and requires the consent of the parents or a death certificate of parents before they allow the child to be eligible for intercountry and at-home adoption.[133]

Intercountry adoption requires the family member to comply with the adoption laws of the country they are adopting from in addition to their U.S. state and federal adoption laws. Caribbean countries vary as to who is allowed to adopt in their country and

---

128 Hollinger, *supra* note 34, at § 10.01.

129 *See In re* Dependency of J.S., 46 P.3d 293 (Wash. Ct. App. 2022) (holding that it was in the child's best interest to remain with the parents that reared him (and be adopted by them) rather than be placed in the custody of his biological parents because the child was observed to be happy and healthy in their care).

130 Joyce A. Ladner, Mixed Families: Adopting Across Racial Boundaries x (1977).

131 *Dominican Republic*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/DominicanRepublic.html (last visited Oct. 31, 2023).

132 *Id.*

133 *Who Can Be Adopted from Trinidad and Tobago*, *supra* note 126.

who can be adopted. For instance, Jamaica has residency, age, and marriage requirements. First, the U.S. citizen must seek either an adoption license or an adoption order.[134] The adoption license will allow the child, who is a Jamaican citizen, to be taken into the United States (identified as a "Scheduled country") and continue their adoption process in the United States. If this is the route desired by the family, they are generally expected to travel to Jamaica at least twice a week to meet the Child Development Agency (CDA) and apply for a visa.[135] They are not required to reside in Jamaica or to attend the court hearing.[136] The Jamaican court does reserve the right to request the adoptive parents' presence in court.[137] The benefit of the adoption license is that it is available for U.S. citizens who are adopting a relative.[138] There are some rare cases where a U.S. citizen can have dual citizenship in another country and if they identify as such they would need to seek an adoption order for a Jamaican adoption.[139] Under an adoption order, the adoptive parent is required to reside in Jamaica with the child under the supervision of a social worker for at least three months.[140] This residency requirement is waived if the prospective parents are, first, Jamaican nationals, and second, adopting a relative.[141] When a U.S. resident is adopting a relative (i.e., brother, sister, niece, or nephew), they are required to be at least eighteen years old.[142] A family may choose to ask family friends to take the role of adoptive parents[143] and seek intercountry adoption of the child and in this situation the prospective parent must be twenty-five years old or older because they are not related to the child they are adopting.[144]

---

134 *Jamaica, supra* note 96.

135 *Id.*

136 *Id.*

137 *Id.*

138 *Id.*

139 *Id.*

140 *Id.*

141 *Id.*

142 *Id.*

143 *Adoption*, The People's Law Library of Maryland, https://peoples-law.org/adoption (last visited Oct. 31, 2023). For example, in Maryland, a parent who is trying to adopt a child through intercountry adoption would not be in compliance with Maryland state law because the state only permits adults who are not the child's natural parent to petition the court for adoption. *Id.*

144 *Jamaica, supra* note 96.

Although Jamaica does not ban single adoptive parents from seeking adoption in Jamaica, they do not allow people in same-sex marriages to adopt.[145] Jamaica will therefore deny any same-sex couple an adoption order or license regardless of whether they are a relative of the adopted child.[146] Alternatively, they do not have an income requirement for the adoptive parents and will consider their medical condition when evaluating the eligibility to adopt.[147]

Similar to the United States, Caribbean countries place restrictions on who can be adopted from their country. In Jamaica the child must meet all the requirements to be eligible for adoption, which is assessed by the CDA.[148] The CDA conducts the visits to the child's place of residence, and undertakes interviews and counseling with the child and their parents (whether that be legal guardian or the one who reared them) and the prospective adoptive parents.[149] Conducive to any adoption, the parent must relinquish their parental rights or have their rights separated by the state.[150] If not, they would need to provide consent to the adoption before it is finalized.[151] This is the process for adopting children between six weeks and eighteen years old.[152] Jamaica does not allow adoption of children younger than six weeks.[153] If the child is of the required age, they will undergo a medical examination in Jamaica before the adoption order or license is approved.[154] Jamaica is, however, one of the Caribbean countries that does not have an abandonment or waiting period for adoptions.[155]

IV. Barriers to Reunification

There are several moving pieces for families who seek to reunify using intercountry adoption. Some countries prohibit adoption altogether[156] and others only prohibit international

---

145 *Id.*
146 *Id.*
147 *Id.*
148 *Id.*
149 *Id.*
150 *Id.*
151 *Id.*
152 *Id.*
153 *Id.*
154 *Id.*
155 *Id.*
156 Hollinger, *supra* note 34, at § 10.01. *See also Family-Based Petition Process*, *supra* note 72 (stating that if the family chooses to do the family-based

adoption.[157] Countries that do allow international adoption typically have laws and regulations that present serious difficulties for the adopting parent.[158] In addition to those difficulties, the parents must comply with the U.S. government's legal restrictions on international adoption and the barriers that prevent people from adopting become ones that only the privileged can overcome.[159] The different laws can also cause families to encounter timeline issues. For instance, although in Jamaica only children between six weeks and eighteen years old can be adopted,[160] the adoptive parent under U.S. adoption law must file the proper form before the child's sixteenth birthday.[161]

The age restriction placed on adoption in Caribbean countries is also a barrier, particularly if a relative is trying to adopt their sibling. Apart from the state specific age requirements, a country may have a different age requirement which can cause the adoptive parent to be in compliance with their state adoption laws but not with the country's.[162] It becomes tricky if the child they are adopting is turning sixteen soon and they must file before their sixteenth birthday in American, but the adoptive parent is not of age to adopt in the respective country. In the Dominican Republic, an adoptive parent needs to be at least fifteen years older than the child they plan to adopt.[163] Barbados on the other hand has two different age requirements depending on if the adoptive parent is related to the child.[164] If related, they need to be at least eighteen years old.[165] However, if they are not related, one parent needs to

---

petition process for intercountry adoption, that family would not be able to adopt from any Caribbean country that is a party to the Hague Convention).

157 Hollinger, *supra* note 34, at § 10.01.

158 *Id.*

159 *Id.*

160 *Jamaica, supra* note 96.

161 *Id.*

162 U.S. Embassy Nassau, *supra* note 95. For example, in Bahamas, once the parents are related to the child they are seeking to adopt, they can be eighteen years old or older, but there are only six out of fifty states in the United States that would allow the U.S. citizen to complete an intercountry adoption at eighteen years old. *Who May Adopt, Be Adopted, or Place a Child for Adoption? Summary of State Laws*, Child Welfare Information Gateway 2, https://www.hopscotch-adoptions.org/pages/pdfs/Who_May-Adopt.pdf (last visited Oct. 31, 2023).

163 *Dominican Republic Adoptions*, *supra* note 97.

164 *Barbados*, *supra* note 104.

165 *Id.*

be twenty-five years old and at least eighteen years older than the child.

Ladner reports on interviews with Vicky and Harold.[166] They live in a suburb outside of an eastern city and have no biological children of their own.[167] Vicky at the time of the interview was twenty-seven, a Catholic and adopted.[168] Harold was thirty-six at the time of the interview and Jewish.[169] The couple adopted four children, Pam, Charles, Judy, and Barbara.[170] Although this was not an intercountry adoption, when they went to adopt their first child, they were barred from adoption because although Harold was over twenty-one, Vicky was only twenty.[171] In some states this would not be an issue because one of the adoptive parents has met the required age, but in some states this is not the case. Vicky had to wait until she was of the statutory age in her state to proceed with the adoption.[172]

Satisfying the age requirements for who can adopt, who can be adopted, and when to file with the U.S. Immigration is a difficult combination of conditions. In an ideal world, a family with average financial standing could proceed with the adoption process and face no issue. But, in the real world, the requirements for adoption abroad and at-home share very little overlap. Families may be placed in situations where they need to reside in the country for months at a time just to be able to proceed with the adoption, but this time off means they may be away from work which would result in lower wages earned. It becomes a never-ending cycle where to move forward, families find themselves moving backward.

Likewise, despite the understanding between parents who conduct parental migration and the relatives left to care for the child, that the child will eventually migrate too, the latter may still feel less than happy when the child prepares to leave their custody. Some rare occasions present themselves where the parents that reared the child are functioning parents; under those

---

166 Ladner, *supra* note 130, at 12. These are not the names of the actual interviewees, changed for Ladner's publication purpose. *Id.*

167 *Id.*

168 *Id.*

169 *Id.*

170 *Id.* at 13-17.

171 *Id.* at 13.

172 *Id.*

circumstances the child would not be categorized as abandoned or surrendered and as a result would not be eligible for adoption.[173] This can slow down the adoption process because adoption starts with the consent or termination of the parental rights;[174] otherwise, the child will not qualify as being adoptable.[175] The rearing parent may have the child's best interest in mind and think the child should stay with them because removing them from the country, to a new country with a various cultures and racial and ethnic characteristics, may do more harm than good.[176]

Consider the case of *In re Adoption of D.J.F.M*. where an aunt and uncle sought adoption of their ten-year old nephew.[177] The nephew was from Honduras but had been living in the United States for five years under the care of his aunt and uncle.[178] His mother brought him into the United States with a nonimmigrant visa[179] to get his leukemia treated.[180] During the early days of his stay, the probate court granted his aunt temporary guardianship.[181] After his doctor informed them that he would need to stay in the United States for continued monitoring and treatment, his parents relinquished their parental rights allowing the aunt and uncle to adopt him.[182] However, the trial court denied the petition to adopt because under Honduran adoption law the aunt was unable to

---

173 Hollinger, *supra* note 34, at § 10.01.

174 John Gregory et al., Understanding Family Law 211 (4th ed. 2013). Termination of rights can be either consensual or involuntarily. Involuntary includes statutory grounds for termination under abandonment, child abuse, neglect, or dependency, non-support, incarceration, or mental illness. Some exception to termination of parental rights is if the adoptee is an adult or the child is an orphan. *Id.*

175 *Id.*

176 Hollinger, *supra* note 34, at § 10.01.

177 *In re* D.J.F.M, 643 S.E.2d 879, 880 (Ga. Ct. App. 2007).

178 *Id.*

179 *See generally Requirements for Immigrant and Nonimmigrant Visas*, U.S. Customs and Border Protection, https://www.cbp.gov/travel/international-visitors/visa-waiver-program/requirements-immigrant-and-nonimmigrant-visas (last visited Nov. 1, 2023) (defining nonimmigrant visas as visas that are issued to foreign nationals that want to enter the United States on a temporary basis for tourism, business, medical treatment, or certain types of work).

180 *D.J.F.M*., 643 S.E.2d at 880.

181 *Id.*

182 *Id.*

adopt the nephew.[183] Honduran adoption law requires the parent of the adoptive child to be dead; surrendering their rights while living would not be valid for adoption.[184] The trial court also examined federal adoption law, highlighting that the nephew did not have a valid visa and the aunt and uncle failed to comply with certain requirements established by the U.S. Bureau of Citizenship and Immigration Services.[185] On appeal the court found that the trial court erred in applying the intercountry adoption statute instead of the relative adoption statue.[186] Under the Georgia statute § 19-8-7,

> a child who has any living parent or guardian may be adopted by a relative who is related by blood or marriage to the child as a grandparent, great-grandparent, aunt, uncle, great aunt, great uncle, or sibling only if each such living parent and each such guardian has voluntarily and in writing surrendered to that relative and any spouse of such relative all of his or her rights to the child for the purpose of enables that relative and any such spouse to adopt the child.[187]

The court reversed the ruling of the trial court under this statue and held that Honduras's law is irrelevant for matters of relative adoption in Georgia, as well as the child's immigration status.[188] By having a relative adoption statute, Georgia understands the dilemmas families might face when they are trying to reunite, but the law calls for a specific type of abandonment, surrender, or relinquished right.

Another barrier parties might run into for intercountry adoption is the cost associated with the adoption process. Filing the I-800A or I-600A form can cost the adoptive parent $775.[189] This fee only covers the application for the visa and is non-refundable,[190] which means if a family is denied at any point during the

---

183 *Id.*

184 *Id.*

185 *Id.*

186 *Id.* at 881.

187 Ga. Code Ann. § 19-8-7 (2023).

188 *D.J.F.M.*, 643 S.E.2d at 882.

189 *IR-3 Visa (Children Adopted Abroad)*, TotalLaw, https://total.law/us/family/ir3-visa/#:~:text=Overall%2C%20you%20will%20most%20likely,Hague%20Convention%20countries)%3A%20%24775 (last visited Oct. 31, 2023).

190 *Frequently Asked Questions*, U.S. Dep't of State, https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/frequently-asked-questions.html#:~:text=The%20fee%20that%20you%20paid,application%20was%20processed%20to%20conclusion (last visited Oct. 31, 2023).

adoption process, they will have to cover the fee again and again until they are successful. The adoptive parent is also responsible for obtaining an immigrant visa for the child once they are eligible for immigration. In addition to conducting a medical examination in the child's country, the family will be required to pay for an additional medical examination for the immigrant visa.[191] Families adopting from certain Caribbean countries may have to pay for housing or lodging depending on the residency requirement for adoption. In the Dominican Republic, U.S. citizens must cohabitate with the child in the country anywhere between thirty to sixty days prior to adoption depending on the age of the child.[192]

V. Conclusion

Intercountry adoptions are governed by U.S. federal law, U.S. state law, and the laws of the adoptive child's country.[193] Families that are unaware of the complexity of intercountry adoption often try to adopt their family members relying only on personal experience,[194] secondhand experiences,[195] and what they can find on the internet. Most adoptive parents do not know there are also barriers on the side of the country from which they are seeking to adopt. It becomes difficult for an average person to make it through the intercountry adoption process. For this reason Caribbean countries ask or require families to work with a licensed U.S. adoption agency.[196] An adoption agency is more likely to be knowledgeable on the required paperwork as well as the adoption laws of the selected country.[197] On the other hand, agencies will cost families additional money, which can vary from $15,000 to $40,000 depending on the agency, the type of intercountry adoption, and the U.S. state.[198] While

---

191 *Jamaica, supra* note 96.

192 *Dominican Republic*, *supra* note 131.

193 Glen-Peter Ahlers Sr., *Adoption Law in the United States: A PathFinder*, 2 Child & Fam. L.J. 21, 23 (2014).

194 Amanda Shalala, *Opal Cayla George Excited for Her Baby's Arrival via 'Island Adoption' After Women's Basketball World Cup in Sydney*, Austl. Broad. Corp. News, Sept. 21, 2022, at 1.

195 *Id.*

196 *How to Adopt from Trinidad and Tobago*, Adoption, https://adoption.com/wiki/How_to_Adopt_from_Trinidad_and_Tobago (last visited Oct. 31, 2023).

197 Tana, *supra* note 12, at 1. *See also* Hollinger, *supra* note 34, at § 10.01.

198 Berfanger, *supra* note 15, at 1.

some Caribbean countries are working with the U.S. Embassy and attorneys in that respective country to help families navigate the adoption process, the solution might not be immediate.

When a parent leaves their child behind to create a better life for them, they do not understand how difficult it will be to reunite with their children, sibling, or family. If they knew, it is reasonable to assume most families would stay in their respective country or choose a family migration instead. It is not impossible for domestic adoption laws and international adoption laws to be reconciled.[199] For example, every state can try to implement a statute like the relative statue adopted by Georgia.[200] Alternately, the Hague Convention was proposed internationally for similar reasons (to make intercountry adoption law more uniform); however, not every country has adopted the convention.[201] For the countries that are not a party to the Hague Convention, the navigation of two legal systems with different requirements only makes the length of separation even longer. Most families get denied in their requests for intercountry adoption because of small mistakes or filling out the wrong form. Some are unaware that fees are due when they file or immediately after filing and must start the process over. Reunification is important because when a family moves miles away, they do not stop being family; but instead, they try to bring their family to where they are.

Ashley Segnibo

---

199 *Barbados*, *supra* note 104. Barbados does not have any additional restrictions on who can be adopted as long they are an orphan under U.S. law. *Id.*

200 *D.J.F.M*, 643 S.E.2d 879.

201 Ahlers, *supra* note 193, at 23.