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## Updated Japan Adoption Notice - Special Adoptions

Last Updated: May 15, 2018

This notice is an update to the Department of State's April 13, 2018 notice.

The Government of Japan informed the Department of State (the Department) that, pursuant to Japanese law, the intercountry adoption of Japanese children requires authorization by Japanese courts. The Department's Japan adoption page will be updated shortly to reflect details about the process.

The Department advises families that it is not possible under Japanese law to transfer custody for purposes of intercountry adoption to the United States until a Japanese court has granted a special adoption. In order to grant a special adoption, a Japanese court must find that the prospective adoptive parent (s) have met several requirements, including completion of a minimum six month period of trial nurturing. For more information, please refer to the [website](#) of Japan's Ministry of Health, Labor and Welfare (Japanese only).

Under U.S. immigration law, issuance of an immigrant visa for intercountry adoption requires either a full and final adoption decree or custody of an orphan for emigration and adoption in accordance with the laws of Japan. Further, under U.S. law, for a foreign-born child to qualify as an orphan, the child must meet one of the following definitions: (1) the child has no parents because of the death or disappearance, abandonment, or separation from or loss of both parents; or (2) the child's sole or surviving parent is incapable of providing proper care and has, in writing, irrevocably released the child for emigration and adoption. However, under Japanese law, the legal relationship between the birth parents and the child is not severed until the adoption is final.

Prospective adoptive parents will need to finalize the adoption in a Japanese court pursuant to Japan's special adoption process, including completion of a minimum six-month trial nurturing period in Japan. The Department advises any families who are pursuing an adoption without authorization by a Japanese court to contact their accredited adoption service provider and the Department at [adoption@state.gov](mailto:adoption@state.gov).

The Department also urges adoption service providers not to make new referrals to U.S. prospective adoptive parents to pursue a transfer of custody of a child without authorization of a Japanese court. Please continue to monitor [adoption.state.gov](http://adoption.state.gov) for updated information. For questions about this notice or adoption-related visa processing, please email the Office of Children's Issues at [adoption@state.gov](mailto:adoption@state.gov).



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