



Cautionary Statement and Clarification of Requirements for “Adopting” from Morocco

PEAR has recently been made aware of an increase in marketing and interest in adoption from Morocco. As the pool of Non-Hague countries open to adoption shrinks, we understand that adoption service providers (ASPs) are under increased pressure to find viable programs for clients interested in adopting abroad. We wish to remind prospective parents and the general public that what adoption agencies advertise in their adoptive programs has little to no regulation. PEAR believes that many ASPs offering new Morocco programs are not correctly conveying the process and requirements. We call upon ASPs to appropriately represent the process, children available, and prospective adoptive parent requirements when promoting their programs on websites and in private forums.

PEAR believes that Morocco is a viable option for Muslim families who understand the need to take additional steps once they return from Morocco with child to finalize the adoption in their state court and obtain US citizenship for the child.

PROCESS: Adoption vs. Kafalah

Prospective parents should be aware that an adoption does not take place in Morocco, but instead a kafalah custody is acquired, which is a form of guardianship. Prospective parents obtain the kafalah then must obtain permission from the Moroccan government to allow the child to travel to the US. Once this document is acquired, prospective parents will file for an immigration visa, called an IR 4 (Immigration for the Purpose of Adoption in the US). The prospective adoptive parents must subsequently adopt the child in the United States. We strongly recommend that prospective adoptive families interested in the Morocco program thoroughly research kafalah, their state adoption laws, and immigration/citizenship issues before deciding on a Moroccan program. An excellent resource on kafalah can be found in the International Social Services documents found here: <http://www.crin.org/docs/Kafalah.BCN.doc>. Information on state adoption laws can be found in PEAR’s state adoption directories: <http://www.pear-now.org/resources.html> and here: <http://laws.adoption.com/statutes/state-adoption-laws.html>. Information on citizenship for children arriving on IR 4 visas can be found here: <http://www.uscis.gov>

REQUIREMENTS:

You must be Muslim to obtain kafalah in Morocco.:

We are aware that some PAPs are being misled by ASPs and encouraged to make false statements or told they need only to respect the Muslim faith with their Moroccan children. This is not what the Moroccan government supports nor requires.

The US Department of State (DOS) has published the requirements of prospective adoptive parents as follows:

“OTHER REQUIREMENTS: Prospective adoptive parents of Moroccan children must be Muslim. Those who are not already Muslim can easily convert to Islam while in Morocco. They can obtain a conversion document from any court notary (Adul) office.”

And in the list of documents include “Islam Conversion Document for the prospective adoptive parents” <http://adoption.state.gov/country/morocco.html>

Prospective parents who are not Muslim **must** convert while in Morocco in front of an Adul (Muslim religious notary) and obtain a conversion document.

Process required to convert:

Conversion to the Muslim faith does not require preparatory courses nor a formal public ritual, so in a sense it is “easy” to convert as many ASPs and even the US DOS state. However, conversion does require that you reflect on your decision and make a knowledgeable, certain, sincere, and truthful declaration of faith and intent with love, affection, submission and acceptance before Allah. The statement is called the Shahaadatayn, and there are a few, private rituals you do to seal this and demonstrate your conversion. The Shahadah can be declared as follows: "ASH-HADU ANLA ELAHA ILLA-ALLAH WA ASH-HADU ANNA MOHAMMADAN RASUL-ALLAH". The English translation is: "I bear witness that there is no deity worthy to be worshiped but Allah, and I bear witness that Muhammad is His servant and messenger."

Further information can be found here or by consulting with your local Muslim community:

<http://www.converttoislam.org/>

<http://peacepropagation.com/2009/01/the-first-pillar-of-islam-al-shahaadatayn/>

<http://futureislam.wordpress.com/2010/04/04/conditions-of-the-acceptance-of-the-shahaadatayn/>

The conversion needs to be real. If the declaration is made without the above seven conditions (knowledge, certainty, sincerity, truthfulness, love & affection, submission and acceptance of Allah's commands) it is not valid. Indeed some families have been refused subsequent kafalah from Morocco after the Moroccan government discovered that the original conversion was a sham made only for the purpose of obtaining a child from Morocco. See: <http://www.timesonline.co.uk/tol/comment/faith/article4965528.ece> for an example.

Proof of Conversion:

Since Islam requires no formal preparation and there is no "certificate" issued, to "prove" your conversion, you can make your "statement of conversion" before a notary or other official (conversion documents are obtained from and notarized by adults, or religious/court notaries) so that you have a document proving your conversion. This document is called the Conversion Document as referenced in the DOS materials. The document is required by the Moroccan government for other reasons, such as marriage, where you need to prove that you are Muslim.

LEGITIMACY:

We believe that many ASPs and prospective parents are confusing the ease of "proof" of conversion with the act or decision of conversion which should only be undertaken after thought, reflection and determination of sincere religious conviction apart from the desire to adopt a Muslim child. PEAR believes that the nature of a religious conversion is downplayed by stating one can "easily convert" in the DOS statement. In addition, the phrase "easily convert" is being misrepresented by agencies on their websites and in conversations with prospective adoptive parents. We have seen communications in which agency personnel attempt to persuade prospective parents with the fact that practicing the Islam is not enforced post-adoption so they need not truly "convert". We find the practice of false conversion to be insulting to the Muslim faith, disrespectful of the child, harmful to the institution of adoption, and completely unethical. Adoption is not about finding children to meet the needs and desires of prospective parents, it is about finding proper homes for children who need them. Disrespecting a child's religion and culture is disrespecting who the child is.

We respectfully call upon the DOS and ASPs with Moroccan programs to correctly convey the requirements of kafalah from Morocco in a manner that is respectful of the Muslim faith, properly conveys the requirement that prospective parents *be* of the Muslim faith, and does not encourage false conversion. Additionally, we call upon prospective adoptive parents to refrain from deceptive practices when adopting a child. The legitimacy of the institution of adoption requires transparent, educated, and honest participation in the process.

Adopted and Approved by PEAR Board of Directors, 8-15-10