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859 Riverside Drive, #11  
Greenwood, IN 46142  
(317) 407-8422

[adoptionART.org](http://adoptionART.org)

#### FOR IMMEDIATE RELEASE

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#### CONTACT

Margaret Swain  
[artdirector@adoptionart.org](mailto:artdirector@adoptionart.org)  
(443) 857-3350

### **New Passport Restrictions Potentially Strand and Separate Families**

(GREENWOOD, INDIANA, MARCH 30, 2020) – There are currently scores of gestational surrogates across the country carrying or having recently delivered the children of international parents. In most cases, a court of competent jurisdiction in the United States, has issued an Order of Parentage prior to the child’s birth, directing that, upon birth, the Intended Parents are the child’s sole legal parents. Because of newly instituted restrictions on the issuance of passports, these families are unable to secure a passport for their child and are in very serious danger of being stranded in this country even when it is safe for them to return home. Obtaining their child’s passports from the parents’ home country is not usually an option until they return to their home country.

The Academy of Adoption & Assisted Reproduction Attorneys (AAAA) urges the Department of State to ease the restriction on the issuance of passports to allow parents to obtain passports for their babies born through gestational surrogacy.

While the children and families are stranded here, they face serious concerns. These children typically do not have health insurance here nor do their parents, resulting in a financial drain on these families and our own health care resources during this public health crisis. Further, remaining in the U.S. when the pandemic contagion curve is still rising presents a clear and present danger to these families, especially for the immunologically susceptible infants. Additionally, parents may have already come to the U.S. to avoid being locked down in their own countries-their travel visas will expire if they are unable to leave with their infants, putting them and their families at even greater risk.

Margaret Swain, AAAA’s Director of ART commented, “We as individual citizens, professionals and members of the fertility community fully appreciate the severity of the COVID-19 outbreak and commend the gestures taken to protect all of us. However, we also recognize the problems created by the restrictions and remain committed to assisting our clients and their families in their quest to return home.”

The reasonable and fervent plea to take those children home as soon as possible has become a high-priority issue for all of us practicing in this field. Governments in a number of countries such as the United Kingdom are working diligently to provide options for their citizens stranded in the United States. Our government must partner and problem-solve with other nations to resolve this critically important problem.

In the meantime, these newborn passports must be issued on an emergency basis. This

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truly is an emergency, potentially life or death situation for these families. We appreciate that current travel restrictions may prevent immediate departures once the passport is issued. However, if these children do not receive passports now, families will not be able to depart when the travel restrictions are lifted.

Nidhi Desai, AAAA's Deputy Director of ART remarked: "While this unprecedented health crisis led to a State Department policy that seemed sensible, it led to an unintended consequence of potentially putting these babies and families' health at risk as well as separating these families at a critical time."

Developing and implementing a plan will serve not only the best interests of these children and their families, but will preserve and support the best care for everyone at risk during these most challenging times.

**About the Academy of Adoption and Assisted Reproduction Attorneys**

The Academy of Adoption and Assisted Reproduction Attorneys (AAAA) is a credentialed, non-profit organization dedicated to the competent and ethical practice of adoption and assisted reproduction law. It advocates for laws and policies to protect the best interests of children, the legal status of families formed through adoption and assisted reproduction, and the rights of all interested parties. It is represented by approximately 450 attorneys or "Fellows" from the United States, Canada, Australia, Argentina, Israel and the United Kingdom who focus their law practices on adoption law, assisted reproductive technology law (ART) or both. AAAA is headquartered in Greenwood, Indiana. For more information, visit us at [adoptionART.org](http://adoptionART.org)