NINA MOINI: Well, the Trump administration's heightened immigration enforcement has raised legal concerns for some Minnesotans who may not have considered their immigration status, people who were adopted from other countries by US citizens. The state is home to a number of international adoptees, including the nation's highest concentration of adoptees from South Korea. My next guest has been helping adoptees navigate what's become a precarious situation for some. Gregory Luce is an attorney and founder of the Adoptee Rights Law Center based in Minneapolis. Thanks for being with us, Gregory.

GREGORY LUCE: Well, thanks, Nina. I appreciate being here.

NINA MOINI: I hadn't learned a lot about this. I'm very excited to learn about this. Adoptees, and parents included, might have assumed that anyone adopted by US citizens would also have citizenship, but that's not always the case, I understand. Can you explain that?

GREGORY LUCE: Yeah. And I didn't this until about seven years ago either. I've represented adopted people in Minnesota, not intercountry adoptees. But when I found out about it, I was shocked and concerned that this loophole existed in the law. And essentially, that loophole could be twofold. But the biggest one is current law does not provide automatic citizenship for intercountry adoptees who were too old on the effective date of the law.

So it's a very specific date, February 27, 2001. And if you were 18 on that date, you don't have the benefits of current law, which would make you an automatic citizen. Your parents had to take the steps to naturalize you. And if you didn't, you essentially remained a green card holder or had a legal permanent resident, which is a lot less sturdy for immigration purposes and citizenship, obviously.

NINA MOINI: So it depends, really, on a law change and your age. And a lot of times, we'll see that with different immigration policies. They'll change at different times where people will be grandfathered in depending on their age. But do you have a sense for just how many international adoptees or intercountry adoptees could be in the US without citizenship?

GREGORY LUCE: Yeah. For those without citizenship, my numbers show about 75,000 were too old at the time of current law, and so that is-- I'm going back to about 1968. So there could be quite a few more, because modern adoption, intercountry adoption to the US, didn't really begin until the mid '50s, late '50s. So that's a pretty solid number, I think. 75,000. Now, they may have naturalized later, so it's not the end all be all number of people who do not have citizenship. But there are a lot who do not.

NINA MOINI: Do you find that there are people who don't have the documentation to maybe prove citizenship, or other things that they might need for the process?

GREGORY LUCE: Yeah, that's one of the bigger issues is the documentation, because we're talking about people who were adopted as children 30, 40, 50, sometimes, 70 years ago, and suddenly, they're having to recreate those documents to show that their parents are US citizens and they get their birth records. You need to find the final adoption decree, wherever that may be. It could be in China. It could be in Russia. It could be in one of the countries that adoptions occurred in that country.

And so you're gathering all these documents, having trouble getting them. And that's essentially the hardest part of my job-- other than the more complex cases-- is getting the documentation to show, yes, you are a citizen, or yes, you have a green card. And let's take the next steps of either getting you citizenship or finding some immigration benefit that allows you to feel safer.

NINA MOINI: What factors could make adoptees vulnerable to detention or deportation? Is this something that you're seeing happen more?

GREGORY LUCE: I haven't seen any-- there are a few outlying cases, but I haven't seen any intercountry adoptees who have been detained recently. Now, there are intercountry adoptions who have been deported in the past. The numbers are roughly from 30 to 40.

And they were vulnerable because their parents did not take the final steps of naturalizing. They're part of that cohort who were too old at the time of current law. And they had a conviction on their record that would prompt the US government to seek deportation. And so they have been deported.

And I do have, and others have, clients who have green cards only. They're not US citizens. They have interaction with the criminal justice system. That may or may not be enough to have immigration enforcement. And so they're essentially lying low, because in this environment now where anything could count towards being detained, there is a lot of fear in immigrant communities and especially in communities of intercountry adopted people.

NINA MOINI: You're saying that because of the ICE surge recently, people have a renewed sense of fear, that even if they are citizens, they might just come upon an interaction of some sort and not have the proper documentation. Are you finding that people are wanting to make sure they have more physical documentation with them at all times, even?

GREGORY LUCE: Definitely. In December and January, my intakes to the clinic that I run, which is a pro-bono legal clinic for intercountry adoptees-- the intakes tripled. I mean, the highest month I ever had over the last almost two years was about 30 intakes in one month. We had about 66. And they were very concerned of not having the current documents that they need. What did they lack? What should we carry with us? Is a copy good enough?

So all those questions about-- coming down to, in the context that I live in, this is what they would tell me. What do I need to make sure that I'm not detained? Or if I am detained, what do I do? And that was very much part of that surge in not only Minnesota, but it made national headlines, so other intercountry adoptees from across the country would contact me with the same questions.

NINA MOINI: I wouldn't want you to speak for individuals in their personal lives. I know you serve as an attorney in that role. But do you find that it's distressing for your clients? Do you find that it is difficult emotionally for people who may have struggled their whole lives with identity and belonging, and now walking down the street and suddenly feeling like they could be targeted?

GREGORY LUCE: I'm glad you prefaced that with how I can speak and who I represent. I do represent people as a lawyer, but I'm also an adopted person myself. I'm just not adopted from another country. I was born and adopted in the District of Columbia. So I do that sort of deep sense of, do I belong? which follows many adoptees throughout their life.

And suddenly, your ability to feel like you belong in the country where you were brought for adoption is challenged by this surge, this focus on immigration and whether people are good immigrants or bad immigrants, and determining how you move through that world where, suddenly, your belonging in that country is questioned.

NINA MOINI: I understand there's a bipartisan bill sitting in Congress that would grant automatic citizenship to adoptees, regardless of their age. I know tomorrow, there's going to be a big conversation around birthright citizenship, and a lot of things are being revisited, it looks like, now. How hopeful are you that would pass?

GREGORY LUCE: I'm cautiously optimistic. It's the Protect Adoptees and American Families Act. A version of it has been bouncing around for about four or five sessions now. And I think that there is pressure for Congress to do something with immigration, and this may be one of those things that they can agree on, that we should not be deporting or putting intercountry adoptees who are adopted by a US citizen parents into deportation proceedings or not feeling safe in this country that they've grown up in.

NINA MOINI: And just to be clear, you're saying you haven't seen any clients of yours recently who have been detained or deported who are adoptees. But are you recommending to people, even people listening who might not have thought that far ahead yet about something like this-- what are you recommending for people in terms of having proper documentation and taking the steps and maybe having it with them?

GREGORY LUCE: Yeah. There's really three documents that I think that I recommend. You don't need all three. But a passport book, a US passport card, because you can carry that with you, and then the most permanent form of proof of citizenship is a certificate of citizenship or a certificate of naturalization. You can't have both. You have one or the other. Most intercountry adoptees have a certificate of citizenship or qualify for one, and that's because they derive citizenship through their US adoptive parents. And so those are the three core documents.

I don't want people to freak out that they don't have all three of them. Work towards getting the three. And fortunately, we started the clinic in Minneapolis to represent intercountry adoptees because the filing fee for the certificate of citizenship is now $0 for intercountry adoptees. It may not be that way next year, and so we wanted to make sure we got as many people to get that certificate of citizenship. And we started this before the presidential election in 2024, so it was sort of serendipitous that we were able to do that.

NINA MOINI: All right, Gregory. Thank you very much for sharing about this with us. It's very important. Thank you for your time.

GREGORY LUCE: Thank you.

NINA MOINI: Gregory Luce is a Minneapolis-based attorney and founder of the Adoptee Rights Law Center.