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USCIS Update

Status of Adoptions from Guatemala

WASHINGTON – In light of a number of problems with Guatemala’s intercountry adoption process, U.S. Citizenship and Immigration Services (USCIS) and the Department of State strongly caution American prospective adoptive parents contemplating pursuing adoptions in Guatemala to carefully consider their options at this time. The arrest in the United States of a well-known adoption facilitator as well as concern about unethical behavior and practices by others involved with adoptions in Guatemala indicate that the adoption process in Guatemala is not adequately protecting all children.

During the investigation related to the arrest of the adoption facilitator, Immigration and Customs Enforcement (ICE) found evidence of smuggling Guatemalan children into the United States who were candidates for adoption. ICE also found evidence of fraudulent documents concerning adoption, immigration status, and health conditions of the children involved.

Separately, the USCIS field office in Guatemala has denied orphan petitions due to unlawful practices in Guatemala. These include cases where an imposter claims to be the biological mother of the child and where the biological parent(s) have been deceived and there has been no true relinquishment of parental rights.

This type of activity violates U.S. law and is also counter to the principles of the Hague Convention on Intercountry Adoption, which Guatemala ratified, and which the U.S. Government anticipates ratifying this year.

The U.S. Government is likely to review all pending cases with more scrutiny and together with the ongoing investigations, it may be unable to process cases quickly. Moreover, detailed investigations may be warranted to determine that a child is truly eligible for adoption as an orphan, that any prospective adoptive parent(s) are eligible and suitable to adopt, and that the child is ultimately placed in the custody of the adoptive parents who are eligible and suitable to petition for an orphan as an immediate relative.

The U.S. Government supports adoption reform efforts in Guatemala and is working closely with the Guatemala Government to help encourage the implementation of reforms to protect children in the intercountry adoption process. The U.S. Government also supports the Guatemalan Government efforts to implement the Hague Convention on Intercountry adoption and establish new case-processing procedures and an appropriate transition mechanism to the good practices of the Convention.

For more information, please visit the Department of State’s website at www.travel.state.gov.