



USCIS Update

April 1, 2008

USCIS ANNOUNCES CHANGES TO GUATEMALA ADOPTIONS

Intercountry Adoptions Under the Hague Adoption Convention

WASHINGTON – U.S. Citizenship and Immigration Services (USCIS) today announced it is not able to approve any Form I-800, *Petition to Classify Convention Adoptee as an Immediate Relative*, filed on behalf of a child to be adopted from Guatemala. USCIS has been advised that Department of State consular officers cannot issue the required Hague Adoption Certificate or Hague Custody Declaration at this time due to the agency's determination that Guatemala is not currently meeting its obligations under the Hague Adoption Convention, which recently entered into force for the United States.

Certification of compliance with the Hague Adoption Convention and the Intercountry Adoption Act of 2000 (IAA) is required under the new procedures for Hague Convention adoptee cases. In light of the inability to complete the immigration process, prospective adoptive parents are strongly urged not to file Form I-800A, *Application for Determination of Suitability to Adopt a Child from a Convention Country*, identifying Guatemala as the country from which the adoption is intended.

The *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* (Hague Adoption Convention) entered into force with respect to the United States on April 1, 2008. The Hague Adoption Convention provides important new safeguards to protect the welfare of children, birth parent(s) and adoptive parent(s) engaged in intercountry adoptions. Effective April 1, 2008, intercountry adoptions between the United States and other Convention countries must comply with the Hague Adoption Convention standards. Guatemala is a party to the Hague Adoption Convention. Hague Convention adoptions are processed on USCIS Forms I-800A and I-800.

Non-Hague Convention (orphan) adoption cases are processed on USCIS Forms I-600A, *Application for Advance Processing of Orphan Petition*, and I-600, *Petition to Classify Orphan as an Immediate Relative*. If a Form I-600A or Form I-600 was filed prior to April 1, 2008, the case may continue to be processed under U.S. orphan regulations.

Some Convention countries may require that adoptions in progress on April 1, 2008 proceed under the rules of the Hague Adoption Convention, regardless of the United States grandfathering provision of orphan cases filed prior to April 1, 2008. In such cases, the adoption must be processed under the Hague procedures and a Form I-800A may be required. Prospective adoptive parents with cases in process in Guatemala should consult with their adoption service provider.

USCIS will promptly advise the public when it is able to commence processing of new Hague Convention adoptions in Guatemala.