

Department of State Urges Citizens Not To Start Adoptions in Guatemala

September 2007

WARNING: The U.S. Department of State urges American citizens not to begin an adoption in Guatemala at this time. Fundamental changes in Guatemalan and U.S. adoption law will take effect over the next six months. These changes are likely to inject considerable uncertainty into the adoption process.

Guatemala has stated that it will become a Hague Convention country on January 1, 2008. The Government of Guatemala has informed us that they will not process adoption cases that do not meet Hague standards after December 31, 2007. They have also informed us they will not process adoptions for non-Hague member countries after December 31. We understand this to mean that Guatemala will stop processing adoptions to the United States beginning January 1, 2008, until U.S. accession to the Hague Convention takes effect. Given the average time frame for completing an adoption in Guatemala, cases started now cannot be completed before January 1, 2008.

When the Convention takes effect for the United States, there may be a period of time during which we will not be able to approve adoptions from Guatemala, until Guatemala's adoption process provides the protections for children and families required by the Hague Adoption Convention.

The Government of Guatemala has confirmed its commitment to the Hague Adoption Convention, and is already working to amend its adoption law to conform to Hague requirements. However, the current adoption process in Guatemala is not consistent with the Convention. Designing and instituting new procedures will take time. The U.S. Government is working closely with the Hague Permanent Bureau and other interested governments to support Guatemala's transition to meeting its obligations under the Hague Convention.

At this time, over 3000 applications for adoption from Guatemala are in process with USCIS or the Guatemala government. The U.S. government is asking the Government of Guatemala to allow such cases, now pending, to proceed to completion without additional requirements.

American citizens pursuing adoptions in Guatemala are already encountering some delays in the process. As recently as August 2007, several dozen children who were to be adopted by U.S. citizens were taken into custody by Guatemalan authorities because of alleged irregularities in the adoption process and concerns about the care of the children. A court-ordered investigation is now underway.

Several adoption service providers are under investigation in the United States, and at least one U.S. adoption facilitator faces prosecution in the United States. Under these circumstances, prospective adoptive parents face the real possibility that current, pending cases may be disrupted by legal investigations.

The Department of State strongly recommends that prospective adoptive parents defer plans to begin an adoption in Guatemala until the legal and procedural issues described above have been resolved.