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Guatemala

May 13, 2012

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Notice: Guatemala Update

This Adoption Notice is a follow up to the Notice of December 12, 2011.

Universal List

In March 2012, after months of meetings to gather information, U.S. officials presented a list of known pending cases to Guatemalan officials. This list is a compilation of USCIS records of all properly grandfathered Form I-600A applications and pending Form I-600s filed by U.S. citizens on behalf of Guatemalan children, and lists provided by each of the adoption processing entities in Guatemala. This "Universal List" reflects all known Guatemalan records of pending cases involving U.S. citizen prospective adoptive parents. The goal is a consistent and universally agreed upon list of cases for both U.S. and Guatemalan officials to work from, allowing officials to focus on the necessary steps to bring each of the transition cases to resolution. The initial response has been positive, with all Guatemalan agencies agreeing to work from this Universal List.

Senator Mary Landrieu and Representative Karen Bass Led Delegation to Guatemala April 10-14, 2012

Senator Mary Landrieu and Representative Karen Bass led a congressional delegation to Guatemala April 10 -14, 2012. USCIS Director Alejandro Mayorkas traveled with the delegation along with the Office of Children's Issues Guatemala Adoption Officer. The delegation attended meetings with President Otto Perez Molina, Vice President Roxana Baldetti, Foreign Minister Harold Caballeros, the Attorney General, the Ministerio Publico (MP), the Comisión Internacional Contra la Impunidad en Guatemala (CICIG), the Procuraduría General de la Nación (PGN), the National Adoption Council (CNA), UNICEF, and Ministry of Social Development.

Senator Landrieu provided all of the above officials with a copy of the Universal List of cases. Senator Landrieu urged Guatemalan officials to resolve all of the pending cases by the end of 2012, and to move forward with adoptions involving U.S. prospective adoptive parents where there is no evidence that the child was taken fraudulently from his or her birth family. USCIS Director Mayorkas offered to return to Guatemala to learn more about the Guatemalan adoption investigation process and to encourage Guatemalan authorities to continue to complete cases. President Perez-Molina expressed his hope that the pending cases will be resolved within the next 6 to 12 months, and all other Guatemalan authorities -- as well as CICIG -- generally agreed that the pending transition adoption cases should be resolved as soon as possible in the best interests of the children, but also stated that a lack of resources is a potential obstacle to resolution. Guatemalan authorities noted the possibility that some of the notario cases may not be able to proceed as notario cases when the investigation reveals that the case does not fall within the parameters of the relevant law. However, they also advised that in these cases, if a judge makes a finding of adoptability for the child, such a case may be considered eligible under the CNA Acuerdo process.

Update on possible legislative solution

In February 2012, Guatemala's Foreign Minister Harold Caballeros travelled to Washington, D.C. and met with U.S. Secretary of State Hilary Clinton, Special Advisor for Children's Issues Susan Jacobs, as well as congressional leaders and adoption stakeholders. The new Perez-Molina Administration announced that they would have a plan to resolve the pending transition cases by June, and suggested that the Guatemalan Administration was looking at a legislative solution.

In April, Foreign Minister Caballeros informed the congressional delegation and Embassy officials that the Guatemalan administration did not believe it was necessary to pursue a legislative solution, and that the pending transition cases could be resolved within the existing framework.

CNA Acuerdo Update

In December 2011, the CNA confirmed the details of a processing plan for a limited group of pending adoption cases already under CNA processing authority. Please refer to our adoption notices from [December 13, 2011](#) and [September 27, 2011](#) for more background.

To date, the CNA has initiated only five cases under the Acuerdo process, out of 22 that it has identified as currently eligible. This is less than the number of cases that the CNA represented would be in progress by this time. Embassy officials continue to meet frequently with the CNA to identify and address causes for delay and to urge the CNA to initiate all of those cases that are eligible to proceed.

The U.S. Embassy in Guatemala City submitted a formal request to the Guatemalan government in early May 2012 for extension of the Acuerdo beyond the current August 2012 expiration date to ensure continued processing of adoptions. The Guatemalan government has not responded. Embassy officials continue to press for the extension.

Adoptions in Acuerdo Process

Progress has been slow on those cases that have been initiated and submitted to the CNA by the U.S. Embassy under the Acuerdo process. After its review of the first case, the CNA requested supplemental documents in addition to those required documents confirmed in writing by the CNA in December 2011. Embassy officials responded urging the CNA to abide by their original documentary requirements. We will provide updates when they are available.

Note: Only the CNA can determine whether cases are eligible under the CNA process. The Office of Children's Issues, USCIS, and the U.S. Embassy can only advise on whether or not the CNA has initiated the case, and if so, what documents the CNA requires. The Office of Children's Issues can also provide general information on the CNA process.

Working Group Update

Although the working group (known as the "mesa tecnica" in Spanish) is reportedly continuing to meet on a weekly basis to investigate and move cases closer to resolution, this has not translated into significant numbers of cases moving to final adoption. The U.S. Embassy continues to communicate on a regular basis with each institution that participates in the working group on a regular basis, but the working group itself refuses to provide a comprehensive status update for those cases already reviewed.

Other News

Between June 2011 and April 2012, the PGN informed the U.S. Embassy of approximately 40 children no longer available for adoption because the child was either reunited with the biological family or placed in domestic adoption. Upon receiving written confirmation of this from the Guatemalan government, USCIS informed the U.S. families associated with those cases.

Visas statistics

From July 1, 2011 until December 31, 2011 the U.S. Embassy issued eight (8) IR3 adoption visas. From January 1, 2012 to May 1, 2012, the U.S. Embassy has issued only one (1) IR3 adoption visa. These visa statistics represent only the cases which have completed ALL processing steps with Guatemalan authorities, USCIS Guatemala, and the Consular Section of the U.S. Embassy.