

Guatemalan Adoption Process

The adoption process in Guatemala can be filled with many happy and sometimes difficult moments. We will do everything we can to help your family, but please realize there are steps in the process beyond our control. The following is an explanation of the legal process:

- Your dossier is sent to Guatemala and translated. Many times the dossier is sent prior to getting an assignment.
- When a child is available you will receive pictures, a medical report and lab work. You will have 48 hours to decide on the assignment.
- Upon acceptance, we will prepare a power of attorney authorizing the attorney in Guatemala to start the adoption process on your behalf. The adoption cannot begin until the **Power of Attorney (POA)** is filed in Guatemala. When you receive this document for signature it is important that you have it **notarized and sent overnight** to our office. We will immediately send it to your region's Guatemalan Consulate for final legalization.
 - When the power of attorney arrives in Guatemala it takes approximately ten days to register. The adoption begins upon completion of the registration.
 - Some families choose to travel to Guatemala and sign the power of attorney in person. In this case the power of attorney is registered the next day and you do not have to wait for the authentication process.

At the beginning, the Guatemalan adoption process and the embassy preapproval process run parallel.

- The lawyer files the POA and documents with the Family Court in Guatemala and obtains a date from the social worker to interview the birth mother and child. The social worker will prepare a Guatemalan homestudy recommending the approval of the adoption (seldom are cases rejected).
- At about the same time, the lawyer organizes a folder that consists of the I-600, G-28, copy of the I-171 H, birth mother records, and baby records. If these documents are in order, then the Department of Homeland Security in Guatemala will issue an authorization to perform DNA testing. The authorization document is faxed to us from the attorney. We fax it to the U.S. lab wherein they stamp "PAID" on the DNA authorization form. We fax it to the attorney for him to take to the lab in Guatemala when he takes the birthmother and child for collection of the samples. The samples are then sent to the U.S. lab for testing.
 - It can take up to two weeks for the DNA results to arrive at the embassy.
 - The embassy will review your documents and the DNA results. Sometimes cases are approved based upon the documents submitted. At other times the embassy

may want more information, such as birth certificates of the child's siblings. The embassy randomly picks cases for investigation. In such cases, the birth mother is interviewed. The embassy preapproval process typically takes from several weeks to two months.

- When the case is approved by the court and we have embassy preapproval, you are ready to enter the PGN (Procuraduria General de la Nacion). Until there is embassy preapproval the case **can not enter the PGN**. Embassy preapproval is not an absolute guarantee that the visa will be issued but helps to ensure that the child's visa will be approved when the adoption is complete. The embassy can still deny the I-600 application if they discover fraud with documents or any other part of the process.
- PGN approval can take several weeks to several months to obtain. When the case is filed it is assigned to an initial reviewer. If the reviewer approves the case, then it is sent to a supervisor for final approval. If the case is rejected, then a written opinion is issued stating the reasons for the rejection. If the lawyer properly corrects the errors, then the case will most likely be approved.
- After PGN approval the birth mother must sign the final protocol (adoption deed). This usually happens within days of receiving PGN approval.
- An application for the new birth certificate is submitted to the municipality where the child was born. Obtaining the birth certificate can take from several days to a few weeks.
- The birth certificate, final adoption decree and other documents are filed with the embassy to obtain the famous pink slip. In some cases the embassy has the pink slip ready within 48 hours after the filing. There are times when it takes longer because there is a document that the embassy believes is not in proper form. The embassy issues a form I-72 asking the lawyer to submit additional or corrected documents. Sometimes the pink slip is not issued if the embassy does not have record of the cable sent by your local immigration office.¹ Your local immigration office will resend the cable.
- Your lawyer will pick up the pink slip and the attached documents which include the original I-600 form submitted at the beginning, the visa application, and the vaccination affidavit. The pink slip will state the date and time that the family must appear for a visa. If the family is unable to make the appointment, it will be rescheduled for a subsequent date but not a prior date.
- **Families should not travel before the pink slip is issued.**
- The Pink slip must be taken to the embassy-approved doctor by the attorney. Following the baby's final medical examination, the doctor will issue a medical report that is sealed

¹ When your I-600A application is approved you receive an I-171H. At the same time the local immigration office sends a cable to the U.S. Embassy in Guatemala.

and can only be opened by the embassy officer. The attorney will do this before you arrive in Guatemala.

- The attorney or someone from his office will take you to the embassy. The attorney or his assistant will submit the documents to window five or six.
 - If you did not see the child prior to the signing of the final adoption decree, you must bring the following documents with you.
 - I-864 Affidavit of Support
 - Last three years' tax returns, including W-2 forms, 1099 forms, and employment letter.
 - Cash or credit card to pay for the final visa fee which is \$385. (The embassy will only run a credit card twice, if it is not approved you will have to pay in cash.)
 - If you are adopting two children who are unrelated, an additional I-600 fee will apply
 - Your name will be called and you will enter a small office with the number eight on the door. This is the interview by immigration officials. That person will review the I-600 form with you. You will leave that room and wait to be called by the consular official. This person will process the paperwork for the visa. He will tell you to come back the next day at 3:30 to pick up the visa. You will have left all your paperwork with the consular official and will only have a receipt.
- If you saw the child prior to the adoption, then the child will receive an IR-3 visa. If you did not see the child prior to the adoption, then the child will receive an IR-4 visa. There is a significant difference between the two visas.
 - IR-3: The child is automatically a United States citizen upon entry to the country. You do not need to readopt in your home state. You are also eligible for the tax credit immediately upon arrival in the United States for the following tax year.
 - IR-4: The State Department treats your child as a child entering the United States for the purpose of adoption. The Guatemalan adoption decree is not final. You are required to file either a recognition of the foreign adoption or a readoption in your home state. You cannot obtain a certificate of citizenship until you attach a decree of adoption or recognition. You're also ineligible to take the federal tax credit until the child has been adopted in the home state. There is an October 2003 revenue ruling on this point.
- The State of Missouri requires that all families going through our agency must send us a copy of the finalized adoption as well as three (3) post-placement reports within six months of the child's arrival.