

original consent and a subsequent consent submitted by a birth mother, because the birth mother was not able to read and understand the language in which the consent was written (English) and the documents lacked a signed declaration by a translator certifying (1) the translator's competence, (2) certifying that the translator did read and explain the consent in a language the parent understood, and (3) indicating that language. A statement by a "Commissioner of the Supreme Court" stating the birth mother fully understood the consent document was insufficient, because the record did not establish if the commissioner actually saw the birth mother or how she was able to make that assessment. The second consent also was inadequate, because although the birth mother acknowledged that an individual read her the consent in Spanish and she understood it, that statement was also not accompanied by the requisite statement of the individual with a legible signature identifying the individual. In that particular case, the birth mother's consent was further put in jeopardy by a later statement in the Article 16 report recanting the consent, and expressing remorse over the placement, and then subsequent statements a year later by the birth mother supporting the adoption and dismissing her statements in the Article 16 report as made during a time of depression.

Convention regulations are framed to enforce specific requirements in the text of the Convention itself, including the prohibition in Articles 4, 32, and elsewhere in the Convention designed to deter child-buying and other improper payments. USCIS is directed to deny a visa if it finds that the petitioner or anyone acting on his or her behalf made prohibited payments inducing or influencing consents or other decisions affecting the placement of the child. See 8 C.F.R. § 204.304(a), 204.309(b)(3). Certain payments for medical care, legal services, and adoption-related expenses are permitted, 8 C.F.R. § 204.304(b), and all payments must be reported on Form I-800.⁶³ In case described above,⁶⁴ in addition to issues related to the consent, the AAO found that the visa should be denied because petitioners had not adequately addressed allegations regarding whether individuals acting on their behalf had induced consent by offering the birth mother financial assistance and a house, as alleged by the birth mother in her statement to Belize authorities and quoted in the Article 16 report. The AAO determined that all payments made by the petitioners directly to the birth mother were for medical and adoption-related expenses that were permitted by the regulations, and accepted the findings of the Belize

United States law.

(2) If more than one individual or entity is the child's legal custodian, the consent of each legal custodian may be recorded in one document, or in an additional document, but all documents, taken together, must show that each legal custodian has given the necessary irrevocable consent.

⁶² *In re [Name Redacted]*, AAU SIM 09 069 10022, 2009 WL6700892 (INS) (AAO December 2, 2009).

⁶³ See Form I-800 at <https://www.uscis.gov/i-800>.

⁶⁴ See *supra* note 62