

government authority that petitioners had not directly may any payments to the birth mother. The birth mother herself in sworn statements agreed that the petitioners had never offered such payments. Nevertheless, there were vague allegations in some statements made by the birth mother to Belize authorities that individuals whose motives were deemed questionable had played an instrumental role in the adoption and may have promised or provided some financial assistance, and the AAO found that those allegations were not adequately addressed by petitioners or sufficiently laid to rest in the record as constituted. AAO concerns were augmented by the fact that the birth mother was Guatemalan and had reported selling a previous child, and the Belize authorities reported in general that they had seen a recent uptick in Guatemalan women coming to Belize to give birth and place their children for foreign adoption.

Convention immigrations regulations also attempts to enforce the no-contact rule in Article 29 of the Convention.⁶⁵ In 8 C.F.R. § 309(b)(2), USCIS is directed to deny an I-800 petition if the petitioners have met or had contact with the child's parents or caretakers before (1) the I-800A had been approved, (2) competent authorities in the country of origin had determined the child was eligible for intercountry adoption, and (3) the required consents had been given, unless:

(1) competent authorities in the country of origin permitted the contact,

(2) if an adoption occurred without complying with the Convention, that adoption was vacated by the country of origin to permit the petitioner to readopt in compliance with the Convention; or

(3) the petitioner is a relative of the birth parent.

Thus, in the case described above,⁶⁶ the fact that the petitioners met the birth mother prior to the child's birth, without permission of a Belize governmental authority or law of general application in Belize, provided an independent ground to deny the visa.

⁶⁵ Article 29 provides:

There shall be no contact between the prospective adoptive parents and the child's parents or any other person who has care of the child until the requirements of article 4, sub-paragraphs a) to c) [regarding the determination by government authorities in the sending country that the child is adoptable and should be placed internationally, and that the necessary consents have been obtained] and article 5, sub-paragraph a) [regarding certification by the receiving nation that the parents are suited to adopt,] have been met, unless the adoption takes place within a family or unless the contact is in compliance with the conditions established by the competent authority of the State of origin.

⁶⁶ See *supra* note 62