

The AAO has held that direct violations of the Convention provisions themselves are grounds for denial of an I-800. As a separate ground for denial in the above case,<sup>67</sup> the AAO found that the physical placement of the child at birth in the care of petitioners violated Article 17<sup>68</sup> of the Convention, which prohibits physical placement of the child with the adopters until after the Central Authority of the country of origin (in this case, Belize) has determined that the adopters had agreed to accept the placement, the Central Authorities of both the sending and receiving nations (Belize and the United States) had agreed the adoption could proceed; and USCIS had determined petitioners were eligible and suitable to adopt and the child would be approved for immigration to the United States.

As a final ground for denial, the AAO determined in the Belize adoption case that the placement violated Article 4 of the Convention,<sup>69</sup> which requires that competent authorities in the country of origin determine that intercountry adoption is in the child's best interests, after considering in-country options for placement. Placement of the child at birth and the absence of a finding by Belize authorities that in-country placement in Belize had been considered also, in the

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<sup>67</sup> See *supra* note 62

<sup>68</sup> Article 17 of the Convention provides:

Any decision in the State of origin that a child should be entrusted to prospective adoptive parents may only be made if -

- a) the Central Authority of that State has ensured that the prospective adoptive parents agree;
- b) the Central Authority of the receiving State has approved such decision, where such approval is required by the law of that State or by the Central Authority of the State of origin;
- c) the Central Authorities of both States have agreed that the adoption may proceed; and
- d) it has been determined, in accordance with Article 5, that the prospective adoptive parents are eligible and suited to adopt and that the child is or will be authorised to enter and reside permanently in the receiving State.

<sup>69</sup> Article 4 of the Convention provides:

An adoption within the scope of the Convention shall take place only if the competent authorities of the State of origin -

- a) have established that the child is adoptable;
- b) have determined, after possibilities for placement of the child within the State of origin have been given due consideration, that an intercountry adoption is in the child's best interests;

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