



Mexico

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Notice: Updated information from the Mexican Central Authority regarding adoptions completed without first fulfilling all intercountry adoption processing steps

The Mexican Central Authority (MCA) recently informed the Office of Children's Issues that it is unable to issue the required Convention Article 23 certification for any out-of-order adoptions, and that prospective adoptive parents will need to redo such adoptions in accordance with Mexican law. The "How to Adopt" section of our Mexico adoption flyer, which will be updated soon, summarizes the process for adopting a child from Mexico.

The MCA emphasized that ALL Convention adoption cases from Mexico must meet the following requirements:

1. All prospective adoptive parents must work with a U.S. accredited or approved adoption service provider (ASP) that is also authorized in Mexico. For up to date information on U.S. agencies authorized to provide adoption services in Mexico, prospective adoptive parents may refer to the website of the national Desarrollo Integral de la Familia (DIF).
2. Before commencing adoption processing at the state level (and prior to matching), the authorized ASP acting on behalf of the prospective adoptive parents must first file the adoption application (also known as dossier) with the Secretaria de Relaciones Exteriores (SRE). The SRE forwards the adoption application to the national and state offices of the DIF. The application must include an approved I-800A.
3. Prospective adoptive parents and the children who are to be adopted must meet the Mexican intercountry adoption eligibility requirements. These requirements, as provided by the MCA, are summarized on our Mexico adoption flyer under the "Who can be Adopted" and "Who can Adopt."

The MCA advised that that if a family already completed an adoption without following all Convention steps in order, then the family may go to a Mexican federal court and petition the court for an amparo ordering the lower/state court that issued the adoption decree to open, or vacate, the adoption. Once the family has been granted a federal amparo ordering the lower/state court to vacate the previous adoption, the family would redo the entire adoption in compliance with Mexico's Convention intercountry adoption process.

Mexico's stated policy means that an I-800 petition based on an adoption completed out of order in Mexico must be denied pursuant to 8 CFR 204.309(b)(1). For some out-of-order Convention adoptions, the cited regulation allows for provisional approval of an I-800 if the petitioner can demonstrate that the adoption cannot be voided, vacated or annulled. With this announcement, provisional approval for out of order Mexican

intercountry adoptions is unavailable because the MCA indicated that adoptions can be vacated, voided, or annulled in Mexico through a federal amparo process. Furthermore, the MCA has stated that it will not issue the required Convention Article 23 certification for cases that do not follow the Mexico's Convention process. Without the MCA's certification, the U.S. Embassy cannot issue a Convention immigrant visa.

We will publish additional updated information related to intercountry adoption in Mexico as we receive it. If you have any further questions please write to us at adoptionUSCA@state.gov or call us at 1-888-407-4747.