

UNCLASSIFIED

PAGE 01 SAN SA 06806 01 OF 02 191646Z
ACTION CA-02

INFO LOG-00 ARA-01 CIAE-00 OASY-00 DS-00 OIGO-01 FBIE-00
TEDE-00 INR-00 ADS-00 NSAE-00 OCS-06 VO-06 DSCC-00
PRM-10 DRL-09 /035W
-----69B272 191946Z /38

R 190439Z AUG 94
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2080
INFO ALCA COLLECTIVE

RELEASED IN FULL

UNCLAS SECTION 01 OF 02 SAN SALVADOR 006806

DEPARTMENT FOR CA - DAVID L. HOBBS, CA/OCS, AND ARA/CEN

E.O. 12356: N/A
TAGS: CVIS, CASC, PREF, PHUM, KFRD, ES
SUBJECT: EXPECT FEWER FOREIGN ADOPTIONS IN EL SALVADOR

REF: SAN SALVADOR 11931, ET. AL.

1. SUMMARY. FOREIGN ADOPTIONS IN EL SALVADOR CONTINUE TO MOVE SLOWLY BECAUSE OF SYSTEMATIC COMPLEXITY, A GENERAL ANTI-FOREIGN ADOPTION ATTITUDE AND DELAY IN IMPLEMENTATION OF THE NEW FAMILY CODE, WHICH WOULD REMOVE CASE-BY-CASE PROCESSING FROM THE PROCURADOR'S OFFICE. VISITING CA DAS HOBBS MET WITH GOES PROCURADOR SIMON RIVERA TO DISCUSS THESE ISSUES. IMPROVEMENT COULD COME WHEN THE FAMILY CODE IS IN EFFECT AND JUDGES TAKE OVER
UNCLASSIFIED

REVIEW AUTHORITY: Oscar Olson, Senior Reviewer

UNCLASSIFIED

PAGE 02 SAN SA 06806 01 OF 02 191646Z
INDIVIDUAL ADOPTION APPROVALS. HOWEVER, U.S. CITIZENS CONSIDERING ADOPTION SHOULD BE ADVISED ADOPTIONS IN EL SALVADOR ARE LIKELY TO CONTINUE TO MOVE SLOWLY THROUGH THE BUREAUCRATIC PROCESS, AND THE COUNTRY IS LIKELY TO AUTHORIZE CONSIDERABLY FEWER FOREIGN ADOPTIONS. END SUMMARY.

2. MEETING THE PROCURADOR

ON AUGUST 2, GOES "PROCURADOR" (ATTORNEY GENERAL FOR SOCIAL SERVICES) DR. SIMON ISIDRO RIVERA ARGUETA AND VICE PROCURADOR RAMON AREVALO MET AT THE EMBASSY TO DISCUSS ADOPTION ISSUES WITH VISITING CA DAS DAVID L. HOBBS, THE VISA BRANCH CHIEF, A VICE CONSUL NOTETAKER AND THE CONSULAR SECTION'S FSN VISA SUPERVISOR. WE STRESSED THE EMBASSY AND DEPARTMENT'S COMMITMENT TO ASSURE THAT ADOPTED CHILDREN ISSUED U.S. IMMIGRANT VISAS ARE INDEED

ORPHANS, ARE THE ISSUE OF THEIR PURPORTED PARENT(S) AND ARE AUTHORIZED BY THE GOES TO DEPART EL SALVADOR. AS BEFORE, RIVERA LEFT THE IMPRESSION OF DISTASTE FOR FOREIGN ADOPTIONS. HE CLEARLY BELIEVES ALL AVENUES FOR LOCAL ADOPTION MUST BE EXPLORED BEFORE RELEASING CHILDREN TO GO ABROAD (A PHILOSOPHY REFLECTED IN THE TO BE IMPLEMENTED FAMILY CODE). RIVERA DECRIED THE "COMMERCIALIZATION" OF ADOPTIONS, ESPECIALLY THE ATTORNEY SOLICITATION OF POTENTIALLY ADOPTIVE CHILDREN FROM POOR MOTHERS. HE ALSO MADE VAGUE CHARGES OF "CORRUPTION." WHEN PRESSED HOWEVER, HE WOULD NOT GIVE ANY EXAMPLES.

3. POST-ADOPTION HOME STUDIES

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 SAN SA 06806 01 OF 02 191646Z

AT PREVIOUS MEETINGS RIVERA SAID HE WANTED TO SEE FOLLOW-UP HOME STUDIES ON SALVADORAN CHILDREN AFTER THEY ARE ADOPTED AND TAKEN ABROAD. RESPONDING TO OUR PREVIOUS SUGGESTION THAT THE GOES SET UP ITS OWN PROGRAM, RIVERA SAID THAT THE SALVADORAN CONSUL GENERAL IN HOUSTON IS INVESTIGATING THE FEASIBILITY OF ADOPTION FOLLOW-UP BY SALVADORAN CONSULATES IN THE U.S. WE KNOW THAT THE ATLANTA-BASED CHILD ADVOCACY GROUP THE CROSS CONNECTION HAS INVITED GOES OFFICIALS TO TRAVEL AT CROSS CONNECTION EXPENSE TO THE U.S. TO SPEAK WITH ADOPTIVE PARENTS AND OBSERVE THE CHILDREN'S LIVING CONDITIONS. IN ADDITION TO THE PROCURADOR, DR. RAFAEL FLORES Y FLORES, JUDICIAL REFORM PROJECT AND MARIA TERESA DE MEJIA, SALVADORAN INSTITUTE FOR THE PROTECTION OF MINORS RECEIVED INVITATIONS. RIVERA MADE IT CLEAR HE WILL NOT GO. WE DO NOT KNOW IF THE OTHER INVITEES WILL.

4 PROPOSAL FOR DNA TESTING

RIVERA PLACES A GREAT DEAL OF IMPORTANCE ON DNA TESTING TO PREVENT ABDUCTION OF CHILDREN FOR ADOPTIONS. HOWEVER, DNA ANALYSIS IS NOT DONE IN EL SALVADOR. SAMPLES ARE SENT TO CHILE AT A COST OF \$1,000 PER TEST. RIVERA'S REPEATED EMPHASIS ON THE IMPORTANCE OF DNA TESTING GIVES THE IMPRESSION THAT HE BELIEVES THAT DNA TESTING SHOULD BE ROUTINE IN ADOPTION CASES. HOWEVER, WHEN QUESTIONED HE SAID THAT DNA TESTING IS NECESSARY ONLY IN "SUSPICIOUS" CASES. WE SAID WE BELIEVE THAT DNA TESTING IN OTHER THAN VERY EXCEPTIONAL CASES IS TOO BURDENSOME AND EXPENSIVE AND STRESSED THE EMBASSY'S CAREFUL ADOPTION INVESTIGATIONS AND INTERVIEWS WITH THE REPUTED BIOLOGICAL

UNCLASSIFIED

UNCLASSIFIED

PAGE 04 SAN SA 06806 01 OF 02 191646Z
MOTHERS TO ASSURE THAT CHILDREN ARE PROPERLY ADOPTED
BEFORE A VISA IS ISSUED.

5. NEW FAMILY CODE

CURRENT ADOPTION PROCEDURES WILL CHANGE WHEN THE NEW
FAMILY CODE (SEE REFTTEL) GOES INTO
EFFECT. THE
ORIGINALLY ANTICIPATED APRIL 1994 IMPLEMENTATION HAS BEEN
DELAYED. RIVERA STATED THAT ONCE THE NEW FAMILY CODE IS
IN EFFECT THE SIGNATURE OF A FAMILY JUDGE ALONE WOULD BE
REQUIRED. THE PROCURADOR WOULD NO LONGER SIGN OFF ON
EACH CASE. NEVERTHELESS, FAMILY JUDGES ARE UNDER THE
PROCURADOR'S JURISDICTION. SO RIVERA COULD CONTINUE TO
INFLUENCE THE PACE OF ADOPTIONS. GOES SOURCES TELL US
THAT THE NEW FAMILY CODE COULD BE EFFECTIVE BY NOVEMBER,
1994; HOWEVER, IMPLEMENTING LEGISLATION IS STILL IN THE
ASSEMBLY, MAKING NOVEMBER AN UNCERTAIN TARGET DATE.

6. GUARDIANSHIP OF WAR ORPHANS

UNCLASSIFIED

NNNN

UNCLASSIFIED

PAGE 01 SAN SA 06806 02 OF 02 191646Z
ACTION CA-02

INFO LOG-00 ARA-01 CIAE-00 OASY-00 DS-00 OIGO-01 FBIE-00
TEDE-00 INR-00 ADS-00 NSAE-00 OCS-06 VO-06 DSCC-00
PRM-10 DRL-09 /035W
-----69B27F 191946Z /38

R 190439Z AUG 94
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2081
INFO ALCA COLLECTIVE

UNCLAS SECTION 02 OF 02 SAN SALVADOR 006806

DEPARTMENT FOR CA - DAVID L. HOBBS, CA/OCS, AND ARA/CEN

E.O. 12356: N/A

TAGS: CVIS, CASC, PREF, PHUM, KFRD, ES
SUBJECT: EXPECT FEWER FOREIGN ADOPTIONS IN EL SALVADOR

WE RAISED WITH RIVERA THE QUESTION OF GUARDIANSHIP, WHICH ENABLES THE ADOPTION PROCESS TO BEGIN. OF SPECIAL CONCERN ARE WAR ORPHANS, WHOSE PARENTS' WHEREABOUTS ARE UNKNOWN. PRESENT PRACTICE DOES NOT PERMIT GUARDIANSHIP TO BE ASSIGNED FOR THESE CHILDREN, WHO ARE HELD IN ORPHANAGE OR FOSTER PARENT LIMBO. RIVERA WAS NONCOMMITTAL AS TO A SOLUTION, AND WE ARE NOT HOPEFUL THAT ONE WILL COME ABOUT IN THE SHORT TERM.

7. SALVADORAN-CANADIAN-BILATERAL AND HAGUE MULTI-LATERAL
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 SAN SA 06806 02 OF 02 191646Z
ADOPTION CONVENTIONS

RIVERA LAUDED A 1980S-SIGNED SALVADORAN/CANADIAN BILATERAL ADOPTION CONVENTION. HE BELIEVES THE U.S. AND EL SALVADOR SHOULD CONSIDER A SIMILAR AGREEMENT. WE NOTED THAT THE USG HAS SIGNED, THOUGH THE SENATE HAS NOT RATIFIED, THE MULTILATERAL HAGUE CONVENTION ON INTERNATIONAL ADOPTIONS. DAS HOBBS EXPLAINED THAT AS A HAGUE CONVENTION MEMBER, THE U.S. WILL BE PARTICIPATING IN AN ACCORD THAT INCLUDES MORE THAN 54 COUNTRIES AND WHICH IS AN EFFECTIVE METHOD OF PROMOTING PROPER INTERNATIONAL ADOPTIONS. HE ENCOURAGED THE GOES TO CONSIDER PARTICIPATING IN THE HAGUE CONVENTION, AS MEMBERSHIP WOULD AFFORD EL SALVADOR THE OPPORTUNITY FOR DIALOG WITH COUNTRIES HAVING SIMILAR ADOPTION CONCERNS.

8. INTERNATIONAL ADOPTION OUTLOOK NOT ENCOURAGING

COMMENT: WE BELIEVE IT IS LIKELY, AND THAT U.S. CITIZEN INQUIRERS SHOULD BE ADVISED, THAT IN EL SALVADOR ADOPTIONS IN GENERAL, AND INTERNATIONAL ADOPTIONS IN PARTICULAR WILL CONTINUE TO BE BUREAUCRATICALLY DIFFICULT, SLOW MOVING AND THAT MANY U.S. CITIZEN POTENTIALLY ADOPTIVE PARENTS COULD SPEND TIME, MONEY AND EMOTIONAL ENERGY SEARCHING FOR A CHILD WHO WILL NEVER GO TO AMERICA. INDICATIONS ARE THAT EL SALVADOR, LIKE OTHER COUNTRIES IN CENTRAL AMERICA WHICH HAVE TRADITIONALLY PROVIDED ORPHANS FOR ADOPTION, WILL GRANT FEWER AND FEWER OPPORTUNITIES FOR AMERICAN CITIZENS SEEKING TO ADOPT ABROAD. END COMMENT.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 SAN SA 06806 02 OF 02 191646Z

CLARE

UNCLASSIFIED

NNNN