UNCLASSIFIED

From: Alexander, Eric M (Hanoi)
Sent: Wednesday, April 16, 2008 6:42 AM
To: Bond, Michele T; Bernier-Toth, Michelle; Fuller, Gerry W; Furuta-Toy, Julie A; Saint-Victor, Marc; Monahan, Katherine E; Brown, Melissa A; ‘Michael.valverde@dhs.gov’; Overstrom, Kevin K
Cc: Aloisi, Jonathan M (Hanoi); Boduszynski, Monica A (Hanoi); Russel, Mary Ann X (Ho Chi Minh City); Mattingley, Donald G (Hanoi); Preston, Courtney M (Hanoi); Schwenk, Jeffrey C (Ho Chi Minh City); Michalak, Michael W (Hanoi); Lam, Monica M (Hanoi); DeLuca, Alexandra (Hanoi); Fairfax, Kenneth J (Ho Chi Minh City)
Subject: Adoption OI

SENSITIVE BUT UNCLASSIFIED

OFFICIAL INFORMAL #013-08CA
April 16, 2008

(SBU) Blocked Investigations - Quiet Diplomacy pays off in Quang Nam On March 21, investigations were blocked in Quang Nam province as a result of two orphanage directors and the provincial Department of Justice denying the investigating team access any case specific records. Post requested assistance from the DIA to resolve the issue. At the same time we were contacted by International Assistance and Adoption Projects who offered to use their good offices to resolve the situation. Working together, we drafted a letter to one of the orphanages expressing our desire to resolve the pending adoption cases, while stressing the need for independent investigations.

Today, post received a letter from the director of this orphanage apologizing for the problems encountered by the last team and welcoming future visits. Post is now working on scheduling a new investigation trip to Quang Nam; which will attempt to complete all pending cases in the province. We anticipate this trip will be conducted within the next two weeks.

(SBU) Blocked Investigations - Tu Du Hospital - As part of our continuing effort to resolved blocked investigations at Tu Du hospital, USCIS today met with Trinh Thi Vich of the HCMC People’s Committee. While Ms. Vich has been helpful in addressing previous cases, she told USCIS that on this issue there is nothing she can do to help. USCIS then met with the hospital director who reiterated that he needed an authorization from the Provincial Department of Health. USCIS is seeking a meeting with the director of the Department of Health. Previous attempts to secure cooperation from Tu Du hospital have lead to bureaucratic run arounds. We are pushing forward in the hope that the results will be different this time, but note that expectations should be kept low.

(SBU) Blocked Investigations - Our Efforts in Thai Nguyen - This is the first of a series of items outlining the efforts we have made and are making to resolve blocked investigations. There are currently 11 blocked investigations in Thai Nguyen. All of these cases involve children deserted at medical facilities in the province, primarily Thai Nguyen Hospital A. On January 31, 2008 our efforts to conduct a field verification in Thai Nguyen were blocked. The following day, the Ambassador raised the issue with the Vice Minister of Justice and requested MOJ assistance in completing the investigations. The Vice-Minister confirmed that we can investigate cases, but that provincial officials can block those investigations if they wish.

February 20 - The visiting State/USCIS delegation raised the issue of blocked investigations with DIA.
February 21 - We sent a letter to provincial DOLISA in Thai Nguyen in an effort to verify some of the information in the blocked cases. This letter has not been answered.
March 7[-----]approached USCIS HCMC and stated that he might be able to “reopen Thai Nguyen.” We encouraged his efforts. About one week latter he reported that he had not been able to make any headway with provincial officials.
March 12 - ConOff met with Dr. Long and requested DIA assistance in completing blocked investigations. DIA requested a letter identifying which provinces were involved. The letter was sent the same day.
March 20 - DIA sends a letter to Thai Nguyen requesting their assistance in completing field investigations.
March 25 - Consul asked Ministry of Foreign Affairs Consular Department to assist with access on blocked investigations.
April 7 - Consul sends Diplomatic Note to Thai Nguyen requesting official meetings to address adoption issues including blocked investigations.

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: FRANK TUMMINIA
DATE/CASE ID: 06 FEB 2009  200801293
April 8 - Approached the Consul and asked if he could help resolve the blocked investigations problem. After being briefed on the issue, he agreed to use his good offices to try and secure provincial cooperation. Three days later, he responded that the problem was difficult and that the DOJ in Thai Nguyen did not want to allow independent investigations. He said DOJ told him that Vietnamese citizens would lie to foreigners unless the DOJ met with them before the interview and explained the need to be truthful.

April 9 - In response to the letter from DIA and a request from DOJ Thai Nguyen sent a letter to DIA. The letter concluded "We would propose that DIA should inform the Embassies to collaborate with provincial authorities in conducting investigation. They should not do it independently; otherwise, they will neither get cooperation from the interviewees nor keep their own security."

April 10 - DCM raises issue with MFA and DIA, who both state that they understand the need for investigations, but that it is up to the provinces.

April 16 - Consular Section contacts Thai Nguyen authorities regarding status of our request for meetings. We are told they are studying the issue and will reply sometime next week.

(SBU) Developing a Technical Aid Package - As discussed during the conference call, post believes that we may be able to have the PM express Vietnam's commitment to join the Hague during his visit to Washington in June. This would need to be matched with a package of technical assistance for drafting a new law and adjusting administrative procedures to make Vietnam a potential Hague partner. Post is exploring the prospects of using some of our current legal/administrative assistance projects to help with the new law. At the same time, we would appreciate CA's thought on what else we can offer as part of this package.

(SBU) Draft Adoption Warning - Post has previously submitted a draft of an adoption warning to update the warning issued in January 2008. Post has revised the draft text to reflect the decision taken during Monday's conference call to refer to blocked cases rather than blocked provinces. We would appreciate expedited clearance of this language to help give PAPs a clear reading of what the GVN has said regarding pending adoption cases.

Draft Warning2.doc

(SBU) Personnel Note - TDYer Bert Kreig arrived today. He will be augmenting the section for the next six weeks. This will allow us to further reduce the processing time in L-600 petitions.