July 15, 2010

First of all, I want to thank you for this new article. As a mom whose family was issued a NOID (Notice of Intent to Deny) in Vietnam, I found your discussion of some of what we were faced with far more sympathetic, and I do think accurate, than much of what has been said on the subject. I know it wasn't a major part of your article, but I appreciate the time you spent on it.

However, I have to say I disagree with the conclusion that NOIDs need to be easier to prove. Of course this is my opinion and based on personal experience, but here's why. First of all, I simply don't think NOIDs work. They punish the most innocent: the children. My husband and I agonized over what to do when we were issued to the NOID (and were immediately abandoned by our agency). DOS (Department of State) personnel were absolute in their opinion: the "ethical" (their word) choice for us would be to repudiate the adoption and send our son back to the orphanage. We questioned them very closely: If we, as his legal parents, relinquished our son, under Vietnamese law would that make him eligible for U.S. citizenship? The answer was unequivocal: "No; this child will not be eligible for U.S. citizenship." No other countries were working with his orphanage, so there were no other options for him.

Think about it: If DOS was wrong, and our son was abandoned as his paperwork said, then he should come home with us. If DOS was right, and we continue to face that possibility, their only solution was to send him back to the very people they claim trafficked him in the first place. For life.

As I see it, the entire concept of a NOID makes no sense when applied to adoption. The children are NOT committing fraud; neither were we. DOS told us their job was not to find out the truth behind how any child arrived in the orphanage, but to show the paperwork was problematic.

I think that the State Department needs to be on top of things BEFORE adoptions begin in any country. I think there needs to be a system in place—again, as part of any MOU (Memorandum of Understanding)—before there are adoptive parents and prospective adoptive parents involved—that provides for investigations that protect the children but

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1 In order to bring adopted foreign-born children back to the United States from Vietnam, American parents had to apply for what’s called an “orphan visa.” USCIS usually approves these applications and issues the visa, allowing the child to travel. However, in approximately 20 cases in 2007, USCIS instead issued a “Notice of Intent to Deny,” or NOID, based on evidence that the child was not an orphan under U.S. immigration law. If left standing, a NOID meant that the newly adopted child would be unable to travel to the United States.

2 Between 2005-2008, adoptions from Vietnam were governed by a three-year bilateral Memorandum of Understanding. The MOU was not renewed because of concerns about corrupt adoptions. Please see E.J. Graff’s forthcoming article in Foreign Policy Online about the State Department’s response to the Vietnam adoption crisis.
punish in-country traffickers and U.S. facilitators, agencies, and their employees. I think DOS needs to work to actually locate birth families, so the truth can come out and children will not end up back with traffickers. If birth families were tricked or want their children back, that should happen—and there ought to be U.S. laws that then punish the agencies involved. If birth families do wish to relinquish their children for adoption, that should be allowed, even if the original paperwork falsely claimed a child was abandoned.

I know these are not easy things, but making a NOID easier to prove will only send children back to people who have already proven they don't care what happens to that child. With no accurate paperwork, no local government oversight, no one to protect them, and little desire to continue to pay to raise those children, what do you think their fates will be?

I hope Rep. Sires is serious about reform. Federal legislation regulating agencies, working only with other Hague countries, limiting how much agencies can charge clients and how the money is tracked, keeping agencies out of in-country charity.... There are so many things that can be done, and many of them would make my suggestions about NOIDs irrelevant. You laid out a strong case for reforms in your last article; I hope someone will listen.

Again, I know I am basing this all on opinion and personal experience. I just thought it might give you something to think about.

Thank you,

Mary Quigley

North Carolina
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