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**Sent:** Friday, May 30, 2008 8:48 AM  
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**Subject:** Adoption OI

SENSITIVE BUT UNCLASSIFIED

OFFICIAL INFORMAL #022-08CA

May 30, 2008

**(SBU) Case Processing Statistics** - Attached are the latest processing statistics for I-600 cases in Vietnam. The average processing time has held steady at 46 days. As of May 30, there were 20 cases over 60 days. In almost all of those cases the initial I-604 investigation uncovers significant irregularities. Post anticipates that the number of cases over 60 days will increase significantly over the next two weeks, as cases from Tuyen Quang hit the 60 day mark. We understand that USCIS is working on the procedure for concluding these cases. In the mean time we would appreciate talking points to use in responding to PAPs and Congressional offices regarding these cases.



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stats.xls

UNITED STATES DEPARTMENT OF STATE  
 REVIEW AUTHORITY: FRANK TUMMINIA  
 DATE/CASE ID: 06 FEB 2009 200801293

**(SBU) Status of NOID and REF cases** - Since the MOA was signed in 2005 there have been 35 cases where a NOID or RFE was issued. These cases can be divided into three periods. 7 NOIDs were issued before September 2007, of which four withdrew and two denials were upheld by the Administrative Appeals Office, and one case was approved based on the evidence supplied in the rebuttal. An additional 13 NOIDs were issued prior to the introduction on Orphan's First. Of these 12 were later issued visas. In the remaining case, USCIS agreed to reopen the case to allow the petitioner to submit additional evidence beyond that contained in the rebuttal. The petitioner is still preparing this evidence. Since Orphan's First was implemented 15 NOIDs and RFEs have been issued. Of these one resulted in a denial, 5 withdrew, and 9 are pending.

**(SBU) Investigations resume in Thua Thien Hue** - On May 28, ConOff meet with local officials in Thua Thien Hue to discuss adoption verifications trips. Provincial officials agreed that consular officers could conduct independent verifications, provided that we informed the provincial External Relations Office (ERO) in advance. ERO agreed that the information did not need to include the locations the officers would visit, nor did it need to provide a specific date. Post agreed that as a courtesy we would notify ERO that "some time in the next two weeks" consular officers will visit Thua Thien Hue to verify information in pending adoption cases. Post was also able to complete the investigations of the two cases that were pending in Thua Thien Hue.

**(SBU) Progress in Thanh Hoa** - Post spoke with Thanh Hoa today regarding our request to meet with local officials concerning blocked investigations. The good news is they agreed to meet during the week of June 16. The only catch is that they have only scheduled a meeting with DOLISA and the director of the orphanage. We are going back and pressing for broader meetings as these two individuals can not address the issue of police interference with verification trips. We are hopeful that the additional meetings can be added to the schedule and that the date will hold firm.

**(SBU) ASP Meeting in Hanoi** - On May 29, Post held it's quarterly ASP meeting. Attendance was significantly lower then previous meetings and the general impression from the agencies was that they were reducing their operations in preparation for the ending of the MOA on September 1. One ASP reported that DIA had indicated that there were 2300

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US dossiers pending at their office and that they expected to issue referrals in 600 cases, with the remaining 1700 dossiers being returned to the ASPs. Several ASPs also discussed the confusion over which agency would issue licenses for them, if they wanted to continue providing social services after September 1.

At least two ASPs asked about the regulations for adopting special needs children after September 1, noting that Vietnamese law allows for the adoption of special needs children without an MOU. Post is not aware of any cases where DIA has permitted an adoption under this provision, however, the ASPs reported the Dr. Long told them this might be a way to continue adoptions without an agreement. This loophole in Vietnamese law is very broad as it allows for the adoption of "special needs" children directly from a home with two parents, without an ASP and with minimal involvement from the local DOLISA. This is concerning, because the GVN considers exposure to Agent Orange to be a "special need," and thus defines all children born after 1961 as special needs children.

**(SBU) Voices for Vietnam Adoption Integrity share thoughts on new MOA** - Voices for Vietnam Adoption Integrity is a group of adoptive parents who are interested in seeing reforms to make the adoption process more ethical and transparent. Post contacted this organization and solicited their thoughts on a new MOA. Their suggestions were well thought out, and could help improve the adoption process. We are including them here, so that they can be considered by Washington agencies as part of the review process for a new MOA.



MOU

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**(SBU) Eric Alexander to HCMC** - Eric Alexander will be in HCMC from June 2-5 during the CMAT visit. He will have regular access to e-mail.