

Cut off

B38

Brown, Melissa A

RELEASED IN PART
B2, B6, B7(C), B7(A), B7(D)

From: Alexander, Eric M (Hanoi)
Sent: Wednesday, June 04, 2008 8:09 AM
To: Bond, Michele T; Bernier-Toth, Michelle; Fuller, Gerry W; Furuta-Toy, Julie A; Saint-Victor, Marc; Monahan, Katherine E; Brown, Melissa A; Overstrom, Kevin K
Cc: Aloisi, Jonathan M (Hanoi); Boduszynski, Monica A (Hanoi); Russell, 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); 'Rubinstein, Adonis F'; 'Owens, Jessica D'
Subject: Adoption OI

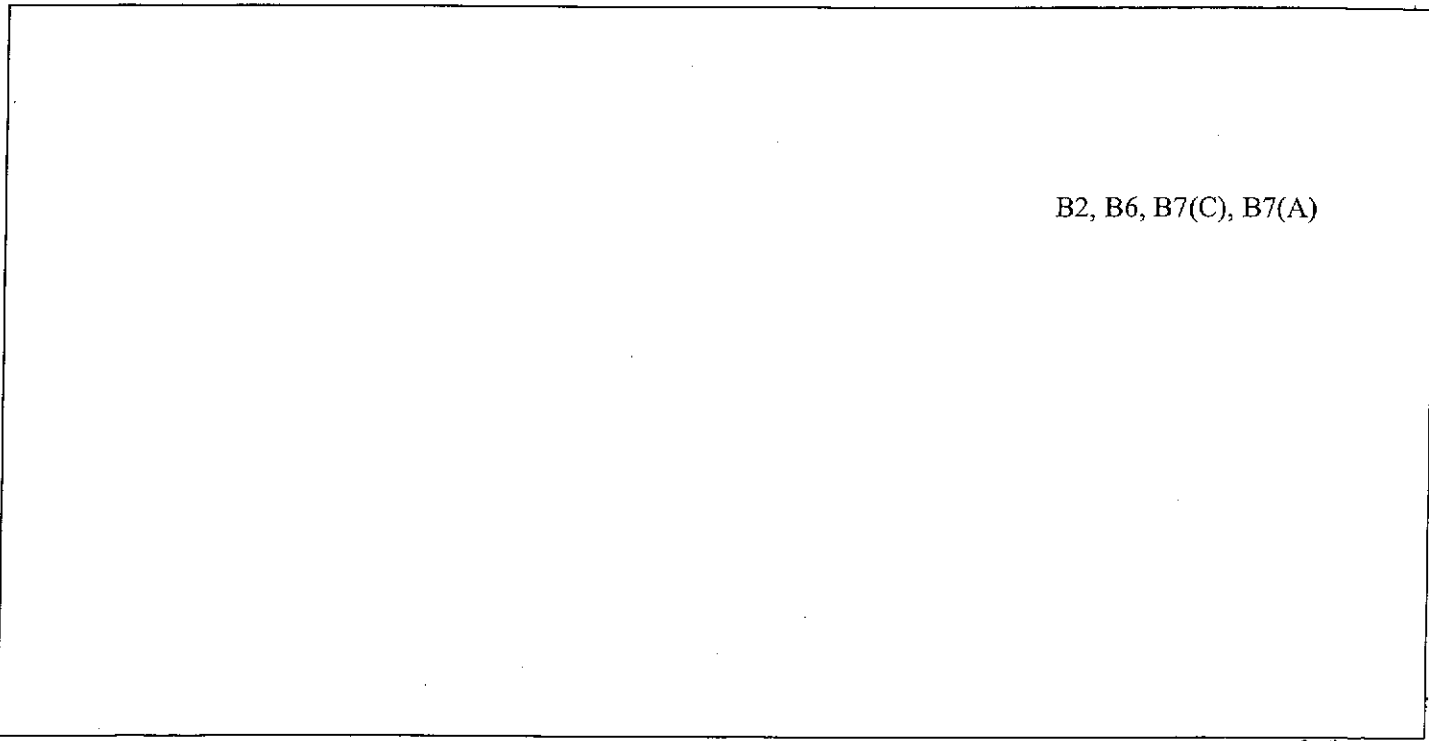
SENSITIVE BUT UNCLASSIFIED

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

OFFICIAL INFORMAL #023-08CA
June 4, 2008

(SBU) Concerns about special needs cases after September 1 - Post has heard several reports that DIA is reminding ASPs that special needs adoptions can continue without an agreement. This is interesting, as we have not heard of any special needs cases being processed for countries without an agreement. It is important to note that Vietnamese law defines special needs very broadly. Specifically it permits the adoption of any child (living in a center or in a home) without an agreement for "handicapped or disabled children, children having lost their civil act capacity, children being victims of toxic chemicals or affected by HIV/AIDS or infected with other dangerous diseases." These cases can also be handled as direct adoptions, rather than using an ASP as required by the current agreement.

The key clause here is "children being victims of toxic chemicals", which means Agent Orange. DIA officials have previously told us that any child born after 1968 can be considered a victim of Agent Orange. DIA policy requires that the adopting parents present a "Agent Orange Victims Certificate" to qualify. These certificates are issued by local DOLISA offices. Post is currently checking on the issuance procedures, but given the overall high level of document fraud and the propensity of the GVN to blame any illness or deformity on Agent Orange, it is conceivable that large numbers of healthy children could be adopted under this provision.



B2, B6, B7(C), B7(A)

UNCLASSIFIED

[REDACTED]

B2, B6, B7(A), B7(C)

[REDACTED]

B2, B7(A)

(SBU) Thanh Hoa Cancels Visit - Last week officials in Thanh Hoa agreed to our request to meet with local officials concerning adoptions. Unfortunately today they confirmed that we would only be allowed to meet with DOLISA and the director of the orphanage. The province would not agree to any discussion of the conditions under which we could conduct investigations. The provincial People's Committee's Chief of Office simply stated that Vietnamese law requires the Embassy to send a diplomatic note at least two weeks in advance stating when we wish to go and who we wish to see. The province will then decide whether or not to approve the trip. This approval process will take an average of two weeks. When asked what law required such a notification, the Chief replied that it was the law, even if she could not find the regulation. Given the provinces unwillingness to discuss the issue of investigations, the proposed visit has been canceled. We will initiate a new request and seek MFA assistance in convincing Thanh Hoa officials to agree to these meetings.

[REDACTED]

B7(D)

(SBU) DIA indicates that it will issue referral list - While there remain serious questions regarding DIA's definition of a referral (see below), DIA has confirmed to Post that it will issue a complete list of received US dossiers no later than July 11 and a complete list of referrals no later than September 12. We are still discussing the details of this list with DIA and would appreciate any comments from USCIS or CI regarding the data we need to be included on any such list.

(SBU) DIA redefines what constitutes a referral - Under current Vietnamese procedures, the process for matching PAPs with a child is 1) the province proposes the match to DIA, 2) DIA confirms the match and notifies the PAPs, and 3) the PAPs notify DIA that they consent to the adoption. We asked DIA to clarify which of these three steps had to be completed by September 1 in order to be considered a referral. Dr. Long replied, that none of these steps has to be completed. A simple phone call from the ASP to DIA stating that there is an intention to match a child with PAPs is sufficient. This can be done before the 30 day search for domestic adoptive parents is complete. This is a disturbing development, as creates a completely unverifiable system. It would be easy for an ASP or an orphanage to simply tell DIA a name, and later give that name to a child. This could result in a large number of Potemkin referrals with orphanages later being forced to kidnap or buy enough children to meet their commitments.