

Brown, Melissa A

RELEASED IN PART

From: Alexander, Eric M (Hanoi) B6
Sent: Wednesday, January 30, 2008 9:05 AM
To: Fuller, Gerry W; Bernier-Toth, Michelle; Palmieri, Suzanne S; Bean, Diane R; Bond, Michele T; Saint-Victor, Marc; Brown, Melissa A
Subject: RE: Congressional Briefing on Vietnam Adoptions

All,

As input from post I have given some answers below. Note: these are not cleared talking points, just a simple assessment from the field.

Eric

From: Fuller, Gerry W
Sent: Wednesday, January 30, 2008 6:01 AM
To: 'Valverde, Michael'; Bernier-Toth, Michelle; Tintary, Ruth E; Palmieri, Suzanne S; Bean, Diane R; Bond, Michele T; Saint-Victor, Marc; Brown, Melissa A
Cc: Taylor, Sarah T; Forrest, Patrick N; Alexander, Eric M (Hanoi)
Subject: RE: Congressional Briefing on Vietnam Adoptions

Here's a notional quick list of questions that I've been hearing in the last few days regarding adoptions in Vietnam?

1. How long will the NOID process take? What's the time line?

We have no idea how long the process will take. The status of the 11 NOID families is as follows:

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Why is it taking so long for the Consular Officer to prepare a response/ for CIS to respond?
 Are the delays caused by inadequate personnel resources?

I will let you respond to this. All I can say is that we are pulling a lot of overtime.

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

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2. Why does the consular officer get two opportunities to turn down these cases? Why are they doubting the CIS ruling?

Again I think that you can respond. One interesting thing is that in each case we have done a follow on investigation. These have all revealed new facts that we considered to be material and that undermine the documents submitted in the rebuttal. Also, FYI, what I told the parents when they asked about why we would send revocation memos was that USCIS is legally bound to consider only the information in the NOIDs and the rebuttal. There is a lot of other information about the general situation in Vietnam and the specifics of their cases that would be known to a local adjudicator, but are not known to people who do not normally work on Vietnam issues. We felt that it was important for these cases to be decided on the basis of the full record, and the only legal means to do this was thru a revocation request.

3. What is your plan for keeping the NOID families informed? They are confused and feel that they are being given contradictory and false information. (One caller said "they are being lied to.")

I know this is going to be unpopular, but the view in the field is that we are keeping the families to well informed. We have repeatedly seen the families calling one agency for info and then calling another to verify it. A good example is the family [redacted]

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[redacted]

Another case is the [redacted] family. [redacted]

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[redacted]

At this point Mary Ann is under orders not to talk to any of the families. I continue to take their calls, but can not discuss anything I hear from Mary Ann. While I know that it is an occupational hazard to have one's words twisted, I think that we need to have a central contact point for the families, who can get and clear information, to keep them informed and to keep them from becoming confused by speaking to multiple people and agencies.

4. How many of these cases are there? Why do we keep getting different numbers?

Currently there are 10 cases at some stage of the NOID/rebuttal process (I am no longer counting the [redacted] Since the program resumed there have been 21 NOIDs (5 withdrew, 2 were denied, 4 have been approved [redacted])

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5. Is orphan first working? How many cases are now being processed in Vietnam under Orphan First?

For public consumption: orphan's first is working. Privately: Orphan's first is working for good cases. For problem case we are still sorting out the policy. CIS can give you better statistics, but we have issued 53 IVs in December and January. We have sent 63 ok to travel letters. (Note: some of the December IVs may be pre-orphan's first)

6. If you believe there is rampant fraud in Vietnam, why are you still accepting petitions? And what are you doing about the systemic problem?

7. What percent of adoption petitions world-wide and for Vietnam are being approved, NOIDed, overcome? If so few are being NOIDed, how can you argue that there is rampant corruption?

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I seem to recall the Ethica has a good paper on this subject. The executive summary is we only NOID a case when the evidence reaches a high threshold. We suspect fraud in many more cases, but we can not always document it to the standards required by US law because of deliberate attempts by parts of the GVN and others to conceal information.

8. How has the GVN responded to your announcement that you do not intend to renew the Agreement? When will formal talks start? What are the key issues to be resolved? How do you believe the talks will go?

We will tell them on Friday. The issues are difficult but I think both sides want a deal. We will have to wait and see.

9. The Vietnamese have already cut off adoptions to the United States from some provinces. Isn't there a chance that they will cut off all adoptions if the U.S. takes a hard line?

To be honest I think this is a possibility, but there are many reasons the GVN would like to see the US remain.

Gerry Fuller
202 663-2928

From: Valverde, Michael [mailto:michael.valverde@dhs.gov]
Sent: Tuesday, January 29, 2008 3:02 PM
To: Bernier-Toth, Michelle; Tintary, Ruth E; Palmieri, Suzanne S; Bean, Diane R; Fuller, Gerry W; Bond, Michele T; Saint-Victor, Marc; Brown, Melissa A
Cc: Taylor, Sarah T; Forrest, Patrick N; Phillips, Bermadine B
Subject: RE: Congressional Briefing on Vietnam Adoptions

Sounds good to me.

Can we set up a time to discuss, beforehand, what we anticipate being asked and what we anticipate saying?

From: Bernier-Toth, Michelle [mailto:Bernier-TothM2@state.gov]
Sent: Tuesday, January 29, 2008 3:00 PM
To: Tintary, Ruth E; Palmieri, Suzanne S; Bean, Diane R; Fuller, Gerry W; Bond, Michele T; Saint-Victor, Marc; Brown, Melissa A
Cc: Valverde, Michael; Taylor, Sarah T; Forrest, Patrick N; Phillips, Bermadine B
Subject: RE: Congressional Briefing on Vietnam Adoptions

Unless anyone objects, the consensus seems to be 11:30 on Friday. We recommend a State-DHS meeting, or at least a conference call, after that. M

From: Tintary, Ruth E [mailto:ruth.tintary@dhs.gov]
Sent: Monday, January 28, 2008 12:48 PM
To: Palmieri, Suzanne S; Bean, Diane R; Fuller, Gerry W; Bernier-Toth, Michelle; Bond, Michele T; Saint-Victor, Marc; Brown, Melissa A
Cc: Valverde, Michael; Taylor, Sarah T; Forrest, Patrick N
Subject: RE: Congressional Briefing on Vietnam Adoptions

DOS Colleagues,

USCIS will be in much better shape if we can push this mtg to Thurs, Fri, or next week.

Sincerely,

Ruth E. Tintary
Assistant Chief
Legislative Branch
HQ Office of Congressional Relations

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U.S. Citizenship and Immigration Services
Department of Homeland Security
(202) 272-1947

-----Original Message-----

From: Valverde, Michael
Sent: Friday, January 25, 2008 1:41 PM
To: Taylor, Sarah T; Forrest, Patrick N; Scialabba, Lori
Subject: Fw: Congressional Briefing on Vietnam Adoptions

Fyi

----- Original Message -----

From: Fuller, Gerry W <FullerGW@state.gov>
To: Palmieri, Suzanne S <PalmieriSS@state.gov>; Bean, Diane R <BeanDR@state.gov>; Moore, Sean (Boxer) <Sean_Moore@boxer.senate.gov>; Valverde, Michael <michael.valverde@dhs.gov>
Cc: Bernier-Toth, Michelle <Bernier-TothM2@state.gov>; Bond, Michele T <BondMT@state.gov>; Saint-Victor, Marc <Saint-VictorM@state.gov>; Brown, Melissa A <BrownMA4@state.gov>
Sent: Fri Jan 25 13:32:21 2008
Subject: Congressional Briefing on Vietnam Adoptions

Suzanne, Diane, Mike,

During our conference call today, Sean Moore (Boxer) proposed and other staffer's agreed that State and DHS should do a briefing for Congressional offices on Vietnam adoptions, and specifically the NOID cases. Sean suggested early next week.

This will require some coordination, etc. Sean and/or Lauren Bocanegra (Landrieu and CCAI) would, I feel confident, be willing to help us secure a room. Given the profile of the issue, we'll need to discuss internally who would represent State at such a briefing.

Diane, Suzanne,

Can I put this issue into your capable hands to work with DHS/Leg Affairs to set something up? Call me if you have questions/concerns.

Gerry W. Fuller
Bilateral Adoptions Unit Chief
Office of Children's Issues
Department of State
Telephone: 202 663-2928

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Brown, Melissa A

From: Taylor, Sarah T [sarah.taylor@dhs.gov]
Sent: Wednesday, January 30, 2008 7:11 AM
To: Fuller, Gerry W; Valverde, Michael; Bernier-Toth, Michelle; Tintary, Ruth E; Palmieri, Suzanne S; Bean, Diane R; Bond, Michele T; Saint-Victor, Marc; Brown, Melissa A
Cc: Taylor, Sarah T; Forrest, Patrick N; Alexander, Eric M (Hanoi)
Subject: Re: Congressional Briefing on Vietnam Adoptions

Room number for the meeting is Dirksen 406.

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From: Fuller, Gerry W <FullerGW@state.gov>
To: Valverde, Michael <michael.valverde@dhs.gov>; Bernier-Toth, Michelle <Bernier-TothM2@state.gov>; Tintary, Ruth E <ruth.tintary@dhs.gov>; Palmieri, Suzanne S <PalmieriSS@state.gov>; Bean, Diane R <BeanDR@state.gov>; Bond, Michele T <BondMT@state.gov>; Saint-Victor, Marc <Saint-VictorM@state.gov>; Brown, Melissa A <BrownMA4@state.gov>
Cc: Taylor, Sarah T <sarah.taylor@dhs.gov>; Forrest, Patrick N <patrick.forrest@dhs.gov>; Alexander, Eric M (Hanoi) <AlexanderEM@state.gov>
Sent: Tue Jan 29 18:01:21 2008
Subject: RE: Congressional Briefing on Vietnam Adoptions

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Are the delays caused by inadequate personnel resources?
2. Why does the consular officer get two opportunities to turn down these cases? Why are they doubting the CIS ruling?
3. What is your plan for keeping the NOID families informed? They are confused and feel that they are being given contradictory and false information. (One caller said "they are being lied to.")
4. How many of these cases are there? Why do we keep getting different numbers?
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