

Brown, Melissa A

RELEASED IN PART

B6

**From:** Alexander, Eric M (Hanoi)  
**Sent:** Friday, February 01, 2008 6:30 AM  
**To:** Fuller, Gerry W; Bernier-Toth, Michelle; Palmieri, Suzanne S; Bean, Diane R; Saint-Victor, Marc; Brown, Melissa A; Dickey, Gordon J; Francisco, Cynthia S; Gorsky, Jeffrey H; Rupp, Abigail M  
**Cc:** Phillips, Bermadine B; Hill, Patty L; Conway, Ellen M; Bond, Michele T; CA-OCS-Special Assistant; Michalak, Michael W (Hanoi); Aloisi, Jonathan M (Hanoi)  
**Subject:** Meetings with MOJ and DIA

All,

A quick readout on the meetings post had with MOJ and DIA today. The Ambassador delivered the dip note regarding our decision on the MOA and a letter seeking clarification of the legal status of pipeline cases. He also discussed our concerns regarding documentation, blocked field investigations, and the pressure put on witnesses in consular cases, especially the [redacted] women (Hanoi 117). He also reiterated our willingness to provide technical assistance to help Vietnam draft a new adoptions law and join Hague.

The Vice-Minister said that the GVN recognized our right to not renew the agreement and that they would study the issue of pipeline cases and get back to us. He also said that the GVN would need to decide if it wished to negotiate a new MOU (We believe they will and that this was a placeholder statement.) He went on to say that the GVN realized that there had been problems with adoptions, and that there are areas that can be improved. However, he said that a major problem was the actions taken by ASPs. He said that ASPs were making illegal cash payments to orphanages, and that the Ministry could not control these payments. They are looking for ways to correct this problem, but feel that they can not regulate "humanitarian" donations.

He added that verifications should be done in co-ordination with MOJ and that if independent trips were blocked it was because local officials were doing their duty. At the same time he acknowledged that American consular officers also had to do their duty. The best solution to this dilemma is to work together.

The Vice Minister was genuinely shocked by the information about the [redacted] women. Dr Long quickly jumped in and said that they had asked the ASP to pay to bring the women to Hanoi, and that the women should not have had to pay anything. He also said that he had invited the Embassy to attend the meeting and we had declined. (Note: We did decline to attend the meeting. We told Dr. Long at the time, that any interviews of the [redacted] women should be done in a neutral setting, with USCIS present, and in a manner that could be accepted under American law. He rejected this approach and proceeded to bring the women to his office.) The Vice Minister concluded by saying that he hoped the two countries could work together to improve the system in Vietnam.

Later I met with Dr. Long. He also said that he could not comment on the pipeline cases until the issue has been legally reviewed. I asked if DIA could ask the provinces that had blocked investigations to change their position. He said that DIA had no authority to ask the provinces to do this, and that investigations should be done with advanced notice, and consular officers should be accompanied by DIA officials and provincial officials. Dr. Long said that DIA is not allowed to conduct independent verifications. They must get permission from a province before traveling and could only see and do what provincial authorities let them. Dr. Long said provincial authorities are acting within their responsibility to "protect public safety" when they block investigation trips, although he said there was no law against such trips.

On this issue of documents, Dr. Long stated that DIA only verifies documents issued by provincial authorities to make sure they have the correct stamps and were issued in an appropriate timeframe. (For example, he noted a child could not be classified as special needs unless they had been a recent medical check.) He said that DIA trusted local authorities and so it did not verify the accuracy of statements in their documents. He said there had not been a case where DIA had ever decided that the statements made in a document were fraudulent. (Comment: Given this statement and the statements from many provincial authorities that they do not verify documents for accuracy, post intends to request the Department update the reciprocity schedule to reflect that these documents can not be considered to have evidentiary value. See Hanoi 106)

UNCLASSIFIED

Long concluded the meeting by discussing the [redacted] women. He again criticized the Embassy for not attending his meeting and said that DIA asked the ASP to bring the women to Hanoi because DIA had no funds for such a trip. He said it was normal for DIA to ask ASPs to pay for things like this.

B6

Dr. Long concluded the meeting saying that a new agreement must be based on mutual trust and understanding.

Eric