

NEXT STEPS ON VIETNAM ADOPTIONS

Based on recent consultations between CA, Embassy Hanoi, and USCIS, we have identified four primary goals, and related strategies, to guide our actions regarding intercountry adoptions from Vietnam:

Press the Vietnamese to accede to the Hague Adoption Convention.

- Work with other receiving countries to establish a coordinated push for the GVN to implement the Hague Adoption Convention. (Action: CI, EAP, Embassy Hanoi.)
- Encourage interested third countries and other international bodies, such as the Hague Permanent Bureau and UNICEF, to provide the GVN assistance and support in drafting Hague compliant legislation, regulations, and capacity. (Action: CI)
- Coordinate with the Joint Council on International Children's Services (JCICS), a U.S. umbrella adoption NGO, on efforts to establish voluntary standards and a transparent schedule of fees. (Action: CI to follow up with JCICS.)
- Determine whether USAID might assist with anti-corruption or child welfare programs in Vietnam. (Action: CI, Embassy Hanoi.)
- Identify and strengthen relations with GVN partners outside of the Department of Intercountry Adoptions (DIA) – including provincial authorities – who will advocate for adoption reform or in prosecuting adoption corruption. (Action: Embassy Hanoi.)
- USG officials will raise our concerns about adoptions at every suitable encounter with GVN officials. (Action: CI and EAP.)

Encourage Vietnam to establish regulations and infrastructure that prepare for a Hague compliant process. Consider whether and how we can move toward an interim bilateral agreement with safeguards that can be monitored and enforced.

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: FRANK TUMMINIA
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-- We have informed the GVN that the USG cannot renew the current bilateral Agreement in view of the GVN's failure to abide by its terms. We await a GVN response to this notification, and a statement regarding how the GVN will handle adoption applications which are pending when the current Agreement expires on September 1, 2008.

-- We will urge the GVN to implement interim confidence-building measures and infrastructure changes that lay the groundwork for Hague Convention implementation. For example, Vietnam could require adoption agencies to obtain Hague certification (they have indicated they are prepared to do so).

-- To address the problems identified under the current Agreement, we may seek to narrow the categories of children considered for adoption, focusing on those cases in which fraud appears not be a factor (for instance, older children and special needs children).

-- We should seek formal GVN endorsement of the "orphan first" procedure, recognition of USG authority to conduct independent verification trips including direct contact with orphanage and provincial officials, more effective GVN oversight of the adoption process, and GVN cooperation on anti-fraud procedures. (Action: OCS, L/CA, Embassy.)

-- If a decision is made to seek a second interim bilateral agreement, L/CA will draft a Circular 175 memo, and develop draft language to present to the GVN. L/CA, CI, and Embassy will develop a notional schedule to begin negotiations.

Strengthen coordination with DHS on consistent standards and transparent procedures that prevent adoption fraud and guide adoption processing.

-- CI, VO and L/CA hold regular working-level meetings with USCIS. Issues currently being addressed include:

-- Resolve pre-Orphan First NOID cases. (Two remain.) (Action: CIS.)]

-- Provide prompt notification to parents whose I-600 petitions cannot be investigated because of restrictions from GVN provincial authorities. USCIS is sending letters to Orphan First cases that are stalled, advising families they face indefinite delays. (Action: CIS.)]

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- Consider further possible steps to counter fraud, such as DNA testing and birth parent interviews. (Action: CIS.)
- Send warning letters to I-600a applicants who indicate they wish to adopt in Vietnam, urging them to select a different country. Letters will be sent from both USCIS and NVC. (Action: CIS, CI, NVC)
- Ensure consular and CIS staff understand CIS standards of evidence for Requests for Further Evidence, Notices of Intent to Deny, and Notices of Intent to Revoke. (Action: CIS.)
- Identify regions and institutions that are linked to apparent fraud or interference from local authorities. Post warnings on TSG and notify parents seeking to adopt from those regions of likely delays. (Action: CI, CIS.)
- Amend the visa reciprocity table for Vietnam to reflect concerns about adoption document fraud. (Action: VO.)
- Consider temporary additional staffing to assist processing current cases to minimize the number of cases potentially affected if the current Agreement expires and no new agreement is reached. (Action: CA, CIS.)

Develop a public diplomacy plan to ensure congressional and public awareness of adoption corruption in Vietnam as well as support for reform.

- Establish effective, responsive communication with parents whose cases have been delayed for investigation. (Action: CI, CIS.)
- Provide regular updates to Congressional offices which have indicated an interest in the status of adoptions in Vietnam. (Action: H, CI, CA/P.)
- Educate the adoption community and the public about our concerns, and proposed actions, with respect to adoptions from Vietnam. Seek opportunities to engage directly with the adoption community on this issue. (Action: CI, CA/P.)

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