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United States Department of State

Washington, D.C. 20520



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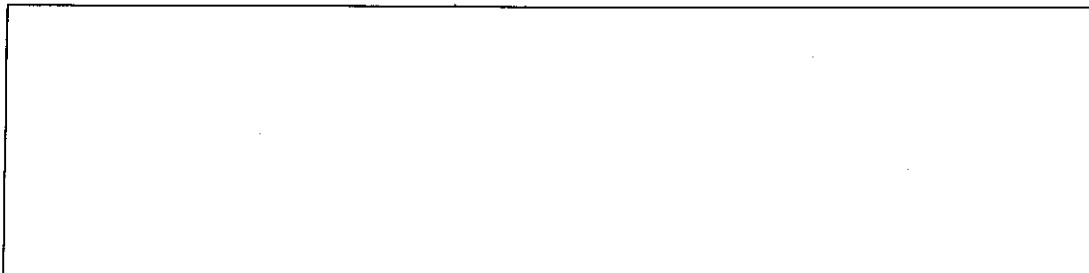
TO: IO/UNP – Paul Wickberg

FROM: CA/OCS – Michele Thoren Bond ^{AB} 12-11-07

SUBJECT: Talking Points on Adoptions for Your Meeting with Vietnamese Officials

Talking Points:

- We are dismayed by Vietnam's resistance to implementing a transparent adoption system that protects its most vulnerable citizens – its children.
- Not only has the GVN failed to meet even the basic requirements of our bilateral MOU (completed in 2005), but it is now impeding our ability to confirm that children identified for adoption are, in fact, orphans under U.S. law, and not the victims of baby-selling. Vietnamese adoption authorities have told us not to conduct inquiries into cases; however, we are required to do so under U.S. law.
- When we have been able to conduct such inquiries, we have discovered factual discrepancies and evidence of fraud.
- Concerns about the legitimacy of paperwork and other suspicious details about individual adoption cases prompted field investigations; examples include



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- Investigations uncovered:
 - Financial inducements offered to birth mothers as incentive to relinquish their children
 - Financial and psychological approaches to prevent them from changing their minds after relinquishment
 - Birthmothers being unaware their children were to be adopted by foreign parents
 - Adoption Service Provider recruiters appeared to be coordinating with local medical center staff to identify potential birth mothers who were unmarried, illiterate, and/or extremely poor to promise financial incentives and payment of medical fees for a healthy child
 - Majority of cases documented as abandonments, with a staged abandonment a few days or weeks after the infant's birth

- Without the implementation of adequate safeguards, we will not be able to renew the existing MOU, which would allow adoptions to continue.

Background:

We viewed the 2005 bilateral Memorandum of Understanding (MOU) on Adoptions as a pre-Hague Convention document that would help Vietnam set new standards on the path toward Convention accession. The 2005 MOU has not met our expectations; instead, the Vietnamese process is increasingly falling victim to fraud, baby buying, and corruption. (See attached scene setter and reporting cables.) Under these conditions, the United States will be unable to renew the current MOU, which expires September 1, 2008.

The 2005 MOU re-opened adoptions after a 2002 shutdown by the GVN, and adoption visas from Vietnam to the United States surged from a handful to over 600 in FY2007. Unfortunately, within this resurgence are two disturbing trends. First, our field investigations are documenting a pattern of fraud and baby trafficking that is tolerated, if not facilitated, by provincial and central governmental officials. Second, the attitude of cooperation signaled by the MOU is gone. Vietnam's Directorate of International Adoptions (DIA) now refuses to honor its obligation to regulate the process. The DIA instead argues that the failed system should continue, without any serious investigations or oversight.

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Further, since the signing of the MOU, the Vietnamese have made no concrete progress toward policing abuses, drafting compliant legislation, developing infrastructure, or providing promised transparency. In this context, a renewal of the existing agreement is impossible, and any new agreement likely will need to be very narrowly defined.

Attachment:

Hanoi 1977 and Hanoi 2076

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