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The U.S. Embassy in Vietnam warns potential adoptive parents and adoption service providers of the risk of initiating new adoptions from Vietnam at this time. The 2005 Memorandum of Agreement, required by Vietnamese law to authorize adoptions between the United States and Vietnam, will expire on September 1, 2008. The United States is strongly committed to continuing intercountry adoptions from Vietnam if possible. Our primary concern is to ensure that the children and families involved in the adoption process are protected from exploitation. The Government of Vietnam shares this concern. Both countries acknowledge that more needs to be done to address deficiencies in the current system which result in abuses, [REDACTED]

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The negotiation of a new Agreement is a priority for both governments, but it is highly unlikely that a new Agreement will be in place on September 1. In view of the processing time required in Vietnam from placement to the Giving and Receiving Ceremony, an adoption process begun now cannot be completed before the current Agreement expires. On February 1, 2008, the US Embassy requested the Government of Vietnam to clarify if Vietnamese law allows for the processing of cases after September 1 where the dossier has been received by the Department of International Adoption (DIA), but the Giving and Receiving Ceremonies had not been completed. On March 12, the DIA informed the US Embassy that this issue could not be answered by the Ministry of Justice and a formal decision by the Office of the Government of Vietnam would be required. On April 8, 2008, the Office of the Government of Vietnam informed the Embassy that the issue is under discussion between various Ministries and that no decision has been made. Therefore, any statements claiming that Vietnam has or has not agreed to process these cases do not reflect the official policy of the Government of Vietnam.

In addition, while consular officers have routinely completed field verifications of orphan status in over 35 provinces in Vietnam, in some provinces Vietnamese officials have recently prevented the U.S. Government from conducting independent field inquiries into the status of children identified in I-600 petitions. The Department of State and USCIS have been in contact with the Vietnamese government and have reached out to the officials in each province where there have been problems completing independent field inquiries. As a result of these efforts, independent field inquiries have resumed in two of provinces that had previously blocked U.S. officials from conducting field inquiries. However, at this time it is impossible to predict when these issues will be resolved, and therefore USCIS can not specify a processing time for I-600 petition form these provinces.

As of April 8, 2008 the following provinces do not allow U.S. official to conduct independent field inquiries: An Giang, Binh Thanh, Thua Thien Hue, Phu Tho, Quang Nam, Ninh Binh, Thai Nguyen and Thanh Hoa. In addition U.S officials have not been allowed to conduct independent filed inquiries at Tu Du hospital in Ho Chi Minh City. This list will be updated on the US Embassy website to reflect any further developments.

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The United States Government stands ready to support Vietnam's efforts to strengthen and improve accountability in its adoption system and to develop its capacity to regulate adoptions. In some cases, our background investigations have revealed evidence of irregularities, ranging from forged or altered documentation to cases where children have been offered for adoption without the apparent knowledge or consent of their birth parents.

In response to these problems, in November 2007, the U.S. Citizenship and Immigration Service and the Department of State instituted new procedures to verify that children identified for placement meet the requirements of Vietnamese and U.S. law, before the child has been adopted under Vietnamese law. The Embassy strongly advises prospective adoptive parents not to travel to Vietnam until they have received notification from the Embassy that their case is ready for final processing and travel is appropriate. Parents should contact the Embassy immediately if anyone, including their adoption service provider, encourages them to travel to Vietnam prior to receiving this notification. The Embassy can work together with adoption service providers, Vietnam's Department of International Adoptions, and local authorities to resolve issues such as the scheduling of a Giving and Receiving Ceremony.

We continue to urge Vietnam to comply with the terms of the 2005 Agreement and to establish a process that protects the interests of all parties involved in adoptions.

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