

ACTION OCS-00

INFO LOG-00 AF-00 CA-00 UTED-00 H-00 TEDE-00 L-00
TEST-00 VO-00 SAS-00 /000W

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P 071423Z SEP 04

FM AMEMBASSY ADDIS ABABA
TO SECSTATE WASHDC PRIORITY 0093

RELEASED IN PART B3
INA,B7(C),B6

UNCLAS ADDIS ABABA 002855

E.O. 12958: N/A

TAGS: CVIS, CASC, KOCI, ET

SUBJECT: RESPONSE TO [REDACTED] - SENATOR
LEAHY INTERESTED

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REF: STATE 187995

1. Reftel posed questions in order to address Senator Leahy's concerns regarding subject adoption. Responses are keyed to questions reftel para 5.

2. Which specific facts are questionable to post?

-- The claim that these children are bona fide orphans as defined by 9 FAM 42.21 N13.

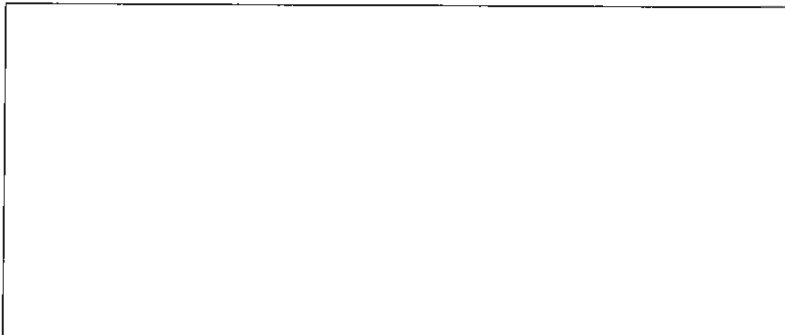
-- The claim that [REDACTED] years old.

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3. How will these facts be addressed by the requested documents?

Records of the children's births, the death certificates of their parents, and the names and addresses of the people with whom the children have lived were requested in order to provide a basis upon which the Consular Section will investigate the applicants' claims that they have been orphaned by the deaths of their parents. On September 7, copies of testimonials were presented in lieu of the requested documents. The children's guardian, [REDACTED], was asked to return with the original documents so that the testimonials could be verified.

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4. Reftel B reports post can determine whether a family

REVIEW AUTHORITY: Robert Strand, Senior Reviewer

is using a known unscrupulous facilitator when it receives an approved petition. Is this how post was able to determine Jayne Gallagher is the [redacted] facilitator?

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In this case, yes.

[redacted] listed the Human Brotherhood Organization as the agency from which they would obtain their adopted children. [redacted] was asked whether Jayne Gallagher was facilitating her adoption. At first she said "No", but then said she was.

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In March 2004, Ms. Gallagher facilitated the adoption of a sibling group of three from the "Human Brotherhood Organization", an orphanage previously unknown to the post. She personally took the three children to one of the Embassy's panel physicians for their medical examination. She assured the physician that they had been tested and were found to be HIV-free. The panel physician allowed Ms. Gallagher to complete the pages of the medical report dealing with HIV infection, and then he signed the report. When the children appeared to apply for their

[redacted]

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[redacted] According to the adoptive father, who was present with them, Ms. Gallagher has assured him and [redacted]

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[redacted] The Consular Section cancelled its agreement with this panel physician and began to watch for any other children coming from the Human Brotherhood Organization.

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5. Is Jayne Gallagher authorized/licensed by the GOE to provide adoption services in Ethiopia?

No.

6. If not, have Ms. Gallagher's previous clients provided authentic adoption documents issued by Ethiopian courts or other appropriate government agencies when submitting I-600 petitions at post? If post is convinced that documentation is genuine and was duly issued by appropriate GOE authorities, whether Ms. Gallagher is properly licensed by the GOE is not relevant to the question of whether the adopted child meets the definition of orphan and that there is no evidence of child-buying in the case.

No, not all of Ms. Gallagher's previous clients have provided authentic adoption documents.

In fact, Ms. Gallagher's activities first came to light nearly two years ago when the Government of Ethiopia (GOE) refused to process the adoption of nearly thirty children

represented by Ms. Gallagher. The GOE, during its review of the documentation submitted by Ms. Gallagher to support these adoptions, found fraudulent documents in some of the parents' dossiers. The GOE allowed the parents to appear and process the adoptions themselves. The parents came in the spring of 2003. Some of them identified even more fraudulent documents in their dossiers. Some of them found out that the children, for whom they had been waiting two years, were not to be found. With the Embassy's help these parents identified and adopted other orphaned children. The Embassy worked with GOE officials to finalize the adoptions. All these parents eventually took adopted children home, but not always the children they expected.

In the past, child smuggling from Ethiopia via adoption has not often taken the form of child buying. Much more common is the incidence of facilitators being paid by parents to take children to the United States so the children can have a better life.

In Ethiopia, it is extremely easy to obtain genuine documents that contain completely false information. Every day Consular Officers encounter bona fide birth, baptismal, school, marriage, divorce and death certificates, court decrees and lawfully-issued Ethiopian passports that contain false biographic information (identity, parentage, origin, age). They are presented in order to support false claims to immigration benefits. The Consular Section largely relies on field investigations to verify claimed relationships and identities that cannot be verified via DNA testing.

We are not convinced that the documentation provided so far in the immigrant visa cases of [redacted] are bona fide and have requested routinely sought information (residence over time) so that a field investigation can be initiated to verify the claims of the applicants.

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7. Has the [redacted] submitted authentic documents as part of their I-600 petition defined in Refs. A & C?

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[redacted]

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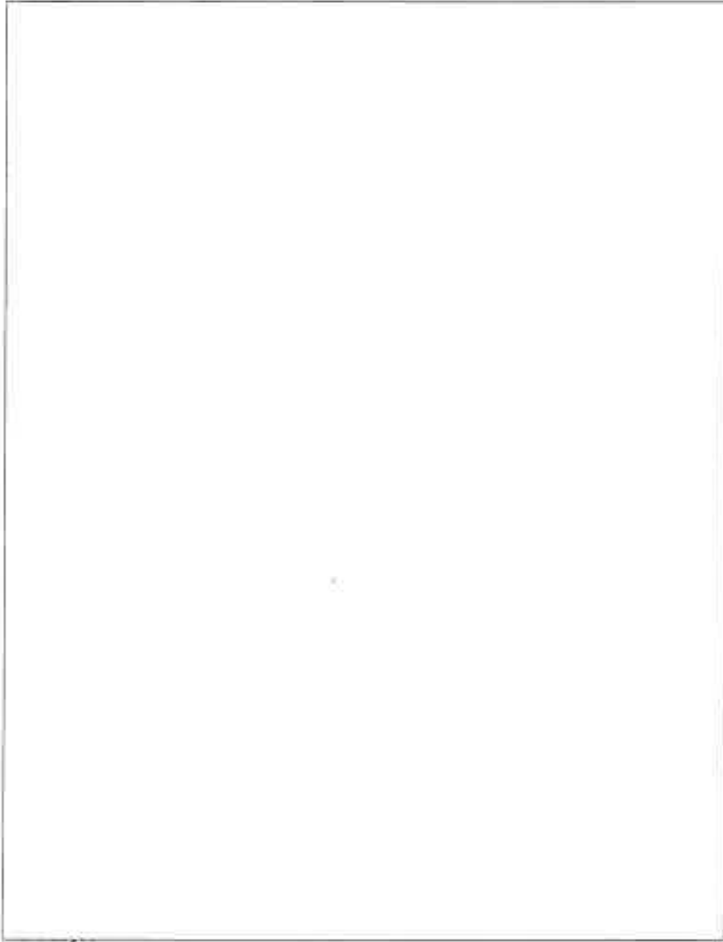
8. Does post request similar documentation to what has been asked of [redacted] family in other adoptions cases, both in cases where an authorized agency is involved and when a suspected unauthorized facilitator is involved?

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Yes, Post requests similar documentation in most cases where GOE custody of the children does not exist, and in most private adoptions. Both factors apply to the [redacted]

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children.



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