

U.S. Department of State and Citizenship and Immigration Services Meeti February 15, 2008

On Friday, February 15, 2008 Linh Song and Trish Maskew met with various officials from the U.S. Department of State and Citizenship and Immigration Services. The meeting focused primarily on the current situation with Vietnamese adoptions, with some additional discussion on situations in Guatemala, Liberia, Ethiopia, and Haiti. Overall, the Department is making concerted efforts to ensure that legal and ethical processes are followed with respect to children, families of origin, and adoptive families.

These efforts have included using Orphans First, a program in partnership with the U.S. Citizenship and Immigration Services, which determines a prospective adoptive child's status as an orphan before adoptive parents complete the adoption in country. This program prevents a situation where a child is adopted abroad but unable to immigrate to the U.S. because they do not meet the orphan definition of the Immigration and Nationality Act.

Vietnam

During our meeting, the DOS stated that they believe that Orphans First is working in Vietnam. Since the new I600 procedure was introduced in mid-November, over 100 cases have been processed, most within the proposed 60-day time frame. Unfortunately, there are cases where they have been unable to investigate because the Vietnamese authorities have refused to co-operate, and some cases in which irregularities extended the investigation period. In these cases, where investigations and determinations extend beyond 60 days, the DOS will be issuing the adoptive families a notice. It is hoped these notifications will begin soon.

There remains considerable concern by both Vietnamese and American authorities over the number of international adoptions occurring. In FY 2007, 820 U.S. visas were issued to Vietnamese children, a record high exceeding levels pre-closure. Since re-opening adoptions to Americans, approximately 20 NOIDs have been issued, several of which were sustained. These NOIDs include those issued pre-Orphans First. As of November, there have been 11 NOIDs issued. When we reported that families were indicating over 20 families were in Hanoi awaiting visas, we were told that some families have received pre-NOID letters requesting additional information which were not officially NOIDS. Unfortunately, there remain considerable issues with document fraud and "baby finders," who are collecting large fees in return for finding U.S. adoptable children.

DOS asked us to note that there have been no changes in the evidence needed or the process other than timing. The increase in NOIDS is tied to the increase in adoptions in general.

The issue about the high rate of abandonments versus relinquishments for international adoption was also discussed. The U.S. Embassy in Hanoi has estimated that in over 85% of the cases there is no legal signed statement of relinquishment from a parent. This does not reflect Vietnamese cultural, historical, and economic trends that promote family ties. Officials expressed support for Ethica's Operation Identity, and expressed their hope that the abandonment trend will begin to reverse itself immediately.

The abandonment situation is particularly problematic when children are moved across provincial lines, making it difficult to verify histories and identities, as there is no national registry for children within the social welfare system or those who might have been stolen. The DOS confirmed with Ethica that there have been cases where children were stolen from their birth families who sought to reclaim them. DOS is suggesting that Vietnam develop a national notification system to prevent abducted children from being offered for adoption.

An official U.S. delegation is traveling to Vietnam to work on these issues and to promote greater cooperation and fulfillment of the MOU. It is reported that both JCICS and NCFA are planning trips. Ethica gratefully acknowledges an invitation by JCICS to join their delegation. Given our recent trip to Vietnam, we will, however, be focusing our limited resources in other areas. We look forward to hearing/reporting details of these various missions in the near future.

One of our most pressing questions concerned how Vietnam will define, "cases in process," come September 1, 2008 should the MOU not be renewed. The DOS assured us that they have asked Vietnam how these cases will be handled. We are hoping for some answers in the coming months.

Finally, the JCICS Standards of Practice were briefly discussed. Ethica believes this effort was an important first step in providing transparency in Vietnamese adoptions and we support the effort. We will continue to work with JCICS to encourage them to strengthen the standards as we believe considerable problems remain in oversight, implementation, and specificity. Our concerns include our request that agencies cease from employing adoption facilitators previously deported for trafficking and/or otherwise cited by official sources for unethical or illegal conduct; a provision to limit "gifts" to minimal amounts; and enhanced public notification of disciplinary actions. Most importantly, the standards do not preclude the disconcerting practice of having adoptive parents bring thousands of U.S. dollars as direct "donations" to the orphanages, outside of the terms outlined in orphanage-agency MOUs.

Guatemala

The DOS notes that the new Central Authority has opened, and registration of cases was held, despite widespread confusion. Currently, the Embassy is aware that there may be about 100 cases that were not registered for various reasons. We encourage adoptive community members to contact us at info@ethicanet.org if your adoption (especially abandonment cases), was unable to be registered before the Feb. 12th deadline. The DOS is also aware of our Mixco and Sayaxche Birth Certificate Initiative and is supportive of our efforts to ensure that these documents are secured without agencies and lawyers having to resort to bribes and other illegal means to complete cases.

Ethiopia

Previous to our meeting, there was some discussion over an email sent to adoption agencies regarding contact between adoptive families and birth families. There is concern regarding birth families who are under the impression that by relinquishing their children to adoption, they will be able to eventually immigrate to the U.S. Ethica continues to advocate for a process that will allow birth family contact when appropriate, while ensuring that first families are fully informed of the consequences of allowing their children to be adopted internationally. We will continue to pursue discussions on this issue. We will also be working cooperatively to address rising concerns about problematic practices and the sharp increase in the number of adoptions to help ensure that Ethiopian adoptions remain functional and in the best interests of children.

Liberia

The Embassy in Liberia is conducting pre-visa interviews with birth families. It is their intent to continue these interviews in order to assure that the children were legitimately and legally relinquished for adoption. Ethica strongly supports this practice. We have also engaged the Department of State in discussions related to numerous complaints by adopting parents about poor conditions in orphanages and processing difficulties with unlicensed agencies.