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## Vietnam

PRINTER FRIENDLY VERSION EMAIL

### Adoption Alert

U.S. DEPARTMENT OF STATE  
Bureau of Consular Affairs  
Office of Children's Issues

October 1, 2008

#### Expiration of the 2005 Memorandum of Agreement

The 2005 Memorandum of Agreement, required by Vietnamese law to authorize adoptions between the United States and Vietnam, expired on September 1, 2008. The Department of State strongly cautions adoption service providers to stop matching prospective adoptive parents with children from Vietnam. Prospective adoptive parents should not seek or accept any new referrals from Vietnam at this time.

The Memorandum of Agreement expired primarily due to ongoing concerns by both the Governments of the United States and Vietnam about fraudulent adoption practices. U.S. field investigations have revealed incidents of serious adoption irregularities, including forged or altered documentation, cash payment to birth mothers (for other than reasonable payments for necessary activities such as administrative, court, legal, translation, and/or medical services related to the adoption), coercion or deceit to induce the birth parent(s) to release children to an orphanage, and children being offered for intercountry adoption without the knowledge or consent of their birth parents. During the month of June 2008, some children were reunited with their families after investigations by the U.S. Embassy in Vietnam revealed that the birth parents had not consented to their adoption. In August, Vietnamese officials confirmed media reports that 24 individuals have been arrested and charged throughout Vietnam for documentation fraud and child trafficking instances related to intercountry adoption.

#### Joint Commitment to a New Agreement

Though the Memorandum of Agreement has expired, the Governments of the United States and Vietnam are strongly committed to negotiating a new bilateral agreement that addresses the deficiencies in the current system. Both governments acknowledge the complexity of these issues and the importance of developing a transparent adoption system that protects the fundamental rights of all parties.

On June 25, 2008, Vietnamese Prime Minister Dung and President Bush issued a joint Statement in which they expressed a shared interest in continued cooperation with intercountry adoption:

*The President expressed his commitment to continue the development of intercountry adoption cooperation between the United States and Vietnam that ensures the best interests of the child, respects his or her fundamental rights, and prevents the abduction and trafficking of children. The Prime Minister underscored that Vietnam shares these goals and stressed that Vietnam will speed up preparations for an early accession to the Hague Convention on Intercountry Adoptions. The Prime Minister also welcomed U.S. technical assistance in facilitating this step.*

-From the USA-Vietnam Joint Statement

The Governments of the United States and Vietnam have made the following determinations regarding the processing of intercountry adoption cases until a new bilateral agreement is signed or the Government of Vietnam accedes to the Hague Adoption Convention:

1. **The Government of Vietnam and the Government of the United States will process all cases to conclusion where prospective adoptive parents have been matched with a child and received an official referral prior to September 1, 2008.** As defined by the *Vietnamese Department of International Adoptions (DIA)*, an official referral occurs when DIA sends a letter to prospective adoptive parents informing them that both DIA and provincial authorities have agreed to the match of a specific child.

On September 23, 2008, the DIA provided the U.S. Embassy with a list of 534 U.S. dossiers that received referrals before September 1. These cases will be processed to conclusion. Prospective adoptive parents unclear about the status of their case may wish to verify via e-mail with the U.S. Embassy in Hanoi ([hanoiadoptions@state.gov](mailto:hanoiadoptions@state.gov)) to confirm whether their case is on the DIA list.

2. **Prospective adoptive parents who did not receive a formal referral by September 1, 2008 will not be permitted to continue with the adoption process at this time.** The dossiers for all cases that were not matched with a child by September 1, 2008 will be returned to the U.S. adoption service providers. On October 10, 2008, DIA issued instructions to all U.S. adoption service providers that they must retrieve these dossiers from DIA by October 28, 2008. After October 28, unclaimed dossiers will be transmitted to the U.S. Embassy in Hanoi, which will return the dossiers to the prospective adoptive parents or their adoption service providers.
3. **U.S. citizens who did not received a formal referral to a Vietnamese child by September 1, 2008 will not be able to adopt Vietnamese children until both countries sign a new agreement or Vietnam joins the Hague Adoption Convention.** While Vietnamese Decree 69/2006 contains provisions that could allow for the adoptions in certain limited cases, including children with medical issues and certain relative adoptions, the Government of Vietnam has not developed the implementing regulations for these procedures.

The United States is strongly committed to processing legitimate intercountry adoptions from Vietnam. We stand ready to support Vietnam's efforts to strengthen and improve accountability in its adoption system and to develop its capacity to regulate adoptions. As agreed to by both Governments, any new agreement must establish enforceable safeguards and a transparent process that ensures that the children and families involved in the adoption process are protected from exploitation.

**It is not possible, at this time, to predict when a new bilateral adoption agreement may be negotiated and signed.**

#### **Child Trafficking Arrests**

The United States Embassy in Hanoi has confirmed with the Government of Vietnam that local officials have been arrested and charged with creating fraudulent documentation and trafficking in children. Vietnamese media has reported 24 arrests in the provinces of Dong Thap, Ha Tay, Hoa Binh, Nam Dinh, Ninh Binh, and Vung Tau. We do not have official confirmation of many of the details reported by the media. Further, it appears unlikely that specific case details will be officially released or confirmed until the Vietnamese investigation has been completed or further action is taken in accordance with Vietnamese law.

Provincial Officials have confirmed that these cases occurred at orphanages from which foreign nationals have adopted children and that their investigations may involve cases of children who were or are pending international adoption. In one instance local authorities have placed a hold on a pending adoption and requested that the U.S. Embassy suspend processing of that case until their investigation is completed. The Embassy has notified the Prospective Adoptive Parent in this case. At present, the Embassy has no information linking these arrests to any other specific intercountry adoption cases. However, the Government of Vietnam has told us that these investigations are on-going and that, depending on the results of these investigations, they may request the suspension of other adoption cases. At this time, it would be inappropriate to speculate on the outcome of these cases or the possible impact on intercountry adoption cases currently in process with the United States Citizenship and Immigration Service or the Consular Section of the U.S. Embassy.

#### **More Information**

- [Joint Statement Between The United States of America and The Socialist Republic of Vietnam](#)
- [Summary of Irregularities in Adoptions in Vietnam](#) – U.S. Embassy report

