

UNCLASSIFIED

A40
RELEASED IN PART
B6

R 290027Z OCT 07
FM AMEMBASSY HANOI
TO SECSTATE WASHDC 6587
INFO AMCONSUL HO CHI MINH

UNCLAS HANOI 001843

SENSITIVE


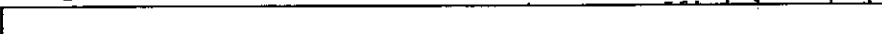
DEPARTMENT FOR CA/OCS, CA/OCS/CI, CA/OCS/PRI, CA/FPP, DEPARTMENT
ALSO FOR CA/VO/F/P, EAP/BCLTV, AND L/EAP
HO CHI MINH CITY FOR CONS AND DHS OIC

E.O. 12958: N/A

TAGS: KOCI CVIS CASC PREL KFRD VM

SUBJECT: Vietnam Adoptions - DIA Objects to Recent NOIDS and
Abandons Plans For Fee Schedule

1. (SBU) Summary: On October 25, ConOff meet with Department of International Adoptions (DIA) director Dr. Vu Duc Long to discuss the current situation regarding adoption in Vietnam. Long stated that, contrary to the Bilateral Agreement and pervious assurances, the GVN would not implement a schedule of fees until passage of a new Law on Adoption. When asked about recent cases where medical information has been concealed from prospective adoptive parents (PAPs), Long replied that PAPs should get an independent health check before the adoption, as local clinics could not always provide a "full report." Long also strongly objected to the field verification trips currently being conducted by Mission Vietnam. He said that if post wants to visit orphanages or child finders, we should ask DIA to make all the arrangements and they will accompany us on our trips. We replied that we cannot comply with this request.



2. (SBU) On October 25, ConOff meet with DIA officials Dr. Vu Duc Long and Mr. Dang Minh Dao. ConOff began the meeting by asking Long if a timeframe had been set for the drafting of Vietnams new Law on Adoptions. Long stated that the Office of the Government had placed the new law on its 2008 legislative program. DIA is now beginning to research model legislation to use in drafting this new law. Following the meeting, however, PolOff contacted the National Assembly and was informed that a new law on adoptions was not included in the 2008 legislative program. There is a possibility that laws may be added to the program in the future, however.

3. (SBU) ConOff then asked Long about the status of the schedule of fees promised in our 2005 Bilateral Agreement, noting that it would be ideal if this could be completed in time for CA A/S Maura Harty's visit in late November. Long stated that the DIA had concluded that

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: FRANK TUMMINIA
DATE/CASE ID: 06 FEB 2009 200801293

UNCLASSIFIED

B6

UNCLASSIFIED

it would not be possible to produce a schedule of fees under the current legislative framework, and that this issue will be addressed as part of the new law. Long further stated that he hopes that that new law includes a provision that Adoption Service Providers (ASPs) make donations into a national fund, rather than directly to orphanages, in order to improve transparency. However, Long added that the fee/donation schedule would not be "exclusive," and that ASPs and orphanages would still also be allowed to work out private arrangements.

4. (SBU) Long went on to say that DIA was looking to revise the donation system because the current system was "putting too much pressure on orphanages." As Long explained it, under the current system, ASPs now agree to fund projects at orphanages for certain amounts of money. These donations are then divided by the orphanages into a "per child donation rate" to determine how many children will be provided to that ASP at a "per child" rate. Long went on to explain that this could be a problem because if an ASP agreed to accept funds for a project with a donation equal to 10 children, for example, but the orphanage only had 4 children to deliver, then the orphanage had to find additional children to meet its obligation to the ASP. (Comment: We were quite surprised to hear DIA give this unusually frank account of the financial dealings of orphanages with ASPs, which clearly raises serious issues with regard to how the "orphan business" is being run and the pressure on orphanages to produce babies. End Comment)

5. (SBU) ConOff then raised two recent cases with unreported medical issues. In the first case, post learned that the child had had medical treatment before entering the orphanage. [REDACTED]

[REDACTED]

In the second case, the orphanage stated that the child had no medical problems, but, upon receiving the infant, it was clear to the PAPs and later to the panel physician that the child had acute hearing problems, and may be deaf. Long stated that he would look into these cases. However, he told ConOff that often orphanage health checks could not catch problems and that PAPs should have a private check before the G&R ceremony.

6. (SBU) Long then told ConOff that DIA was concerned about the recent Notices of Intent to Deny (NOIDs) that had been issued by USCIS. Long stated that DIA and the Embassy needed to work in closer coordination in cases where there were potential issues. He requested that the Embassy meet with DIA before issuing a NOID so that DIA could review the evidence. Long explained that DIA needed this information so that it could assist ASPs in meeting with local officials to prepare a rebuttal to the NOID. Long added that DIA will check to see who committed fraud, but that in his experience there has "never been a case where DIA found problems with an adoption in Vietnam."

7. (SBU) Long then said that DIA had received complaints from local

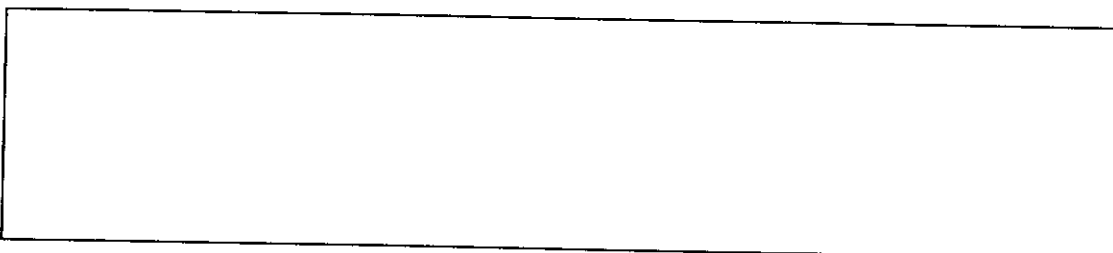
UNCLASSIFIED

B6

UNCLASSIFIED

officials, MFA and MPS that Embassy officials were traveling to the provinces to conduct verification trips without receiving proper permission. Long stated that, in the future, post must contact DIA to request that they arrange any meetings needed for verification of abandonments / relinquishments. A DIA official would also accompany ConOffs on these trips to prevent "misunderstandings." Dao added that if post did not follow these procedures, local officials would not cooperate with ConOffs.

8. (SBU) ConOff replied that, in order to complete the I-604 process, it was sometimes necessary to conduct field verifications, and that having meetings scheduled in advance could prevent a proper review of the case. He refused to accept DIA's suggestion. When pressed by Long, ConOff requested a letter from DIA stating their position on this issue and agreed to have that letter reviewed by the Department. Long replied that the DIA lacked the competency to issue such a letter; if post wanted a letter they should request the MFA to write one. (Comment: We take DIA's refusal to produce written instructions as significant, and will continue to proceed as we have in the past in undertaking investigations. End Comment.)



B6

10 (SBU) Comment: Compared with prior meetings with DIA, the tone of this meeting was more adversarial. Post understands that DIA is being pressured by PAPS and ASPs as a result of the recent NOIDs. At the same time, post has seen a marked increase in problematic cases, with strong indications of a return to "baby buying" and worse. DIA's request to be notified of problems, and its desire for control over I-604 verifications, is not surprising given recent events. To some degree it is reassuring as these comments indicated DIA is concerned as a result of what post has uncovered and allegations of corruption within DIA. Post intends to continue following its current procedures for I-604 verifications, which include guideline for ConOffs to disengage from a verification if they encounter official harassment. The revelation of ASPs making up front payments for "future deliveries" is clearly of concern. It stands as further evidence that the problems we are seeing in Vietnam are serious and systemic. The Ambassador will shortly be writing to the Minister of Justice to review longstanding concerns. We also expect that Ambassador Harty's visit will provide an important opportunity to assess a way ahead. End Comment.

MICHALAK

UNCLASSIFIED