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DEPT FOR CA/VO, CA/OCS/CI AND EAP/MLSD
 BANGKOK FOR USCIS

E.O. 12958: N/A
 TAGS: CVIS CASC CMGT KOCI VM
 SUBJECT: VIETNAM ADOPTIONS: A TRAIL OF CORRUPTION

Ref Hanoi 1299, 1465, 1820, 1834, 1843, 1856, 1893, 1912, 1928,
 1977, 1979, 2082, 2109 and 2118

1. (SBU) Summary: Reftels document the series of investigations that post has conducted over the past six months. Taken together, these investigations have documented widespread adoption fraud and organized networks engaged in child buying and laundering throughout Vietnam. Post has been able to piece together a picture of how adoption service providers (ASPs), orphanages, and Vietnamese officials are colluding to create a supply of orphans to meet international demand for "as young as possible" infants. While the specific details vary from orphanage to orphanage, the general pattern is consistent throughout all regions of the country. The trail begins with ASPs passing out large sums of money to orphanage directors and ends with infant children, often of unknown origin, in the arms of unsuspecting prospective adoptive parents. End Summary.

2. (SBU) Through numerous field investigations over the past two years, particularly since July 2007, post has pieced together a more complete picture of how infant children progress their way through the international adoption system in Vietnam. This cable will trace each step of this progression, and show how demand for "as young as possible" infants is creating a very real financial incentive for

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Vietnamese to fill their orphanages to meet this demand. While there are legitimate orphans in Vietnam, the corruption in the adoption process has become so widespread that post believes that there is fraud in the overwhelming majority of cases of infants offered for international adoption.

3. (SBU) STEP ONE - SETTING UP SHOP: When the U.S. and Vietnam signed the MOA on adoptions in July 2005, American Adoption Service Providers eagerly jumped at the opportunity to begin matching prospective adoptive parents with Vietnamese orphans. Unfortunately, the Vietnamese Department of International Adoptions (DIA) exercised little discretion in granting licenses for ASPs to operate, with the result that 42 ASPs began competing for a limited supply of young infants. In order to obtain a license from DIA, an ASP had to strike an agreement with a provincial-level orphanage, specifying the donations that the ASP would make to the orphanage and a per diem rate that the ASP would pay for the care of each child for whom they arranged an adoption.

[REDACTED]

[REDACTED]

[REDACTED] As a result, given the limited supply of young infants in orphanages, the directors and ASP facilitators began efforts to recruit new "orphans" to meet the demands of the international adoption market.

B1

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4. (SBU) STEP TWO - RECRUITMENT: In several provincial orphanages, notably [REDACTED]

[REDACTED] post field investigations have documented startlingly high numbers of abandoned infants under the age of 1. This is even more striking when local officials confirm that prior to 2005 (the year the MOA was signed) there were no abandonments in their provinces and the orphanages had few, if any, infants. This leaves us with the logical question: Where did all these babies come from?

B2

[REDACTED]

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5. (SBU) In a variation on this theme, post has discovered "safe

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houses" in [redacted] where women are offered lodging, medical expenses and money to "start a new life" in exchange for their child. Again, women are often referred to the safe houses by nurses and hospital workers. The women are required to sign agreements promising to relinquish their children before entering the safe houses and are often separated from their children immediately after birth. Tragically, in some instances these women were told that their children would be adopted domestically and that they would return home once they were 11 years old. Even worse, one hospital in [redacted] essentially kidnapped infants from their parents by refusing to release the child until they paid their medical bills. When payment was not forthcoming, the hospital declared the children "abandoned" and placed them for adoption without the birth parents knowledge or consent.

B2

B2

6. (SBU) STEP THREE - HIDING THE TRAIL Currently in Vietnam the vast majority of children offered for international adoption have

been abandoned. Orphanages and hospitals throughout Vietnam all report that prior to 2005 there were very few abandonments at their facilities, today these facilities may have as many as 15 purported abandonments a month. These abandonments are shams designed to obscure the child's true origins from the USG. [redacted]

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[redacted]

[redacted]

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[redacted] These abandonments are so common in several villages with less than 2000 residents, single individuals have found multiple abandoned children. At Hospital A in [redacted]

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abandonments are now a weekly occurrence.

8. (SBU) STEP FIVE - MAKING THE MATCH: Vietnamese law requires that orphan children first be made available for domestic adoption before they can be matched with international prospective adoptive parents. Nevertheless, orphanages involved in international adoption process few if any domestic adoptions. Why? There is no question that the financial incentives clearly weigh in favor of international adoptive parents and the ASPs acting as their agents. Further, the close relationship between orphanage directors and ASP agents ensures that ASPs learn of the child's existence the minute they enter the orphanage, if not before. Post has repeatedly seen orphanage directors and ASPs make early "soft referrals" before the required timeframe for domestic adoption has expired. In a recent filed investigation, post was told by [REDACTED] that many Vietnamese families came forward to adopt but were "unqualified." In practice, this close collusion between ASP officials and orphanage directors not only ensures that in almost all cases there is no effort to make these abandoned orphans available for domestic adoption but also turns legal safeguards to protect the rights of birth parents into paper exercises whose outcomes are a foregone conclusion.

B7(D)

7. (SBU) WHEN THINGS GO WRONG - DIA TO THE RESCUE: Post has repeatedly shared info from field investigations with DIA regarding violations of Vietnamese law and fraudulent abandonments, urging DIA to take action to punish those responsible. In response, DIA has repeatedly sprung into action, not to punish wrongdoers, but to fix whatever "paperwork problem" the Embassy has uncovered. In many cases DIA informs post that it has discussed the cases with local officials to ensure that "proper procedures were followed." When post contacts these officials, however, they deny any conversation with DIA. In other cases, DIA has told post that actions were in accordance with Vietnamese law but when pressed could not cite the section of law. In fact, on several occasions DIA has stated in the same note that an action is both illegal and permitted. These responses occur because DIA sees its role as working hand-in-hand with ASPs to ensure that no child is left behind. They have actively assisted in rebutting Notices of Intent to Deny, going so far as to pressure individuals who previously signed sworn consular affidavits to recant their stories.

8. (SBU) Comment: Viewed collectively, the evidence from post's field investigations shows that in Vietnam baby buying is the norm and that unscrupulous ASPs are providing financial incentives for Vietnamese officials to fabricate documentation to hide the true origins of "abandoned" children in Vietnam. These practices are able to continue because DIA has failed to take on the regulatory role envisioned both by the GVN and the 2005 Memorandum of

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Agreement. While the investigations have been instrumental in shining a spotlight on the corruption, we are already beginning to see officials adjusting their tactics, so as to prevent consular investigators from documenting fraud. Further more, the endemic nature of the fraud in the adoption of infants makes it clear that absent significant legal change in Vietnam, the problem will only continue to get worse. As a result, post believes that the USG needs to take the initiative in changing the terms of the adoption program. We will send in a strategy for achieving this goal via Septel. End comment.

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