

United States Senate

WASHINGTON, DC 20510

June 3, 2002

Cambodia

The Honorable James W. Ziglar
Commissioner
U.S. Immigration and Naturalization Service
425 Eye Street, N.W.
Washington, D.C. 20536

Dear Commissioner Ziglar:

We are writing on behalf of Robert and Monica Schmude of Leesburg, Virginia, who are seeking to adopt a baby girl from Cambodia named Rath Dy. Mr. and Mrs. Schmude have been in touch with our offices over the past several months hoping that they will be among the prospective adoptive parents whose cases will be permitted to move forward under your special humanitarian initiative. Unfortunately, they were not included on the most recent list of cases (May 14, 2002) approved for processing. We believe that Mr. and Mrs. Schmude's case warrants another look and that officials associated with the Joint Task Force should determine if Rath Dy can be legally adopted and brought back to the United States.

In your testimony before the House Committee on International Relations on May 22, 2002, you spoke of the responsibilities that the INS has to children and to American citizen adoptive parents. You stated that, "The INS must work to ensure that our efforts in upholding the law complement the commendable spirit that is at the core of the decision to open one's heart and home to a child." It is with this in mind that we respectfully ask you to re-consider the facts associated with this case.

Mr. and Mrs. Schmude hand delivered their I-600A to the INS Washington District Office in Arlington, Virginia on October 4, 2001, completed the paperwork for their home study on October 8, 2001 and submitted fingerprints on October 15, 2001. They were diligent in their efforts to communicate with the Orphan Officer at the INS Arlington Office and to ensure she had what she needed to adjudicate their application. On December 20, 2001, they hand delivered the home study report to the INS Arlington Office and were informed that the Orphan Officer would be on vacation until early January 2002. Following numerous communications with the INS Arlington Office, the application was approved on January 22, 2002 and notification sent to the American Embassy in Phnom Penh, Cambodia. On January 24, 2002, having submitted a copy of their I-171H to their adoption agency, Robert and Monica Schmude accepted the referral of Rath Dy, an infant girl being cared for at the Kien Klang orphanage.

We understand that the criteria used most recently to identify cases which can move forward were that the adoptive parents had an I-171H approval and a referral of a child by December 21, 2001, the date the suspension was announced. While we applaud your efforts to broaden the scope of the special humanitarian initiative, we are concerned that the new rationale

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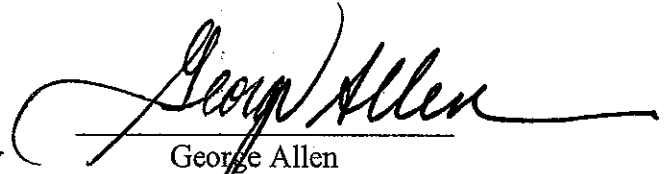
does not take into account inconsistencies in processing times for I-600A applications by INS District Offices and disparate procedures with respect to referrals. Simply, the fate of this adoption case hinges on factors which were completely outside of Mr. and Mrs. Schmude's control. Since they completed all requirements for an I-171H approval prior to the suspension date, they should not be left out because it was not issued until after December 21, 2001. Having received INS approval to adopt in Cambodia on January 22, 2002, they opened their hearts to a baby girl they dream of providing with a loving home in Virginia. They have bonded deeply with this child they have come to call "Grace", and deserve to know whether or not she can come to the United States as their daughter.

We are grateful for the leadership that you bring to the INS and urge you to give careful consideration to this matter.

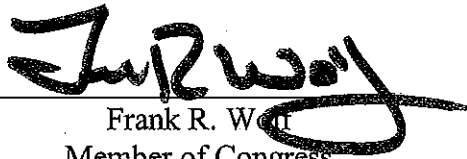
Sincerely,



John W. Warner
U.S. Senator



George Allen
U.S. Senator



Frank R. Wolf
Member of Congress