

Congress of the United States
Washington, DC 20510

February 14, 2002

The Honorable Colin L. Powell
Secretary of State Department
Department of State
Harry S. Truman Building, 2201 C St., NW
Washington, DC 20520

The Honorable James Ziglar
Commissioner
Immigration and Naturalization Service
425 Eye Street, NW 8th Floor
Washington, D.C. 20536

Dear Secretary Powell and Commissioner Ziglar:

Last Thursday, members of your staffs met with members of our staffs to update us on the adoption moratorium in Cambodia. We appreciate the information provided and understand the seriousness of the problems identified in Cambodian adoptions, specifically corruption and baby trafficking. We agree that steps need to be taken to fix the systemic problems with the Cambodian adoption system and applaud and encourage your efforts to make this system more transparent for the benefits of all involved.

However, we remain extremely troubled over the lack of a decision on how to treat the "pipeline" cases that have been caught up in this U.S. imposed moratorium. We are aware of at least 130 families that have Cambodian adoption decrees or who were far enough along in the process to have had a specific child referred to them for adoption. As you have indicated, the level of reform necessary to correct the problems in Cambodia may take a significant amount of time. It is untenable to ask these families to wait while your agencies pursue an overhaul of the Cambodian adoption system. Because of the lack of a consistent policy on your part, some of these families have adoption decrees dating back to early October and were inexplicably denied visa appointments with the U.S. Embassy. These families have watched while other families with adoption decrees dated in November and December were processed and have returned home with their adopted children.

We understand that you will be receiving an investigative report with recommendations on how to correct the situation in Cambodia in the near future. We recommend the following steps be taken to alleviate any further suffering for these "pipeline" cases:

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1. Define the universe of the "pipeline" cases at a minimum to include all families who have an adoption decree or have had a child referred to them.

2. Process the "pipeline" cases on a case-by-case basis.

Take the individual facts of each into consideration. A Notice of Intent to Deny (NOID) should not be issued without concrete evidence of fraud specific to the case – a mere suspicion is not sufficient. Just because there is corruption in the adoption system in Cambodia, does not mean that every case is illegitimate. After all, it is very probable that even a corrupt system can produce legitimate cases. Particularly since this same corrupt system produced over a hundred cases approved by INS and DOS between October 2001 and January 2002.

3. Process these cases in order beginning with those with the earliest dates on their adoption decrees and cases with extraordinary circumstances (i.e, child has a medical condition in need of immediate treatment)

4. Immediately provide INS letters of approval to families who have referrals so they may proceed with the adoption process in Cambodia.

When that process is complete, examine their cases on a case-by-case basis. No NOID should be issued without concrete evidence of fraud specific to the case. We understand that the U.S. Government has asked that Cambodia suspend adoptions for American families. However, we do not know if this has actually occurred. If Cambodia has suspended adoptions, we would ask the U.S. Government to request that Cambodia agree to process these "pipeline" cases.

5. Consider adjudicating the cases with adoption decrees prior to a family actually traveling to pick up their child if the adoptive family so requests.

Thus, if any problems occur in a specific case, the family would know prior to traveling.

Again, we recognize the seriousness of the situation in Cambodia and want to work with you to develop long-term solutions to these problems. However, in the mean time, we believe these pipeline cases need to be addressed fairly and expeditiously. We encourage you to reach a decision on how you plan to proceed concerning these pipeline cases as soon as possible. We would further appreciate it if you notify us of your decision prior to any public announcement so that we may assist you in properly disseminating information to our constituents.

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Sincerely,

Tom Vicks

David Price

William O. Lipinski

Jim Berman

John Warner

Earl Pomeroy

Joe Kroutenzone

Alma S. Gohlf

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Mary Landrau

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