

This document was given to attendees(PAPS) of a meeting with a congressman's aides today as examples of fraud in Vietnam adoption.

Vietnam: Examples of Problematic Adoption Cases

Background:

The Department of State makes every effort to facilitate inter-country adoption. During FY07, over 800 orphan visas were issued to Vietnamese children adopted by U.S. citizens, and more than 100 cases have received clearance since new procedures were introduced in November. Only a small percentage of orphan adoption cases cannot be processed routinely through to visa issuance. The FY07 caseload represents a more than four-fold increase over FY06. Unfortunately, the increase in cases also produced a corresponding increase in cases with fraud indicators. Since August 2007, investigations of these irregularities uncovered 13 cases with problems so significant that processing was suspended pending further review. These cases are being reviewed individually and will be adjudicated as quickly as possible, on a case-by-case basis.

The Orphans First program, which the State Department recently instituted to combat adoption irregularities, allows the U.S. government to conduct field investigations before an adoption in Vietnam is finalized. Orphans First allows us to address questions of fraud before the adoption is completed in order to spare American parents the pain of learning that a child offered for adoption is not eligible for an immigrant visa. The Department's efforts in Vietnam, such as the Orphan First initiative, aim to protect children and families from those who would exploit the adoption system. The following are examples of specific case investigations that illustrate adoption problems in Vietnam and the lack of sufficient oversight by the Government of Vietnam to protect children, parents, and adopting parents.

1) Child from Ho Chi Minh City

The I-600 petition claims that the child was born at X Hospital and that the birth mother left the hospital and was untraceable. USCIS HCMC investigation showed that the child was born by C-section at a different hospital. The child was pre-mature and had significant repertory problems and thus was transferred to X Hospital. Based on information from the hospital director, USCIS located and interviewed the birth mother, who stated that she had visited her son at the hospital several times, but that the hospital director would not let her hold the child until she paid a 12,000,000 dong (\$751) hospital bill. She stated that she applied to have the bill reduced due to her low income, but the director refused to consider the application. Additionally, she stated that she had been told that her child would require lifelong treatment for "water on the brain" and that as a result, her son had been transferred to Y Orphanage for care. She was shocked to hear that the medical report from the U.S. panel physician stated that the child was healthy.

When confronted with the fact that the birth mother had stated that she never agreed to relinquish her child, the Adoption Service Provider (ASP) produced a certificate of relinquishment signed by the birth mother on the same day as the USCIS interview. Upon further questioning of both the birth mother and the ASP official, it was learned that the ASP took the birth mother to the police station and told her that if she signed the paperwork, she would receive 200,000 dong (\$12.50) and would be allowed to see her son. The birth mother, who is illiterate, signed the paperwork even though she did not know what it said because she wanted to see her son. After considerable pressure from the U.S. Mission, this adoption was canceled and the child is now back with the birth parents.

2) Two children from Phu Tho Province

The consular section investigated two relinquishment cases from one village. The cases had many commonalities. First, the birth mothers, who are ethnic Muong, stated that they had unexpected, medically complicated and high-cost pregnancies. The mothers were approached by Ms. A, a nurse at the village clinic, who promised to help the women and according to witnesses, promised to give them three million Vietnamese dong (\$188, the equivalent of 10 months salary) in return for putting the children in a local social sponsoring center (orphanage). The consular investigation, however, showed that the women received little, if any, actual funds from Ms. A because they were given highly inflated hospital bills and told that most of the promised three million dong went to pay these expenses. (Note: The investigating team also visited the orphanage where one of the women was sent to give birth.

Women from surrounding villages with unexpected pregnancies are told they can stay here for free, but they are later told they owe a \$60/month fee, although this fee is not on the center's fee schedule. Also, center policy forbids birth mothers from seeing their children after delivery. These policies are designed to pressure mothers into giving up their children for adoption.)

It was never made clear to the birth mothers that they were relinquishing their children for foreign adoption. Ms. B, the first birth mother, stated that her sister-in-law and Ms. A had taken care of all the paper work, but that she knew her child was still in the social sponsoring center. She stated that she had not given her consent for the child to be adopted and that she believed he would "return when he was older to help take care of his mother and father."

Ms. C, the second birth mother, stated that she had signed papers allowing a Ms. D to adopt her child. She stated that she did not consent to a foreign adoption because she still wanted to see her son. The day after USCIS informed the adopting families that NOIDs would be issued in these cases, both birth mothers were summoned to appear at the Commune People's Committee Offices, criticized for irresponsibly becoming pregnant, and told to sign papers confirming the relinquishment. Later Dr. Long "summoned" the two women to Hanoi in order to reconfirm that they had relinquished their children.

According to Dr. Long, because the Department of International Adoption (DIA) had insufficient funds, they told the ASP that they were responsible for producing the birth mothers. The birth mothers later told us that Ms. A approached them and said that they had to go to Hanoi to speak with officials so their children could be adopted.

The mothers were forced to borrow money to pay for their transportation to and from Hanoi, an amount that was more than three times their monthly income. Both women reported that they were so frightened about the trip that they became physically sick. Finally, two days before a follow up consular team interviewed the women, local police officials spoke with them and "reminded" them that they had consented to the adoption.

The team spoke also spoke to another woman in the village. She told the team that she had become pregnant unexpectedly, and that Ms. A had helped her put her child in the social center. A few months later an American family came to visit her and gave her 500,000 Vietnamese Dong (\$31, about two months wages) and pictures of her baby. She told the team that her baby was still at the center, but that the American family had agreed to pay for the child to go to school in America, once she was 15 years old. The woman also showed the Consular Officer a Christmas card this family had sent her. Using this information, the Consular Officer discovered that the Americans had in fact adopted the child, and the child had been issued an immigrant visa.

3) Child from Phu Tho Province

According to the child finder's statement, the child finder was watching TV at her house, when she heard dogs barking. Going out to her porch, she found two infants. When the consular team visited the house, they discovered that the house had no electricity and no TV. The child finder later told us that she found one child near her house in 2002. In 2007, a police officer came to her house with an affidavit stating that she had found two children in 2002. He told her if she did not sign it, she could be arrested for "kidnapping" the child she found in 2002. Later, an American working with an ASP told us that she had been approached by the facilitator working on this case. The facilitator said that she was given a \$10,000 fee to arrange the adoption for the ASP. A significant portion of this money went to the orphanage director, who is responsible for finding children. They worked together to create a false advertisement claiming that the child was abandoned, regardless of the child's true origins. She then used this ad to obtain the necessary paperwork from local officials and DIA. She noted that as long as the right fee was paid, no one tried to verify the facts of the case, and the documents were issued with no questions asked.

4) Child from Ho Chi Minh City

According to the submitted documents, the child was born at X Hospital in HCMC. USCIS investigated because this hospital does not have a maternity ward. The hospital director reluctantly admitted that the child was in fact born in Cambodia to Cambodian parents. The parents drove the child to the hospital in HCMC due to a growth near the base of the spine. Hospital records show that the birth parents regularly visited the child and paid for the costs of treatment, until the bill for the operation to

remove the growth arrived. Post believes that as in the first case, the child was taken for lack of payment. However, we were unable to locate the birth parents. In response to this case, the Ministry of Justice in Ho Chi Minh City told USCIS that it was GVN policy to list the date and place of abandonment as the date and place of birth on birth certificates for infants in orphanages, and to list the parents as unknown, even if records showing the true information exist. The case is also disconcerting because the medical information given to the PAPs showed the growth was benign. In fact, hospital records showed it was malignant. The child is still facing severe medical problems, in part due to the concealed medical records at the hospital in HCMC.

5) Child from Can Tho Province

The petition was filed based on a typewritten letter from the purported birth mother along with notice placing the child into the orphanage by the paternal grandmother. The investigation showed that the birth mother was 16 and single when she gave birth to twins. The mother and maternal grandmother tried to raise the twins for about six months before taking them to the paternal grandmother, who agreed to take her grandchildren and raise them. For the next two years, the birth mother attempted to visit her sons but was barred by the grandmother. It turned out this was because the grandmother had immediately placed the twin boys into the orphanage. Then, because her sister-in-law was unable to have any children, the grandmother went with her to the orphanage and picked one of the boys, which the sister-in-law is now supposedly raising. The other twin boy was selected for adoption when he was two years old. The orphanage director admitted that he never met the birth mother. The paternal grandmother and another woman, claiming to be the maternal grandmother, came to the orphanage with the typed letter purportedly from the birth mother. Although no attempt was made to ascertain the authenticity of the letter, the People's Committee and Ministry of Justice completed the necessary paperwork. In one document, an official stated that he had witnessed the birth mother signing the relinquishment documents; he later admitted to the investigating team that this statement was untrue. The maternal grandmother stated she had never been to the orphanage and the director could not identify a photo of her. The child was returned to the birth mother.

6) Child from Hanoi

The file stated that the child was born at a small medical center, but the center purportedly had no information about the birth mother. However, in Vietnam patients are required to provide their names and addresses before receiving medical services. When the Embassy visited the clinic, the midwife had a record of the birth, which included the name, age and address of the birth mother. The midwife said that after the birth she contacted Mr. A, a retired orphanage official who runs a "safehouse" for pregnant women located next door to the clinic. Post first learned of Mr. A from a woman whose neighbor offered to contact someone who "provides a house for pregnant women to stay in until their babies are born." A neighbor described the house as "a place where children are bought and sold." Mr. A told post that he can assist any woman provided she has a certificate of single status "even if she had to lie to the police to get it."

After finding information on the mother, post sent a letter to Dr. Long, requesting an explanation as to why DIA approved the adoption case without a police search for the biological mother, as required by Vietnamese law. Dr. Long blamed the omission of the birthmother search report on the village police, and provided a document dated March 21, 2007, stating that a police check had been done and they could not find the birth mother. However, the police officer who purportedly did the check stated he had not actually done a physical search, and that the date on the document was inaccurate. He stated that "about 20 days ago" the police chief from a village visited his office with a prepared backdated report about the search and asked him to sign it, which he did. This 20-day period corresponds with the date of the original I-600 interview in which the interviewing officer had pointed out the lack of documentation on the birth mother to the PAPs.

7) Child from Quang Nam Province

The child in this case was purportedly found by a guard at the center for orphans. However, the guard, the deputy director of the center, and the center's bookkeeper all confirmed that when an infant is deserted at the center, it is recorded in the guard's logbook. This log is regularly verified for accuracy. This case was not recorded in the log book, and accordingly, a NOID was issued. After the NOID was issued, the guard was disciplined for talking to Embassy officials. He then burned the logbook and

created a new one, with an entry showing that a child had been deserted on the date in question. Further, the nurse's logbook was altered to add references to a child deserted on the day in question. It is also noteworthy that all of the children under two in the orphanage have been deserted, while all of the children over two are children in care.

8) Child from Thai Nguyen Province

The child in this case was purportedly deserted behind the house of a village police officer. The child finder and his wife both told a consular investigating team that they had never found a child and that the story in the child finder statement was a lie. This was confirmed by several other villagers. Once the NOID was issued, DIA took steps to assist the ASP in rebutting the NOID. Dr. Long has confided to us that DIA had a humanitarian responsibility to make sure that no adoptions were overturned. The witnesses were notified in advance that they would be re-interviewed in front of the People's Committee and that they had signed statements saying they could be punished if the original statements they gave to the People's Committee were untrue. Under this pressure, they recanted the statements they had made to consular officials. A follow-on consular investigation showed that it is physically impossible for the desertion to have occurred in the manner described.

9) Child from Ben Tre Province

This child was purportedly deserted shortly after birth at the X Maternity Center. When the Embassy contacted the center to ask about admission records for the mother, we were told that the center is actually a house owned by a mid-wife and that women usually do not give birth there. Instead, the mid-wife goes to them. Later Ms. Y, the mid-wife, told consular investigators that she has a long-standing business relationship with the Z orphanage. When she meets a poor woman with an unexpected pregnancy, she gives that woman money in exchange for her agreeing to put the child in Z. The orphanage director then reimburses Ms. Y. She also has a relationship with Mr. R at the People's Committee. He told the Embassy that he issues what ever documents she requests without verifying the accuracy of the statements. He told us he does this to help her with her business with the orphanage.

10) Child from Thai Nguyen

Unlike the nine cases above, this case does not involve an application for a US immigrant visa. It is included here to show the basic unreliability of documents in abandonment cases. On October 17, 2007, a consular team met with two nurses who have found multiple abandoned children. After concluding questions about an infant purportedly abandoned in May 2007, the team asked the nurses if they had since found any other abandoned children. Both replied that they had not. The team then met with the local police chief, who stated that the most recent abandonment in the village had occurred on October 15, two days prior to the team's visit. According to the file, the child had been found by the two nurses that the team had just spoken to. As it is inconceivable that the nurses could have forgotten finding a baby two days earlier, this is a clear example of a "paper abandonment," where local officials create the abandonment documents and only tell the so-called child finder about it well after the fact.

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