

[www.adoptionsinfo.de](http://www.adoptionsinfo.de)

US - Außenministerium:

Die USA und Vietnam freuen sich über eine sich schnell entwickelnde bilaterale Partnerschaft. Auf manchen Gebieten wird diese Partnerschaft durch bilaterale Vereinbarungen gestärkt. Das vietnamesische Gesetz verlangt, dass Staaten, deren Bürger vietnamesische Kinder adoptieren wollen, mit der vietnamesischen Regierung einen Adoptionsvertrag abschließen. Die USA und Vietnam haben einen solchen Adoptionsvertrag im Jahr 2005 geschlossen. Über einen Zeitraum von 28 Monaten (Januar 2006 bis April 2008) wurde für 1403 adoptierte vietnamesische Kinder die Einreiseerlaubnis in die USA erteilt. Nach Auskunft vietnamesischer Behörden laufen gegenwärtig noch mehrere tausend Adoptionsverfahren.

Die Regierung von Vietnam konnte die Vorgaben des Vertrages von 2005 nicht wie geplant erfüllen und es gab wegen der Schwäche des vietnamesischen Adoptionsystems zahlreiche Fälle von Korruption.

Die USA und Vietnam sind sich darüber einig, dass das gegenwärtige Adoptionsabkommen nicht erneuert werden kann, wenn es im September 2008 ausläuft. Wir werden uns weiter dafür einsetzen, dass Vietnam dem Haager Übereinkommen über die Adoption von Kindern beiträgt. Eines der Probleme des vietnamesischen Adoptionsystems liegt darin, dass Vietnam keine verbindliche Gebührenregelungen beschlossen und veröffentlicht hat. Stattdessen schließen einzelne Kinderheime und Adoptionsagenturen mit den Bewerbern Verträge über 'freiwillige Spenden'. Diese Verträge bleiben geheim und es gibt keine offiziellen Aussagen darüber, wie diese Gelder verwendet werden.

Da es in Vietnam relativ einfach ist, gefälschte Dokumente (beispielsweise Geburtsurkunden und Sterbebescheinigungen) zu erhalten, müssen US Beamte in vielen Fällen die Dokumente vor der Visaerteilung überprüfen. In manchen Provinzen wurden US – Beamte von einer Überprüfung abgehalten, obwohl dies in anderen Provinzen keine Probleme aufwarf.

Es ist sehr besorgniserregend, dass US- Beamte wiederholt Fälle von Korruption und Betrug aufdeckten. Wir sind der Meinung, dass eine grundlegende Reform und weitere Garantien erforderlich sind, um weiteren Missbrauch zu verhindern.

### **Original:**

The United States and Vietnam enjoy a rapidly expanding bilateral relationship. In some areas our growing cooperation is bolstered by bilateral agreements.

Vietnamese law requires that countries whose citizens wish to adopt orphans from Vietnam negotiate and sign a formal agreement with the Government of Vietnam. The United States and Vietnam signed an agreement in 2005. Over the course of 28 months (January 2006 to April 2008), 1403 orphans adopted from Vietnam were issued visas to the United States. According to Vietnamese officials, several thousand adoption cases are currently pending.

The Government of Vietnam has been unable to comply with the 2005 Agreement as planned, and cases have frequently been tainted by corruption due to weaknesses in the Vietnamese adoption system. The U.S. and Vietnamese governments have agreed the current agreement cannot be renewed when it expires in September 2008. We will continue to encourage Vietnam to join the Hague Convention on Intercountry Adoptions and to undertake measures that will advance Vietnam's ability to meet Hague obligations.

Among the problems with the current system is that the Government of Vietnam has not established and published a fee structure for adoptions. Instead, individual orphanages and

adoption service providers make private arrangements concerning the “voluntary donations” and other assistance the agencies will provide to orphanages where they arrange adoptions. These arrangements are kept private and there is no official accounting for how funds are spent.

Because it is relatively easy to obtain fraudulent civil documents (birth and death certificates, for example) in Vietnam, U.S. officials must verify the information in the orphan’s file, in many cases, before a visa can be issued. U.S. authorities have been prevented from conducting these verification trips in a few provinces, although these trips have been completed without incident in most of the country.

Most troubling, U.S. officials have discovered repeated instances of fraud and corruption in connection with some adoption cases in Vietnam. We believe systemic reform, and more effective safeguards, are needed to prevent the abuses. (See report at: [http://www.travel.state.gov/family/adoption/country/country\\_369.html](http://www.travel.state.gov/family/adoption/country/country_369.html))

In response to the growing number of questionable cases, U.S. authorities instituted “Orphan First” processing in November 2007, under which the child’s status as an orphan is confirmed before the new parents formally adopt the child.

In most cases, U.S. Embassy Hanoi notifies the prospective adoptive parents with a decision on their petition to adopt the child within 60 days. The current average processing time is 45 days.

If the case cannot be adjudicated during this time, then the U.S. Citizenship and Immigration Services (USCIS) provides a written explanation for the delay to the prospective adoptive parents.

The purpose of the Orphan First processing is to protect prospective adoptive parents and children, as well as the integrity of international adoptions in Vietnam. It provides a framework to ensure that adoptions take place in the best interests of children, to prevent the abduction, sale, or trafficking of children in connection with intercountry adoption, and to ensure that the child who is being adopted is likely to be eligible for immigration to the United States.

Although it is only a first step to improve the process, overall, the new procedure appears to be working well. In the first four months of Orphan First processing, 287 I-600 petitions have been pre-approved. This is equal to the number of I-600 approvals for the same time period last year. During the first six months of FY 2008 (October 2007 to March 2008), 449 adoption visas cases were approved, compared to 353 for the same period in FY 2007.

Unfortunately, our field investigations continue to reveal some incidents of serious adoption irregularities, including forged or altered documentation, women paid or coerced to release their children, and children offered for adoption without the knowledge or consent of their birth parents. We are aware of four children who have been returned to their birth parents once these circumstances were discovered.

The Governments of Vietnam and the United States are committed to working together to identify improved procedures that will meet the best interests of the children, the birth parents, and the adopting parents.

The U.S. Government believes that Vietnam’s accession to the Hague Convention on Intercountry Adoptions and Vietnam’s commitment to meeting Hague obligations offers the clearest and best-tested path to transparent and ethical adoptions in Vietnam.