



USCIS Update

Oct. 16, 2008

ADOPTIONS FROM VIETNAM TO THE UNITED STATES WILL NOT RESUME WITHOUT A NEW BILATERAL AGREEMENT *Action Taken to Establish Safeguards that Protect Children and Families*

WASHINGTON – United States Citizenship and Immigration Services (USCIS) and the Department of State (DOS) issued a joint statement with the government of Vietnam announcing that the processing of new adoption cases will not resume until both countries sign a new bilateral agreement.

The governments of the United States and Vietnam are taking this action jointly because both governments recognize the complexity of issues relating to intercountry adoptions and the importance of developing a transparent adoption system that protects all parties. The United States continues to strongly support the Vietnamese government's efforts to establish an appropriate child adoption system with sound safeguards and protections for children and families. Until a new bilateral agreement is reached, USCIS and DOS have concluded it is in the best interest of children and families to not process any post-Sept. 1, 2008 adoption cases. This action does not affect cases where the prospective adoptive parents were matched with a child before Sept. 1, 2008, the date the previous bilateral agreement expired.

USCIS and DOS will continue to process Vietnamese intercountry adoption cases where the child was matched with the prospective adoptive family before Sept. 1, 2008. Prospective adoptive parents, who may need clarification of the status of their case, may verify whether their adoption petition qualifies as a pre-Sept. 1 case by e-mailing the U.S. Embassy in Hanoi at: hanoiadoptions@state.gov. The Embassy strongly advises prospective adoptive parents not to travel to Vietnam until they have received notification from the Embassy that their case is ready for final processing and travel is appropriate.

The United States government is committed to supporting Vietnam in its efforts to establish practices necessary to appropriately process intercountry adoptions. We have therefore expressed our willingness to begin negotiations on a new bilateral agreement with the government of Vietnam that addresses the deficiencies in their current system. We cannot predict when a new bilateral adoption agreement with adequate safeguards for all parties will be concluded.

The joint statement between the United States and Vietnam is available online at:
http://www.travel.state.gov/family/adoption/country/country_4373.html

Additional information on international adoptions is available online at www.travel.state.gov, or
www.uscis.gov.

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Joint Statement

October 15, 2008

Vietnam Adoption Update

In accordance with the June 25 Joint Statement by Prime Minister Dung and President Bush, the Governments of the United States and Vietnam made the following determinations regarding the processing of intercountry adoption cases until a new bilateral agreement is signed or the Government of Vietnam accedes to the Hague Convention on Intercountry Adoptions:

1. In accordance with the announcement of April 25, the Government of Vietnam and the Government of the United States agreed to process all cases where prospective adoptive parents have been matched with a child and received an official referral prior to September 1, 2008. On September 23, 2008, the Vietnamese Department of International Adoptions (DIA) provided the U.S. Embassy with a list of 534 U.S. dossiers that received referrals before September 1. These cases will be processed to conclusion. Prospective adoptive parents unclear about the status of their case may wish to verify via e-mail with the U.S. Embassy in Hanoi (hanoiadoptions@state.gov) to confirm whether their case is on the DIA list.
2. All cases that were not matched with a child by September 1, 2008 will be returned to the U.S. adoption service providers. On October 10, 2008, DIA issued instructions to all U.S. adoption service providers that they must retrieve these dossiers from DIA by October 28, 2008. After October 28, unclaimed dossiers will be transmitted to the U.S. Embassy in Hanoi, which will return the dossiers to the prospective adoptive parents or their agencies.
3. The Government of Vietnam and the Government of the United States have agreed that U.S. citizens will not be able to adopt Vietnamese children until both countries sign a new agreement or Vietnam joins the Hague Convention. While Vietnamese Decree 69/2006 contains provisions that could allow for the adoptions in certain limited cases, including children with medical issues and certain relative adoptions, the Government of Vietnam has not developed the implementing regulations for these procedures. Accordingly, the Ministry of Justice of Vietnam, U.S. Citizenship and Immigration Services (USCIS), and the U.S. Department of State have determined that neither government will process adoption cases, except for those cases that received an official referral prior to September 1, 2008, until both countries sign a new agreement or both are parties to the Hague Convention. USCIS and the Department of State strongly caution adoption service providers to stop matching prospective adoptive parents with children from Vietnam. Prospective adoptive parents should not seek or accept post-September 1 referrals from Vietnam at this time. The Governments of the United States and Vietnam are strongly committed to negotiating a new bilateral agreement that addresses the deficiencies in the current system. Both governments acknowledge the complexity of these issues and the importance of developing a transparent adoption system that protects the fundamental rights of all parties.

The Government of the United States applauds Vietnam's efforts to improve the safeguards in the adoption system and reaffirms its commitment to provide Vietnam with technical assistance to assist Vietnam with legal reform and accession to the Hague Convention. The United States also recognizes Vietnam's commitment to speed up preparations for an early accession to the Hague Convention on Intercountry Adoptions.



Frequently Asked Questions

Oct. 16, 2008

ADOPTIONS FROM VIETNAM TO THE UNITED STATES WILL NOT RESUME WITHOUT A NEW BILATERAL AGREEMENT

The bilateral adoption agreement between the United States and Vietnam expired on Sept. 1, 2008. Both nations have agreed to cease processing new adoption cases until the United States and Vietnam sign a new bilateral agreement.

Question: Now that Sept. 1 has passed, what is the status of adoptions from Vietnam?

According to the Vietnamese Ministry of Justice, prospective adoptive parents who received a formal referral (matched with a child) by Sept. 1 will be allowed to process their adoption to conclusion. Dossiers that were not referred by Sept. 1 will be closed and returned to the adoption service provider. The joint statement between the United States and Vietnam is available online at: http://www.travel.state.gov/family/adoption/country/country_4373.html

Question: Should adoption service providers stop working on new adoptions from Vietnam?

The Department of State (DOS) and United States Citizenship and Immigration Services (USCIS) strongly urge adoption service providers to stop matching prospective adoptive parents with children from Vietnam, and we also strongly encourage prospective adoptive parents not to seek or accept post-Sept. 1 referrals from Vietnam at this time. By stopping such activities, families will not be put in the extraordinarily difficult situation of being matched and bonding with a child that cannot come to the U.S. based on an adoption.

Question: Does this also apply to adoptions involving special medical needs, among others?

Because there are exceptions in Vietnamese law that allow certain cases to be processed even without a bilateral agreement, including some cases for children with medical issues and certain relative adoptions, agencies and adoptive parents have asked about processing such cases. However, the definitions and procedures for such cases are not clearly defined. At this time, USCIS and the Department of State will not process these types of cases. The Vietnamese government is in agreement that such cases will not be processed without a new bilateral agreement in place.

With the de-licensing of adoption service providers and the strong possibility that a post-Sept. 1 special needs system would be decentralized, it is likely that a post-Sept. 1, 2008 adoption system would have even less safeguards and protections for children than the pre-Sept. 1 system with which we had significant concerns. Therefore, DOS and USCIS have determined that it would be difficult, if not impossible, to implement a transparent and reliable adoption program for the special needs and other excepted types of cases in Vietnam without new protections and safeguards. USCIS and DOS have thus concluded that it is in the best interest of children and families not to resume processing any post-Sept. 1 adoption cases until a new bilateral agreement is reached that resolves these concerns.

Question: How do I know if my case is a pre-Sept. 1 case?

On Sept. 23, 2008, the Vietnamese Department of International Adoptions (DIA) has provided a list of 534 United States dossiers that received referrals before Sept. 1. These cases will be processed to conclusion. Prospective adoptive parents unclear about the status of their case may wish to verify via e-mail with the United States Embassy in Hanoi (hanoiadoptions@state.gov) to confirm if their case is on the DIA list.

Question: When will processing of adoption cases resume in Vietnam?

The processing of adoption cases for children from Vietnam will resume when the United States and Vietnam enter into a new bilateral agreement on adoptions or the Government of Vietnam accedes to the Hague Convention on Intercountry Adoptions and the adoption system in Vietnam is recognized by the United States as Hague compliant.

Both governments acknowledge the complexity of these issues and the importance of developing a transparent adoption system that protects the fundamental rights of all parties prior to resuming adoptions. The United States continues to strongly support the Vietnamese government's efforts to establish a viable adoption system with sound safeguards and protections for children and families. Until then, USCIS and DOS have concluded it is in the best interest of children and families not to process any post-Sept. 1, 2008 adoption cases without the security of a new agreement. This action does not affect cases where the prospective adoptive parents were matched with a child before Sept. 1, 2008, the date the previous bilateral agreement expired.

Question: May I still file a Form I-600A?

Yes. Persons may continue to file a Form I-600A, [*Application for Advance Processing of Orphan Petition*](#). However, if Vietnam is designated as the country from which the prospective adoptive parent intends to adopt, he or she should know that without a valid bilateral agreement in place, it will not be possible to finalize an adoption in Vietnam and immediately bring the child to the United States on the basis of that adoption.

Question: May I still file a Form I-600 for a child in Vietnam?

Yes. If you received a referral prior to Sept. 1, 2008 that meets the criteria set forth above, including being on the list of dossiers forwarded by the Government of Vietnam, you may file Form I-600, *Petition to Classify Orphan as an Immediate Relative*, for that child and the petition will be processed.

If you did not receive a referral before Sept. 1, 2008, USCIS and DOS will be unable to process your case or issue a visa for the child.

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