



# 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](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](mailto: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.