

**U.S. Senate Committee on Foreign Relations,
Subcommittee on East Asian and Pacific Affairs**

**Testimony of Acting Assistant Secretary for Consular Affairs
Catherine M. Barry regarding Asian Adoptions to the United States**

June 8, 2006

Chairman Murkowski, Ranking Member Kerry, distinguished members of the Committee:

I appreciate this opportunity to discuss the status of intercountry adoptions from Asia, as well as the Department of State's efforts on behalf of American families who have decided to open their hearts and their homes to Asian children in need of permanent, loving families. The Department of State is deeply committed to working with these families, as well as with the children's countries of origin, to ensure that intercountry adoptions occur under transparent conditions, and with appropriate safeguards to protect the interests of birth parents, adoptive parents and, most importantly, the children themselves.

It was exactly 50 years ago in 1956 that the first large wave of internationally adopted children came to the United States, and they came from Asia. In the aftermath of the Korean War, Harry and Bertha Holt learned of the plight of Amerasian children in Korean orphanages and decided to help. Although a small number of children had come to the United States as adoptees before that time, it was an extremely new concept. The Holts adopted eight Korean children, and they and other pioneers like them were on the forefront of a movement that has grown and expanded to the point that last year alone, Americans adopted nearly 23,000 children from countries around the world. Over 10,000 of those children came from Asia.

From Korea and Cambodia, Mongolia and Vietnam, China and many other Asian countries, children have come to the United States to join permanent and loving families, and the Department of State has been and continues to be by their side. [A statistical chart is attached to show the number of adopted children brought to the United States over the past five years as well as the source countries.]

We encourage Asian nations to allow intercountry adoption as an option for children who otherwise would spend their childhoods in orphanages and other non-permanent care. Our work encouraging intercountry adoptions is inspired by the 1993 Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, which I will further refer to as the Hague Convention. The Convention recognizes that the full and harmonious development of a child needs a family environment, “an atmosphere of happiness, love and understanding.” It also recognizes that intercountry adoption “may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin.” The principles and goals of the Hague Convention have broad international support. As of today, 68 countries have ratified or acceded to the Hague Convention. Asia is well represented in this group: China, India, the Philippines, Sri Lanka and Thailand are all Hague countries. In addition, UNICEF strongly supports the Convention as a means to protect children around the world and to ensure that their best interests are met.

Through discussions and cooperation with Asian governments, particularly those that have not ratified the Hague Convention, we seek to implement and enforce standards and protections to ensure that the children’s best interests are always the primary consideration, and to combat child-buying and -selling. In all countries, finding local, community-supported family settings to support orphaned or abandoned children is the preferred arrangement. When these options are not feasible, however, domestic and intercountry adoptions may be appropriate and in the best interests of the child. Consular officers and other State Department officials abroad as well as those of us here in Washington meet regularly with country-of-origin officials to identify potential problems and coordinate solutions.

The past year saw several milestones that I believe portend good things for the use of intercountry adoptions in Asia to help children in need.

On June 21, 2005, Assistant Secretary for Consular Affairs Maura Harty and Vietnamese Justice Minister Uong Chu Luu signed a bilateral adoption agreement that reaffirmed both countries’ commitment to high standards and safeguards and allowed for the recommencement of adoptions from Vietnam. The bilateral agreement is consistent with several key principles of the Hague Convention such as having government authorities determine that:

- a proposed adoption is in the best interests of the child,

- the consent to the adoption was given by the persons or institutions authorized to do so,
- adoptive parents had received counseling,
- there were no improper requests for compensation, and
- prospective adoptive parents paid reasonable fees for necessary administrative, medical, and court matters.

The Vietnamese Department of International Adoptions has licensed nearly twenty U.S. adoption agencies to work in Vietnam, and on January 25 of this year, the U.S. Embassy in Hanoi issued the first orphan immigrant visa to a Vietnamese child since our Embassy took over the responsibility for orphan visa cases from our Consulate General in Ho Chi Minh City and the bilateral agreement entered into practical effect. Over two dozen Vietnamese children have found permanent families with American citizen parents since January, and we believe that many more children will follow them in the coming months. We have centralized adoption visa processing at our Embassy in Hanoi, and assigned an additional consular officer on temporary duty there, in order to facilitate ongoing dialogue with Vietnamese authorities and to ensure an efficient process for prospective adoptive parents.

In another important and extremely positive development, the People's Republic of China – not only the world's most populous nation but also the largest country of origin of children adopted by Americans internationally – ratified the Hague Intercountry Adoption Convention on September 16, 2005. The Department of State and the American adoption community have long viewed China as a country of origin with clear, uniform procedures that are transparent to adoptive parents and their representatives. We also know that the Chinese government has strict measures to verify the identity and status of children available for adoption. In February 2006, the Chinese government realized that some measures had been compromised by rural officials in Hunan province. A number of these officials were sent to jail pursuant to criminal convictions. The Chinese government subsequently assured U.S. officials that none of the children erroneously put forward for adoption had been adopted by American families. The Chinese government also assured us that they have reinvigorated their internal controls. China's Hague Convention ratification bolsters even further our level of confidence in China's commitment to equitable, legal, and transparent adoption procedures that meet the best interests of children, nearly 8,000 of whom came to the United States last year.

As I mentioned earlier in my statement, we also have a long and cooperative history with Korea regarding intercountry adoptions. As in China, transparent procedures and strong safeguards for the welfare of children are a hallmark of the Korean adoption system. In Fiscal Year 2005, over 1,600 Korean orphans found loving, permanent homes in the United States through intercountry adoption.

At the other end of the confidence spectrum, unfortunately, is Cambodia, the only country for which the United States currently has an adoption suspension in effect. The then-Immigration and Naturalization Service suspended adoptions from Cambodia in December 2001 due to very serious concerns about baby-selling and rampant document fraud, some of which led to criminal convictions in the United States. Although a small number of so-called “pipeline” cases were allowed to continue to conclusion, the U.S. Government suspension has, at present, essentially stopped adoptions from Cambodia to the United States.

The U.S. Government remains engaged. Last summer, the U.S. Government funded a survey by the international child welfare organization Holt International – the same organization founded by Harry and Bertha Holt 50 years ago – to count and identify all of the children living in Cambodian institutions. The purpose of this survey was to develop baseline data about the numbers of Cambodian children in institutional care and the nature of their needs, a first important step toward designing an appropriate child welfare system. During this same period, UNICEF was also conducting a separate survey focused on the provision of child care services and facilities in Cambodia. Both we and UNICEF have turned over the results of our studies to the Government of Cambodia with the expectation that the data would help Cambodian officials design programs to meet the needs of children requiring care. U.S. Ambassador to Cambodia Joseph Mussomeli met in March with UNICEF officials to coordinate efforts to assist the Cambodian government in building its capacity to establish and/or regulate child welfare institutions. UNICEF has indicated its intention to assist the Cambodian government in training Cambodian nationals in achieving this goal through workshops and seminars. A draft child welfare law, which UNICEF wrote and the United States supports, is under consideration, and we are hopeful that this critical legislation might be enacted by the end of the year. The draft legislation would permit intercountry adoptions. The U.S. Government, in partnership with UNICEF, stands ready to provide guidance to the Cambodian government in both establishing a child welfare system and enacting and implementing the pending legislation.

Let me take this opportunity to briefly summarize the Department's efforts to ratify the Hague Convention on Intercountry Adoption. Our goal is to do so in 2007. Specifically, the Department intends to complete our regulatory work this calendar year. In February, we published the final rule regarding the standards of accreditation for adoption service providers and approved persons. This summer, we will publish for public comment regulations modifying the consular role in immigrant visa processing in Hague cases, regulations governing the certification process for Hague adoptions that take place in the United States, and regulations establishing reporting duties for adoption service providers handling emigrating adoption cases. In this endeavor, we are working closely with the Department of Homeland Security.

In the very near term, we hope to sign agreements with our potential accrediting entities. Once these agreements are ready, we can announce the application period for those interested in becoming accredited adoption service providers or approved persons. Once we know the total number of applications, we will be able to provide a more accurate estimate of when we will be able to complete ratification of the treaty.

The Department of State and the Department of Homeland Security both participated in the Special Commission on the practical operation of the Hague Convention September 17-23, 2005. It was evident, as numerous national delegations and NGO experts commented on the operation of the Convention, that U.S. support for the Convention is broadly appreciated. More importantly, the U.S. delegation was gratified to learn that many governments appreciate the willingness of American families to provide loving homes to children, including children with special needs. Statistics presented at the meeting indicated that worldwide adoptions amounted to approximately 40,791 in 2003. Of that number, approximately 21,616 had been adopted by American families. It is the goal of the Department of State, now and in the near future as the Central Authority for the operation of the Hague Convention, to support the generosity of American families to provide permanent homes to children in need throughout Asia and the rest of the world.

IMMIGRANT VISAS ISSUED TO ORPHANS COMING TO THE U.S.

TOP COUNTRIES OF ORIGIN

	FY 2005	FY 2004	FY 2003
1	CHINA (mainland) – 7,906	CHINA (mainland) – 7,044	CHINA (mainland) – 6,859
2	RUSSIA – 4,639	RUSSIA – 5,865	RUSSIA – 5,209
3	GUATEMALA – 3,783	GUATEMALA – 3,264	GUATEMALA – 2,328
4	S. KOREA – 1,630	S. KOREA – 1,716	S. KOREA – 1,790
5	UKRAINE – 821	KAZAKHSTAN – 826	KAZAKHSTAN – 825
6	KAZAKHSTAN – 755	UKRAINE – 723	UKRAINE – 702
7	ETHIOPIA – 441	INDIA – 406	INDIA – 472
8	INDIA – 323	HAITI – 356	VIETNAM – 382
9	COLOMBIA – 291	ETHIOPIA – 289	COLOMBIA – 272
10	PHILIPPINES – 271	COLOMBIA – 287	HAITI – 250
11	HAITI – 231	BELARUS – 202	PHILIPPINES – 214
12	LIBERIA – 182	PHILIPPINES – 196	ROMANIA – 200
13	CHINA (Taiwan-born) – 141	BULGARIA – 110	BULGARIA – 198
14	MEXICO – 98	POLAND – 102	BELARUS – 191
15	POLAND & THAILAND – 73	MEXICO – 89	ETHIOPIA – 135
16	BRAZIL – 66	LIBERIA – 86	CAMBODIA – 124
17	NIGERIA – 65	NEPAL – 73	POLAND – 97
18	JAMAICA – 63	NIGERIA – 71	THAILAND – 72
19	NEPAL – 62	THAILAND & BRAZIL – 69	AZERBAIJAN – 62
20	MOLDOVA – 54	ROMANIA – 57	MEXICO – 61

World Total for Fiscal Years

2005 – 22,728; 2004 - 22,884; 2003 - 21,616