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Families Adopting in Vietnam Say They Are Caught in Diplomatic Jam



Brendan Smialowski for The New York Times

Russ Giesy holding his granddaughter, Jordan McRoberts, during a recent three-family meeting with Senator Barbara Boxer.

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By [ELIZABETH OLSON](#)
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WASHINGTON — Eyes like black pearls, the softest skin and little tufts of hair made it totally easy to fall in love at first sight. And that is what Julie Carroll — and [Jewel](#) McRoberts and Tommi-Lynn Sawyer

— did when they saw the three tiny girls at a Vietnamese orphanage. They adopted the babies after months of waiting and then had to leave them behind because they could not obtain entry visas to bring them back to the United States.

That was almost four months ago, and the families last week began a public campaign to press the State Department to let them bring Madelyn Grace, Eden and Anabelle to the United States. Enlisting the help of the senators from California, where two of the families live, the adoptive parents argue that they have been unfairly caught in diplomatic wrangling between the American and Vietnamese governments over concerns about corruption in the adoption process that led to the suspension of Vietnamese adoptions from 2003 to 2005.

“What has happened to us is completely unconscionable,” said Mrs. Carroll, who, along with her husband, Steve, and her three other children, traveled from their Camarillo, Calif., home to campaign for a 10-month-old sister, now in foster care in [Vietnam](#).

“We don’t have a problem with them investigating the adoption,” she said, “but we have proved there is not a shred of corruption involved in it.”

The State Department, which issued a warning on adoptions in Vietnam last month, maintains that the lack of controls on “baby finders” and unregulated payments — the average adoption cost is about \$25,000 per family — are fostering baby buying. Six years ago, similar accusations led Vietnam to tighten controls on foreign adoption. At the end of 2005, Vietnam and the United States signed an adoption agreement, and nearly 1,100 Vietnamese children have been adopted by Americans since.

However, in advance of talks on renewal of the accord, which expires Sept. 1, families note that there has been a sudden increase in the federal government’s investigations of adoptions in Vietnam,

preventing some babies from returning home with their adoptive parents.

Twenty-one entry visas for children have been rejected in the last two years, according to the State Department. More than half the denials have come since last October, prompting complaints that the department is singling out individual cases to embarrass the Vietnamese government into changing its adoption process.

“Everything we know now says the State Department is, frankly, using these babies as a tool in a battle that has nothing to do with these families or the children themselves,” Senator [Barbara Boxer](#), Democrat of California, told the three families who met in her office last week.

The State Department says it is making sure babies are legitimately available for adoption.

“It would be unforgivable for us to look at a case and think something is wrong, then to let it go,” said Michele T. Bond, the State Department’s deputy assistant secretary for overseas services. Ms. Bond said Vietnam had never posted a schedule of adoption fees, as required in the bilateral agreement, and said documentation on how some babies came to be orphaned “is unreliable.”

The State Department warning said that embassy personnel had seen “an increase in the number of irregularities appearing in orphan petitions and visa applications,” and “significant increases in the number of abandoned children” in two provinces, including Thai Nguyen, where the three contested babies were adopted.

The Vietnamese Embassy in Washington did not return a call for comment.

Adoption agencies say they are not steering people away from Vietnamese adoptions, but some, like Children’s Home Society and

Family Services of St. Paul, are not accepting new applications for Vietnam so they can handle their existing clients.

“We are encouraging people to list a second country they prefer,” said Kristine Huson, the agency’s spokeswoman, “because we don’t know what delays there might be if the agreement isn’t renewed in Vietnam.”

Under a program begun by the State Department in November, adoption agencies are telling clients to acquire their babies’ visa clearance before they arrange travel to Vietnam and complete the adoption formalities. The Orphans First program, the department said, alerts parents to problems earlier in the process. In the past, parents who legally adopted a child in Vietnam but then could not obtain an entry visa to the United States were faced with either staying indefinitely in Vietnam to resolve the problem or leaving the child there.

That is what the McRoberts family, of Seaside, Calif., faced. They adopted two little girls last September, under the previous system in which immigrant visas were the last step. Jordan, now 8 months old, received her entry visa to the United States, but Eden, also 8 months, was denied her visa on the grounds that there were discrepancies in her file.

“We were told that this denial is never reversed, and to take Eden back to the orphanage,” Mrs. McRoberts said. “It was absolutely devastating to leave her,” she said. “But I had to get Jordan back home. And I have two boys, and I hadn’t seen them in four weeks.”

She and her husband, Claude, a naval officer, paid to leave Eden in foster care instead and paid Vietnamese investigators to ascertain that she had been truly abandoned at a hospital — which, including travel, housing and other costs, could add as much as \$20,000 to their costs.

The Carrolls had adopted two baby girls from the same orphanage. They were able to travel with Lillian Rose, 8 months, but Madelyn Grace, 10 months, had to be left behind in foster care.

“We’re missing out on four months of her life, all those milestones in her development,” the Carrolls told Ms. Boxer as their sons, Jeremy, 6, and Grayson, 5, played outside her office.

The McRobertses and Carrolls hired a Vietnamese law firm to investigate, as did Ms. Sawyer, a single mother from Millville, N.J. And in each case, they said, investigators found the children were legally eligible for adoption. Last month, the federal [immigration](#) agency, which is part of the [Department of Homeland Security](#), approved Madelyn Grace for a visa, but the couple said that the State Department had yet to act on that and that they had received no explanation why — so they asked Ms. Boxer and Senator [Dianne Feinstein](#), Democrat of California, to help.

Ms. Boxer said she planned to lobby the State Department to approve the visas. Her aide, Sean Moore, said he had noticed the spike in visa denials since October. Thirteen of the 21 denials occurred after Oct. 1, he said. All but seven of those have been resolved.

Among those seven families are Tom and Wendy Mills of Los Angeles, who are finding their lives upended in their effort to keep their baby. Mr. Mills, a character actor and freelance writer, stayed in Hanoi to care for Julie, 8 months old, after her visa was denied, while his wife travels back and forth keeping her accounting practice alive.

It has been “an emotional strain and a financial struggle,” Mr. Mills wrote by e-mail. “I came to Vietnam expecting to stay here for two, maybe three weeks, and now it’s been five months.”

The State Department does not comment on individual cases, but Ms. Bond said the current agreement with Vietnam needed to be reshaped to curb exploitation with, among other things, a more transparent fee structure, and to meet international standards set out in the Hague

Convention, an adoptions pact. On April 1, the United States' membership in the pact begins. Vietnam has not signed the Hague agreement.

“The goal of international adoption is to find a home for each orphaned child,” Ms. Bond said, “not to ‘produce’ a child for a family. It’s not a market.”

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