



DEPARTMENT OF STATE
STATEMENT
OF
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BEFORE THE
SENATE JUDICIARY COMMITTEE
HEARING
ON
NOVEMBER 18, 2015

Chairman Grassley, Ranking Member Leahy, and distinguished members of the Committee, thank you for this opportunity to highlight the Department of State's long-standing efforts to support intercountry adoption, which has connected ~~so many~~tens of thousands children from across the United States and around the world with loving, protective, and permanent adoptive families.

I also would like to thank the Members of this Committee for your commitment to U.S. families involved in the intercountry adoption process. Thanks to the Adoptive Family Relief Act, the Department of State can provide immigrant visa fee relief to certain U.S. adoptive parents who are seeking a visa renewal for their child, when the child is unable to depart his or her country of origin as a result of extraordinary circumstances outside of the parents' control. We continue to see this tragic situation in the Democratic Republic of the Congo, where hundreds of children with finalized adoptions are unable to leave the country to join their adoptive families. The Department of State is glad to be able to eliminate one financial obstacle facing those adoptive families. On behalf of the Department of State, I am grateful for the Committee's commitment to work with us to help families pursuing intercountry adoption.

I'm especially pleased and honored to be here this month – November – National Adoption Month in the United States. On behalf of the Department of

State, I join you in recognizing the important role that intercountry adoption has played in providing children with permanent homes and the support and guidance that only loving families can provide. Over the past 15 years, U.S. families have welcomed more than 250,000 adopted children from more than 100 different countries. In a sense, intercountry adoption also reflects our country's history as a nation of immigrants made stronger by our diversity.

~~While As I mark~~celebrate National Adoption Month every year ~~with these basic facts~~, I remain mindful of the need to work ~~critically and~~ continuously to improve intercountry adoption. Does the intercountry adoption process support the best interests of the child? Does it protect families? And does U.S. engagement with countries around the world fully support our ~~efforts~~ intention to establish and maintain intercountry adoption as a viable option for children who need permanency? ~~While we have much to celebrate this month,~~ I recognize the challenges that U.S. families too often face when adopting a child from abroad, ~~and I recognize~~ the many issues ~~that complicating~~ complicate intercountry adoption in countries all over the world.

My testimony today ~~will~~ highlights recent steps the Department has taken to advance U.S. intercountry adoption policy and diplomacy in a complex and dynamic global environment. The Bureau of Consular Affairs is the U.S. Central Authority under The Hague Convention on Protection of Children and Co-

operation in Respect of Intercountry Adoption (Convention). I will describe our efforts to encourage countries to further the goals of the Convention and become a party when they have established the procedures necessary to do so. I will share examples of how the Department of State provides technical consultation to countries around the world. I will touch on two of our most challenging bilateral adoption relationships, with the Democratic Republic of the Congo and Russia, to provide context to some of the heart-wrenching situations that U.S. adoptive parents have faced in the course of intercountry adoption. Finally, I will highlight the Department's unwavering commitment to intercountry adoption by citing the work of our embassies in Port-au-Prince and Guatemala City. Both have worked consistently over a number of years to assist U.S. adoptive families by working with the host governments to clarify intercountry adoption policies and procedures and to resolve pending U.S. cases.

The Bureau of Consular Affairs' Intercountry Adoption Strategy

The Bureau of Consular Affairs has taken several steps over the past year to enhance our efforts in support of our belief that intercountry adoption must be among the range of options to provide for the welfare and best interests of children around the world. Intercountry adoption remains one of our highest priorities. We

work diligently to establish and maintain intercountry adoption as a viable option for children throughout the world who need permanent families.

Under our new intercountry adoption strategy, we are assessing the state of intercountry adoption worldwide, and developing specific initiatives and tools to strengthen intercountry adoption processes. For example, we are developing tools to map the intercountry adoption process in other countries. This enhances our knowledge of and insight into each country's procedures. From Cambodia to Haiti to Zambia, this detailed understanding of individual countries' procedures helps us to be more focused and productive in bilateral discussions with foreign government officials. It provides effective communication support to our work to establish the long-term, personal relationships essential to cooperation on intercountry adoption. And because we recognize that intercountry adoption is in the best interests of some children in the United States, we work with foreign counterparts and colleagues at the Department of Health and Human Services to expand outgoing Convention adoption opportunities for children in U.S. foster care.

In collaboration with U.S. Citizenship and Immigration Services (USCIS) and the Council on Accreditation, we organized and hosted the first Adoption Service Provider (ASP) Symposium here in Washington, D.C., in September this year. More than 70 ASPs from across the United States attended this two-day conference. We discussed the Department's intercountry adoption strategic plan

and critical issues at play in the field today, including unregulated custody transfers, often referred to as “rehoming.” While ~~we know that~~ intercountry adoption is truly beneficial for many children, ~~we also know that~~ some families confront difficulties that stem from early trauma, institutionalization, and other challenges that are difficult to overcome. When parents place a child with others outside of existing safeguards, including appropriate authorities such as social services, medical professionals, counselors, and the court, that lack of oversight creates a risk of harm for that child. At the ASP Symposium, we updated ASPs on efforts by several USG agencies to assess the breadth of the issue, and our work on strategic initiatives aimed specifically at intervention and prevention; we also support ~~while seeking~~ their ideas and input. The Department of State ~~convenes,~~leans a working group dedicated to unregulated custody transfers, convened by Ambassador Susan Jacobs, the Special Advisor for Children’s Issues, and comprised of experts from the Departments of Justice, Health and Human Services, and Homeland Security, and the Association of Administrators of the Interstate Compact on the Placement of Children. After working with the Department to research state laws, the National Association of Attorneys General offered to participate in the working group. In September, we were pleased to welcome the Attorney General from Utah, who volunteered to share his expertise and commitment to child protection.

Over the last year, we have focused on engagement with countries that have announced their intent to ratify or accede to the Convention. U.S. embassies and consulates overseas are actively encouraging those countries to establish intercountry adoption procedures that protect children and parents and are consistent with the Convention and U.S. immigration procedures. We encourage them to develop robust domestic child welfare systems that support family reunification or domestic adoption, and intercountry adoption when permanent placements in the country of origin have been given due consideration. We encourage the continued availability of intercountry adoption, even as a country ~~continues to~~is developing new procedures in anticipation of becoming a party to the Convention. We offer technical consultation to all countries interested in working with us, regardless of whether they are a party to the Convention, in the form of information resources, training materials, guidance regarding U.S. adoption and immigration laws and procedures, and visits from experts in our government. Always, we are brainstorming new and creative ways to facilitate more assistance – governmental and nongovernmental – to address specific needs in countries of origin and support intercountry adoptions between the United States and those countries.

To illustrate, while I was the Ambassador to the Kingdom of Lesotho, I worked closely with adoption officials and stakeholders as the country prepared to

accede to the Convention. The Convention entered into force for Lesotho in December 2012. There were some initial procedural difficulties with regard to processing adoption cases consistently. However, the Convention provides a framework for cooperation to improve the effectiveness of the adoption process, and the United States and Lesotho have worked together to address out-of-order cases and process them in a manner consistent with the Convention and U.S. immigration law.

As an even more recent example, the Convention entered into force for Côte d'Ivoire and Zambia on October 1, 2015, making those countries the 94th and 95th States Parties. Prior to their accession, the Department of State offered and provided technical consultation to both countries, through our Embassies in Abidjan and Lusaka and through direct communication between their adoption authorities and the Bureau of Consular Affairs in Washington, D.C. We discussed how to facilitate processing under the Convention in a way that was compatible with U.S. immigration law and sought to promote a smooth transition to adoption processing under the Convention. ~~While~~ Côte d'Ivoire is still developing Convention adoption procedures, and in the interim, the United States will process intercountry adoption petitions under the Convention on a case-by-case basis. We are already processing intercountry adoptions consistent with the Convention in Zambia.

The Bureau of Consular Affairs' Technical Consultation on Intercountry Adoptions

Another part of the world, East and Southeast Asia, illustrates our context-specific approach to intercountry adoption diplomacy and technical consultation. Ambassador Susan Jacobs recently returned from meetings in Cambodia, the Republic of Korea (ROK), and Vietnam. In Cambodia, which acceded to the Convention in 2007, Ambassador Jacobs hand-delivered to government officials a letter requesting clarification of Cambodia's envisioned Convention adoption process, a request endorsed by the Central Authorities of Belgium, France, Luxembourg, the Netherlands, the United Kingdom, and the United States. She made clear that the Government of Cambodia's response ~~to the issues raised by the letter~~ is necessary for the United States to fully understand how Cambodia will supervise and monitor ASPs authorized by the Cambodian Government. Ambassador Jacobs advocated for permanency for all children, and for intercountry adoption to be included in the range of permanency options. She congratulated the Government of Cambodia on progress to establish a foster care system that removes children from institutions in favor of living as part of a family, which we all recognize to be better for children's physical, social, emotional, and cognitive development.

In the ROK, which has expressed its intent to ratify the Convention next year, Ambassador Jacobs advocated for intercountry adoption as a viable option for Korean children after due consideration has been given to domestic placements. She recognized the ROK's social, cultural, and political reforms, which have generated efforts to encourage more domestic adoption – a positive step for both the country and its children.

In Vietnam, the Convention entered into force in 2012, and recently we established a Special Adoption Program for children with special needs, older children, and children in sibling groups. Ambassador Jacobs received updates on the Convention adoption system and on the progress of the Special Adoption Program.

We also have ongoing efforts in several countries in Eastern Europe. For example, Ambassador Jacobs will soon visit Moldova and Romania to advance U.S. policy goals with respect to both intercountry adoption and international parental child abduction. The Romanian Central Authority provided the Department with draft amendments to its adoption code, and requested our comments. We are conducting our review and Ambassador Jacobs ~~plans will~~ personally ~~to deliver our the~~ results personally. We continue to raise our belief that intercountry adoption opportunities in Romania should be expanded beyond Romanian citizens residing abroad, to increase the availability of permanent

placement options for children. In Chisinau, Ambassador Jacobs will work with Moldova's Central Authority to expand intercountry adoption opportunities and establish a more efficient process.

In addition to our important work in support of the Convention, we regularly engage with countries that are *not* party to the Convention and that are not planning to become party to the Convention. The Department has developed intermediary programs for countries that wish to improve their adoption processes. An example is the Pre-Adoption Immigration Review (PAIR) program, developed in coordination with USCIS, and currently in place in Ethiopia and Taiwan. PAIR helps governments confirm children are eligible for U.S. orphan visas before they are adopted in the foreign country. PAIR represents the U.S. government's innovative response to the diverse intercountry adoption realities in different countries, and helps maintain intercountry adoption as a option for children around the world.

Challenging Intercountry Adoption Environments

Consular Affairs constantly and actively pursues solutions to problems that U.S. families face in the course of their intercountry adoptions. Some of those problems are very grave. Resolving the cases from the Democratic Republic of the Congo (DRC) is a top U.S. government priority. The DRC government recently

agreed to allow 14 children adopted by U.S. parents to leave the country. That is a cruelly small number. Nearly 400 more children legally adopted by U.S. parents are awaiting permission to leave the DRC, with no indication of when this permission might be granted. The more than two-year-old exit permit suspension for legally adopted children must be lifted now. It is unacceptable that children adopted by U.S. citizens and several other countries are languishing in institutional care, and in some cases dying, when they have loving, permanent families waiting for them. There is no excuse for the continuation of the DRC's exit permit suspension. I have personally pressed this point with Congolese officials during two trips to Kinshasa this year and in multiple meetings with the Congolese Ambassador to the United States. I know that many Members of Congress share these views, and I thank you for supporting the actions taken by President Obama and the Department of State to push the Government of the DRC to do the right thing and release the children to their families.

The Department also remains committed to continued dialogue and engagement with Russia, a non-Convention country, on intercountry adoption and the protection of the interests of children. The Russian Federation banned the adoption of Russian children by U.S. families on January 1, 2013, in response to the Magnitsky Act. This followed the conclusion of a U.S.-Russia Adoption

Agreement created in part to address Russian concerns over Russian children adopted by U.S. parents, which was in force for only one month when Russia provided notice of its intent to terminate the Agreement effective January 1, 2014. Since the ban entered into force, the Department has worked for a resolution to all adoptions from Russia initiated prior to January 1, 2013, and has formally proposed several options to the Russian government to resolve more than 250 pending adoptions. Despite our attempts, the Russian government has not allowed any exceptions to the ban. We unfortunately have no reason to believe there is a path forward for these U.S. prospective adoptive parents and children at this time.

Our Focus on Bilateral Engagement to Assist U.S. Adoptive Families

We remain focused on intercountry adoptions from Haiti, which is now a Convention country. Well before the Convention's entry into force for Haiti, the Department of State and USCIS were closely engaged with Haitian officials to promote smooth adoption processing and to provide technical consultation in support of Haiti's plans to ratify the Convention. The Department and USCIS sent delegations to Haiti in March and October of 2015. These trips provided a wealth of knowledge about Haiti's processing procedures, which we have communicated to the U.S. adoption community. We are in daily contact with U.S. Embassy Port-au-Prince to discuss adoption issues. Our goals are to clarify Haiti's intercountry

adoption procedures for transition cases (cases initiated prior to the Convention's entry into force for Haiti) and for new cases (initiated after entry into force), while addressing procedural problems that affect U.S. prospective adoptive parents.

We know that our persistence, our dedication, and our commitment to serving children and families in intercountry adoption can produce results. We remain resolute in support of intercountry adoption. We have seen its life-changing impact on so many lives. For example, Guatemala's 2007 suspension of intercountry adoptions amid concerns about child-buying, kidnapping, and fraud, left approximately 3,000 adoptions by U.S. citizens in limbo. The Department and USCIS have repeatedly urged Guatemalan authorities to resolve the pending cases, and we are hopeful that the last five remaining cases will be resolved soon.

Chairman Grassley, Ranking Member Leahy, and Members of this distinguished Committee, I hope I have given you a sense of the Department's broad-gauged, well-resourced commitment to support intercountry adoption, to ensure it remains an option for children throughout the world, and to assist prospective adoptive parents in the United States. Thank you.

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CA Tracking No: T2010-15