

Cambodian Adoptions
Talking Points For Congressional Briefing
Update – Special Humanitarian Initiative for Cambodian Adoptions
June 20, 2002

- The joint US/Cambodia Adoptions Task Force is pleased to report that as part of a special humanitarian initiative, 132 parents have been cleared to adopt 142 Cambodian children. These cases had all completed their INS paperwork and the official Cambodian adoption process before the US suspension of Cambodian adoptions was announced on December 21, 2001.
- Out of the 141 cases on the official list, 7 have not been reviewed by the Task Force yet because their paperwork was halted in the final stages of Cambodian processing. The Task Force and Embassy continue to work with the Cambodian authorities to move these cases forward. Two cases remain subject to extensive Task Force investigation and the Task Force has been in regular contact with these families. There are another 8 adoptive parents who had some Cambodian documentation when the suspension took effect and the Task Force is working with Cambodian authorities to proceed with these cases as well.
- As announced at the congressional briefing on May 14, the INS and Department of State (DOS) proposed an expansion of the humanitarian initiative to include prospective adoptive parents whose I-600A was approved before or soon after the suspension was announced on December 21 AND who had an informal match with a particular Cambodian child prior to the suspension. To the Task Force's knowledge, no cases in which an informal match of a child in a Cambodian orphanage was made with a prospective adoptive parent after the December 21, 2001 suspension have been included in the expanded initiative. At this time, there are no plans to further expand the criteria for Task Force review.
- On May 30, the Cambodian Ministry of Foreign Affairs indicated that it would be willing to work with US officials to review these cases. The Ministry stated that they would like to review these prospective adoptive parents' documentation in order to commence the Cambodian government authorization of these matches.
- On June 7, the Adoptions Task Force Headquarters in Washington, DC unveiled a new email update from the Cambodia.Adoptions@usdoj.gov email address for prospective adoptive parents and congressional staffers. The first update sent out on June 7 reported on the status of these negotiations and reminded prospective adoptive parents not to travel to Cambodia until and unless their case was cleared by the Task Force. These email updates will be sent out regularly – hopefully at least once each week.
- On June 11, another email update was sent out to inform prospective adoptive parents included in the expanded initiative of the process by which their dossiers would be collected at the US Consulate in Phnom Penh. A drop-box was set up at the cashier's window at the Consulate where facilitators or other individuals could drop the necessary US and Cambodian documentation between 1:30 – 3:00 pm daily. Receipts for the dossier, including a checklist of the contents, are being issued the following business day. Arrangements have also been made for those individuals who wish to mail their dossiers to Cambodia by private courier.
- The Task Force is planning to submit all of the dossiers collected thus far (except those involving Cambodian court adoptions – see below) to the Ministry of Foreign Affairs by the end of this week for their review and approval of the prospective adoptive parent to be eligible to adopt from Cambodia. We do not know at this time how long this ministerial review will take before the dossiers are forwarded from the Ministry of Foreign Affairs to the Ministry of

Social Affairs (MOSALVY), who officially assigns a child to the adoptive parent. Updates will be sent out once this information becomes available.

- The Task Force cannot begin its review of pending adoption cases until the Cambodian government authorizes the adoption of the informal matches and completes the necessary official paperwork. Once this authorization occurs, the Task Force will commence its review with visits to the orphanages to review files on a case-by-case basis.
- As some of you may have heard, there is considerable confusion about the status of court adoptions in Cambodia and both INS and DOS are actively working to resolve this issue. Cambodian law explicitly permits adoptions by foreigners only through MOSALVY and indicates that the courts can only authenticate documents and possibly authorize guardianship (but not necessarily for emigration) – as opposed to legal custody. The Cambodian Ministry of Foreign Affairs, MOSALVY, Ministry of Justice, as well as municipal court judges have provided conflicting information to US officials on the legal status of adoptions by foreign nationals that proceed through the court system. The Task Force requested a legal advisory opinion from the Library of Congress on June 12, and prospective adoptive parents adopting through the courts were informed of this situation via email on June 14. We expect to get a response from the Library of Congress shortly.
- Court cases are subject to the same criteria as orphanage adoptions to be included in the expanded humanitarian initiative. There are 12 court cases included in the expanded initiative because their I-600A paperwork was completed and they had identified a particular child to adopt prior to the December 21st suspension.
- Although we are working closely with the Cambodian government on this special humanitarian initiative, the suspension remains in effect and there is no timeline for when the suspension may be lifted.
- Regarding the bigger picture of the Adoptions Task Force, an international adoptions training conference is being conducted the week of June 17, 2002 in Washington, DC for over 125 domestic and overseas orphan adjudicators. This conference provides comprehensive and up-to-date training and will discuss the status of the “adjudicate orphan first” pilot program to be launched in select overseas locations this summer. The training also includes a special international day focused on I-600 orphan petition investigations for overseas officers.

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