



USCIS Update

May 29, 2008

USCIS IMPLEMENTS REQUIRED DNA TESTING FOR VIETNAMESE ADOPTIONS

Vietnamese law authorizing adoptions between U.S. and Vietnam to expire on September 1

WASHINGTON – U.S. Citizenship and Immigration Services (USCIS) announced today that its office in Ho Chi Minh City, Vietnam is implementing a DNA testing requirement for Vietnamese adoption cases where the birth parent(s) of the adopted child has been identified. USCIS is also reminding prospective adoptive parents that the agreement required by Vietnamese law to authorize adoptions between the United States and Vietnam will expire later this summer.

USCIS expects that DNA testing will not only help confirm a child's status as an orphan, but will also significantly streamline the processing of cases in which a birth parent has been identified, as opposed to the more lengthy investigative time required to process adoptions when the birth parent is unknown.

A prospective adoptive parent(s) filing a petition to Classify an Orphan as an Immediate Relative ([Form I-600](#)) may be required to submit a DNA test in order to establish a relationship between the prospective adoptive child and his or her birth parent(s). The USCIS office in Ho Chi Minh City will advise the petitioner filing a Form I-600 of the procedures for the collection of the DNA sample. The petitioner must pay the costs associated with the DNA testing.

USCIS is taking this step in response to concerns regarding the adoption process in Vietnam, and to ensure that all children identified for potential adoption meet the Immigration and Nationality Act's definition of "orphan" prior to a United States citizen adopting or obtaining legal custody of the child. In several cases, children have been returned to birth parents who did not intend for their child to be adopted internationally.

The agreement required by Vietnamese law to authorize adoptions between the U.S. and Vietnam, expires on Sept. 1, 2008. Since the processing time to complete an adoption in Vietnam is at least five to six months, an adoption process begun today may not be completed before the end of the current agreement. However, a pending I-600 may be adjudicated to completion in cases where a child has been matched to the prospective adoptive parents by Sept. 1, 2008, without regard to the expiration of the agreement. On April 25, the government of Vietnam announced that it will allow an adoption to be completed in cases where prospective adoptive parents have been matched with a child and received an official referral before Sept. 1, 2008. The government of Vietnam also said that in accordance with Vietnamese law, their nation's Department of International Adoptions will suspend the acceptance of new dossiers on July 1, 2008. The [U.S. Department of State](#) has warned potential adopting parents about the risks of initiating a new adoption at this time.

USCIS strongly encourages prospective adoptive parents who intend to continue with a planned adoption in Vietnam to file the Form I-600 by mail, with USCIS in Ho Chi Minh City, and not travel to Vietnam until USCIS has provided a notification that the child qualifies as an orphan. This is important because in some cases irregularities that have affected the eligibility of the child for classification as an orphan have become apparent only after the adoption had taken place and while the parents and child were waiting in Vietnam for a visa.

Traveling to Vietnam before receiving a notice from USCIS may result in a prolonged stay in Vietnam. Prospective adoptive parents who want to amend a [Form I-600A](#) to change to a country other than Vietnam are permitted one request for a change of country notification without charge.

Up-to-date information on Vietnamese intercountry adoptions is available at www.uscis.gov. Additional information is available on the U.S. Department of State website, www.travel.state.gov or the U.S. Embassy, Hanoi website at http://vietnam.usembassy.gov/orphan_visas.html.