

QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION
Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021

Name of State:	Viet Nam
Information for follow-up purposes	
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1. POST-ADOPTION MATTERS

1.1. Preservation of, and access to, information

Both States of origin and receiving States

1.1.1. Preservation of information and use of data

1.	Has your State centralised , in a public facility, information concerning the child's origins and the adoption of the child? <input checked="" type="checkbox"/> Yes. Please specify where the information is centralised: DOA's database on intercountry adoptions. <input type="checkbox"/> No. Please specify where the information is stored: Please insert text here
2.	Has your State encountered situations where personal data obtained during the intercountry adoption process has been misused (see Art. 31 of the Convention)? <input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response: Please insert text here <input checked="" type="checkbox"/> No.

1.1.2. Search for origins

3.	Is there a specialised programme or section in the Central Authority which deals with the search for the origins of an adoptee? <input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided: A subordinate division under DOA is responsible for supporting adoptees to search for their origins, including (i) receiving requests from adoptive parents, adoptees, foreign adoption agencies which have supported the cases, or the Central authorities of the receiving countries and (ii) providing information of the origins when having sufficient information, or requesting the province-level Departments of Justice where the adoptions were registered to verify and provide information on adoptees' origins before responding to the requesters. <input type="checkbox"/> No. Please specify how the search for the origins is handled: Please insert text here
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4.	<p>Has your State developed any good practices to ensure that Recommendation No 21¹ of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
5.	<p>If your State allows for the use of DNA testing to search for origins, please specify:</p> <p>(a) which body is in charge of the DNA testing (<i>e.g.</i>, government, private companies, NGOs); Please insert text here</p> <p>(b) where the data is stored, and whether it is stored by a public or private entity; Please insert text here</p> <p>(c) the average cost of a DNA test in your State and whether any subsidy is available; Please insert text here</p> <p>(d) details of any challenges and / or good practices your State may have developed with respect to the issues identified in this question and DNA testing in general. The use of DNA testing to search for origins has not been prescribed by Vietnamese laws and regulations.</p>
6.	<p>What is your State's practice when the background information of an adoption is incomplete or non-existent? How does your State support adoptees in such situations? N/A</p>
7.	<p>What is the procedure in your State when illicit practices are discovered during a search for origins? Please provide details of any challenges and / or good practices.</p> <p>- According to applicable laws of Vietnam, violations or illicit practices discovered in a search of origins will be handled.</p> <p>- In reality, Vietnam has not recorded any case in which illicit practices are found during a search for origins.</p>
8.	<p>If statistics are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were successful; The DOA, as a focal point of receiving requests for search for the origins of adopted children, has received 36 requests from adopted children, adoptive parents, and embassies of receiving countries since 2015. There are 6 successful cases, and 3 cases in searching process.</p> <p>(b) how many were not successful and what were the reasons. There are 27 unsuccessful cases, mainly due to: + Most of the adopted children were abandoned children, so there was no information of</p>

¹ [“Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention \(8-12 June 2015\)”](#), C&R No 21 (hereinafter, “C&R of the 2015 SC”):

“The SC recommended that the possibility of a child searching for his or her origins be **included** in the **counselling and preparation** of the prospective adoptive parents. When an adopted child or an adult adoptee undertakes such a search, **professional support** at all stages is recommended” [emphasis added].

	<p>their biological parents. In case of having information, the names and addresses of the biological parents available in the dossier are incorrect;</p> <p>+ In the case of adopted children whose biological parents can be identified through verification, many families have changed their places of residence without registering with competent authorities.</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the confidentiality of the identity of the birth parents?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the challenges and how your State addressed them:</p> <p>According to Paragraphs 1 and 2, Article 38 of the Civil Code, the rights to private life, personal secrets and family secrets are inviolable and protected by laws. The collection, storage, use and disclosure of information related to personal life and personal secrets must be agreed by that person, the collection, storage, use, and disclosure of information related to family secrets must be agreed by family members, unless otherwise provided by-laws.</p> <p>Accordingly, in case the birth parents of an adoptee are found, Vietnamese authorities will provide counseling to the parents and seek their informed consent to provision of their identity or a meeting with the adoptee before responding.</p> <p><input type="checkbox"/> No.</p>
10.	<p>Does your State make a distinction between the disclosure of identifying versus non-identifying information?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>Under the laws of Vietnam, identifying information is information sufficient to accurately identify an individual, including at least one of the following criteria: full name, date of birth, occupation, job title, contact address, email address, phone number, identity card number, and passport number. Confidential personal information includes medical records, tax records, social insurance card numbers, credit card numbers, and other personal secrets.</p> <p><input type="checkbox"/> No. Please explain your response:</p> <p>Please insert text here</p>
11.	<p>What is the procedure in your State for processing requests from the birth family to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>According to Paragraph 1, Article 9 of Joint Circular 03/2016/TTLT-BTP-BNG-BCA-BLĐT BXH, the Department of Adoption only supports adoptive parents and adoptees who wish to search for information about origins. Biological parents are not included.</p> <p>In practice, if biological parents ask for information about their biological child who was adopted, the Department of Adoption only records their wishes and will notify them when their biological child or the child's adoptive parents have the desire to search for origin and agree to let the biological parents know the information.</p>

1.1.3. Guidelines and good practices

12.	<p>Has your State developed any guidelines (e.g., procedures, manuals) and / or good practices regarding preservation of information and search for origins?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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1.2. Post-adoption services²

Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that Recommendation No 18³ of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
14.	<p>If your State provides specialised post-adoption services, please specify:</p> <p>(a) the type of services provided and to whom they are provided (<i>e.g.</i>, child and adult adoptees, birth families, adoptive families); Please insert text here</p> <p>(b) who provides the services (<i>e.g.</i>, social welfare administration, school, health personnel); Please insert text here</p> <p>(c) whether the professionals involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs); Please insert text here</p> <p>(d) how, if there are different services, these various services are coordinated; Please insert text here</p> <p>(e) how the post-adoption services are financed (<i>e.g.</i>, the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other); Please insert text here</p> <p>(f) the length of time this support is available. Please insert text here</p>
15.	<p>Please provide details of any good practices in your State which ensure that adoptees, adoptive families and birth families are adequately informed about, and can easily access, post-adoption services. Please insert text here</p>
16.	<p>In setting up post-adoption services in your State, were the voices of adoptees considered?</p> <p><input type="checkbox"/> Yes. Please specify in what way their voices were considered: Please insert text here</p> <p><input type="checkbox"/> No.</p>
17.	<p>Has research been carried out in your State in the past five years assessing post-adoption services?</p>

² Post-adoption services may be provided to adoptees, birth families and adoptive families.

³ C&R No 18 of the 2015 SC:

“The SC recognised that post-adoption services are essential and should take into account the **lifelong nature** of adoption. States are encouraged to develop **specialised post-adoption services**, in addition to the general services already in place” [emphasis added].

<input type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Please insert text here
<input checked="" type="checkbox"/> No.

Receiving States only

18.	<p>Please specify any challenges your State encounters in ensuring that adequate support is in place for adoptees and the adoptive family following an intercountry adoption, including where parents have adopted a child with special needs. Please also share any good practices your State has developed to overcome such challenges.⁴</p> <p>Please insert text here</p>
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1.3. Post-adoption reports

Receiving States only

19.	<p>Does the preparation of PAPs in your State include the provision of information on post-adoption report requirements of the State where the PAPs (would like to) adopt?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please specify when and how PAPs are otherwise informed: Please insert text here</p>
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Both States of origin and receiving States

20.	<p>Has your State encountered situations where the adopted child refused or objected to the obligation to comply with the post-adoption report requirements?</p> <p><input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
21.	<p>What has been your State's recent experience regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>Adoptive parents are responsible for making Post Adoption Reports in every six months within 3 years from the date of entrustment and sending such reports to the Ministry of Justice (the Department of Adoption of Vietnam) and the diplomatic representative mission of Vietnam in the country where the adopted child permanently resides. Those reports cover physical and mental health status, the integration of the adopted child with adoptive parents, families and communities.</p> <p>Vietnam has:</p> <ul style="list-style-type: none"> - issued an inter-ministerial circular on monitoring the development of adopted children and children protection when necessary. This circular sets out the responsibilities of ministries and agencies concerned in this domain. - received, synthesized and archived reports on the development of adopted children and

⁴ If applicable, you may wish to refer to your State's response to Question 17 of "[Prel. Doc. No 2 of October 2014 - Questionnaire No 2 on the practical operation of the 1993 Hague Intercountry Adoption Convention](#)" (hereinafter "[2014 Questionnaire](#)").

prepared annual report on assessing the development of Vietnamese children who are adopted abroad. Those duties are assigned to the Ministry of Justice (the Department of Adoption) as the Central Authority on intercountry adoption.

- worked closely with the Central Authorities of the receiving States to urge adoptive parents to fulfill their reporting obligations after adoption; besides, imposed duties on ASPs to urge adoptive parents to make such reports and to synthesize and prepare annual reports on development of adopted children to submit to the Department of Adoption.

Viet Nam considers ASPs' obligations on synthesizing and preparing annual reports on development of adopted children as a criterion to evaluate their performance in Vietnam.

1.4. Adoption breakdowns

Both States of origin and receiving States

22. If your State has had any experience regarding **intercountry adoptions which have broken down**, please specify:⁵
- (a) what have been the main **causes** of the breakdowns;⁶
Please insert text here
- (b) how your State **has addressed** these situations and whether your State has any good practices to share in this regard;⁷
Please insert text here
- (c) what **support** is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;
Please insert text here
- (d) whether your State has developed any good practices to ensure that **Recommendation No 19**⁸ of the 2015 Special Commission is implemented:
- Yes. Please specify any good practices developed in this regard:
Please insert text here
- No. Please specify any reasons:
Please insert text here
- (e) whether your State has experienced breakdown cases in which it was determined that it was in the child's best interests to **return** to the State of origin, and if so, what the situations were and how they were handled;
Please insert text here
- (f) **how many** cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;
Please insert text here

⁵ If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

⁶ If applicable, you may wish to refer to your State's response to Question 18(a) of the [2014 Questionnaire](#).

⁷ If applicable, you may wish to refer to your State's response to Question 18(b) of the [2014 Questionnaire](#).

⁸ C&R No 19 of the 2015 SC:

"The SC recognised that appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, will reduce the risk of the breakdown of intercountry adoptions."

	<p>(g) how many of these cases included a new placement (e.g., foster care, new adoption) for the child; Please insert text here</p> <p>(h) how many cases of breakdowns were intercountry adoptions done (a) under the 1993 Adoption Convention ; and (b) outside of the Convention (i.e., prior to the entry into force of the Convention in your State or with non-State Party); Please insert text here</p> <p>(i) in line with Recommendation No 20⁹ of the 2015 Special Commission, whether your State has applied the 1996 Child Protection Convention to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain. Please insert text here</p>
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Receiving States only

23.	<p>Is your State's Central Authority informed and involved / consulted when an intercountry adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption: Please insert text here</p>
24.	<p>Do your State's authorities consult with the Central Authority of the child's State of origin:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p>

States of origin only

25.	<p>Is your State's Central Authority (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: lease insert text here</p>
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⁹ C&R No 20 of the 2015 SC:

"The SC encouraged States to consider ratification of, or accession to, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereinafter, "the 1996 Hague Convention") in view of its relevance in enhancing cooperation to protect children in many different situations, including following the breakdown of intercountry adoptions."

	<input type="checkbox"/> No. (b) before determining a new placement for the child? <input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here <input type="checkbox"/> No.
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1.5. Other post-adoption matters

States of origin only

26.	Are adoptees, who did not retain the nationality of their State of origin, permitted to regain it at a later stage? <input checked="" type="checkbox"/> Yes. Please specify the conditions to regain nationality: They are permitted to regain the nationality of Viet Nam if they fall into one of the following cases: + Having made meritorious contributions to Vietnam's construction and defense; + Being beneficial/helpful to the State of Vietnam; + Conducting investment activities in Vietnam. <input type="checkbox"/> No. Please explain your response: Please insert text here
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Both States of origin and receiving States

27.	Has your State encountered situations where adoptees have sought to regain the nationality of their State of origin? <input type="checkbox"/> Yes. Please specify the situations and how they were handled: <input checked="" type="checkbox"/> No.
28.	Please give the reasons, if any, why your State would or would not support the development of a Guide to Good Practice on post-adoption. Viet Nam supports the development of a Guide to Good practice on post-adoption because it finds that the Guide is necessary. Post-adoption issues are directly related to the success or break down of adoption. Beneficiaries of post-adoption services are adoptive parents and adopted children. Vietnam has also contributed its opinions to a draft Manual on monitoring the development of children adopted abroad, which is prepared by the International Social Service (ISS).

2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

Both States of origin and receiving States

29.	Have illicit practices in intercountry adoption been discovered since 2015 in your State? <input type="checkbox"/> Yes. Please specify: (a) the type of illicit practices which were discovered; Please insert text here (b) when the illicit practices were discovered (<i>i.e.</i> , during or after the adoption procedure);
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	<p>Please insert text here</p> <p>(c) whether the illicit practices were done under or outside the scope of the 1993 Adoption Convention;</p> <p>Please insert text here</p> <p>(d) how your State handled these situations;</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
30.	<p>Please specify any good practices of your State to prevent and address illicit practices.</p> <ul style="list-style-type: none"> - Issue and strictly enforce policies, laws and regulations relating to intercountry adoptions, especially the incorporation of the provisions of the Hague Convention on adoption to create a domestic legal framework to prevent and address illicit practices; - Strengthen the state management of ASPs' performance in Vietnam to ensure that those agencies comply with Vietnamese and international laws on adoption; - Ensure the transparency of fees and expenses for adoption processing; strictly manage humanitarian supports of ASPs and adoptive parents; - Enhance the capacity of the state management system on adoption, and ensure the effective operation of the system; - Strictly address all illicit practices concerning adoption.
31.	<p>Is it possible in your State to annul an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has jurisdiction to do so;</p> <p>Please insert text here</p> <p>(b) who can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents);</p> <p>Please insert text here</p> <p>(c) the grounds upon which this may be done;</p> <p>Please insert text here</p> <p>(d) whether there is an age limit for the annulment of an adoption;</p> <p>Please insert text here</p> <p>(e) the procedure involved;</p> <p>Please insert text here</p> <p>(f) the number of intercountry adoptions which are on average annulled per year.</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to revoke an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has the jurisdiction to do so;</p> <p>Please insert text here</p> <p>(b) who can request the revocation (<i>e.g.</i>, adoptee, adoptive parents, birth parents);</p> <p>Please insert text here</p> <p>(c) the grounds upon which this is done;</p>

	<p>Please insert text here</p> <p>(d) whether there is an age limit for the revocation of the adoption; Please insert text here</p> <p>(e) the procedure involved; Please insert text here</p> <p>(f) the number of intercountry adoptions which are on average revoked per year. Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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3. INTRAFAMILY ADOPTIONS

In this Questionnaire, an “intrafamily adoption” is one in which the adoptive parent(s) are either **relatives** of the child (e.g., an aunt, a grandparent, a cousin) or a **stepparent** of the child. These adoptions are respectively referred to as “relative adoptions” and “stepparent adoptions.” The Convention applies to all intrafamily adoptions.¹⁰

3.1. General questions for intrafamily adoptions (i.e., relative and stepparent adoptions)

Both States of origin and receiving States

33.	<p>In your State, which authority is in charge of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> The Central Authority.</p> <p><input type="checkbox"/> Another competent authority. Please specify which authority and the reasons for designating a different authority: Please insert text here</p>
34.	<p>Has your State developed any good practices to ensure that Recommendation No 32¹¹ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <ul style="list-style-type: none"> - Work closely with the Central Authorities on adoption of countries where PAPs permanently reside to process in-family adoption cases; - Process these adoptions in accordance with the procedures of the 1993 Hague Convention in cases of PAPs permanently residing in the State party to the Hague Convention. In cases that PAPs reside permanently in a country other than the State party of the Hague Convention, the same procedure is still applied to the cases.

¹⁰ See Permanent Bureau of the Hague Conference on Private International Law, [Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention](#), Bristol, Family Law (Jordan Publishing Limited), 2008 (hereinafter, “[Guide to Good Practice No 1](#)”), sections 8.6.4 and 8.6.5.

¹¹ C&R No 32 of the 2015 SC:

“In relation to in-family adoption, the SC:

- a. recalled that in-family adoptions **fall within the scope** of the Convention;
- b. recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;
- c. recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;
- d. recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;
- e. recognised that it is necessary to undertake an **individualised assessment of each child’s situation** and it should **not** be **automatically assumed** that either an in-country or infamily placement is in a child’s best interests” [emphasis added].

	<p>- Carefully evaluate and examine the eligibility of PAPs to ensure the adoption is in the best interest of the child;</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
35.	<p>Are there specific guidelines or procedures for intrafamily adoptions in your State?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: https://dichvucong.gov.vn https://dichvucong.moj.gov.vn/Pages/dvc-tthc-thu-tuc-hanh-chinh-chi-tiet.aspx?ItemID=142 www.moj.gov.vn</p> <p><input type="checkbox"/> No.</p>
36.	<p>Has your State encountered any particular difficulties with adoptability decisions in the context of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled:¹² In a certain number of cases, it is difficult to obtain the consents of the birth parents of children or of children who are 9 years of age or older due to they no longer reside in the country or it is difficult to contact them for obtaining their consents.</p> <p><input type="checkbox"/> No.</p>
37.	<p>In your State, does the termination of the pre-existing legal relationship affect only the child and his or her mother and father, or does it also affect the other members of the family (see Art. 26(1)(c) of the Convention)?</p> <p><input type="checkbox"/> It only affects the child and his or her mother and father.</p> <p><input checked="" type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.</p> <p><input type="checkbox"/> Other. Please explain your response: Please insert text here</p>
38.	<p>Has your State encountered cases of breakdown in intrafamily intercountry adoptions?</p> <p><input type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
39.	<p>In the context of intrafamily intercountry adoptions, does your State cooperate with States with which it normally does not cooperate?</p> <p><input checked="" type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard: Under the provisions of Vietnamese laws, a foreigner, who permanently resides abroad, is allowed to adopt an in-family child, who is his/her stepchild, niece or nephew regardless of the country where he/she permanently resides is a State party to the Hague Convention on intercountry adoption or not. Vietnam has processed many such cases where PAPs are permanently residing in Austria,</p>

¹² If applicable, you may wish to refer to your State's response to Question 3(b) of the [2014 Questionnaire](#).

Finland, Czech Republic, Singapore, etc. and encountered certain difficulties in:

- Identifying and contacting to the Central Authorities, the competent authorities on adoption to exchange information and coordinate to conduct the necessary procedures;
- Understanding the laws of that country about the eligibility of PAPs, and determining that they are eligible for intercountry adoption;
- Understanding the documents of PAPs (translation, authentication of translated texts, consular legalization of documents, etc.)

No.

States of origin only

40.	<p>In your State, is the subsidiarity principle applied in the same manner to intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please describe any different procedures used and explain the reasons for these different procedures:¹³</p> <p>Please insert text here</p>
41.	<p>Is intrafamily adoption used frequently to protect children within the extended family and / or are there other child protection measures (<i>e.g.</i>, kinship care, foster care) that your State applies to protect children within the extended family?</p> <p><input type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> Other child protection measures are applied. Please specify:</p> <p>(a) which other child protection measures are applied to protect children within the extended family:</p> <p>According to Article 65 of the Law on Children, among alternative care measures, kinship care is given top priority. This measure allows children to live in an extended family environment and remain in Vietnam, where children feel familiar with cultural and linguistic traditions. This helps children to develop comprehensively without experiencing possible trauma due to intercountry adoption.</p> <p>(b) if your State is a Party to the 1996 Child Protection Convention, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States:</p> <p>Vietnam is not a Party to the 1996 Child Protection Convention.</p>

3.2. Stepparent adoptions

Both States of origin and receiving States

42.	<p>Does your State apply the 1993 Adoption Convention to stepparent intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
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¹³ If applicable, you may wish to refer to your State's response to Question 33(i) of the [2014 Questionnaire](#).

43.	<p>What is the profile of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p>Dossier of a child who is adopted abroad by a stepparent includes the following papers:</p> <ol style="list-style-type: none"> 1. The to-be-adopted child's birth certificate; 2. The to-be-adopted child's health certificate issued by district-level or higher-level health agency; 3. 02 whole-body straight looking color photos, taken less than 06 months to the date of filing the dossier; 4. Written document expressing the consent of the birth father or mother or the guardian of the to-be-adopted child or of the to-be-adopted child who is 9 years of age or over; 5. The Department of Justice's document determining that the child is eligible for intercountry adoption.
44.	<p>(a) Please specify any challenges your State encounters with stepparent intercountry adoptions:</p> <ul style="list-style-type: none"> + It is difficult to obtain the consents of the birth parent of children due to being unable to locate their residence at the time of adoption processing; + It is difficult to identify a Central Authority of a Receiving country to exchange information and coordinate to conduct the necessary procedures, for example, Japan, Russia, and Singapore, etc; + In a certain number of cases, adoption processing has been prolonged due to the differences in procedures prescribed by the two countries' respective laws. <p>(b) Please specify any good practices of your State for stepparent intercountry adoptions, including those for overcoming any challenges:</p> <ul style="list-style-type: none"> + Proactively exchange and cooperate with the central/competent authorities of receiving countries to ensure that the adoptions are in the best interests of children; + To co-operate with Vietnam's diplomatic representative missions in foreign countries in the processing of intercountry adoptions.

3.3. Intrafamily adoptions and circumvention of immigration laws

Both States of origin and receiving States

45.	<p>Has your State encountered situations where intrafamily adoptions were sought / used to circumvent immigration laws?</p> <p><input type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

Scenario: A pregnant woman, habitually resident in one State (State A), travels to another State (State B) where she gives birth to her child and relinquishes her newborn child for adoption in that other State (i.e., State B).

Both States of origin and receiving States

46.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the State of habitual residence of the mother (State A), the State of birth of the child (State B), or another State?</p>
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	<p>State B</p> <p>(b) how was the child's habitual residence determined? Which factors were considered? Vietnamese law has not provided for the determination of the child's habitual residence in this situation.</p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being a domestic adoption or an intercountry adoption? If a child is born in Vietnam and is of unknown nationality or if a child is identified as Vietnamese nationality, then the child will be treated like a Vietnamese child born in Vietnam. In this case, if a Vietnamese citizen/couple permanently residing in Vietnam wish(s) to adopt the child, the adoption is determined to be domestic adoption. If a foreigner(s) permanently residing in foreign countries wish(s) to adopt the child, the adoption is determined to be an intercountry adoption. However, if a child is identified as having a foreign nationality, Vietnam will discuss with the Central Authority on intercountry adoption of the country where the birth mother of the child permanently resides to determine which authority to deal with the adoption and other related issues.</p> <p>(d) what challenges did your State face in dealing with such situation(s)? Vietnam faced challenges in obtaining the birth mother's consent to adoption and the agreement stating that the child is eligible for intercountry adoption according to the law of the birth mother's country.</p> <p>(e) if your State was the State where the child was born, was contact sought with the State of habitual residence of the mother? Was there any cooperation between the concerned States? Vietnam was the country where the child was born. The child was identified as a foreign national, and Vietnam did consult with the Central Authority on intercountry adoption of the country where the biological mother permanently resided to determine the authority to deal with the adoption.</p>
47.	<p>If there is a risk that the situation described above involves a case of human trafficking, would this be considered by your State when determining the child's habitual residence?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: If there is a risk that the situation mentioned above involves a case of human trafficking, Viet Nam shall not process the adoption until the case has been handled in accordance with law.</p>
48.	<p>Which actions would your State take to address the case where both your State and the other State:</p> <p>(a) would determine the child's habitual residence to be in their State? The determination of the child's habitual residence in the above-mentioned situation has not been prescribed by Vietnamese laws and regulations. The case where both Vietnam and other state determine the child's habitual residence in their countries does not exit accordingly.</p> <p>(b) would determine the child's habitual residence not to be in their State? The determination of the child's habitual residence in the above-mentioned situation has not been prescribed by Vietnamese laws and regulations.</p>

5. SIMPLE AND OPEN ADOPTIONS

Both States of origin and receiving States

5.1. Simple adoptions

A simple adoption is one in which the parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his or her adoptive parents is established, and these adoptive parents have parental responsibility for the child.¹⁴

49.	<p>Has your State changed its legislation, rules or practices in recent years regarding simple intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
50.	<p>What is the profile of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>Vietnamese laws uniformly stipulate only one type of profile of children being adopted abroad, without any exception to simple adoption.</p>
51.	<p>If your State permits both full and simple adoption, are simple adoptions encouraged / promoted?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: Please insert text here</p>
52.	<p>Has your State faced any problems regarding seeking the birth mother / family's consent to a conversion in the State of origin (Art. 27 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
53.	<p>(a) Please specify any challenges your State encounters with simple adoptions: Please insert text here</p> <p>(b) Please specify any good practices of your State for simple adoptions, including those for overcoming any challenges: Please insert text here</p>

5.2. Open adoptions / openness in adoption

54.	<p>Does the terms "open adoption", "openness in adoption" or similar concepts exist in your State?¹⁵</p>
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¹⁴ See [Guide to Good Practice No 1](#), Glossary.

	<input type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State: Please insert text here
	<input checked="" type="checkbox"/> No. Please explain what is understood in your State by the terms “open adoption”, “openness in adoption” or similar concepts: Please insert text here
55.	<p>Has your State changed its legislation, rules or practices in recent years regarding open or openness in intercountry adoption?</p> <input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here
	<input checked="" type="checkbox"/> No.
56.	<p>Has your State developed any good practices to ensure that Recommendation No 31¹⁶ of the 2015 Special Commission is implemented?</p> <input type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here
	<input checked="" type="checkbox"/> No. Please specify any reasons: Please insert text here
57.	<p>(a) What is the profile of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Please insert text here</p> <p>(b) Does your State have a specific approach depending on the profile of these children?</p> <input type="checkbox"/> Yes. Please specify these different approaches: Please insert text here
	<input checked="" type="checkbox"/> No.
58.	<p>Does your State provide professional support or services to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)?</p> <input type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard: Please insert text here
	<input checked="" type="checkbox"/> No. Please explain your response: Please insert text here
59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of contact between them after the adoption?</p> <input type="checkbox"/> Yes. Please specify what action was taken in response:

¹⁵ If applicable, you may wish to refer to your State's response to Questions 19 and 20 of the [2014 Questionnaire](#).

¹⁶ C&R No 31 of the 2015 SC:

“The SC noted that, where not prohibited by domestic legislation, and after professional matching, **contact between the adoptee and biological family** in intercountry adoption may be **beneficial** in some cases. In order to maximise the benefits and minimise the risks of such contact, professional support should be offered to prepare the parties, as well as to assist them during and after contact. The adopted child’s best interests should guide the nature of this contact, considering his or her wishes” [emphasis added].

	<p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other challenges your State encounters regarding open adoptions: Please insert text here</p> <p>(b) Please specify any good practices of your State with regard to open adoptions, including those for overcoming any challenges: Please insert text here</p>

6. NON-CONSENSUAL ADOPTIONS

In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have lost parental responsibility but nonetheless disagree with the adoption. It does not intend to cover adoption where consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).

States of origin only

61.	<p>What are the circumstances in your State in which a parent can lose his or her parental responsibility? Please insert text here</p>
62.	<p>Does your State permit the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether the consent of the birth parents who have lost their parental responsibility is <u>still</u> required? <input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p> <p>(b) how your State ensure that the principle of subsidiarity is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (e.g., long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption. Please insert text here</p> <p>(c) what is the procedure applicable to such non-consensual adoptions (e.g.: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest). Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>

Receiving States only

63.	<p>Has your State encountered situations in which the birth parents in the State of origin contested a non-consensual intercountry adoption when the child was already in the receiving State? <input type="checkbox"/> Yes. Please specify what actions, if any, your State has taken to deal with these situations:</p>
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	<p>Please insert text here</p> <p><input type="checkbox"/> No.</p>
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Both States of origin and receiving States

64.	<p>What is the profile of children for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>Please insert text here</p>
65.	<p>(a) Please specify any challenges your State encounters with non-consensual adoptions:</p> <p>Please insert text here</p> <p>(b) Please specify any good practices of your State regarding non-consensual adoptions, including those for overcoming any challenges:</p> <p>Please insert text here</p>

7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

7.1. General questions

66.	<p>Does your State prohibit any contact between the child and the PAPs before matching?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p><input checked="" type="checkbox"/> No. Please specify:</p> <p>(a) in which circumstances such contact is permitted;</p> <p style="padding-left: 20px;">In principle, the contact between children and PAPs is prohibited, except for the following circumstances where PAPs are:</p> <ul style="list-style-type: none"> - Stepfather, stepmother of the to-be-adopted child; - The aunt or uncle of the to-be-adopted child; - Having adopted children who are siblings of the to-be-adopted child; or - Adopting a child with disabilities, HIV/AIDS or other serious illnesses. <p>(b) the experience of your State with regard to such contact.</p> <p style="padding-left: 20px;">For the first 3 circumstances, the contact does not affect the adoption processing because it is in-family adoption. The contact between PAPs and to-be-adopted children with disabilities, HIV/AIDS serious diseases will enable PAPs to understand the special needs of the children, help them to better prepare for adoption or determine whether they can afford to adopt the child or not.</p>
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7.2. Summer camps / hosting programmes

In this Questionnaire, the “summer camps” practice is when adoptable children and PAPs attend an event in the PAPs’ State of residence (i.e., receiving State) or in the State of origin, usually for a period of several weeks. The hope is that the PAPs will want to apply to adopt one or more of the children they have spent time with during this event.

“Hosting programmes” (including “respite care” programmes for children who go abroad to improve their physical and medical well-being) are when adoptable children are hosted by families living abroad, usually for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.

67.	<p>Is your State involved in summer camps / hosting programmes for children?¹⁷</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a precursor to adoption for some children (e.g., for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, resulted in the adoption of children:</p> <p><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(c) where a child is adopted following such a programme, how is it ensured that the safeguards of the 1993 Adoption Convention have been respected (bearing in mind that it is likely that the child remains “habitually resident” in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)? Please insert text here</p> <p><input type="checkbox"/> No.</p>
68.	<p>If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:</p> <p>(a) whether the children benefiting from these programmes must have been declared adoptable before they can be part of such programmes; Please insert text here</p> <p>(b) whether the PAPs participating in such programmes must have been declared eligible and suitable to adopt to be allowed to take part in such programmes; Please insert text here</p> <p>(c) how the PAPs and children are selected to participate in such programmes, and whether a selection is made in cooperation with the other State; Please insert text here</p> <p>(d) how the children are prepared for such programmes; Please insert text here</p> <p>(e) what are the effects on and the feedback from the children who participated in such programmes but were not adopted; Please insert text here</p> <p>(f) whether there have been situations where the adoption broke down after the child was adopted following participation in such programmes; Please insert text here</p>

¹⁷ Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must return to the State of origin before the adoption procedure can be initiated; Please insert text here</p> <p>(h) who finances such programmes; Please insert text here</p> <p>(i) what is the experience of your State with these practices (<i>i.e.</i>, challenges and any potential benefits). Please insert text here</p>
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7.3. Voluntourism

In this Questionnaire, "voluntourism" refers to the practice of an individual travelling to another State to volunteer in that State. One common practice is to travel to volunteer in a children's institution. In these situations, some volunteers may subsequently wish to adopt one or more children from the child institution in which they were volunteering.

69.	<p>Has your State experienced situations where "voluntourists" commenced an adoption procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input type="checkbox"/> Yes. Please specify how your State handled these situations and any difficulties these situations may have caused: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
70.	<p>Has your State taken any action to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>

7.4. Adoption of children already under the care of PAPs

71.	<p>If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (<i>e.g.</i>, as part of a foster care placement, kinship care, "<i>niño puesto</i>",¹⁸ or a more informal arrangement such as temporary care by neighbours or within a community), please specify:¹⁹</p> <p>(a) whether the child had already been declared adoptable before the PAPs' adoption application was submitted; Please insert text here</p> <p>(b) at what stage in the process the PAPs were declared eligible and suitable to adopt;</p>
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¹⁸ "*Niño puesto*" refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

¹⁹ Regarding foster care, if applicable, you may wish to refer to your State's response to Question 55 of the [2014 Questionnaire](#).

	<p>Please insert text here</p> <p>(c) what the profile of these children was;</p> <p>Please insert text here</p> <p>(d) what was done to ensure that the safeguards and procedures of the 1993 Adoption Convention had been respected;</p> <p>Please insert text here</p> <p>(e) your State's experience with such adoptions.</p> <p>Please insert text here</p>
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8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to integrate new technologies into work processes (<i>e.g.</i>, blockchain to facilitate transmission and access to data)?</p> <p><input type="checkbox"/> Yes. Please specify (a) what the experiences of your State are in this regard (<i>i.e.</i>, benefits and challenges) and (b) how your State take into account data protection in this context:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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9. STATISTICS

Both States of origin and receiving States

73.	<p>Please specify the number of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) relative adoptions (<i>i.e.</i>, excluding stepparent adoptions);²⁰</p> <p>Please insert text here</p> <p>(b) stepparent adoptions;</p> <p>Please insert text here</p> <p>(c) simple adoptions;</p> <p>Please insert text here</p> <p>(d) open adoptions or adoptions that involve a certain degree of openness; and</p> <p>Please insert text here</p> <p>(e) non-consensual adoptions.</p> <p>Please insert text here</p>
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10. OTHER MATTERS

74.	<p>Please specify any other comments your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention.</p> <p>Please insert text here</p>
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²⁰ For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).

