

Questionnaire on the impact of COVID-19 on intercountry adoptions under the 1993 Adoption Convention

<i>Identification for follow-up purposes:</i>	
NAME of STATE or territorial unit:	VIETNAM
Name of contact person:	NGUYEN Minh Phuong
Name of Authority / Office:	The Department of Adoption, the Ministry of Justice
Telephone number:	+ 84 24 62739691
E-mail address:	nmphuong@moj.gov.vn

I. OVERARCHING QUESTIONS	
	<u>Both States of origin and receiving States</u>
1.	<p>In response to the COVID-19 pandemic, has your State modified intercountry adoption procedures under the 1993 Adoption Convention? If so, what has your State done to ensure that the safeguards and procedures of the Convention have been, and continue to be, respected?</p> <p>Since the outbreak of COVID-19, Vietnam has not modified any intercountry adoption procedures. However, intercountry adoption processing is still carried out in Vietnam.</p> <p>In response to the pandemic, the Department of Adoption, the Ministry of Justice, under Vietnamese law, issued an official letter guiding relevant local government bodies that the mandatory presence of adoptive parents in Vietnam for the child entrustment within a legally-prescribed time limit shall not apply in case the parents are unable to travel to Vietnam to that effect due to the pandemic (force majeure). This measure is in compliance with Vietnamese law and in conformity with the 1993 Hague Convention.</p>
II. OUTBREAK OF COVID-19 (cases in transition only)	
	<u>Both States of origin and receiving States</u>
2.	<p>What measures, if any, did your State take to deal with cases where the child had already been matched with prospective adoptive parents, but no adoption decision had been issued at the time of the COVID-19 outbreak in your State? How many children were in such a situation?</p> <p>In Vietnam, when a child has been matched with prospective adoptive parents, a decision on the adoption must be issued within the legally-prescribed time limit. Accordingly, this hasn't been so far, in Vietnam, any single case where the child had already been matched with prospective adoptive parents but no adoption decision had been issued, even at the time of the COVID-19 outbreak.</p> <p>Currently, there are 22 cases where children have been matched with prospective adoptive parents, and the procedures for granting decisions for the intercountry</p>

	<p>adoptions are being made.</p>
<p>3.</p>	<p>What measures, if any, did your State take to deal with cases where the adoption decision had already been issued, but the child was still in the State of origin at the time of the COVID-19 outbreak in your State? How many children were in such a situation?</p> <p>At the time of the COVID-19 outbreak, when decisions on intercountry adoption have been issued, the Department of Adoption issued an official letter guiding relevant local government bodies that the mandatory presence of adoptive parents in Vietnam for the child entrustment within a legally-prescribed time limit shall not apply in case the parents are unable to travel to Vietnam to that effect due to the pandemic (as mentioned in the answer to question 1, Part 1). The child entrustment will be carried out at an appropriate time, depending on the COVID-19 situation.</p> <p>In 2020, the Department of Adoption acted as the focal point and coordinated with the competent authorities of Vietnam, the European Union Delegation to Vietnam, the Embassies of the concerned receiving countries, and the representatives of the relevant foreign adoption service providers licensed to operate in Vietnam to successfully organize the entrustment of 37 children to whom decisions on intercountry adoption had been granted to 36 European adoptive parent families.</p> <p>Since the COVID-19 outbreak up to now (February 2021), there have been 246 Vietnamese children to whom the decisions on intercountry adoption have been issued. 37 of the children were already handed over/entrusted to 36 adoptive families from European Union, including France, Italy, Spain, Germany, Sweden, and Luxembourg. The entrusted children together with their adoptive parents already left Vietnam and arrived in the receiving countries safely. Currently, there are 209 Vietnamese children to whom the decisions have been issued but are still living in Vietnam. It is expected that in 2021, Vietnam coordinate with the concerned receiving countries in handing over/entrusting the children to their adoptive parents.</p>
<p>III. DURING COVID-19 (cases in transition and new cases)</p>	
	<p><u>States of origin only</u></p>
<p>4.</p>	<p>Has your State adapted, and if so how, the following stages of the adoption procedure:</p> <p>a) Declaration of adoptability of the child:</p> <p>Vietnam has not adapted the adoption procedure in the stage of the declaration of adoptability of the child.</p> <p>It is noted that, due to the impact of the COVID-19 pandemic and the measures taken by the government (e.g. social distancing) to respond to the pandemic, the procedure for declaring a child adoptable (medical examination, verification of origin of the child, obtaining the consent of the concerned persons and etc.) takes more time than usual, and there has been a decrease in the number of children declared adoptable.</p> <p>b) Matching:</p> <p>Vietnam has not adapted the adoption procedure in the stage of matching.</p> <p>It is noted that, in reality, the matching of children has been delayed due to the</p>

	<p>impact of the COVID-19 pandemic. Updating the dossiers of adoptive parents or of children takes much more time than usual. Documents required by Vietnam for matching were not produced or submitted by the competent authorities of the receiving countries in due course during the social distancing period in the receiving countries. There has been a big delay in contact/communication by the competent authorities in the receiving country with the adoptive parents to inform the matching result. Responses from the Central Authorities of the receiving countries to the Central Authority of Vietnam for proceeding further with the adoptions as well as the confirmation of the child’s entry and habitual residence in the receiving country also requires a longer period of time.</p> <p>c) Socialisation period:</p> <p>Vietnam has not adapted the adoption procedure in the socialisation period stage. It is noted that for the purpose of the COVID-19 prevention, socialisation is implemented in a more restrictive manner than usual.</p> <p>d) Support and counselling to adoptable children:</p> <p>Vietnam has not adapted the adoption procedure in the stage of support and counseling to adoptable children.</p> <p>e) Adoption decision:</p> <p>Vietnam has not adapted the adoption procedure in the stage of adoption decision. It is noted that the COVID-19 has affected the adoption procedure, which has resulted in a decrease in the number of children to be adopted abroad.</p> <p>f) Other stages:</p> <p>As stated in answer to Question No.1, since the outbreak of COVID-19, intercountry adoption procedures have not been modified. However, in response to COVID-19, Vietnam has issued an official letter guiding relevant local government bodies that the mandatory presence of adoptive parents in Vietnam for the child entrustment within a legally-prescribed time limit shall not apply in case the parents are unable to travel to Vietnam to that effect due to the pandemic.</p> <p>In practice, COVID-19 has affected most of the procedures/stages related to intercountry adoption processing (as mentioned above).</p>
	<p><u>Receiving States only</u></p>
<p>5.</p>	<p>Has your State adapted, and if so how, the following stages of the adoption procedure:</p> <p>a) Eligibility and suitability of prospective adoptive parents:</p> <p>Please insert text here</p> <p>b) Support and counselling to prospective adoptive parents:</p> <p>Please insert text here</p> <p>c) Other stages:</p> <p>Please insert text here</p>

IV. USE OF TECHNOLOGY	
	<u>Both States of origin and receiving States</u>
6.	<p>Has the use of technologies (e.g, videoconferencing) evolved in the adoption procedures in place in your State since the outbreak of COVID-19 in your State? Please specify:</p> <p>a) any benefits and challenges:</p> <p>Since the outbreak of COVID-19, Vietnam has increased the application of information technology in intercountry adoption processing, such as facilitating information exchange among relevant domestic and foreign agencies via the internet; accepting the scanned documents of certain kind in advance via email, provided that the original documents must be submitted later.</p> <p>b) if your response to question 72 (“Use of new technologies”) of the 2020 Questionnaire on the practical operation of the 1993 Adoption Convention (Prel. Doc. No 3) has changed:</p> <p>N/A</p>
V. POST COVID-19: LOOKING AHEAD	
	<u>Both States of origin and receiving States</u>
7.	<p>Has your State developed any practices during this pandemic period that would be useful to mainstream into regular work practices? If so, please elaborate on what those practices are and how you plan to go about mainstreaming them into regular work practices:</p> <p>If a force majeure event or an objective obstacle, as stipulated in the law, occurs, the child entrustment will be postponed to an appropriate time. Besides, Vietnam has enhanced the application of information technology in intercountry adoption processing in a reliable, confidential manner, and in accordance with intercountry adoption laws and regulations.</p> <p>Currently, there is a lack of specific regulations on the processing of international adoption in the event of force majeure or an objective obstacle. Therefore, it is necessary to supplement specific provisions on adoption procedures in such cases.</p>
8.	<p>Please share any good practices and lessons learned by your State which may be applied in the event of another pandemic or similar state of emergency:</p> <p>Through its processing of international adoption since the COVID-19 outbreak, Vietnam has found that international cooperation and inter-disciplinary coordination are of great significance. Thanks to its effective cooperation with the receiving countries as well as its internal coordination amongst relevant agencies and organizations, in 2020, Vietnam (the Adoption Department under the Ministry of Justice as the focal point) carefully prepared for the visit of 36 European adoptive families to Vietnam for the successful entrustment of 37 adopted Vietnamese children (visa, flight arrangement, entry plan, quarantine, child handover ceremony, departure and etc.).</p> <p>The application of information technology in international adoption processing is also essential to limit contract/communication in person and shorten the processing</p>

	time, and cost-saving.
VI. ANY OTHER COMMENTS	
	<u>Both States of origin and receiving States</u>
9.	Please insert here any other comments you may have: Application of information technology in the intercountry adoption processing should be promoted, and regulatory improvement should be made to ensure the intercountry adoption processing in case of a pandemic or other events of similar nature.