

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

STATE OF ORIGIN

COUNTRY NAME: Vietnam

PROFILE UPDATED ON: 31 May 2024

PART I: CENTRAL AUTHORITY

1. Contact details²

Name of office:	Ministry of Justice Department of Adoption
Acronyms used:	MOJ DOA
Address:	58-60 Tran Phu str., Ba Dinh District, Hanoi City
Telephone:	+ 84-24-6273-9695
Fax:	
E-mail:	cnqt@moj.gov.vn
Website:	www.moj.gov.vn
Contact person(s) and direct contact details (please indicate language(s) of communication):	Mr. Dang Tran Anh Tuan - Director; tuandta@moj.gov.vn Ms. Nguyen Minh Phuong - Legal Officer nmphuong@moj.gov.vn

If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.

¹ Full title: the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (referred to as the "1993 Hague Intercountry Adoption Convention" or the "1993 Convention" in this Country Profile). Please note that any reference to "Articles" (or Art. / Arts for short) in this Country Profile refers to Articles of the 1993 Hague Intercountry Adoption Convention.

² Please verify whether the contact details on the Hague Conference website < www.hcch.net > under "Intercountry Adoption Section" then "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>1 February 2012</p>
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<ol style="list-style-type: none"> 1. Law on Adoption 2010 2. Decree No. 19/2011/ND-CP dated 21 March 2011 of the Government providing in detail for implementation of a number of articles of the Law on Adoption 3. Decree No. 24/2019/ND-CP dated 25 April 2019 amending and supplementing a number of articles in Decree No. 19/2011/ND-CP 4. Circular No. 10/2020/TT-BTP dated 28 December 2020 of the Minister of Justice on the issuance of templates of books and documents, and provision of guideline for recording, use, management and archive of these books, documents and adoption dossiers. 5. Circular No. 21/2011/TT-BTP dated 21 November 2011 of the Minister of Justice on the management of offices of accredited intercountry adoption service providers licensed to operate in Vietnam (ASPs) 6. Circular No. 11/2021/TT-BTP dated 28 December 2021 of the Minister of Justice amending and supplementing a number of articles of Circular No. 21/2011/TT-BTP dated 21 November 2011 on the management of ASPs; 7. Decree No. 114/2016/ND-CP dated 8 July 2016 of the Government on adoption registration fees, fees for authorization of ASPs 8. Decree No. 80/2020/ND-CP dated 8 July 2020 of the Government on management and use of grant aid not in the form of official development assistance of foreign agencies, organizations, and individuals for Vietnam 9. Joint Circular No. 146/2012/TTLT-BTC-BTP dated 7 September 2012 of the Minister of Finance and the Minister of Justice stipulating the estimation, management, use and settlement of funds for specialized and professional activities in the adoption from collected fees for adoption registration, grant, extension and modification of licenses of ASPs and expenses for inter-country adoption processing 10. Circular 267/2016/TT-BTC dated 14 November 2016 of the Minister of Finance stipulating the estimation, management, use

	<p>and settlement of state funds for adoption and for grant, extension and modification of licenses of ASPs</p> <p>11. Joint Circular 03/2016/TTLT-BTP-BNG-BCA-BLDTBXH dated 22 February 2016 of the Minister of Justice, Minister of Foreign Affairs, Minister of Public Security and Minister of Labour, Invalids and Social affairs on guiding the supervision of the development of Vietnamese children adopted abroad and protection of children in necessary cases.</p> <p>12. Circular No. 07/2023/TT-BTP dated 29 September 2023 of the Minister of Justice amending and supplementing a number of articles of Circular No. 10/2020/TT-BTP dated 28 December 2020 of the Minister of Justice on the issuance of templates of books and documents, and provision of guideline for recording, use, management and archive of these books, documents and adoption dossiers.</p>
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3. Other international agreements on intercountry adoption³

<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input checked="" type="checkbox"/> Bilateral agreements (please specify):</p> <ol style="list-style-type: none"> 1. Agreement between the Socialist Republic of Vietnam and the French Republic 2. Agreement between the Socialist Republic of Vietnam and the Kingdom of Denmark 3. Agreement between the Socialist Republic of Vietnam and the Italian Republic 4. Agreement between the Socialist Republic of Vietnam and the Swiss Confederation 5. Agreement between the Socialist Republic of Vietnam and the Kingdom of Spain <p><input checked="" type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <ol style="list-style-type: none"> 1. Memorandum of administrative arrangements to be applied in regard to intercountry adoptions between the Central Authority of Vietnam and the Central Authority of Ireland 2. Memorandum of administrative arrangements to be applied in regard
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³ See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

	<p>to intercountry adoptions between the Central Authority of Vietnam and the Central Authority of Flamande Community of Belgium</p> <ol style="list-style-type: none"> 3. Dilomatic Notes which express the agreement on official method to establish the inter-country adoption co-operation between the Central Authority of Vietnam and the Central Authority of the United States 4. Diplomatic Notes which express the agreement on official method to establish the inter-country adoption co-operation between the Central Authority of Vietnam and the Central Authority of Canada 5. Memorandum of administrative arrangements to be applied in regard to intercountry adoptions between the Central Authority of Vietnam and the Central Authority of Norway 6. Memorandum of administrative arrangements to be applied in regard to intercountry adoptions between the Central Authority of Vietnam and the Central Authority of Germany 7. Memorandum of administrative arrangements to be applied in regard to intercountry adoptions between the Central Authority of Vietnam and the Central Authority of the Grand Duchy of Luxembourg 8. Diplomatic Notes which express the agreement on official method to establish the inter-country adoption co-operation between the Central Authority of Vietnam and the Central Authority of the Sweden 9. Cooperation Agreement of administrative arrangements to be applied in regard to intercountry adoption between the Central Authority of Vietnam and the Central Authority of Quebec 10. Memorandum of administrative arrangements to be applied in regard to intercountry adoptions between the Central Authority of Vietnam and the Central Authority of Malta <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
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PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
Please briefly describe the functions of the Central Authority(ies) designated under the	Ministry of Justice is appointed to be the Central Authority of Vietnam and the Department of Adoption is permanent office

<p>1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>of the Central Authority and the competent authority in regard to the intercountry adoption.</p> <p>The functions of MOJ are as follows:</p> <ol style="list-style-type: none"> 1. Perform the state management on domestic and intercountry adoption. 2. Prepare and submit to competent State Authorities to issue, or issue within the Ministry's authority, legislative statutes on adoption. 3. Issue and manage adoption forms, books and records; issue, extend, modify and renew operational license of ASPs in Vietnam. 4. Inspect and monitor the implementation of legal provisions on adoption and handle complaints and denunciation in respect of adoption according to legal provisions.
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5. Public and competent authorities

<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<ol style="list-style-type: none"> 1. The Department of Adoption as the competent authority and permanent office of the Central Authority has the following functions: <ul style="list-style-type: none"> - Co-operate with Central Authority of Receiving Countries to complete the adoption process; issue a Certificate of conformity according to Art. 23 of the Hague Convention 1993. - Be the focal point in contacting, exchanging and providing information about the national legal system for adoption, and other relevant information, e.g. statistics, forms, etc to the Hague Convention Permanent Bureau (the Hague Convention 1993) and other Contracting States of the implementation of the Convention; - Be the focal point in finding an alternative loving family for the child; be responsible for examination of the prospective adoptive parents' dossiers, of the matching a child to an adoptive parents, and ensure that the concerned persons have given their consents to the adoption; - Participate in making and completing policies on domestic and intercountry adoption under the Hague Conference; - Monitor and supervise the operation of ASPs in Vietnam; - Monitor and inspect the implementation of the Hague Convention 1993 in Vietnam; make national report on implementation of this Convention. - Be directly involved in or coordinate with the competent authorities in preventing illegal payments in connection with the giving and receipt of children or other acts against the
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	<p>goal of the Convention;</p> <p>2. Province-level People's Committees have the authority:</p> <ul style="list-style-type: none"> - To approve the recommendation of a child for inter-country adoption submitted by the province-level Department of Justice. - To make decision on inter-country adoption <p>3. Province-level Departments of Justice have the authority:</p> <ul style="list-style-type: none"> - To conduct the recommendation of a child for inter-country adoption; - To obtain the consent of adoption of related persons; - To establish that the child is adoptable and to register inter-country adoption.
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6. National accredited bodies⁴	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p>N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – <u>go to Question 7</u></p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.⁶</p>	
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	
6.1 The accreditation procedure (Arts 10-11)	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>	
<p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	
<p>c) For how long is accreditation granted in your State?</p>	
<p>d) Please briefly describe the criteria and the procedure used to determine</p>	

⁴ "National accredited bodies" in this Country Profile means adoption bodies based within your State (State of origin) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter "GGP No 2"), available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net > at Chapters 3.1 et seq.

⁵ See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.

whether the accreditation of a national adoption body will be <i>renewed</i> .	
6.2 Monitoring of national accredited bodies⁷	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11 c).</i>	
b) Please briefly describe how national accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).	
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (i.e., withdrawn).	
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of accreditation): <input type="checkbox"/> No

7. Authorised foreign accredited bodies⁸ (Art. 12)	
a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State? N.B. the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No – go to Question 8
b) Please indicate the number of foreign accredited bodies authorised to work with, or in, your State. If this number is limited in any way, please indicate on what basis your State limits the number. ⁹	Recently, there are 21 ASPs from 10 countries authorised to operate in Vietnam. Vietnam limits the number of the ASPs based on the number and needs of Vietnamese children looking for alternative families, the conditions and capabilities of ASPs to operate in Vietnam, and consultation with Central Authorities on adoption of the related countries
c) Please briefly describe the role of authorised foreign accredited bodies in your State.	<ol style="list-style-type: none"> 1. To give counseling to prospective adoptive persons (PAPs) on socio-economic conditions, family circumstances, social environment, needs and hobbies of Vietnamese children 2. To apply, on behalf of PAPs, for processing on adoptions in Vietnam 3. To assist in finding substitute families for children with disabilities and/or serious diseases.

⁷ See GGP No 2, *supra*, note 4, Chapter 7.4.

⁸ "Authorised foreign accredited bodies" are adoption bodies based in another Contracting State to the 1993 Convention (usually a receiving State) which your State has authorised, under Art. 12, to work with, or in, your State on intercountry adoption. See further GGP No 2, *supra*, note 4, Chapter 4.2.

⁹ See GGP No 2, *supra*, note 4, Chapter 4.4 on "limiting the number of accredited bodies authorised to act in States of origin".

	<p>4. To be provided with information and legal knowledge and participate in adoption training courses organized by competent Vietnamese agencies</p> <p>5. To annually report the growth of adopted Vietnamese children to the Ministry of Justice</p> <p>6. To assist adoptive parents in preserving Vietnamese cultural traits in their adopted children</p> <p>7. To report to the Department of Adoption on the humanitarian aids provided by them and the foreign adoptive parents biannually and annually, or upon request.</p>
<p>d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?</p> <p><i>Please tick any which apply.</i></p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input checked="" type="checkbox"/> The foreign accredited body must establish an office in your State with a representative and professional staff (from the receiving State or from your State – please specify): OR</p> <p><input type="checkbox"/> The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: OR</p> <p><input type="checkbox"/> The foreign accredited body must be in direct contact with the Central Authority but need not have an office or a representative in your State: OR</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>

7.1 The authorisation procedure	
<p>a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?</p>	<p>Ministry of Justice</p>
<p>b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.¹⁰</p> <p>If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p>	<p>1. Department of Adoption under the Ministry of Justice examines an application for authorization filed by the foreign accredited ASP; interviews the person expected to be the head of Vietnam-based office of the foreign accredited ASP; examines conditions and capability of the ASP, and skills and knowledge its staffs; reports to the Minister of Justice to request for opinion in writing from the Ministry of Public Security.</p> <p>2. After the opinion is obtained from the Ministry of Public Security, the Department of Adoption shall report to the Minister of Justice for deciding the granting of operational license on inter-country adoption also known as "granting authorization" in Vietnam (hereinafter called as the License) to the ASP and informs the Ministry of Public Security and</p>

¹⁰ In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

	competent tax agencies of such for management thereof; in case of refusing to grant the License, the Department of Adoption shall inform the foreign accredited ASP of such with reason for the refusal.
c) For how long is authorisation granted?	License is valid for 05 years as a maximum in the whole country from the date of issuance and may be renewed. Each renewal shall not exceed five years
d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	<p>1. the criteria for renewal: ASPs' offices strictly comply with the law of Vietnam.</p> <p>2. The procedure for renewal:</p> <ul style="list-style-type: none"> - The ASP's office must file its application for renewal with the Department of Adoption, with the License and its report of operation in Vietnam attached, at least 60 days prior to the date of expiry. - The Department of Adoption shall examine the application and operation of the Vietnam-based office of the ASP; re-evaluates its capability, and, if necessary, reports to Minister of Justice to obtain opinion in writing from the Ministry of Public Security. - After the above steps are taken, the Department of Adoption shall report to Minister of Justice for deciding the renewal and informs the Ministry of Public Security, competent tax agencies of such for management thereof; in case of refusal to make the renewal, the Department of Adoption shall inform the organization of such in writing with reason for the refusal.
7.2 Monitoring of authorised foreign accredited bodies	
a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? ¹¹	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No – go to Question 8
b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	Department of Adoption, the Ministry of Justice.
c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).	the licensed ASPs are supervised through their bi-annual and annual operational reports submitted to the Ministry of Justice and/or, in case of necessity, by on-site examination/inspection conducted by the Ministry of Justice.
d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (i.e., withdrawn).	<ul style="list-style-type: none"> - A licensed/authorized ASP in Vietnam shall have its license revoked if it falls under one of the following circumstances: + The ASP has terminated its operation in the country where the ASP was registered for establishment; + The competent authority of the country where the ASP was registered for establishment does not allow the

¹¹ See GGP No 2, *supra*, note 4, Chapter 7.4 and, in particular, para. 290.

	<p>organization to continue operating in Vietnam;</p> <p>+ The authorized ASP itself has applied for termination of its operation in Vietnam prior to the expiry of its license granted by the Ministry of Justice;</p> <p>+ The ASP, upon expiry of its license, fails to file an application for renewal of the license, or files an application of the renewal but the application is refused; or</p> <p>+ Its right to use the license has been stripped in accordance with the law of Vietnam.</p>
e) If authorised foreign accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of authorisation): administrative or criminal sanctions</p> <p><input type="checkbox"/> No</p>

8. Approved (non-accredited) persons (Art. 22(2)) ¹²	
<p>a) Is the involvement of approved (non-accredited) persons <i>from your State</i> permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p> <p>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹³</p>	<p><input type="checkbox"/> Yes, our State has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input checked="" type="checkbox"/> No</p>
<p>b) Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p>	<p><input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input type="checkbox"/> No, our State has made a declaration according to Article 22(4).</p>

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The profile of children in need of intercountry adoption	
Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (e.g., age, sex, state	- Children usually in need of intercountry adoption are: abandoned children, orphans, children with biological parents or relatives who

¹² See GGP No 2, *supra*, note 4, Chapter 13.

¹³ See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

of health).	are unable to take care of the children, disable children and children with serious diseases. The adoptable children are under 16 years of age, except for intra-family adoptions where the adoptable children are under 18 years.
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10. The adoptability of a child (Art. 4 a))

a) Which authority is responsible for establishing that a child is adoptable?	Province-level Departments of Justice
b) Which criteria are applied to determine whether a child is adoptable?	<p>A child is adoptable if</p> <ul style="list-style-type: none"> - the child has satisfied the legally prescribed requirements on age and profile for ICA; - the child has been subjected to legal procedures for finding domestic alternative family but no domestic alternative family is found available for him/her; - the child has his/her origin verified and concluded; - the competent authority has obtained the consent of relevant parties to introduction of the child to intercountry adoption.
<p>c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (e.g., search for the child's birth family).</p> <p>N.B. the issue of consent is dealt with at Question 12 below.</p>	<ul style="list-style-type: none"> - Finding domestic alternative family as the first step. - if no domestic family is available within a legally-prescribed time limit, the next step is to find foreign alternative family. - Obtaining the consent of relevant parties to introduction of the child to ICA -the province-level Department of Public Security shall verify the origin of the child in the case of an abandoned child. - On the basis of the consent of relevant parties, the verification result of the province-level Department of Public Security and other information stated in the child's dossier, the province-level Department of Justice shall decide that the child is eligible for ICA.

11. The best interests of the child and subsidiarity (Art. 4 b))

a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions (e.g., through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).	<ul style="list-style-type: none"> - Under paragraph 3, Article 4 of the Law on Adoption, the intercountry adoption would be considered only when domestic alternative family cannot be found. Accordingly, announcement for finding domestic alternative family shall be made at communal, provincial and national levels as the first priority. - In the case of an abandoned child, verification and clear conclusion of the child's origin are required by the law. - strengthen and expand co-operation with other Contracting States on ICA to find solutions ensuring that ICA is in the best interests of the
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	child.
b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?	- Department of Adoption, Ministry of Justice
c) Please briefly explain how that decision is reached (e.g., whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure.	<p>- That decision is reached only when no domestic alternative family is available for the child. The finding of the family is conducted at communal, provincial and national levels through announcement.</p> <p>- That decision is reached at the first stage of ICA procedure.</p>

12. Counselling and consents (Art. 4 c) and d))	
<p>a) According to your State's domestic legislation, please explain which person, institution or authority has to consent to the adoption of a child in the following scenarios – where:</p> <p>(i) Both parents are known;</p> <p>(ii) One parent is unknown or deceased;</p> <p>(iii) Both parents are unknown or deceased;</p> <p>(iv) One or both parents have been deprived of his / her / their parental responsibilities (<i>i.e.</i>, the rights and responsibilities which attach to being a parent).</p> <p>In each case, please remember to specify in which circumstances a <i>father</i> will have to consent to his child's adoption. Please also specify whether your answer would be different if any of the known parents had not yet reached the age of majority.</p>	<p>(i) both the birth parents and the child aged full 9 years or older</p> <p>(ii) the known or alive parent and the child aged full 9 years or older</p> <p>(iii) The guardian (such as grandparent, brother, sister, aunt or uncle, etc.) and the child aged full 9 years or older</p> <p>(iv) N/A</p> <p>(v) In case the known parents had not yet reached the age of majority, the competent authority obtain the consent of the guardian(s) of the known parents.</p>
<p>b) Please describe the procedure for:</p> <p>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and</p> <p>(ii) obtaining their consent(s) to an adoption.¹⁴</p>	<p>(i) Commune-level judicial officers come to meet personally the relevant persons (birth parents, family, etc.) and give advice to them with respect to the adoption purposes, rights and obligations between adoptive parents and the adopted child, rights and obligations between the birth parents and the child after the adoption and consequences of the adoption.</p> <p>(ii) The province-level Department of Justice in the province where the child permanently resides assigns officers to meet the relevant persons personally to obtain their consent in writing.</p> <p>(iii)</p>
c) Does your State use the model form "Statement of consent to the adoption"	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – please provide (or link to) any form(s)</p>

¹⁴ See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Convention.

<p>developed by the Permanent Bureau of the Hague Conference?</p> <p><i>The model form is available on the Intercountry Adoption section of the Hague Conference website.</i></p>	<p>which your State uses for this purpose:</p>
<p>d) Having regard to the age and degree of maturity of a child, please briefly describe how your State ensures that consideration is given to the child's wishes and opinions when determining whether an intercountry adoption should proceed.</p> <p><i>See Art. 4 d) 2).</i></p>	<p>to adopt a child aged full 9 years or older, his/her consent is required by the law.</p>
<p>e) Please briefly describe the circumstances in which a child's <u>consent</u> to an intercountry adoption is required in your State.</p> <p>Where the child's consent is required, please describe the procedure which is used to ensure that the child has been counselled and duly informed of the effects of the adoption.</p> <p><i>See Art. 4 d) 1).</i></p>	<p>The consent of the child aged 9 years or older must be obtained by officers of the province-level Departments of Justice. Moreover, the child is also provided with sufficient consultation on intercountry adoption to ensure that the child be completely voluntary and not be compelled.</p>

13. Children with special needs

<p>a) In the context of intercountry adoption, please describe what is meant in your State by "children with special needs".</p>	<p>Children with special needs are children with disabilities and/or serious diseases (children who fall within the category of children stipulated in Paragraph 1 Article 3 of Decree No. 19/2011/ND-CP, amended and supplemented by Decree No. 24/2019/ND-CP)</p>
<p>b) What, if any, procedures does your State use to expedite the adoption of children with special needs?</p>	<ul style="list-style-type: none"> - Finding domestic alternative family is not required for children with special needs. - On the basis of dossiers of children with special needs who are eligible for ICA, the Department of Adoption shall examine the eligibility for adoption of these children and notify ASPs of such for the purpose of finding foreign alternative families for these children. - When foreign alternative families have been found, ASPs shall submit PAPs dossiers to the Department of Adoption for examining the dossiers and evaluating the suitability between the alternative family and the child. - After the evaluation is made and the suitability is found, the Department of Adoption shall inform the competent authority of the receiving country to obtain the latter's consent of the adoption and permission for the child to enter and permanently reside in the receiving country, and the consent of the prospective

	<p>adoptive parents.</p> <p>- Upon receipt of the consent of the competent authority and the consent of the prospective adoptive parents, the Ministry of Justice shall notify the province-level Department of Justice of such for the latter's submission to the province-level People's Committee for issuing a decision to allow the child for intercountry adoption. Afterwards, the Ministry of Justice shall be responsible for issuing the Certificate of Conformity of Intercountry Adoption under the Article 23 of the Convention.</p>
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14. The preparation of children for intercountry adoption

Is there a special procedure in your State to prepare a child for an intercountry adoption?	<input type="checkbox"/> Yes, please provide details (e.g., the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used): <input checked="" type="checkbox"/> No
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15. The nationality of children who are adopted intercountry¹⁵

Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> It depends – please specify which factors are taken into consideration (e.g., the nationality of the foreign resident prospective adoptive parents ("PAPs"), whether the child acquires the nationality of the receiving State): <input type="checkbox"/> No, the child will never retain this nationality
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PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")

16. Limits on the acceptance of files

Does your State place any limit on the number of PAPs' files which are accepted from receiving States? ¹⁶	<input checked="" type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: Based on the number of children certified eligible for intercountry adoption each year, the Department of Adoption determines the number of PAPs' dossiers. <input type="checkbox"/> No
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17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State¹⁷

¹⁵ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, "GGP No 1"), available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net >, at Chapter 8.4.5.

¹⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.2 and, in particular, para. 121.

<p>a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<p><input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input checked="" type="checkbox"/> Married, heterosexual couples:</p> <p><input type="checkbox"/> Married, same-sex couples:</p> <p><input type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><input type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:</p> <p><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input checked="" type="checkbox"/> Single men:</p> <p><input checked="" type="checkbox"/> Single women:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
<p>b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> Minimum age requirements:</p> <p><input type="checkbox"/> Maximum age requirements:</p> <p><input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: at least 20 years old or older than the adopted child.</p> <p><input checked="" type="checkbox"/> Other (please specify):</p> <ul style="list-style-type: none"> - Having full civil act capacity; - Having health, financial and accommodation conditions to guarantee the care for and nurture and education of the adopted child. - Having good ethical qualities <p>In case the step father or step mother adopts a step child, or a natural aunt or uncle adopts a nephew or cousin, the conditions of age, health, finance and accommodation shall not be applied</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?</p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):</p> <p><input checked="" type="checkbox"/> Other (please specify):</p> <ul style="list-style-type: none"> - The PAPs are Vietnamese people and foreigners permanently residing in

¹⁷ I.e., this section refers to the eligibility criteria for PAPs who are habitually resident in *another* Contracting State to the 1993 Convention and who wish to adopt a child who is habitually resident in *your* State: see further Art. 2 of the 1993 Convention.

	<p>member States that have established the intercountry adoption cooperation with Vietnam.</p> <p>- If the PAPs are Vietnamese people and foreigners permanently residing in member States that have not established the intercountry adoption cooperation with Vietnam, they are allowed to adopt only an identified Vietnamese child in the following circumstances:</p> <ul style="list-style-type: none"> i) He/she is the step father or step mother of the to-be-adopted child; ii) He/she is the biological aunt or uncle of the to-be-adopted child; iii) He/she has adopted a child who is a sibling of the to-be-adopted child; iv) He/she adopts a child with a disability and/or dangerous disease; v) He/she is a foreigner currently working or studying in Vietnam for at least 01 year <p><input type="checkbox"/> No</p>
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18. Preparation and counselling of PAPs (Art. 5 b))

<p>Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption in the receiving State?</p>	<p><input checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected:</p> <p><input type="checkbox"/> No</p>
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PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

19. Applications

<p>a) To which authority / body in your State does the adoption file of PAPs have to be submitted?</p>	<p>The PAPs shall submit adoption dossiers, through foreign ASPs licensed to operate in Vietnam, to the Department of Adoption for processing.</p>
<p>b) Please indicate which documents must be submitted with an application:</p> <p><i>Please tick all which apply.</i></p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> An application form for adoption completed by the PAPs <input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority in the receiving State <input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15) <input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents <input type="checkbox"/> Copies of the PAPs' birth certificates <input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs <input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): <input checked="" type="checkbox"/> Information concerning the health of the

	<p>PAPs (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input type="checkbox"/> Other(s): please explain</p>
c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure? ¹⁸	<p><input checked="" type="checkbox"/> Yes, please specify whether it must be a <i>national</i> accredited body, a <i>foreign authorised</i> accredited body or whether it may be either of these accredited bodies.¹⁹ Please also specify at which stage(s) of the procedure an accredited body must be involved (e.g., for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure):</p> <p>It must be a foreign ASP, which is involved in:</p> <ul style="list-style-type: none"> - Completing an adoption dossier of the PAPs in accordance with the adoption law of Vietnam; - Submitting the dossier to the Department of Adoption and paying a fee to register the foreign adoption as prescribed by the law; - Adding documents and papers to the PAPs dossier at the request of the Department of Adoption; - Sending photos of and information of the child to the PAPs after obtaining a competent Vietnamese authority's consent to introduction of the child for adoption; - Taking the child introduced for adoption to medical examination or additional health checkup after obtaining a consent of the head of the children-nurturing establishment; - Sending to the Department of Adoption the written consent of the PAPs to the introduced child and the written permission of the concerned competent foreign authority for continuing completion of adoption procedures; - Paying expenses for the intercountry adoption processing as stipulated by the law; - Assisting the adoptive parents in applying for entry, exit, travelling and residence in Vietnam, and in interpretation when they enter, leave or stay in Vietnam, for completion of adoption procedures; - Coordinating with the children-nurturing

¹⁸ See GGP No 1, *supra*, note 15, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.

¹⁹ See the definitions provided at notes 4 and 8 above.

	<p>center in organizing meetings for the adoptive parents to meet and get acquainted with the child introduced for adoption;</p> <ul style="list-style-type: none"> - Assisting the adoptive parents in the ceremony for handover and receipt of the adopted child; - Assisting the adoptive parents in obtaining a passport and visa for the adopted child to leave Vietnam and enter into and reside in the receiving country. - Providing assistance to additional health check or medical examination for children with special needs; - Providing pre-adoption psychological counseling and preparation for children with special needs at the request of the Department of Adoption. <input type="checkbox"/> No
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<input type="checkbox"/> Yes <ul style="list-style-type: none"> <input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption); <input type="checkbox"/> A contract signed by the accredited body and the PAPs; <input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions; <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No
<p>e) Please specify the language(s) in which any documents must be submitted:</p>	<p>All the documents in the PAPs' dossier, if written in a foreign language, must be translated into Vietnamese and notarized by competent authority</p>
<p>f) Do any of the required documents need to be legalised or apostilled?</p>	<input checked="" type="checkbox"/> Yes, please specify which documents: All documents must be legalized, except for the documents issued by the Vietnamese competent authority in Vietnamese language <input type="checkbox"/> No – go to Question 20
<p>g) Is your State party to the <i>Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents</i> (the Hague Apostille Convention)?</p> <p><i>This information is available on the Status Table for the Hague Apostille Convention (see the Apostille Section of the Hague Conference website).</i></p>	<input type="checkbox"/> Yes, please specify the date of the entry into force of the Hague Apostille Convention in your State: <input checked="" type="checkbox"/> No

20. The report on the child (Art. 16(1) a))	
a) Who is responsible for preparing the report on the child?	The Department of Adoption
b) Is a "standard form" used for the report on the child?	<input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: <input type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which should be included in the report on the child and / or the documentation which should be attached to it:
c) Does your State use the " <i>Model Form – Medical Report on the Child</i> " and the " <i>Supplement to the general medical report on the child</i> "? <i>See GGP No 1 – Annex 7, available here.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

21. The report on the PAPs (Art. 15(2))	
a) For how long is the report on the PAPs valid in your State?	The adoption law of Vietnam does not specify so.
b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it. <i>E.g., does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure?</i>	The updating of the report on PAPs is made by the competent authorities of the receiving State under the domestic law of that State.

22. Matching of the child and the PAPs (Art. 16(1) d) and (2))	
22.1 The authorities and the matching procedure	
a) Who is responsible for the matching of the child and the PAPs in your State?	<p>The province-level Department of Justice is responsible for the matching of children without disabilities and/or serious diseases (children who do not fall within the category of children stipulated in Paragraph 1 Article 3 of Decree No. 19/2011/ND-CP, amended and supplemented by Decree No. 24/2019/ND-CP)</p> <p>The Department of Adoption is responsible for evaluating of the suitability between alternative families and children with disabilities and/or serious diseases (children who fall within the category of children stipulated in Paragraph 1 Article 3 of Decree 19/2011/ND-CP, amended and supplemented by Decree No. 24/2019/ND-CP).</p>
b) What measures are taken to ensure that the matching process is performed by an	By the province-level Department of Justice: A regulation of inter-agency collaboration for

independent, duly qualified authority?	ICA is issued for the purpose of giving advice and consultancy to the matching to guarantee the strict, objective and consistent adoption process in the best interests of children. By the Department of Adoption: the matching process is performed based on the consideration of the conditions of the PAPs and the characteristics and the special needs of the child, simultaneously, in some cases, the opinions of medical, psychological family and social experts might be obtained as a basis for the matching to ensure the best interests of the child.
c) What methodology is used for the matching in your State?	
d) Is any preference given to PAPs who have a close connection with your State (e.g., nationals of your State who have emigrated to a receiving State)?	<input checked="" type="checkbox"/> Yes, please specify: According to Article 5 of the Law on Adoption of Vietnam, in the order of priority in the selection of substitute families, Vietnamese PAPs domiciling abroad are given preference. <input type="checkbox"/> No
e) Who is responsible for notifying the receiving State of the matching?	The Department of Adoption
f) How does your State ensure that the prohibition on contact in Article 29 is respected?	The PAPs are not allowed to contact with the birth parents or the guardian or the nurturing center before receiving the notification of the introduction of the child for ICA, except for the following cases: i) The PAP is the step father or step mother of the child; ii) The PAP is the biological aunt or uncle of the child; iii) The PAP has adopted a child who is a sibling of the to-be-adopted child; iv) The PAPs adopt a child with a disability and/or serious disease; v) The PAP is a foreigner currently working or studying uninterruptedly in Vietnam for at least 01 year
22.2 Acceptance of the match	
a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?	<input checked="" type="checkbox"/> Yes, please provide details of the required procedure: The Department of Adoption is responsible for sending the notice of the matching results to the Central Authority of the receiving country. The Central Authority then notifies the Department of Adoption of the consent of the PAPs to the child, and confirms that the child shall be authorized to enter and permanently reside in the receiving country. <input type="checkbox"/> No
b) How much time is the receiving State given to decide whether to accept a match?	30 days For a child with a disability and/or serious disease and to help the PAPs have time to take doctor's advise, the duration may be extended

	to 60 days.
c) If the relevant authorities / bodies of the receiving State and / or the PAPs refuse the match, what, if any, are the consequences in your State?	<p>If the Central Authority of the receiving State disagrees with the matching result, the Vietnamese competent authority would stop adoption process.</p> <p>If the PAPs refuse the match without a plausible reason, the processing of his/her application for ICA shall terminate.</p>
22.3 Information following acceptance of the match	
Once the match has been accepted, do PAPs receive information regularly concerning the child and his / her development (<i>i.e.</i> , during the remainder of the intercountry adoption procedure and prior to entrustment)?	<p><input checked="" type="checkbox"/> Yes, please specify who is responsible for providing this information:</p> <p>After the match has been accepted, the PAPs shall receive information of the child's development through the support of the foreign ASP licensed to operate in Vietnam. Under the Circular 21/2011/TT-BTP, such ASP is responsible for sending photos and information of the child to the PAPs; bringing the child introduced for adoption to medical examination or additional health check after obtaining a consent of the head of the children-nurturing centre.</p> <p><input type="checkbox"/> No</p>

23. Agreement under Article 17 c)	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	The Department of Adoption - Ministry of Justice
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<p><input checked="" type="checkbox"/> Our State sends the Article 17 c) agreement to the receiving State with the proposed match; OR</p> <p><input type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17 c) agreement; OR</p> <p><input type="checkbox"/> Other (please specify):</p>

24. Travel of the PAPs to your State²⁰	
a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point?	<p><input checked="" type="checkbox"/> Yes, in which case please specify:</p> <ul style="list-style-type: none"> - At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: Transfer and receipt of the child - How many trips are required to complete the intercountry adoption procedure: one - How long the PAPs need to stay for each trip: around 2-3 weeks - Any other conditions: Both the PAPs are required to travel to complete the adoption. If one of the PAPs could not come to the ceremony for transfer and receipt of the child, he/she should

²⁰ See GGP No 1, *supra*, note 15, Chapter 7.4.10.

	authorize his/her spouse <input type="checkbox"/> No
b) Does your State permit an escort to be used to take the child to the adoptive parents in the receiving State in any circumstances?	<input type="checkbox"/> Yes, please specify in which circumstances: <input checked="" type="checkbox"/> No

25. Entrustment of the child to the PAPs (Art. 17)

After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs? Please include an explanation of the procedures used to prepare the child for entrustment (e.g., counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).	Ceremony for transfer and receipt of the child.
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26. Transfer of the child to the receiving State (Arts 5 c) and 18)

a) Which documents does your State require in order for the child to be permitted to leave your State and travel to the receiving State (e.g., passport, visa, exit permit)?	After the child is handed over to the adoptive parents, the Ministry of Justice shall certify that the adoption has complied with the provisions of the Law on Adoption and the Hague Convention 1993. Immigration authority of Vietnam shall issue a passport for the adopted child, and the adoptive parents shall apply visa for the child.
b) Which of the documents listed in response to Question 26 a) above does your State issue? Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.	
c) Other than the issuance of the documentation mentioned above, are there any other administrative or procedural matters which must be completed in order for the child to be permitted to leave your State and travel to the receiving State?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No

27. Final adoption decision and the Article 23 certificate

a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?	<input checked="" type="checkbox"/> In our State – <u>go to Question 27 c)</u> <input type="checkbox"/> In the receiving State – <u>go to Question 27 b)</u>
b) Following the making of the final adoption decision in the receiving State: (i) Are any further steps required in your State to complete the procedure (e.g., obtaining a copy	(i) (ii) <u>Go to Question 28</u>

<p>of the final adoption decision from the receiving State)?</p> <p>(ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?</p>	
<p>c) If the final adoption decision is made in your State, which competent authority:</p> <p>(i) Makes the adoption decision; and</p> <p>(ii) Issues the certificate under Article 23 of the 1993 Convention?</p> <p>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.</p> <p>The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available on the Intercountry Adoption Section of the Hague Conference website.</p>	<p>(i) Province-level People's Committees</p> <p>(ii) Ministry of Justice</p>
<p>d) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p>See GGP No 1 – Annex 7, available here.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>e) Please briefly describe the procedure for issuing the Article 23 certificate.</p> <p><i>E.g., how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the receiving State?</i></p>	<p>When receiving an Adoption decision and minutes of transfer and receipt of the adopted child from a Province-level Department of Justice, the Department of Adoption of Vietnam shall review the validity of those documents and the conformity of intercountry adoption under the Law on Adoption of Vietnam and the the Hague Convention of 29 May 1993 before issuing the Certificate.</p> <p>An original certificate will be given to the PAPs via ASP but no copy of that will be sent to the Central Authority in the receiving State.</p>

28. Duration of the intercountry adoption procedure

<p>Where possible, please indicate the average time which it takes to:</p> <p>(i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;</p> <p>(ii) Physically entrust a child to PAPs once a match has been accepted by the PAPs and approved by the relevant authorities / bodies in the receiving State, if applicable;</p> <p>(iii) Make a final adoption decision following the entrustment of a child to PAPs (if</p>	<p>(i) At least 40 days. It can be extended in cases where to-be-adopted children are children with disabilities and/or serious diseases, more senior or in sibling group. The reason is that it is harder to find alternative families for these children.</p> <p>(ii) At least 90 days.</p> <p>(iii) In Vietnam, a final adoption decision is made before the entrustment of a child to PAPs.</p>
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applicable in your State: <i>i.e.</i> , if the final adoption decision is made in your State and not in the receiving State).	
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PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

29. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")	
<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an "intra-family intercountry adoption" in your State.</p> <p>Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.</p>	<p>Children are adopted by their step parent</p> <p>Children are adopted by their biological aunt or uncle.</p>
<p>b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?</p> <p>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</p>	<p><input type="checkbox"/> Yes – go to Question 30</p> <p><input checked="" type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: PAPs shall either personally submit dossiers to the Department of Adoption or authorise their relatives to do so. However, the Central Authority of Vietnam recommends and encourages PAPs to submit dossiers through foreign licensed adoption organizations . Go to Question 30</p> <p><input type="checkbox"/> No – go to Question 29 c)</p>
<p>c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:</p> <p>(i) The counselling and preparations which PAPs must undergo in the receiving State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p>

PART VIII: SIMPLE AND FULL ADOPTION²¹

30. Simple and full adoption	
<p>a) Is "full" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 21 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>

²¹ According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 15, Chapter 8.8.8.

<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 21 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <u>go to Question 31</u></p> <p><input checked="" type="checkbox"/> In certain circumstances only (<i>e.g.</i>, for intra-family adoptions only) – please specify: Simple adoption is only permitted in case of domestic adoptions with agreement between the birth parents and the adoptive parents. In fact, simple adoption in Vietnam rarely happens. If any, relative adoptions only.</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) If a "simple" adoption is to be undertaken in your State in an intercountry adoption case, does your State nonetheless usually seek the birth mother / family's consent(s)²² to a "full" adoption where this is in the child's best interests (<i>i.e.</i>, so that a "conversion" of the adoption may be undertaken in the receiving State if the other conditions in Art. 27(1) are fulfilled)?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken:</p> <p><input type="checkbox"/> No</p>
<p>d) How does your State respond to requests from receiving States to obtain the consent(s) of a child's birth mother / family²³ to the conversion of a "simple" adoption into a "full" adoption (in accordance with Art. 27) when the request is made many years after the original adoption?</p>	

PART IX: POST-ADOPTION MATTERS

31. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
<p>a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>The Department of Adoption, Ministry of Justice</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>Adoption dossiers are permanently stored.</p>
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parents;</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other persons?</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: under appropriate guidance. <input type="checkbox"/> No</p> <p>(ii) <input type="checkbox"/> Yes – please explain any criteria: <input type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria:</p>

²² Or other person(s) whose consent to the adoption is required under Art. 4 c) and d) of the 1993 Convention.

²³ *Ibid.*

<p>If so, are there any criteria which must be met for access to be granted (e.g., age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p><input type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: Under appropriate guidance</p> <p><input type="checkbox"/> No</p>
<p>e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?</p>	<p><input type="checkbox"/> Yes – please specify:</p> <p><input type="checkbox"/> No</p>

32. Post-adoption reports	
<p>a) Is there a model form which is used by your State for post-adoption reports?</p>	<p><input checked="" type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy):</p> <p><input type="checkbox"/> No – in which case, please specify the content expected in a post-adoption report (e.g., medical information, information about the child's development, schooling):</p>
<p>b) What are the requirements of your State in relation to post-adoption reports?</p> <p>Please indicate:</p> <p>(i) How frequently such reports should be submitted (e.g., every year, every two years);</p> <p>(ii) For how long (e.g., until the child is a certain age);</p> <p>(iii) The language in which the report must be submitted;</p> <p>(iv) Who should write the reports; and</p> <p>(v) Any other requirements.</p>	<p>(i) every 06 months</p> <p>(ii) 3 years</p> <p>(iii) Vietnamese</p> <p>(iv) The adoptive parents</p> <p>(v) The post-adoption report certified by an ASP must clearly indicate the child's health and physical and mental conditions and intergration with the adoptive parents and their family and community.</p> <p>(vi) On the basis of the APs' reports, the ASP is responsible for making an annual report of the growth of the adopted children to submit to the Ministry of Justice. The report must be signed and sealed by the head of the ASP, and with a Vietnamese translation authenticated under the law of Vietnam.</p>
<p>c) What, if any, are the consequences in your State if post-adoption reports are either:</p> <p>(i) Not submitted at all; or</p> <p>(ii) Submitted, but not in accordance with your requirements?</p>	<p>(i) If the foreign ASP, their head and staff members fails to submit the reports, or submits the reports not in accordance with the requirements, the ASP shall be handled in accordance with the law of Vietnam.</p> <p>(ii)</p>
<p>d) What does your State do with post-adoption reports? (i.e., to what use are they put?)</p>	<p>The reports are used for monitorting and assessment on the development of the adopted children, and for co-operation with the receiving States in taking appropriate measures to protect the children.</p>

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁴

States of origin are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website.

33. The costs ²⁵ of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	<input checked="" type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework: The Law on Adoption, Decree 19/2011/ND-CP, Decree 114/2016/ND-CP, Joint Circular No. 146/2012/TTLT-BTC-BTP, Circular 267/2016/TT-BTC, Inter-country adoption registration fee is nine million dong (VND 9,000,000) per case. A reduction of 50% of the fee for intra-family adoptions. A reduction of 50% of the fee for the second child in adoptions where two or more childrens are sibling. The expense for processing of inter-country adoption for children without disabilities and/or serious diseases (children who do not fall within the category of children stipulated in Paragraph 1 Article 3 of Decree No. 19/2011/ND-CP, amended and supplemented by Decree No. 24/2019/ND-CP) is fifty million dong (VND 50,000,000 dong) per case. For children with disabilities and/or serious diseases (children who fall within the category of those stipulated in Paragraph 1 Article 3 of Decree No. 19/2011/ND-CP, amended and supplemented by Decree No. 24/2019/ND-CP), the expense is exempted. (The expense do not cover expenses of services, traveling, accommodation, and other costs that PAPs pay directly, including expenses for taking children abroad after the adoption is completed) <input type="checkbox"/> No
b) Does your State monitor the payment of the costs of intercountry adoption?	<input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: <ul style="list-style-type: none"> - The State Treasury shall collect all the fees and the expenses in accordance with the law of Vietnam. - The management and use of the collected fees and expenses are conducted in a strict and transparent manner in accordance with the law of Vietnam. In particular:

²⁴ See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: i.e., the *Terminology on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²⁵ See the definition of "costs" provided in the Terminology, *ibid*.

	<p>* Inter-country registration fees: the collected fees are totally remitted to the State budget which will ensure for adoption processing</p> <p>* Expense for ICA processing: 95% of the collected expense is transferred to province-level state budget for use to to improve quality of child protection and care services. In particular:</p> <p>a) 70% of the collected expense is used to cover nurture, care for, education of children, and to improve conditions of facility and equipment to serve children's demands and benefits;</p> <p>b) 15% of the collected expense is used to supplement salary budget and provide training of professional skill to the nurturing centers' staffs;</p> <p>c) 5% of the collected expense is used to verify the origin of children to be adopted;</p> <p>d) 5% of the collected expense is used to complete the procedures for hand-over of adopted children.</p> <p>5% of the collected expense is used by the Department of Adoption to cover financial administration (transferring of the fees; making expenses registers; monitoring of the use of expenses; etc.)</p> <p><input type="checkbox"/> No</p>
<p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 19 c) above) or directly by the PAPs themselves?</p> <p><i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 86.</i></p>	<p><input checked="" type="checkbox"/> Through the accredited body: <input checked="" type="checkbox"/> Directly by the PAPs: <input checked="" type="checkbox"/> Other (please explain): persons who are authorised to submit the adoption dossiers</p>
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 85.</i></p>	<p><input type="checkbox"/> Only by bank transfer: <input type="checkbox"/> In cash: <input checked="" type="checkbox"/> Other (please explain): by bank transfer or in cash (deposited at the State Treasury)</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>The Department of Adoption</p>
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p>N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: PAPs and interested persons can easily access to such information through the above-said pieces of legislations that are available in the websites of the Government and the Ministry of Justice.</p> <p><input type="checkbox"/> No</p>

above).	
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34. Contributions, co-operation projects and donations ²⁶	
<p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution²⁷ to your State if it wishes to engage in intercountry adoption in your State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> What type of contribution is required: Who is responsible for paying it (<i>i.e.</i>, the Central Authority or the relevant authorised foreign accredited body): How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?</p>	<p><input type="checkbox"/> Yes – it is a <i>mandatory</i> requirement for authorisation to be granted to a foreign accredited body.</p> <p><input checked="" type="checkbox"/> Yes – it is <i>permitted</i> but not required.</p> <p>In either of the above cases, please explain:</p> <ul style="list-style-type: none"> What type of co-operation projects are permitted: Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies): Whether such projects are monitored by an authority / body in your State: How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input type="checkbox"/> No</p>
<p>c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State?</p> <p>N.B. This is <u>not</u> recommended as a good</p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> To whom may donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): The nurturing centers. What donations are used for: nurturing, caring, educating children

²⁶ See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 24.

²⁷ See further the Terminology, *supra*, note 24, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

<p>practice: see further the "Note on the Financial Aspects of Intercountry Adoption" at Chapter 6 (in particular, Chapter 6.4).</p>	<p>and building capacity for staffs in nurturing centers</p> <ul style="list-style-type: none"> • Who is permitted to pay donations (e.g., only authorised foreign accredited bodies or also PAPs): domestic or foreign individuals or organizations • At what stage of the intercountry adoption procedure donations are permitted to be paid: After the adoption process is completed. • How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process: (i) The donation recipients are not allowed by the law to commit to introduce their children for adoptions, and the donors are not allowed by the law to ask the recipients for children for adoption; (ii) the donations must be made in a transparent and open manner, such as in case the humanitarian aids are provided in cash, the provision shall be made via the accounts of the nurturing centers. Management and use of the donations must be recorded sufficiently and reported to competent authorities. <p><input type="checkbox"/> No</p>
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35. Improper financial or other gain (Arts 8 and 32)	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	The Department of Adoption, Ministry of Justice, and financial authorities at all levels.
b) What measures have been taken in your State to prevent improper financial or other gain?	The law on adoption stipulates strictly the intercountry adoption fees and expenses that the PAPs must pay during the process of intercountry adoption. In addition, collecting, transfer, management and use of the fees and expenses are specified clearly by the law on adoption.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Individuals/organisations shall be, depending on their acts of violation, subjected to administrative or criminal penalty.

PART XI: ILLICIT PRACTICES²⁸

36. Response to illicit practices in general

²⁸ "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >).

Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. ²⁹	<ul style="list-style-type: none"> - Alleged or actual illicit practices are prohibited under the Law on adoption, and shall cause a termination of adoption. - Individuals/organisations shall be, depending on their acts of violation, subjected to administrative or criminal penalty.
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37. The abduction, sale of and traffic in children

<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your State's intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<ul style="list-style-type: none"> - The Law on Adoption 2010 - The Penal Code 2016 - The Law on Children 2016 - And other pieces of legislations.
b) Please explain how your State monitors respect for the above laws.	A very comprehensive mechanism for monitoring the law implementation and the law compliance.
c) If these laws are breached, what sanctions may be applied (e.g., imprisonment, fine, withdrawal of accreditation)?	<ul style="list-style-type: none"> - Administrative penalties (fine, withdrawal of accreditation, etc.) - Criminal penalties (imprisonment, etc.)

38. Private and / or independent adoptions

<p>Are private and / or independent adoptions permitted in your State?</p> <p>N.B. "Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.</p> <p>Please tick all which apply.</p>	<p><input type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State:</p> <p><input type="checkbox"/> Independent adoptions are permitted – please explain how this term is defined in your State:</p> <p><input checked="" type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted</p>
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PART XII: INTERNATIONAL MOBILITY

39. The scope of the 1993 Convention (Art. 2)

<p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State³⁰ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Foreigners registered and granted permanent resident card in Vietnam are permitted to adopt Vietnamese child in accordance with domestic adoption procedures. The PAPs submit their dossier to the Department of Justice. After examining the dossier, and</p>
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²⁹ *Ibid.*

³⁰ According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra*, note 15, Chapter 8.4.

	<p>certifying the PAPs' eligibility for adoption and certifying the child's eligibility for adoption, the province-level Department of Justice shall submit the dossier to the province-level People's Committees to make decision.</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.</i></p>	<p><input type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p><input checked="" type="checkbox"/> No</p>
<p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State³¹ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Vietnamese citizen habitually residing in another Contracting State are permitted to adopt a child who habitually resides in in Vietnam through the Intercountry adoption procedures.</p> <p><input type="checkbox"/> No</p>

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION³²

40. Selection of partners	
<p>a) With which receiving States does your State currently partner on intercountry adoption?</p>	<p>Vietnam has established cooperation under the Hague Convention on intercountry adoption with 14 Contracting States, namely: France, Canada, Denmark, Italy, Ireland, Sweden, USA, Switzerland, Spain, Belgium, the Federal Republic of Germany, Norway, Luxembourg and Malta.</p>
<p>b) How does your State determine with which receiving States it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.</p> <p><i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>The partner selection is made based on the following consideration:</p> <ul style="list-style-type: none"> - Whether or not they had established cooperation relationship with Vietnam before Vietnam acceded to the Hague Convention; - Their economic conditions, infrastructure such as education and health systems... - Others, such as whether there are a large number of families wishing to adopt a child habitually residing in Vietnam, or there are a large number of Vietnamese people living and working there, etc.

³¹ According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child (despite their common nationality). The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 15, Chapter 8.4.

³² In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

<p>c) If your State also partners with <i>non-Contracting States</i>, please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases.³³</p>	<p><input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.</p>
<p>d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (e.g., the conclusion of a formal agreement³⁴ with that receiving State)?</p>	<p><input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities:³⁵ In either way:</p> <ol style="list-style-type: none"> 1. The Central Authorities of the two countries sign a Memorandum of Administrative Arrangements to be Applied in Regard to Intercountry Adoptions (the MOU)(This form is a commonly-used one to establish the inter-country adoption co-operation between Viet Nam and a Contracting State to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption); or 2. The Central Authorities of the two countries exchange Diplomatic Notes which express the agreement on official method to establish the inter-country adoption co-operation. <p><input type="checkbox"/> No</p>

³³ See GGP No 1, *supra*, note 15, Chapter 10.3 regarding the fact that “[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions”.

³⁴ See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

³⁵ *Ibid.*