



For immediate release

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The Difficulty of Proving Child Trafficking in International Adoption

COLUMBIA, Tenn.—No adoptive parent wants to explain to an 18-year-old son or daughter why it was okay to pay the child’s desperate birth mother the equivalent of \$43,000 U.S. in “expenses.”

Yet that is a position some parents of children adopted internationally could face, thanks to a standard of evidence that makes it very difficult for the Bureau of Citizenship and Immigration Services (BCIS) to prove child trafficking in international adoption, even when strong circumstantial evidence suggests it occurred.

“It is essential for adoptive parents to understand that the issuance of a visa does not mean that the Immigration Service found no evidence of child trafficking in their adoption case,” says Trish Maskew, president of Ethica, an independent adoption education and advocacy group. Maskew wrote the organization’s new position paper on the topic, “Child Trafficking: Why Can’t the Immigration Service Prove It?” The paper points out that the strict standard of evidence, coupled with poorly conducted investigations, makes it easy for adoption facilitators to skirt the law on child-buying.

International adoption has become an increasingly popular option for building a family. In 2002, 20,099 children were adopted from overseas, compared with 6,472 children in 1992. Accusations about child trafficking plague international adoptions in Guatemala, Vietnam, Romania and elsewhere.

In a typical international adoption, the adoptive parents-to-be work with an agency in the States, which contracts with a facilitator in the child’s home country. The facilitator may in turn work with various orphanages and hire numerous people to handle such tasks as processing paperwork. The complexity and informality of the arrangements can make it difficult to tell who’s working with whom. Under U.S. law, agents working for the adoptive parents may not give the birth family money, except for reasonable expenses.

Before the child can immigrate to the United States, the U.S. Consulate must issue the child a visa. In cases where there are allegations of child-buying or other illegalities, the Consulate may issue a Notice of Intent to Deny (NOID). The adoptive parents are allowed to try to rebut the allegations and, if the consular officer still denies the petition, to take their case to the Immigration Service’s Office of Administrative Appeals.

A review of cases available to the public reveals disturbing accounts of birth parents being paid excessive amounts of money for expenses and making inconsistent statements to authorities about the sources of the money. And in December of 2001, the United States placed a moratorium on adoptions from Cambodia because of suspicions of child trafficking and other illegal activities. Yet a review of hundreds of cases resulted in only a few being denied. Trish Maskew was a strong advocate for the clearing of the Cambodian cases. She then learned just how difficult it is for the Immigration Service to prove child trafficking, leading her to question some current adoption practices and moving her to establish Ethica.

“It was clear that the adoption community needed an independent voice for ethical adoption practices—one that is decidedly pro-adoption but has no financial interest in completing adoption cases,” says Maskew. “There are many good agencies working to place children honestly and ethically. Unfortunately, those who abuse the system by exploiting children and taking advantage of destitute birth parents are destroying adoption as an option for the children of this world who are in need of loving, permanent families.

“We must all ensure that someone is protecting the children.”

Ethica recommends that BCIS conduct investigations with greater care and that the agency take a closer look at how narrowly it is interpreting the law regarding standards of evidence. Adoption agencies and parents must also do their share, says Maskew, by being willing to “ask the hard questions.”

Ethica has posted a copy of the position paper and information about intercountry adoption and the statutes governing it on its Web site, www.ethicanet.org.