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U.S. Red Tape With Cruel Results for Orphans

Adoptions from abroad dropped 60% in eight years, to 8,668 in 2012, from 22,991 in 2004.

By KATHERINE JAY

While much American outrage has been directed at [Vladimir Putin](#)'s ban on American adoptions from Russia, a more fundamental problem has been overlooked: The U.S. itself discourages Americans from adopting children born abroad.

After eight months of screening and paperwork, this month my husband and I thought we had adopted a child from the Democratic Republic of the Congo. The Congolese adoption decree was issued, and we should be preparing for a new daughter to join our family. Unfortunately, the difficult part has only begun. Earlier this year, the U.S. Embassy in Kinshasa radically changed its visa-review procedures, bringing adoptions to a virtual standstill. We are now bracing ourselves for the worst.



Getty Images

A Congolese baby at an orphanage in Goma, Congo.

The Congo is a country that has struggled since its independence in 1960. One in seven Congolese children dies before age 5, according to UNICEF. The mortality rate is much higher for orphans, who die of starvation, malaria, tuberculosis, smallpox, meningitis and other deadly infections. Perhaps because of this brutal reality, the country has developed adoption laws and programs that give its estimated five million orphans and abandoned children a chance at survival.

Fully aware of the grave health risks that Congolese orphans face, the U.S. Embassy in January nevertheless implemented a new, lengthy investigation process for visa applications involving adopted orphans. American parents who filed visa applications many months ago are still waiting to hear whether they have been approved. As of February, the embassy said that more than 500 applications were pending. Moreover, the embassy has started returning children's visa applications to U.S. Citizenship and Immigration Services recommending that visas be denied due to "discrepancies" found in the investigations, many of which are created by lapsed time between abandonment and investigations and language barriers.

While children who have been legally adopted by American parents languish in orphanages, the embassy sends out its Fraud Prevention Unit to investigate each child. In many cases, children slated for adoptions were removed from orphanages and placed in foster care several months prior to the investigators' visit. Congolese orphanage directors are inundated with children, but when they do not remember a particular child they met briefly many months earlier, the U.S. Embassy declares that "orphan status cannot be verified" and recommends denial. When the orphanages do not keep detailed records—and few do, despite their best efforts—the embassy recommends denial. When there are any inconsistencies in the abandonment documents, which are created months after the abandonment and only when an orphan is matched with a family, the embassy recommends denial.

We hope that when U.S. investigators finally come calling regarding the girl my husband and I adopted, the orphanage director and social workers will all clearly remember that spring day when our child was taken to an orphanage. If they don't, we have good reason to believe that the U.S. government will consign her to live in a crowded orphanage that can't afford to feed or provide basic medical care for its children.

The Congo isn't the only place where this happens: American adoptive parents in recent years have experienced similarly heartbreaking scenarios in countries including Guatemala, Vietnam, Cambodia and Nepal, where the U.S. has ramped up its oversight and then closed adoption programs when the country couldn't live up to U.S. transparency standards.

The State Department is understandably concerned about fraudulent applications. But the very countries that have the most children in need—like the Congo and Vietnam—are the ones that have problems with crime and transparency. The ultimate effect of the State Department's policies has been a dramatic 60% drop in adoptions from abroad—to 8,668 in 2012, from 22,991 in 2004.

Part of the problem is that embassies are severely understaffed, even though adoptive families pay visa fees that could provide ample resources to efficiently review visa applications. For example, we paid \$910 for our child's application. Of that fee, \$720 goes directly to the U.S. Citizenship and Immigration Services for application review, which is mostly conducted by embassies abroad. Multiply that figure by the 500 applications that the embassy in the Congo acknowledges are backlogged, and you get \$360,000. Yet the number of consular officials investigating these applications in Kinshasa remains at just two.

The Congo is a poor country, broken in many ways. But why should children be condemned to permanent orphanhood simply because they are Congolese? The State Department should not make it so difficult for abandoned children to start new lives as Americans.

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