

THE GOVERNMENT
No: 19/2011/ND-CP

**SOCIALIST REPUBLIC OF VIET
NAM**

**Independence - Freedom -
Happiness**

*Ha Noi, day 21 month 03 year
2011*

**DECREE
PROVIDING IN DETAIL FOR IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE LAW ON
ADOPTION**

THE GOVERNMENT

Pursuant to the December 25, 2011 Law on the Organization of Government;
Pursuant to the June 17, 2010 Law on Adoption;
At the proposal of the Minister of Justice,

DECREES

Chapter 1:

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Decree provides in detail for reception, management, usage of humanitarian aids to nurture, care, and educate children in special circumstances upon Article 7; authority for the collection, rate, the exemption, reduction, usage and management regime of adoption registration fee, expenses for settling inter-country adoption according to Article 12; procedures of adoption settling between Vietnamese citizens and neighboring countries' citizens permanently residing in border areas referred to Article 42; rate, usage and management regime of fee and procedures of granting, extending, modifying the operation licenses of foreign adoption agencies in Vietnam referred to Article 43; procedures for adoption registration between Vietnamese citizens before the date of January 01, 2011 but have not yet registered referred to Article 50 of Law on Adoption.

2. This Decree guides for implementation of a number of issues on competence, sequence, procedures for settling domestic adoption, adoption at the Vietnamese representative agencies in foreign country (hereinafter called as the representative agencies), adoption involving foreign factors under Article 9, 15, 17, 18, 20, 21, 22, 28, 30, 31, 32, 33, 34, 36 of Law on Adoption; re-registration and recognition of adoption which was registered at competent agencies of foreign countries.

Article 2. Competence for adoption registration

Competence for adoption registration implemented in accordance with provision in Article 9 of Law on Adoption and the following specific provisions:

1. For domestic adoption, the People's Committees of Commune, Ward, Township (hereinafter called as The Commune-level People's Committees) of place in which adoptee permanently residing are competent to register adoption.

In case stepfathers or stepmothers allow their wife or husband's step-children to be their adoptees; natural aunts, uncles allow their nephews, nieces to be their adoptees or having an agreement between adopting person and natural parents or guardian of children allowed to be adoptees, the Commune-level People's Committees of place in which adopting persons permanently residing are competent to register adoption.

In case abandoned children who have not been sent to the nurturing centers be adopted, the Commune-level People's Committees which made the confirming report on abandoned children's status are competent to register adoption; in case children living in the nurturing centers be adopted, the Commune-level People's Committees of place where the nurturing centers locate are competent to register adoption.

2. Regarding inter-country adoption, the People's Committees of centrally-affiliated Provinces, Cities (hereinafter called the Provincial-level People's Committees), in which the adopted persons are per-

manently residing shall decide to let such person to be adoptee; in case children living in the nurturing centers allowed to be adoptees, the Provincial-level People's Committees of place where the nurturing centers locate shall decide to let such children to be adoptee.

Departments of Justice implements for inter-country adoption registration after having the decision of Provincial-level People's Committees.

3. Regarding adoption where the adopters and adoptees are Vietnamese citizens who temporarily residing oversea, the Representative agencies of place where the adopters or adoptees temporarily residing are competent to register adoption; in case both temporarily reside in the country where has no representative agency, the adopting persons may apply for adoption registration at a certain representative agency that is most convenient for them.

Article 3. Disable, dangerous disease children are specific adopted

1. Disable, dangerous disease children are specific adopted under provisions in point d clause 2 Article 28 of Law on Adoption include: children with cleft lip and cleft palate, children who are blinded with one or two eyes; mutism, deaf; dumb; children with curved arms or legs, children with missing fingers, hands, foot (feet), toes, children infected with HIV; children with heart diseases; children with navel, groin, belly hernia; children without an anus or sexual organ; children with blood disease; children with diseases requiring life-long treatment; children with other disabilities or dangerous disease which restricting the chances of adoption.

2. Children who are subjects provided in clause 1 of this Article, if they are inter-country adopted, shall be exempted form announcement procedures of finding a substitute family provided in point c, point d clause 2 of Article 15 and procedures of introducing children for adoption referred to provision in clause 1 Article 36 of Law on Adoption.

3. In case where there are not enough proofs to determine that children are subjects provided in clause 1 of this Article, the Department of Adoption under management of the Ministry of Justice (hereinafter called as Department of Adoption) shall collect opinions of the competent agencies under provision of Law on Disable People for disable children or of the medical experts for dangerous disease children.

Article 4. Reception, management, and use of humanity assistance in order to nurture, care of, and educate children with disadvantaged circumstances

The humanitarian aids for nurturing, caring for and educating children in disadvantaged circumstances implemented referred to provision in Article 7 of Law on Adoption and the following specific provisions:

1. Domestic, foreign individuals, organizations encouraged to provide humanitarian aids for nurturing, caring for, and educating children in disadvantaged circumstances in Vietnam via programs, protective projects, care for, nurture of children in communities, nurturing centers; sponsor for children protective funds or other methods under the laws of Vietnam.

While providing for humanitarian aids, individuals, and organizations do not request the nurturing centers to give children for adoption; the nurturing centers do not commit to give children for adoption because they received humanitarian aids .

2. The Ministry of Labour, War invalids and Social Affairs guides, directs, supervises over the reception, management, and usage of humanity aids to nurture, care for, and educate children in disadvantaged circumstances.

3. The foreign adoption agencies are authorized to operate in Vietnam shall not allowed to provide directly assistance to the nurturing centers that assigned to allow children to be overseas adopted.

Article 5. Time of valid of dossiers

1. The judicial record, health certificate, documents certifying of the family status, accommodation circumstances, economic conditions of domestic adopters referred to Article 17 of Law on Adoption and dossiers provided in point b, point đ clause 1 Article 21 of this Decree shall be valid if they are granted not excess 06 months, from the date of applying dossiers at the Commune-level People's Committees.

2. The judicial record, health certificate, a completed questionnaire on psychology, family, income and property certificate of persons adopting Vietnamese children to be overseas adoptees referred to provision in Article 31 of Law on Adoption shall be valid if they are granted not excess 12 months, from the date of applying dossiers at the Department of Child Adoption.

3. The judicial record sheet of head of the foreign adoption agencies referred to point e and of the persons expected to be head of the foreign adoption agencies referred to point g clause 1 Article 31 of this Decree shall be valid if they are granted not excess 6 months, from the date of applying dossiers at the Department of Child Adoption.

Chapter II

DETAILED PROVISIONS ON A NUMBER OF PROCEDURES FOR SETTLING ADOPTION

ITEM 1: DOMESTIC ADOPTION

Article 6. Having dossier and list of children in need of substitute families

1. In case of children living in the nurturing centers in need to find a substitute family but are not disable children, dangerous disease, the nurturing centers make dossiers and list of children (hereinafter called as the List 1) asking for the Departments of Labor, war Invalids and Social Affairs' opinion before sending to the Departments of Justice to notify of finding substitute family for the children in the provincial area referred to point c clause 2 Article 15 of Law on Adoption.

2. In case of disable children, children with dangerous disease and children aged 5 year-old or older and two or more children are biological siblings need to find a substitute family, the nurturing centers make dossiers and a private list (hereinafter called as the List 2) asking for the Departments of Labor, war Invalids and Social Affairs' opinion before sending to the Departments of Justice.

If children have enough conditions for adoption, the Departments of Justice shall confirm referred to provision in clause 1 and clause 2 Article 16 of this Decree and sending the application enclosing with the List 2 to the Departments of Child Adoption to notify to the adopter of child-specific adoption.

3. In case of children living in the nurturing centers adopted by Vietnamese citizens permanently domestic residing, the nurturing centers is responsible for providing 01 set of children's dossier to the adopters and deleting such children's name in the List provided in clause 1 or clause 2 this Article.

Article 7. The application dossier of the adopters

The application dossier of the domestic adopters shall be compiled 01 set includes documents provided in Article 17 of Law on Adoption. In case adopters and adoptees are not one of the cases provided in clause 3 Article 14 of Law on Adoption and not permanently reside together in a commune area, confirming of family circumstances, accommodation and economic conditions of adopters carried out as follows:

1. In case of adopting person applies for adoption registering at the Commune-level People's Committees in which adopted children permanently reside, documents of family circumstances, accommodation and economic conditions of adopting persons shall be confirmed by the Commune-level People's Committees in which such persons permanently reside.

2. In case of the adopting person applies for adoption registering at the Commune-level People's Committees in which such person permanently resides, the civil status – judicial officers shall confirm family circumstances, accommodation and economic conditions of adopting persons.

Article 8. Responsibility for collecting concerned persons' ideas on adoption

1. Collecting concerned persons' ideas on adoption carried out referred to provision in Article 20 of Law on Adoption and directly by the civil status – judicial officers of the Commune-level People's Committees in which adopted persons permanently reside.

2. In case adopting persons apply dossier for adoption registering at the Commune-level People's Committees in which such persons permanently reside but in the same place the adopted children reside, the collecting concerned persons' ideas on adoption carried out as follows:

a) In case of delegating civil status – judicial officers to go to collect directly, the Commune-level People's Committees receiving applying shall send a written to request the Commune-level People's Committees in which the adopted persons permanently reside for delegating their civil status – judicial officers to coordinate collecting concerned persons' ideas.

b) In case of being unable to delegate civil status – judicial officers to go to collect directly, the Commune-level People's Committees receiving dossiers shall send written request to the Commune-level People's Committees in which the adopted children permanently reside for collecting concerned persons' ideas.

Within 10 days, from the date of receiving the request of the Commune-level People's Committees

receiving dossiers, the Commune-level People's Committees in which the adopted children permanently reside delegate their civil status – judicial officers to collect directly the concerned persons' ideas and send result to the Commune-level People's Committees requested.

3. Collecting ideas must be shown in writing and meet requirement as provided in clause 2 Article 9 of this Decree.

Article 9. Requirement of dossiers inspection and collecting concerned persons' ideas

1. While inspecting dossiers, the civil status – judicial officers must research, study the concerned persons' innermost feelings, aspiration and circumstance. In case the adopted persons have natural parents still alive, the civil status – judicial officers inspect if the natural parents and adopting parents have agreement to keep rights, obligations toward their children and the method to carried out such rights, obligations after children were allowed to be adopted.

2. While collecting concerned persons following the provision in Article 20 and Article 21 of the Law on Adoption, the civil status – judicial officers must consult to help children continue be cared for, nurtured, educated which are suitable with the families' conditions and real capabilities.

In case adoption to children is the last solution for their best benefits, the civil status – judicial officers must consult fully for concerned persons about adoption's purpose; rights and obligations arising between adoptive parents and adopted children after adoption registering; the natural parents have no longer any rights, obligations toward their children upon provision in clause 4 Article 24 of Law on Adoption if the natural parents and adoptive parents have no other agreements.

3. If concerned persons have not awared fully, understood clearly about the consulted matters or influenced by psychology, health element had agreed to allow their children to be adopted, then wanted to change their decision after rethinking , within the limit time of 15 days from the date of being asked for their ideas, concerned persons must inform in writing to the Commune-level People's Committees settling adoption dossiers. If this time is terminated, the concerned persons may not change their ideas for allowing children to be adopted.

Article 10. Procedures for registration of adoption

Procedures for registration of adoption are carried out referred to provision in Article 22 of Law on Adoption and the following specific provisions:

1. Registration for adoption is carried out in the office of the Commune-level People's Committees. When registering adoption, adoptive parents, natural parents, the guardian or representative of the nurturing centers and adopted children must be in presence. The civil status – judicial officers record in the adoption registration book and hand the adoption certificates to the parties.

2. In case adoptees are abandoned children and record part about their parents in birth certificate and birth registration book keeping in the Commune-level People's Committees is unfilled, based on the certificate of adoption, the civil status – judicial officers shall supplement the information of adoptive parents into parents record part in birth certificate and birth registration book of the adopted children; at the noting column in the birth registration book must be written clearly that they are adoptive parents.

3. In case of having agreement between adoptive parents and natural parents, together with the consent from the adopted children aged 9 year-old or older of changing record part of parents in birth certificate and birth registration book of the adopted children, the Commune-level People's Committees of the places in which carried out birth registration for children shall carry out birth reregistration to the adopted children and revoke former birth certificate; at the noting column in the birth registration book must be written clearly that they are adoptive parents.

ITEM 2: INTER-COUNTRY ADOPTION

Article 11. The nurturing centers entitled to allow children to be inter-country adoptees

1. The nurturing centers entitled to allow children to be inter-country adoptees are the nurturing centers found and operated legally in Vietnam; having enough conditions to care, nurture, educate children under provision of law; having a staff force is enough standards of morality, skill and knowledge in the field of caring, nurturing, educating children and being well-informed about inter-country adoption field; being assigned by the Provincial-level People's Committees to allow children to be inter-country adoptees.

2. The Departments of Labor, War Invalids and Social Affair is the main responsible unit for implementing, coordinating with the Departments of Justice and agencies, organizations found such nurtur-

ing centers to examine, value and report to the Provincial-level People's Committees for considering, assigning the nurturing centers to be allowed children to be adopted overseas according to provision in this Article 1.

3. The Departments of Justice inform to the Department of Child Adoption about the list that the nurturing centers is allowed children to be adopted overseas, assigned for supervising and coordinating to manage by the Provincial-level People's Committees.

Article 12. Announcement of list of countries exempted form consular legalization of papers and documents

The Consular Department under the Ministry of Foreign Affairs (hereinafter called as the Consular Department) is responsible for forming, updating and informing to the Department of Child Adoption about the list of countries exempted from consular legalization of papers and documents under treaties in which the Socialist republic of Vietnam is a contracting party or the reciprocity principle provided in Article 30 of Law on Adoption.

Article 13. Application of adopting persons

Vietnamese children adoption Application of an overseas Vietnamese, a foreigner permanently residing abroad must comprise papers, documents provided in clause 1 Article 31 of Law on Adoption.

When applying dossiers at the Department of Child Adoption, the adopting person incase of specific children as provided in clause 2 Article 28 of Law on Adoption must apply 01 set of dossier of adopted children and depend on each case, must have the following correlative documents:

1. Copy of marriage certificate of stepfather or stepmother with natural mother or father of adopted children.
2. Papers, documents proving that adopting persons are natural aunt, uncle of the adopted children.
3. Copy of Vietnam competence agency's decision allows such person adopting Vietnamese children and papers, documents proving that such adopted children with the children introduced to be adoptees are biological siblings.
4. Papers, documents proving that adopted child is belong one of the cases provided in clause 1 Article 3 of this Decree.
5. Confirming document of the Commune-level People's Committees or Public Securities of the adopting persons' Vietnam residence and the other papers, documents proving that the adopting persons are the foreigners working, educating uninterruptedly in Vietnam for an at least 01 year period, counted to the date of application of dossiers at the Department of Child Adoption.

Article 14. Application of children to be adopted

Application of the adopted children must comprise papers, documents compiled as provided in Article 32 of Law on Adoption and the following specific provisions:

1. A summary of children's characteristic, hobbies, habit. Have to write truthly information about health, disease status (if any), hobbies, daily habit need to be paid attention must be written faithfully to give an advantage to adopting persons in caring for, nurturing, educating child after being adopted.

In case stepfather or stepmother adopts their step child not comprising the above mentioned paper.

2. For children belong to the List 1, must have the following papers:

- a) The Departments of Justice's official letter enclosing with papers, documents of evidencing made notification to find a domestic substitute family for children referred to point c Article 15 of Law on Adoption;
- b) The Department of Children Adoption's verification official letter for terminating the notifying time referred to point d term 2 Article 15 of Law on Adoption but there is no domestic person adopting child.

Article 15. Responsibility for examining and collecting the concerned persons' ideas on allowing children to be overseas adopted

1. Departments of Justice examine dossiers and assign officers directly collecting concerned persons' ideas for allowing child to be overseas adopted referred to clause 1 Article 33 of Law on Adoption.

2. Examining dossiers and collecting ideas must meet requirements as provided in clause 1 clause 2 Article 9 of this Decree.

If concerned persons have not known fully, understood clearly about the matters consulted or affected by psychology, health element had agreed to allow their children to be adopted, wanted to change their decision after rethinking, within 30 days from the date of being asked for their ideas, the concerned persons must inform in writing to the Department of Justice of place settling adoption dossiers. If this time terminated, the concerned persons may not change their ideas for allowing children to be adopted.

Article 16. Requirements for confirming children having enough conditions to be overseas adopted

1. Before confirming children having enough conditions to be overseas adopted referred to provision in clause 2 Article 33 of Law on Adoption, the Departments of justice must consider and decide dossiers of children and cross-check with provisions on objects, age of children to be adopted, the case of specific adopting, the cases must be been through introduction's procedure.

In cases of abandoned children allowed to be adopted overseas, must have verification and clear concluding official letter of the Provincial-level Public Securities about abandoned children's background, cannot define their natural parents.

2. Verifying children having enough conditions to be adopted must ensure that children could meet enough requirements about age, specific adopted objects, objects must be through introduction's procedures; dossiers must have enough duly legal papers.

3. In case of children of the List 1 having enough conditions to be adopted, the Departments of Justice must have confirming official letter with each case in detailing.

Article 17. Procedures for dossier application and reception of the inter-country adopting persons

Procedures for dossier application and reception of Vietnamese who immigrated to a foreign country, of Vietnamese children adopting, carried out upon provision in clause 3 Article 31 of Law on Adoption and provision specific as follows:

1. In case of specific children adoption, the adopting person applies dossiers directly at Department of Child Adoption. If having suitable reason for being not to apply dossiers directly at the Department of Child Adoption, adopting persons authorize in writing to their relatives permanently residing in Vietnam apply dossiers at Department of Child Adoption or send dossiers via post office by recorded delivery.

2. In case of non specific child adoption, the adopting person permanently residing in the country is contracting party of a treaty on coordinating adoption with Vietnam applies dossiers to the Department of Child Adoption via such country adoption agencies granted license for operating in Vietnam; If such country has not got adoption agencies granted license for operating in Vietnam, adopting persons applies dossiers to the Department of Child Adoption via the diplomatic representative agencies or the Consular agency of such country in Vietnam.

3. Department of Child Adoption considers, receives dossiers of adopting persons based on the quantity of Vietnamese children having enough conditions to be adopted overseas.

Article 18. Requirements for examining, appraising dossiers of inter-country adopting persons

Examining Vietnamese children adoption dossiers of Vietnamese who immigrated to in a foreign country, foreigners permanently residing overseas carried out upon provision in clause 1 Article 34 of Law on Adoption and provision specific as follows:

1. After receiving enough dossiers of adopting persons, the Department of Child Adoption, consider and appraise dossiers to define:

a) The adopting persons ensured by the competent agencies of the country in which they permanently residing that they meet enough conditions to adopt under such country's regulations of laws;

b) The adopting persons meet enough conditions of adoption under regulations of Vietnamese laws.

2. When appraising the dossiers, if necessary, the Department of Child Adoption collects ideas of experts of psychology, health, family, society in order to define that adopting persons have the best conditions to care for, nurture, educate adopters.

3. Dossiers of the adopting persons approved if meeting enough conditions as provided in clause 1 and clause 2 of this Article; in case of disapproving, the Department of Child Adoption returns dossiers to the adopting person and state clear reasons in writing.

Article 19. Requirements for transferring dossier of adopting persons to Department of Justice for introducing children to be adopted

The Department of Child Adoption transfers dossiers of inter-country adopting persons to the Departments of Justice under provisions in clause 3 Article 34 of Law on Adoption. Dossiers transferring based on the quantity of children having enough conditions to be adopted overseas and the quantity of dossiers of adopting persons approved.

Article 20. Requirements for introduction of children for inter country adoption

The introduction of children for inter country adoption carried out under provisions in Article 35, Article 36 of Law on Adoption and specific provisions as follows:

1. Based on the local real situation, the Departments of Justice submit to the Provincial-level People's Committees for issuing regulation of inter-field coordinating to consult of introduction children for inter country adoption which assure closely, objectively, suitably with children's demand and best benefits.
2. After introducing of children for adoption, the Departments of Justice report to the Provincial-level People's Committees to collect its opinion. In case the Provincial-level People's Committees agree with the introduction of children for adoption, in the time of not excess 05 working days, from the date of the Provincial-level People's Committees' agreement, the Departments of Justice forward to the Department of Child Adoption a set of child's dossier enclosing with agreement written of the Provincial-level People's Committees. In case the Provincial-level People's Committees disagree with the introduction of Departments of Justice, the Provincial-level People's Committees shall inform clear reason in written for the Departments of Justice to implement reintroduction. After 03 months from the date of the Provincial-level People's Committees' disagreement but the Departments of Justice could not introduce, they must return dossiers of adopting persons to the Department of Child Adoption with written stating clearly the reason.
3. While examining the result of introducing children for adoption, the Department of Child Adoption may collect experts of psychology, health service, and family, society in order to consider and decide the result of introducing children to be adopted. If children have enough conditions to be adopted, the introduction of children to be adopted must make sure to comply with orders, procedures as provisions and meet children's best benefits, the Department of Child Adoption notifies in writing to the adopting persons. In case children have not enough conditions to be adopted, the introduction of children to be adopted not comply with order, procedures as provisions and not meet children's best benefits, the Department of Child Adoption report to the Minister of Justice for informing to the Provincial-level People's Committees and Departments of Justice.

ITEM 3: FOREIGN ELEMENTAL ADOPTION IN THE BORDER AREAS

Article 21. Procedures for settling foreigners residing in the neighboring countries' border areas adopt children

1. The foreigners residing in the neighboring countries' border areas adopting Vietnamese children permanently residing in the Vietnamese border areas must have written request for adoption enclosing with the following papers granted by the neighboring countries' competent agencies:

- a) A copy of passport or a valid substitute paper;
- b) A judicial record sheet;
- c) A official letter certifying of adopting person having enough conditions to adopt child under such country's laws;
- d) A written certification of the marital status;
- đ) A health certificate;
- e) Two newest pictures, posed fully, size 9 cm x 12 cm or 10 cm x 15 cm.

2. Papers provided in clause 1 this Article must be translated in to Vietnamese, made in 2 sets. Adopting persons must submit their 02 sets together with 02 sets of adopted children to the Commune-level People's Committees in which adopted children permanently residing; each set of children comprises papers provided in Article 18 of Law on Adoption.

While applying dossiers, adopting person must present passport or substitute value papers to examine and pay adoption registration fee at the Commune-level People's Committees under provision in clause 1 Article 40 this Decree.

3. Within 15 days, from the date of receiving a complete and valid dossier, the Commune-level People's Committees examine, collect concerned persons' ideas under provision in Article 9 this Decree and sending official letter to the Department of justice enclosing 01 set of adopting person and 01 set of child to ask for opinion.

4. Within 10 days, from the date of receiving official letter of the Commune-level People's Committees, Department of justice considers dossiers for adoption and reply in writing to the Commune-level People's Committees.

5. Within 05 working days, from the date of receiving agreement decision of the Department of justice, the Commune-level People's Committees register adoption and organize to hand over adopted child referred to procedures provided in Article 10 of this Decree; in case the Department of justice disagrees, the Commune-level People's Committees issues written reply and state clearly the reason to adopting persons.

Article 22. Procedures for settling Vietnamese citizens permanently residing in the border areas adopt children of neighboring countries residing in the border areas to be adopted

1. Vietnamese citizens permanently residing in the border areas adopt children of neighboring countries residing in the border areas must have enough conditions referred to Article 14 of Law on Adoption and conditions under the neighboring countries' law.

2. Dossier for adoption must have papers, documents referred to Article 17 of law on Adoption and other papers, documents as provided under the neighboring countries' law; number of dossier compiled under the neighboring countries' law.

3. After completing dossier, adopting persons apply to Department of Justice. Department of Justice examines and confines if such person has enough conditions to adopt referred to Article 14 of Law on Adoption.

4. After registering adoption at the competent agencies of neighboring countries, adopting person must carry out the noting procedure at the Commune-level People's Committees in which such person permanently residing.

ITEM 4: ADOPTION IN REALITY BUT HAVE NOT YET REGISTERED

Article 23. Registration for adoption in reality

1. Adoption arose in reality between Vietnamese citizens but have not yet registered before the date of first of January, 2011, if it meets conditions referred to clause 1, Article 50 of Law on Adoption, shall be registered from January 01, 2011 to December 31, 2015 at the Commune-level People's Committees in which adoptive parents and adopted child permanently residing.

2. Provision in the clause 1 this Article applied to Vietnamese citizens permanently residing in the border areas adopt children of neighboring countries before the date of first of January, 2011 but have not registered at the competent state agencies.

Article 24. Dossiers for adoption in reality

1. Adopting person must apply written request for adoption in reality and hand in to the Commune-level People's Committees in which such person permanent residing. In the request, it demands to write clearly date, month, year arising adoption relation in reality with signatures of at least two eyewitnesses.

2. Papers enclosing with the written request comprise:

- a) A copy of identity card and inhabitant book of adopting person;
- b) A copy of identity card and birth certificate of adopted child;
- c) A copy of marriage certificate of adopting person, if any;
- d) The other papers, documents evidencing about adoption, if any.

Article 25. Procedures for registration of adoption in reality

1. Within 15 days, from the date of receiving a complete and valid dossier, the Commune-level People's Committees assign civil status – judicial officers coordinating with the Commune-level Public Securities to examine and verify; if adopting persons and adopted persons still alive, parents-child relation still exist, both having relation of care for, nurture, education in reality as parents and children,

the Commune-level People's Committees shall register adoption.

2. When registering adoption, both adopting and adopted persons must be in presence. The civil status – judicial officers record in the book of adoption registration and hand adoption certificate to the parties.

ITEM 5: ADOPTION BETWEEN VIETNAMESE CITIZENS TEMPORARILY RESIDING OVERSEAS

Article 26. Dossiers for registration of adoption

1. Dossier of adopting persons made 01 set, comprising the papers referred to Article 17 of Law on Adoption. In case adopting persons reside overseas from 06 months and above, judicial record sheet, health certificate, written certification of marital status, accommodation status, economic condition of such persons may granted by competent agencies of the country in which such persons residing.

2. Dossier of adopted persons made 01 set, comprising the papers referred to points a, b, c and case to case required to have correlative papers referred to point 1 clause 1 Article 18 of Law on Adoption. In case adopted persons residing overseas from 06 months and above, health certificate and correlative papers referred to point d clause 1 Article 18 of Law on Adoption may be granted by the competent agencies of the country in which such persons residing.

Article 27. Procedures for application and registration of adoption at the representative agencies

1. Adopting persons directly apply their dossier and of adopted persons at representative agencies referred to in clause 3 Article 2 of this Decree.

2. Within 10 days from the date of receiving a complete and valid dossier, representative agencies examine and collect concerned persons' ideas on adoption. Examining and collecting concerned persons' ideas must assure requirements referred to in Article 9 of this Decree.

3. If the parties have enough conditions under provision in Article 14 of Law on Adoption, within 20 days, from the date of asking for concerned persons' ideas, representative agencies register adoption.

When registering adoption, adoptive parents, natural parents, guardian and adopted persons must be in presece. The representative agencies record in adoption registration book and hand adoption certificate to the parties, together with sending written information to Department of Child Adoption and Consular Department enclosing with a copy of adoption certificate.

4. In case dossier of adoption does not clear, need domestic agencies examine, verify, representative agencies issue official letter enclosing a copy of dossier sending to Department of Child Adoption, c/c to Consular Department to request for verification.

Within 30 days from the date of request receipt, Department of Child Department proposes domestic concerned agencies to consider and decide, verify and reply to representative agencies.

If refusing to register, representative agencies issue written reply to adopting persons.

Article 28. Notification of the growth of adopted children and supervision for adoption

Within 03 years from the date of handing over adopted children, adoptive parents are responsible for sending report once every 06 months to the representative agencies in which they residing of health, physical and mental conditions and integration of the adopted children with their adoptive parents and their family and community; in case adoption continue to implement in Vietnam, within this time, notification of the growth of adopted children comply with provision in Article 23 of Law on Adoption.

ITEM 6: REREGISTRATION OF ADOPTION, RECOGNIZING OF ADOPTION REGISTERED AT THE FOREIGN COMPETENT AGENCIES

Article 29. Re-registration of adoption

1. Adoption registered at competent state agencies of Vietnam but both civil status book and the original adoption registration certificate lost or ruined so that they are unused, shall be reregistered if both adoptive parents and adopted children still alive at the time of reregistration.

2. The Commune-level People's Committees in which adoptive parents and adopted children permanently residing or of place in which formerly registered adoption, are competent to reregister adoption. Department of Justice in which adoptive parents and adopted children permanently residing or of place registered adoption, are competent to reregister foreign elemental adoption.

3. Persons have demand for reregistration of adoption must hand written request for reregistration of

adoption. In case reregistration at the Commune-level People's Committees or Departments of Justice in which are not the places formerly registered adoption, the written request must have commitment of persons request for reregistration for the faith of formerly registered adoption and having signatures of at least two eyewitnesses.

4. Within 05 working days, from the date of receiving a complete and valid dossier, president of the Commune-level People's Committees signs and grant to reregistration request person 01 original certificate of adoption.

For the case of reregistration of foreign elemental adoption, Director of Department of Justice submit to the Provincial-level People's Committees for signing decision to allow Vietnamese children to be adopted overseas to grant for reregistration request persons.

5. In noting item of the original copy of papers referred to clause 4 this Article and adoption registration book must be written clearly that it is reregistered.

Article 30. Noting adoption registered at the foreign competent agencies

1. Vietnamese citizens adopt Vietnamese children or foreign children registered at the foreign competent agencies, recognized in Vietnam and noted in the adoption registration book, except the case of violating provision in Article 13 of Law on Adoption.

2. Noting in the adoption registration adoption book carried out at Departments of Justice in which adoptive parents and adopted children permanently residing.

3. Person has demand for noting the registration of adoption must show to Departments of Justice the original copy of adoption registration papers granted by foreign competent agencies.

4. Departments of Justice note the registration of adoption in the adoption registration adoption book and grant for concerned persons papers confirming that they noted such adoption.

Chapter III

PROCEDURES FOR GRANTING, EXTENDING, MODIFYING AND REVOKING OPERATION LICENSES OF FOREIGN ADOPTION AGENCIES IN VIETNAM

Article 31. Dossier of foreign adoption agencies for granting operation license in Vietnam

1. Dossier of foreign adoption agencies for granting operation license in Vietnam must comprise:

- a) A written request of foreign adoption agencies for granting adoption operation license in Vietnam;
- b) Copy of its charter, its operation regulation, or established document of foreign adoption agencies;
- c) Copy of permission granted by competent agency of the country in which it is established to operate in the foreign adoption domain in Vietnam.

d) Report on the international adoption activities in recent 3 consecutive years including financial revenues, expenditures, certified without committing any violations by competent adoption agency in the country in which it is established, report on adoption operation in Vietnam in case already having foreign adoption activities in Vietnam.;

đ) Evaluation report on the social and legal workers knowledgeable about Vietnam's law, culture and society and international law on adoption;

e) Curriculum vitae, judicial record sheet, copy of diplomas, certificates of skill and knowledge of head of foreign adoption agencies;

g) Curriculum vitae, judicial record sheet, copy of diplomas, certificates of skill and knowledge of person expected to be head of foreign adoption agencies and agencies' written agreement delegating such person to be head of foreign adoption agencies.

2. Dossier referred to clause 1 this Article made in 02 sets and hand in at Department of Child Adoption.

Article 32. Standards of the head of the foreign adoption office operating in Vietnam

1. Head of the foreign adoption office operating in Vietnam must meet fully following standards:

- a) Being Vietnamese citizen or foreign citizen; if he/she is Vietnamese citizen, he/she must not governmental officers under provisions of laws;

- b) Having good morality;
 - c) Having no former criminal, former violation, being not forbidden to go abroad, enter country;
 - d) Knowing about laws, culture, society of Vietnam related to adoption and international laws on adoption.
2. One person just may be head of one foreign adoption agency in Vietnam.

Article 33. Orders for granting license to the foreign adoption agencies operating in Vietnam

1. Within 60 days, from the date of receiving a complete and valid dossier, Department of Child Adoption examines, considers and decides dossier; interview to examine, value standards of person expected to be head of Vietnam-based foreign adoption agencies; examines, values conditions, skill and knowledge capability and staff-force of foreign adoption agencies; reports to the Minister of justice for suggesting Ministry of Public Security giving opinion.
2. Within 30 days, from the date of Ministry of Justice's suggestion receipt, Ministry of Public Security issues written reply to Ministry of Justice.
3. Within 05 working days, from the date of Ministry of Public Security's reply receipt, Department of Child Adoption completes dossier, reports to Minister of Justice for deciding to grant operating license of inter-country adoption activities in Vietnam (hereinafter called as the License) to the foreign adoption agencies and inform to Ministry of Public Security, competent tax agencies for coordinating to manage; in case of refusing to grant License, Department of Child Adoption issue written information stating the reason to the foreign adoption agencies.
4. License has valid of not excess 05 years in the whole country from the date of issuance and may be extended many times but once is not excess five years.

Article 34. Extending licenses

1. The foreign adoption agencies granted license to operate in Vietnam if complying seriously with provisions of laws, its License shall be extended.
2. Not excess 60 days before License is invalid, the foreign adoption agencies must send written request for extending to Department of Child Adoption enclosing with License and report of operation in Vietnam.
3. Within 30 days from the date of receiving a complete and valid dossier, Department of Child Adoption considers and decides dossier, examines operation of the foreign adoption office in Vietnam; value its capability of skill and knowledge, if necessary, reports to Minister of Justice for suggesting Ministry of Public Security giving opinion.
4. Within 15 days, from the date of Ministry of Justice's suggestion receipt, Ministry of Public Security issue written reply to Ministry of Justice.
5. Within 05 working days from the date of Ministry of Public Security's written reply receipt, Department of Child Adoption completes dossier, reports to Minister of Justice for deciding to extend License and informs to Ministry of Public Security, competent tax agencies for coordinating to manage; in case of refusing to extend License, Department of Child Adoption issue written information stating the reason to the foreign adoption agencies.

Article 35. Modifying Licenses

1. In case of having change of the foreign adoption agencies' name, address of head office in the country in which such agencies found, Vietnam-based foreign adoption offices, then such agencies must send written request to Department of Child Adoption for suggesting to note changed contents.

Within 05 working days from the date of suggestion receipt for noting change, Department of Child Adoption reports to Ministry of Justice for noting changed contents into License; informs to Ministry of Public Security, competent tax agencies for coordinating to manage.

2. In case of changing head of foreign adoption agencies in Vietnam, the foreign adoption agencies must send written request to Department of Child Adoption enclosing with License and 02 sets of expected person to be head of foreign adoption agencies in Vietnam referred to point g clause 1 Article 31 of this Decree.

Within 05 working days from the date of receiving a complete and valid dossier, Department of Child Adoption considers and decides dossier, reports to Minister of Justice for suggesting Ministry of Public

Security giving opinion, enclosing 01 set of expected person to be head of foreign adoption agencies in Vietnam.

Within 15 days, from the date of Ministry of Justice's suggestion receipt, Ministry of Public Security issue written reply to Ministry of Justice.

Within 05 working days from the date of Ministry of Public Security's written reply receipt, Department of Child Adoption reports to Minister of Justice for allowing to change head of foreign adoption agencies in Vietnam, competent tax agencies for coordinating to manage; in case of refusing the person expected to be head of foreign adoption agencies in Vietnam, Department of Child Adoption issue written information stating the reason to the foreign adoption agencies.

Article 36. Revoking Licenses

1. The foreign adoption agencies revoked License of foreign adoption activities in Vietnam referred to provision in clause 3 Article 43 of Law on Adoption and the specific provisions as follows:

- a) The foreign adoption agencies terminated operation in the country in which such agencies found;
- b) The foreign competent agencies do not continue to grant license to such agencies to operate in Vietnam;
- c) The foreign adoption agencies request for terminating its operation in Vietnam prior to the time written in the License granted by Ministry of Justice;
- d) Valid of License terminated but the agencies do not request for extending or having written request but not granted;
- đ) Being striped the rights of using License under Vietnamese laws.

2. The foreign adoption agencies must hand in the License to Department of Child Adoption and pay every outstandings amount (if any) to relative individuals, organizations, agencies in Vietnam.

3. Department of Child Adoption informs to the Ministry of Public Security, competent tax agencies and the foreign competent agencies for revoking License.

Article 37. Management of the foreign adoption agencies operating in Vietnam

1. Based on reality, after exchanging information with the central agencies of international adoption of the relative countries, Ministry of Justice coordinates with Ministry of Public Security, Ministry of Foreign Affairs laying down quantity of foreign adoption agencies licensed for operating in Vietnam.

2. Ministry of Justice guides, coordinates with Ministry of Public Security and the relative ministries, branches, local implementing management of intercountry adoption in Vietnam.

Chapter IV

ADOPTION REGISTRATION FEE, LICENSE MODIFYING, EXTENDING, GRANTING FEE OF THE FOREIGN ADOPTION AGENCIES, EXPENSES FOR SETTLING INTER-COUNTRY ADOPTION

Article 38. Principles for collecting, handing in, managing and using

1. Adoption registration fee, license modifying, extending, granting fee of the foreign adoption agencies are collecting source under the state budget.

2. Expenses for settling inter-country adoption are an amount of money that foreigners not permanently residing in Vietnam shall pay when they adopt children in Vietnam for helping inter-country adoption's settle down.

3. Total collecting amount of money referred to provision in clause 1 and clause 2 this Article must be hand in the account of collecting agencies opening at the State Treasury for supervision and use upon provision.

The collecting agencies are responsible for planning of calculating in advance annual collecting, spending submit to competent agencies for approval and implementation of liquidation and drawing the balance sheet under currency regime.

ITEM 1: ADOPTION REGISTRATION FEE, LICENSE MODIFYING, EXTENDING, GRANTING FEE OF FOREIGN ADOPTION AGENCIES

Article 39. Adoption registration fee

Adoption registration fee referred to clause 1 Article 12 of Law on Adoption comprises domestic adop-

tion registration fee, inter-country adoption registration fee and adoption registration fee at the representative agencies.

Article 40. Rate of adoption registration fee

Rate of adoption registration fee is provided as follows:

1. Domestic adoption registration fee is four hundred thousand dong (400.000 dong)/case.
2. Inter-country adoption registration fee is nine million dong (9.000.000 dong)/case.
3. Adoption registration fee at the representative agencies is three million dong (3.000.000 dong)/case. This rate is exchanged into US Dollar or local currency.

Article 41. Competence for collecting adoption registration fee

1. Commune-level People's Committees collect domestic adoption registration fee.
2. Department of Child Adoption collects inter-country adoption registration fee.
3. Representative agencies collect adoption registration fee at the representative agencies.

Article 42. Objects paying adoption registration fee

1. Vietnamese citizens permanently residing in Vietnam must pay domestic adoption registration fee referred to provision in clause 1 Article 40 of this Decree when applying dossier for registration of adoption at the Commune-level People's Committees.
2. Oversea-based Vietnamese, foreigner not permanently residing in Vietnam must pay inter-country adoption registration fee referred to provision in clause 2 Article 40 of this Decree when applying dossier for registration of adoption at Department of Child Adoption.
3. Vietnamese citizens temporarily residing overseas must pay adoption registration fee referred to provision in clause 3 Article 40 of this Decree when applying dossier for registration of adoption at the representative agencies.

Article 43. Objects for exemption, reduction of adoption registration fee

1. Exempting domestic adoption registration fee for the case stepfather or stepmother adopts their stepchild; natural aunt, uncle, child's father's elder brothers adopt their nephews, nieces; adopt children as provided in clause 1 Article 3 of this Decree and adoption in the remote areas.
2. Reducing 50% of rate of Inter-country adoption registration fee for the case that stepfather or stepmother adopts their stepchild; natural aunt, uncle, child's father's elder brothers adopt their nephews, nieces.

If adopting two and above children are siblings, shall be reduced 50% of rate of Inter-country adoption registration fee from the second child.

3. Exempting adoption registration fee for the case of adoption registration in reality referred to provision in Article 23, reregistration of adoption referred to Article 29, recognition and noting of adoption registered overseas referred to Article 30 of this Decree.

Article 44. Regime for using adoption registration fee

1. the Commune-level People's Committees and the representative agencies are used adoption registration fee to serve for examining, considering and deciding dossiers; directly collecting concerned persons' ideas on adoption; supervising and reporting situation of adoption and the other acts under laws.

2. Department of Child Adoption is used 50% of rate of Inter-country adoption registration fee referred to clause 2 Article 40 of this Decree to spend for the following contents:

- a) examining, considering and deciding dossiers of adopting persons, collecting experts of psychology, health service, family and society's ideas to value wholly conditions of adopting persons;
- b) Forwarding dossiers of adopting persons to Departments of Justice;
- c) Communicating, sending documents, mail exchange with foreign competent agencies to settle adoption;
- d) Printing, issuing brochure, papers, books of adoption;

- d) Gathering, settling, counting and reporting data of foreign elemental adoption;
- e) Gathering, supervising, collecting and classifying to synthesize and valuing report of the growth of children to be adopted overseas;
- g) Buying stationeries, office material, and necessary equipment concerned directly to settling dossiers of adoption;
- h) Buying and repairing properties, equipments serving directly acts of fee collection;
- i) Spending for liquidating for individuals directly implement collection fee, comprise salaries, wages, salary allowance and contribution amounts as provided calculated based on salaries, wages other than expenses spending for governmental officers received salaries from the State budget according to provision regime.

3. Departments of Justice are used 50% of rate of Inter-country adoption registration fee provided in clause 2 Article 40 of this Decree to spend for the following contents:

- a) Examining, considering and deciding dossiers of children allowed to be adopted;
- b) Collecting concerned persons' ideas on allowing children to be adopted;
- c) Introducing children to be adopted overseas; collecting experts of psychology, health service, family and society's ideas to introduce children to be adopted;
- d) Transferring dossier introducing adopted children to the Ministry of Justice to inform to adopting persons;
- d) Gathering, settling, counting and reporting data of foreign elemental adoption;
- e) Buying stationeries, office material, and necessary equipment concerned directly to settling dossiers of adoption.

Article 45. Rate of collecting, agencies collecting fees of granting, extending, modifying licenses of the foreign adoption agencies

1. Rate of collecting, agencies collecting fee of granting, extending, modifying licenses of the foreign adoption agencies operating in Vietnam is provided as follows:

- a) Fee for granting license is sixty five million dong (65.000.000 dong)/license;
- b) Fee for extending license is thirty five million dong (35.000.000 dong)/once;
- c) Fee for modifying license is two million dong (2.000.000 dong)/once.

2. Department of Child Adoption collects fee when foreign adoption agencies apply for granting, extending, modifying license operating in Vietnam.

Article 46. Regime for using fee of granting, extending, modifying licenses of the foreign adoption agencies

Fee of granting, extending, modifying licenses of the foreign adoption agencies operating in Vietnam is used to spend for following contents:

1. Receiving, examining, considering and deciding dossiers of the foreign adoption agencies apply for for granting, extending, modifying license operating in Vietnam.
2. Interviewing, examining, valuing standards of capability and professional experience of the person expected to be head of foreign adoption agencies in Vietnam.
3. Examining conditions, capacity behaviour, legal capacity of foreign adoption agencies in the country where such agencies found.
4. Examining, supervising, managing and organizing to train skill and knowledge for foreign adoption offices in Vietnam.
5. Supervising report and directly examining the growth of Vietnamese children adopted overseas.

Item 2: EXPENSES FOR SETTLING INTER-COUNTRY ADOPTION

Article 47. Rate of collecting, agencies collecting expenses for settling inter-country adoption

1. Rate of collecting expenses for settling inter-country adoption is fifty million dong (50.000.000 dong)/case.

This amount of money is not including expenses of services, traveling, accommodation, and expenditures arising in reality that adopting persons pay direct, even expenses for taking children abroad after being settled to be adopted.

2. Department of Child Adoption is responsible for collecting expenses for settling inter-country adoption.

Article 48. Objects of paying, exempting expenses for settling inter-country adoption

1. Foreigners not permanently residing in Vietnam are responsible for paying expenses for settling inter-country adoption when such persons agree to accept Vietnamese children introduced to be adopted referred to provision in clause 3 Article 36 of Law on Adoption.

2. Foreigners not permanently residing in Vietnam adopt children referred to clause 1 Article 3 of this Decree exempted paying expenses for settling inter-country adoption.

Article 49. Using regime of expenses for settling inter-country adoption

1. Collecting agencies transfer 95% of rate of expenses referred to clause 1 Article 47 of this Decree to provincial level budgets in order to upgrade quality of security service, children care for in local, in which:

a) 70% of rate of expenses referred to clause 1 Article 47 of this Decree are used to nurture, care for, educate children and improve conditions of infrastructure, equipments serving for children's demand and benefits;

b) 15% rate of expenses referred to clause 1 Article 47 of this Decree are supplemented to salary budget and upgrade professional skill to the nurturing centers' staffs;

c) 5% rate of expenses referred to clause 1 Article 47 of this Decree are used to verify background of children to be adopted;

d) 5% rate of expenses referred to clause 1 Article 47 of this Decree are used to complete procedures and hand over adopted children.

Agencies, organizations using expenses are responsible for using effectively and right purpose part of expenses apportioned, to compile book to supervise and yearly report to the Provincial level People's Committee, together with sending to Departments of Justice for collecting and classifying to synthesize to report to Ministry of Justice.

2. Collecting agencies are quoted 5% rate of expenses referred to clause 1 Article 47 of this Decree to spend for collecting and transferring expenses; confirming and granting receipt to the payers; compiling books to supervise, controlling use these expenses for assuring its right purpose and effectively; collecting and classifying to synthesize and report publicly yearly about collecting, handing in, using expenses for settling domestic adoption in the whole country under provisions and suitable to international routine.

Chapter V

IMPLEMENTATION PROVISIONS

Article 50. Transferring provisions

1. Dossier adopting domestic children received by the Commune-level People's Committee and by representative agencies before January 01, 2011 but not yet settled, shall continue to be settled under provisions of Marriage and Family Law year 2000, Decree No. 158/2005/ND-CP dated December 27, 2005 of the Government on management and registration of civil status and the other relative regulations.

2. Dossier adopting inter-country children received by Department of Child Adoption and notified to adopting persons about children having enough conditions to be introduced to be adopted before January 01, 2011 but not yet settled, shall continue to be settled under provisions of Decree No. 68/2002/ND-CP dated July 10, 2002 of the Government detailing and guiding to implement a number of Articles of Marriage and Family Law on involving foreign marriage and family relation and the other relative regulations.

3. Foreign adoption agencies granted license for establishing Vietnam-based foreign adoption office before January 01, 2011 operated in Vietnam till September 30, 2011; in case of continuing to operate in Vietnam, the foreign adoption agencies must meet enough conditions and granted license for op-

eration of intercountry adoption in Vietnam under provisions of Law on Adoption and this Decree.

Article 51. Annuling provisions on adoption in the relative Decrees

1. Annuling chapter IV “Adoption” from Article 35 to Article 64, Article 71 and other relative provisions on foreign elemental adoption in Decree No. 68/2002/ND-CP dated July 10, 2002 of Government detailing and guiding to implement a number of Articles of Marriage and family law on involving foreign marriage and family relation.

2. Annuling clauses 8, 9, 10, 11, 12, 13 of Article 2 and other relative provisions on foreign elemental adoption in Decree No. 69/2006/ND-CP dated July 21, 2006 of the government amending, modifying, supplementing a number of Articles of Decree No.68/2002/ND-CP dated July 10, 2002 of the Government detailing and guiding to implement a number of Articles of Marriage and family Law on foreign elemental marriage and family relation.

3. Annuling Articles from Article 25 to Article 28 and the other relative provisions on order, procedure for adoption registration in Decree No.158/2005/ND-CP dated December 27, 2005 of the Government on management and registration of civil status.

4. Annuling chapter IV “registration of adoption” from Article 15 to Article 17 in Decree No. 32/2002/ND-CP dated March 27, 2002 of the Government providing on apply Marriage and Family Law for the ethnic Minorities.

Article 52. Effect

1. This decree takes effect on May 8, 2011.
2. Ministry of Justice shall implement this decree./.

**THE GOVERNMENT
PRIME MINISTER**
(signed)

Nguyen Tan Dung