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Andy Peters

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The Quest for Eden

BY ANDY PETERS



A couple battles bureaucratic roadblocks and international red tape to complete the adoption of the child they'd come to know and love.

With her first two children,

Jewel Giesy McRoberts suffered excruciating complications during childbirth.

For her third and fourth children, the complications inflicted upon Jewel and her husband, U.S. Navy Lt. Cmdr. Claude McRoberts, were bureaucratic in nature — but no less frustrating and painful.

“I had horrible pregnancies and I had one horrible adoption experience,” she says. “The horrible adoption experience was just like a bad pregnancy.”

But as was the case in the birth of her two sons, the McRoberts' adoption of two Vietnamese girls was ultimately resolved with a happy ending.

“My daughters are where they are supposed to be. They're just doing fabulous and they fit in really well with our family,” she says.

Jewel McRoberts, a 1994 Furman graduate, and her husband decided in March 2006 to submit an application to adopt a child from Vietnam. Little could they have known that they and a dozen other American couples would become embroiled in an international diplomatic row involving the U.S. State Department, the U.S. Department of Homeland Security's Citizenship and Immigration Services division, and the Vietnamese government.

And because of accusations of corruption and baby-trafficking, the McRoberts family was left with no choice but to leave one of their adopted daughters in Vietnam for five months while they brought their other new daughter home.

The dispute between the United States and Vietnam eventually became so strained that in

March of 2008, Vietnam announced that it would ban Americans from adopting children there. The decision, the government said, was prompted by what it described as a misleading and false report, issued by the U.S. Embassy in Hanoi, accusing the Vietnamese of forcing families to give up their babies and then selling the children to adoption agencies.

Vietnam had been a popular nation for Americans wishing to adopt. In 2007, Americans had adopted more than 800 children from Vietnam, according to the Reuters news service. The United States had allowed the resumption

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of adoptions in Vietnam in 2006, after a three-year period during which the two nations bickered over accusations of corruption.

Irene A. Steffas, an attorney in Marietta, Ga., who specializes in adoptions, says that the latest halt in U.S. adoptions in Vietnam reflects an unfortunate miscommunication by Vu Duc Long, Vietnam's top adoption official, who had inadvertently suggested that the Vietnamese had a “quota” for the number of children they wanted Americans to adopt.

“He overestimated his ability to communicate in English and he used an inappropriate word,” says Steffas, who worked with the McRoberts family on their case. “He said the word ‘quota,’ but there has never been a quota

with the U.S. adoption agencies. That wrong choice of words is what ended up costing the relationship.”

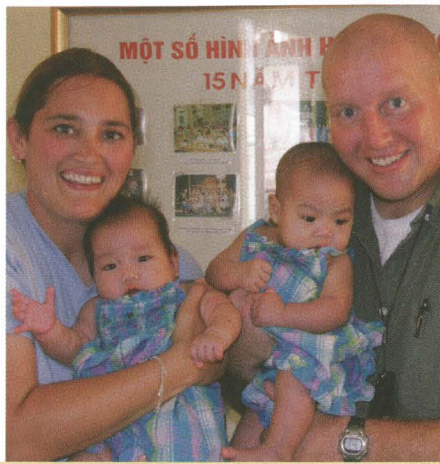
Jewel McRoberts is a health nut. She majored in health and exercise science at Furman, where she also played volleyball; she went on to coach the sport at the College of Charleston. That's where she met her husband, who was teaching at the Naval Nuclear Power School in Goose Creek, S.C.

She had already given birth to two sons, Noah (now 6) and Malachi (4), when she and

Claude decided to adopt. They wanted more children, but because Jewel had suffered severe swelling of her kidney during her pregnancies and wasn't prepared to endure the physical pain again, they began to explore adoption.

They ruled out adopting in the United States for two primary reasons. For one, the birth mother chooses the parents in a U.S. adoption. Thus, potential adopting parents have no guarantee that they will ever be chosen, Jewel says. The second reason is that adoptions in the United States are open, meaning the birth mother can always be part of the child's life and have access to open communication with the child.

Once they decided to look abroad, Jewel and Claude considered several different countries.



BRENDAN SMIALOWSKI/NEW YORK TIMES

“Each country is so different in terms of the expense and how many times you have to travel to that country [before bringing the child home],” says Jewel, who lives in Alexandria, Va., while her husband is stationed at the Navy annex of the Pentagon. “They all have their pros and cons.”

She and Claude ruled out China because of lengthy delays associated with adoptions there. Russian authorities require prospective parents to travel to their country two or three times before finalizing the adoption agreement. In the end, Vietnam seemed the best choice because of

Jewel decided the best way to make her case would be to travel to Washington to meet with U.S. Sen. Barbara Boxer.

shorter wait times and the supposed promise of only one trip to the country.

Jewel and Claude signed with the World Child International Adoption Agency, based in Silver Spring, Md. They expected their stay in Vietnam to last four weeks, during which time they would adopt two girls, whom they would name Eden Michal and Jordan Grace. The girls, both of whom were born on May 11, 2007, but are not twins, were abandoned in the Thai Nguyen province in northeastern Vietnam.

However, after the adoption agreement

with Vietnam became final and Jordan and Eden legally became the McRoberts’ children in September of 2007, the U.S. State Department weighed in. Its investigation, which summarized the birth and family status of each child, was routine, but the contents of the report were not. The department denied the McRoberts’ request for a visa for Eden.

The family would soon learn that the report on which the decision was based was full of holes.

“The U.S. Embassy did a really shoddy job,” Jewel says. “The only person they interviewed about Eden was the nurse who found her at the

hospital. This nurse had gone on a bathroom break and heard a baby crying. She found Eden on a badminton court next to the hospital.

“Embassy officials needed permission from the nurse’s supervisors to speak with her. But Vietnam is a communist country. You just don’t go ask workers to speak without first getting the permission of their supervisors. They’ll get in trouble and go to jail.”

According to Jewel’s account, State Department officials wanted to skirt the requirement of obtaining permission to speak with the nurse to confirm Eden’s abandonment. Further, they described themselves to the nurse as charity workers, not U.S. government officials. They also failed to follow the protocol, laid out in a bilateral agreement regulating adoptions between the United States and Vietnam,

requiring the U.S. government to take up its concerns with Vietnamese officials first before launching its own probe.

When the U.S. officials tried to speak with the nurse, she was fearful of losing her job or being sent to prison. She refused to cooperate, Jewel says. The American officials thus concluded that the nurse’s story was a hoax and that Eden was not legitimately abandoned.

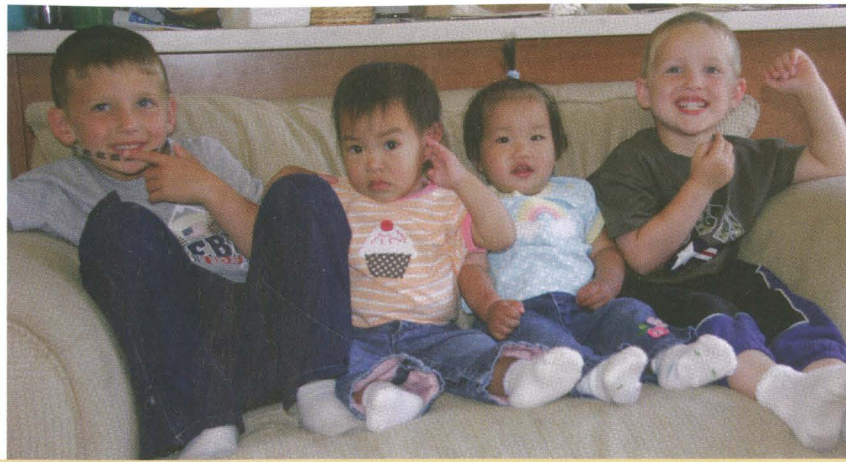
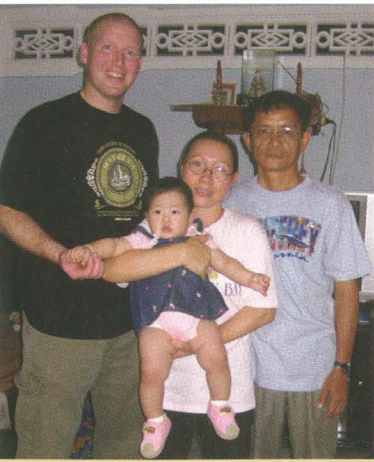
Irene Steffas, the immigration attorney, says that the McRoberts’ experience, and that of the other families caught up in the bureaucratic morass, is all too common. “The manner in which [U.S. authorities] have conducted their investigations leaves something, quite a lot actually, to be desired,” Steffas says.

The State Department defended its actions in a statement in April 2008, saying that because of “incidents of serious adoption irregularities, including forged or altered documentation, mothers paid, coerced or tricked into releasing their children,” prospective new parents and adoption agencies should not seek to initiate new adoption proceedings.

After spending four weeks in Vietnam, during which they had bonded with both girls, Jewel and Claude, who had been away from their sons all that time, were forced to leave Eden behind in foster care while they went home to California, where they were then living. They brought Jordan back with them.

That’s when the lawyers entered the fray. The McRobertses hired Steffas and consulted with Lynda Zengerle, a Washington, D.C., attorney who was working with other families.

Above: The orphanage where Jordan and Eden lived in Vietnam; Jewel and Claude with the girls before having to leave Eden behind; Russ Giesy holds granddaughter Jordan while families meet with Sen. Barbara Boxer.



Steffas conducted her own investigation to confirm that Eden was a legitimately orphaned child, producing a report with 20 exhibits. The report, through interviews with dozens of witnesses, also outlined the extent of the State Department's errors and determined conclusively that Eden had been abandoned and had not been forcibly taken from someone's home.

It was the kind of thorough investigation that should have been conducted by the State Department in the first place, Jewel says.

But it seemed to have little initial impact. So Jewel, inspired by a sermon dealing with the story from the Book of Matthew about Peter "getting out of the boat" when Jesus called him, decided that the best way to make her case would be to travel to Washington to meet with U.S. Sen. Barbara Boxer, a California Democrat.

The boat parable refers to having the courage to face and overcome obstacles, Jewel says. Her challenge was traveling across the continent with her three young children to meet with a member of Congress.

In Boxer, the family found a champion who "really threw her weight around" to get the State Department to accept the attorneys' new report on Eden's history. The *New York Times* quoted Boxer as telling Jewel and two other families, "Everything we know now says the State Department is, frankly, using these babies as a tool in a battle that has nothing to do with these families or the children themselves."

Soon thereafter, in February of 2008, the State Department received the McRoberts' request for a revocation of its intent to deny Eden's visa. Less than a week later the department

revoked its denial, and Claude left immediately to go to Vietnam for the fourth time. Eden was granted a visa on February 27 — Jewel's birthday — and Claude brought her home a few days later.

"It was the best birthday of my life," Jewel says.

The other American families caught up in similar entanglements have also been able to bring their adopted children home.

Jewel says she's unclear about the exact problems the United States is trying to correct with its hard-line stance against Vietnam. She suspects

travel costs, foster care, attorneys' fees and other expenses affiliated with the adoption agency.

As part of their adoption agreement, they will teach Eden and Jordan about Vietnamese culture. Although they haven't yet learned to make pho' soup, the traditional meat-and-noodle soup of Vietnam, Jewel and Claude have begun to frequent local Vietnamese restaurants. They also plan eventually to travel to Vietnam to show the girls their homeland.

Jewel has crucial advice for prospective adopting parents preparing to embark on an international adoption: Don't be afraid to ask

Jewel's advice for prospective parents preparing to embark on an international adoption: Don't be afraid to ask the tough questions.

that the government might be trying to make the adoption process more transparent in an effort to root out any possible cases of children who were not legitimately abandoned.

"I don't doubt there probably is some corruption going on in the Vietnamese adoption agencies, in some shape or manner," she says. "We had to pay \$14,000 to the adoption agency for each child. [U.S. officials] said that the Vietnamese were using that money to line their pockets.

"I know that \$14,000 per child is a lot of money. But it's not out of line compared to other countries. [The \$14,000 fee] is not that much more than Russia, Ukraine or Guatemala."

All told, Jewel and Claude spent about \$85,000 on adopting Eden and Jordan, including

the tough questions up front. "Ask about all the things that could possibly go wrong," she says.

"What you think is, 'Those things are not going to happen to me,' and then you let the adoption agency off the hook. I would just suggest everyone should really question their adoption agency, just to be able to be more prepared.

"Even though it was the most horrible experience to go through," she says, "we got Eden home, and I wouldn't trade that for anything." **MF**

Above: Claude and Eden with her foster family, the siblings, from left, Noah, Jordan, Eden and Malachi; Eden celebrates Christmas 2008. All photos courtesy Jewel McRoberts except as noted.