

# Adoptee Thoughts on FACE Act

By Ji In Lugtu

**T**he Foreign Adopted Children Equality Act or FACE Act, introduced in the Senate as S. 1359 by Sens. Mary Landrieu, D-La., and James Inhofe, R-Okla., and in the House as H.R. 3110 by Reps. Diane Watson, D-Calif., and John Boozman, R-Ark., is a bill to provide U.S. citizenship to children adopted from outside the United States. FACE is intended to streamline the acquisition of U.S. citizenship for internationally adopted children by conferring them citizenship retroactive to birth, and exempts them from the immigration and visa process.

The pending legislation finds both backers and critics speaking out from among the adoption community. Closer examination of the bill's main points raises many questions, especially regarding the effects of retroactive U.S. citizenship on international adoptees' birth histories and documentation, and the possible consequences of routing adopted children around the immigration process.

Adoption Today Publisher Richard Fischer published a piece in our July issue urging readers to contact their legislators in support of the FACE Act. Fischer asserts that because the language in a section of the act states that adoptees' places of birth would be preserved on U.S. citizenship documentation, one need not be concerned that the acquisition of retroactive citizenship would nullify an adoptee's true birth history.

To many, however, this point is nonetheless of paramount concern, as the bill may be interpreted as championing convenience for the adopting party rather than protecting the birthrights of the adopted. Many adoptees, after all, have struggled to piece together the scraps of their birth histories into a truthful, continuous story, and have had enough difficulty deciphering half-truths and fictionalized accounts in their records.

This significance of this point, perhaps, is a marriage of legality and sentiment, for many adoptees. As one of our panelists this month expresses, the sentimental value of adoptees' birth histories is no trifle. Does the FACE Act, however well-intentioned, disregard this important factor?

Although, as Fischer notes, the bill is not meant to diminish the validity of adoptees' histories, does the act, in fact, pave the way for a false foundation to our stories, and does the conferral of retroactive citizenship further complicate our quests for truth by sanctioning the creation of a legal fiction? Could passage of the Foreign Adopted Children Equality Act's purported removal of roadblocks ultimately give rise to new barriers for the people its name claims to advocate for?

Ethica, a nonprofit organization that "seeks to be an impartial voice for ethical adoption practices worldwide, and provides education, assistance, and advocacy to the adoption and foster care communities," asks similar questions in its criticism of FACE.

Also of chief concern is the assignment of nonimmigrant status to children brought to the United States for adoption, a point purported by FACE advocates to "ease the burdens" of costs and time associated with the U.S. immigrant visa process.

At face value, so to speak, the removal of international adoptees from the immigration process may seem not only a matter of convenience but of practicality. Problematic cases involving failures on the part of adoptive parents to complete the naturalization and visa requirements on behalf of the adoptee — thus resulting in adoptees' inability to acquire U.S. passports, detention in foreign countries while traveling internationally with invalid documentation, and even deportation to their countries of origin — would certainly seem reason enough to many to support the passage of the bill. As one of my adopted friends put it in a recent conversation about FACE, "This bill would eliminate these issues, and people are opposed to it?"

Underlying the elimination of the immigrant visa process, however, is the elimination of safeguards intended to ensure that children deemed "adoptable" are indeed legally eligible and in need of adoptive homes overseas. Recent reports of trafficked and abducted children sold or placed for international adoption from Guatemala, China and Vietnam highlight the importance of determining the legality of children's



**Ji In Lugtu was born in South Korea and adopted to the United States in 1976. She and her husband live on the island of Oahu, where Ji In works as a freelance writer and editor. They welcomed their first child this past spring. Our Reflections is the viewpoint of selected adoptees. If you would like to pose a question to the Reflections panel, write to Adoption TODAY magazine at 541 E. Garden Dr. Unit N • Windsor, CO 80550; or e-mail to [louis@adoptinfo.net](mailto:louis@adoptinfo.net).**

# What are your thoughts about the Foreign Adopted Children Equality Act?

*Lisa Ellingson was born in Seoul, South Korea, and was adopted to the United States in 1982. Ellingson is the vice president of AK Connection, a nonprofit organization for adult adopted Koreans in Minnesota. She is also an attorney at the law firm of Dorsey and Whitney in Minneapolis.*



Advocacy groups are marketing the proposed FACE Act as a way to establish equality for internationally adopted children. However, upon closer inspection, it appears that the FACE Act provides few benefits for international adoptees. Rather, I believe that the FACE Act will eliminate procedural safeguards for international adoption, which in turn will benefit prospective adoptive parents by allowing them to adopt more quickly and cheaply.

EACH, one of the groups advocating for the FACE Act, declares that it is unfair for the U.S. government to treat internationally adopted children differently than children born overseas to U.S. citizen parents. EACH claims that this inequality must be corrected by making prospective adopted children U.S. citizens even before they leave their countries of origin. This will also eliminate the need for prospective adoptive parents to secure immigrant visas for these children in order to bring them to the United States.

However, EACH ignores the rationale for treating internationally adopted children differently. The requirement of immigrant visas for these children functions as a safeguard for the adoption process.

To be eligible for an immigrant visa, a prospective adopted child must be an “orphan” or “convention adoptee” as defined by the Immigration and Nationality Act, and the U.S. Citizenship and

Immigration Services must determine whether the child actually fits one of those definitions. This requirement helps to ensure that each child is truly eligible for international adoption and helps to prevent possible abuses of the adoption system. Such safeguards are not necessary for children born overseas to U.S. citizen parents.

In addition, I see only two parts of the FACE Act that are meant to help international adoptees rather than prospective adoptive parents. First is the proposed amendment to 8 U.S. Code, Section 1401, which would make international adoptees eligible to become president of the United States. Second is the section that purports to grant automatic U.S. citizenship to adoptees who weren't covered by the Child Citizenship Act of 2000. However, these two changes can be accomplished without removing international adoption safeguards. Perhaps combining these issues was a strategic decision to increase support for the FACE Act by making it seem more beneficial to adopted people than it actually is.

Finally, I fear that the FACE Act's reclassification of international adoptees will further erode our sense of personal history and belonging. Some adoptees and adoption organizations have expressed anxiety that the act will function to “erase” the birth histories of international adoptees. On the contrary, Section 5 of the act is meant to preserve the facts of our birth locations and birth histories.

Nonetheless, even though the act will not technically erase our histories, it will create a new classification for international adoptees. Under this new classification, we are no longer “immigrants,” but we are not born of U.S. citizen parents either. EACH asserts that the FACE Act distinguishes us from “immigrants” (implying that other “immigrants” present something undesirable from which we should be distinguished) and makes us “equal” to other U.S. citizen children.

I believe that creating a legal fiction that we international adoptees are not immigrants will do nothing to help establish our equality or our identities.

In short, I believe that the FACE Act is a bad idea. It will eliminate procedural safeguards for the international adoption process, and it will do this simply for the convenience of prospective adoptive parents. And instead of creating equality for international adoptees, I believe that the act will force us into a new and separate classification of people, which will serve to remove us even further from our countries of origin.

*Kevin Minh Allen was born Nguyn Đc Minh on Dec. 5, 1973, near Sài Gòn, Vietnam, to a Vietnamese mother and American father who remain unknown to him. In 2000, he moved to Seattle, where he does freelance writing and technical writing.*



A couple of years ago I remember talking to an adoptive mother of a Vietnamese girl who lamented the fact that her daughter would never be able to run for the office of the president of the United States because she was not born in the United States. Like me, her daughter was born in the Socialist Republic of Vietnam, albeit well more than 20 years later than my own birth. However, both of us, as international adoptees, are marked by the inglorious distinction of growing up American and yet denied the penultimate prize that so many school kids in this country aspire to.

The FACE Act appears to solve the dilemma I described above by virtually wiping clean the origins of internationally adopted children's foreigner status and placing them on the same footing as their domestically adopted counterparts in the U.S. If Congress passes this act, adoptees born outside of the United States, if they meet certain criteria, could automatically become U.S. citizens and enjoy the benefits any "natural-born" U.S. citizen takes for granted. Also, passage of this act could potentially do away with the forced deportation of older internationally adopted persons who find themselves in trouble with the law and are found not to be U.S. citizens because their adoptive parents failed to apply for U.S. citizenship when they were children.

But there's another side to this FACE Act coin that any conscientious person, whether adopted or not, should be concerned about. And that is, adoptees, especially those who were born in a foreign country, generally occupy a third space, a neither-here-nor-there territory, where national, cultural and racial identities eventually collide and one is left to deal with a whole host of possibilities.

There is a common misperception among the general public that if one adopts a child from a foreign country, that child can be remade

into a replica of any one of the members of his adoptive family and that there is no chance that the adopted child will want to reconnect with his birth country and culture and, inversely, that the people of the country from whence he came would not want to reconnect with him. Unfortunately, people consider dossiers, homestudies, visa stamps and passports the be-all, end-all of an international adoptee's identity. But life's circumstances have a funny way of proving the status quo wrong.

Increasingly, overseas adopted persons are either traveling in, working in or studying in their countries of birth. Nowadays, adopted persons have many more resources at their disposal to make contact and interact with people from their countries of origin. As an example of what could happen in 10 or 20 years in countries such as China, Vietnam, Guatemala and Romania, adult adoptees in South Korea are raising their voices and demanding to be recognized as citizens of a country synonymous with international adoption.

By stripping away all vestiges of an adopted child's original nationality in order to confer full U.S. citizenship on him, the FACE Act could unwittingly complicate and even deny any future endeavors and opportunities he may want to take advantage of in his birth country. By legally shutting the doors to possibilities that are well within an adopted person's rights, the FACE Act could prove to be an unfair act of punishment against the adoptee for following his dreams and aspirations for wanting to reconnect with birth relatives and the country he would like to call his own once again.

I certainly agree with the FACE Act in spirit, but in any practical sense, especially keeping in mind the future adult adoptees who will have to struggle with this piece of legislation if it becomes law, I cannot accept it without deep reservations.

*Susan Soonkeum Cox was adopted from Korea at the age of 4 in 1956. She currently serves as vice president of public policy and external affairs for Holt International Children's Services.*



Citizenship is one of the most fundamental of individual rights. But FACE goes far beyond these measures and, considering the lifelong impact of adoption, has severe negative consequences for international adoptees.

A fundamental principle of professional and ethical adoption practice is a commitment to preserving the full and true history and record of the adoption triad — including the birth family, the adoptee and adoptive family.

In an effort to allow children adopted internationally to be eligible to become U.S. President, FACE diminishes the accurate and critical history of a child's beginning and connection to birth country. Instead, FACE establishes an artificial history and nationality that severs the valuable and profoundly treasured reality of children adopted from one country and culture to another.

In the evolution of intercountry adoption practice over three generations, it has been firmly established that it must be a priority to preserve the culture and heritage of adoptees to their birth country and culture. Countries of origin are reassured by the practice that adoptive families are educated and prepared to ensure their adopted sons and daughters grow up staying connected to their birth country.

I arrived to my adoptive family from Korea in 1956. I treasure the Korean passport with the black and white photo of the sad, scared face of the little 4-year-old girl that stares back from the yellowed pages. That document was the only tangible connection I had to my birth country, and my parents protected it carefully for me until I was old enough to care for it myself.

Like thousands of other international adoptees, I assimilated to my adopted country and nationality. But it does not diminish the reality that my history did not begin here. It began where my life began — in the country that is my birthright.

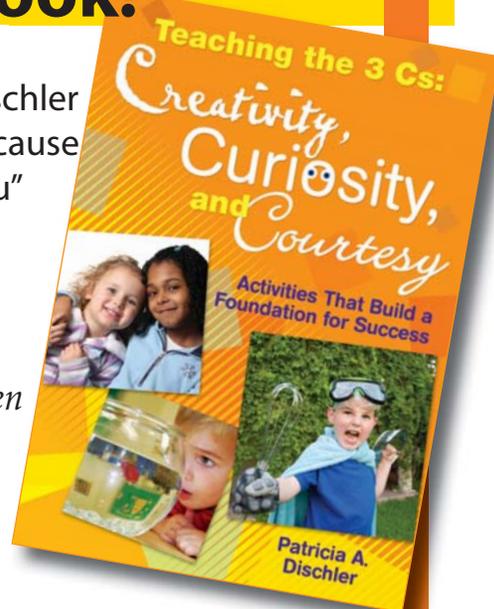
It may seem trivial, and that convenience of the adoption process should trump whatever sentimental attachment an adoptee might have to the country of their birth. But I strongly disagree — as do the thousands of Korean adopted adults who are petitioning the South Korean government for the right to hold dual citizenship between South Korea and their adopted country.

I appreciate efforts to appropriately improve and streamline the adoption process and believe that was the intent of this legislation. However, it goes too far and violates the premise of best practice because it denies a child was born a citizen of the country and culture that gave birth to them. It eliminates the right of adoptees to their own history and information, which is the fundamental right of all citizens.

## New Book!

By Patricia Dischler  
Author of "Because  
I Loved You"

*Before we teach  
the 3 Rs, children  
need to know  
their 3 Cs!*



**Teaching the 3 Cs: Creativity,  
Curiosity and Courtesy  
is available at [www.patriciadischler.com](http://www.patriciadischler.com)**

## AMERICANS FOR INTERNATIONAL AID AND ADOPTION



### PLACEMENT PROGRAMS

- Korea • India • Bulgaria • Hungary • El Salvador

### PROGRAMS PENDING

- Nepal • Russia



2151 Livernois, Ste. 200  
Troy, MI 48083  
(248) 362-1207  
Fax (248) 362-8222  
E-mail: [info@aiaaadopt.org](mailto:info@aiaaadopt.org)  
[www.aiaaadopt.org](http://www.aiaaadopt.org)

**Helping Children — One Child at a Time**