

Impact Statement to the Dept of Home Affairs / Minister of Immigration

Thank you for all being here. Thank you to those involved who helped make today happen as it has been a very long 14 months and there were many times I was frustrated to have to push to ensure this was survivor focused rather than what felt like a very bureaucratic process. I appreciate the apology from Millie about the issues that caused me more harm in going thru' this process and I am highly thankful to Jodie for ensuring that no further harms have been experienced thru' this process.

The one part of your process that has not been recognised or apologised for by your Dept that has caused more harm is that you were not upfront at the beginning of the process, 14 months ago when I first asked to have an apology from the Minister — nobody from the Dept outlined that government policy requires a Minister to not be allowed to stay for more than 1 hour, no matter what kind of meeting it is. The first time I heard of this was around Feb this year, 9 months into our communications. To put the pressure on a survivor to have to have everything done and said in 1 hour is unrealistic and unfair. Hence why I've written it all down to make sure I don't forget anything.

In contrast, I had the pleasure of meeting the Aust and NZ head of the Lutheran Church, the other institution, in Nov last year. He made a point of being human and meeting my needs for such a deeply significant meeting as an apology, of making sure I felt NO pressure in terms of time. He said I could take my time, he had ensured his PA had no bookings for the next 4 hours or longer, whatever I needed. But this process for this DPR has been full of government bureaucracy at its best and I question who are you supposed to serve when you create policy and process? Is it not the people of Australia? Was it not your Dept's actions that allowed me to enter the country when I had no choice and then left me to survive on my own? You are in a position of power and a process or guideline should always be questioned if it's causing harm to those it is intended to serve. I hope that as a minimum, if you have another victim turn to you for a personal apology, that you will either review the policy of 1 hour for a minister's meeting or be very upfront with the survivor from the start so we are clear on what to expect because limiting a DPR to 1 hour is not usual for the recommended DPR process. I am fitting in with you to accomodate this as I could see it was no point continuing to fight for what was right for a survivor. I also had to fight to get you all in one meeting together because your process was making me have 2 meetings in the one day, having to repeat myself.

I am now going to share about my life experiences for which your institution was directly responsible. These experiences are what has brought me here today. I have key messages I want you to hear and I hope lessons can be learnt. I hope your apology will incorporate most of the key issues I raise and I hope no other child has to be harmed in this same manner.

I was born in Vietnam in the war, July 1973. My adopters hired a private lawyer in Vietnam via proxy to act on their behalf to source them a child whom they could

adopt. It appears from my years of investigation that I was born in the largest maternity hospital in HCMC, taken as a 3 day old infant and placed into the lawyer's private creche for 5 months prior to my adopter flying in and taking me to Australia. My adopters were told my adoption paperwork would follow but it never did. Until my mid 40s, I never saw anything regarding my identity or adoption paperwork. This only came about because I hired a private detective who found and photographed what appears to be a birth certificate and one page of my adoptive parents paperwork with personal details that were clearly not falsified. Together with my Vietnamese passport which your office saw and stamped in 1973, it is all I have to testify who I am. Since finding what appears to be my birth certificate, I've also spent 2 years communicating directly with the Vietnamese government which resulted in them confirming they do not have any paperwork about me but they have since confirmed a legal route to have my birth certificate "re-issued". This requires legal representation in Vietnam and me being physically present. I am still navigating this and waiting on the VIC Dept as to whether they will take responsibility to support me financially with the costs incurred to re-claim my identity. I believe this check to confirm my identity should have been done by your Dept many years ago. I also believe your Dept should have taken your responsibilities to the UNCRC more seriously and acted better to protect my right to identity and origins.

My Vietnamese passport, the only official document I hold that tells me who I am, is stamped with an Australian Visa, K12 code, indefinite stay, Dec 1973. I was 5 months old. Your department at the time apparently deemed everything legitimate and hence I entered the country with just my Vietnamese passport and a man who actually then failed to adopt me for another 16 years plus who sexually abused me and treated me like a family slave, a second class citizen for the years I remained in that family's care.

Given that I did not have an approved or finalised adoption in Vietnam nor Australia, I was technically entering this country under the Guardianship of the Minister of Immigration. It is questionable as to what happened and why your ministry appears to have done nothing further to ascertain my well being or safety for at least 16 years.

I am here today because I have lived a life of many losses, many traumas, and I want those responsible to be accountable and to learn the lessons to prevent this experience being repeated for any other vulnerable child.

My request to the Royal Commission was initially denied I didn't even understand the legalities of my status in this country properly. Using the words I was adopted deemed me "a private family matter" under the Royal Commission's guidelines - however it wasn't until I sought the legal advice of Peter Kelso, a former fostered person and now lawyer, who helped me understand that actually, I was not legally adopted until I was 16.5 yrs old. And that in fact, your department had been my legal guardian for all those years of abuse.

To this day, I still have not seen any documentation advising how and when the guardianship of me was delegated to the VIC State, however, in my adoption file, it is the VIC Minister who signs an affidavit that he is indeed my guardian and gives approval for my adoption to proceed. I have many questions as to how guardianship like this can be handed from one entity to the other without any consultation with the person whom it is about, especially given I was 16.5 years old, old enough to have things explained, old enough to have a say, old enough to have independent legal and emotional counselling, old enough to have someone spend time with me and find out how I was actually going, old enough to be asked would I like my original family to be looked for?

I personally requested to have my apology from the Minister of Immigration because they were my legal guardian for my childhood while my abuse occurred. My passports all up until this year have had my place of birth as Mooroopna - it was apparently the Minister's home town despite the fact I have never lived there nor any of my adoptive parents. After 32 years of being adopted and having that untruth on my passport, I discharged my adoption, completed in Dec 2022, I now have the truth of my identity reflected in my passport. It says born in Ho Chi Minh City, Vietnam with my Vietnamese mother's name.

Despite my many misfortunes in my life, I am thankful for this amazing country Australia that we even have a process like the Royal Commission because I am well aware that for the many other traumas in my life, such as the highly questionable illegal adoption process, there is NO such process for seeking justice or reparation but for which also needs to be provided.

The Royal Commission was my last opportunity legally to hold this government accountable for your role in failing to protect me, protect my interests, or to prevent me being placed in a family with little to no checks on their appropriateness, nor any followup on my well being. There was definitely no safety for me in that family. Thankfully for me, applying to the Royal Commission eventually worked out thanks to Peter Kelso's legal advice on my guardianship status - and some of my pain and trauma for the sexual abuse have been recognised and compensated. Thank you for that! Receiving compensation is just one tiny part of helping victims heal. This face to face apology is the other part that helps me see if you truly mean it.

Up until I approached the Royal Commission, I had been to 14 law firms seeking justice and accountability for the many wrongs in my life. Being forcefully taken from my country, without any due process being followed, no identity documents, no adoption records, being raised by people who it turns out were not legally my guardians, being abused and made a family slave for years - all of these have left me with lifelong consequences that I never get over. Out of all this pain, I have channeled my anger into creating a global network of support for victims like me. What I've achieved despite my beginnings, I attribute to my resilient Vietnamese genes! My life is a testament to how complex it can be to remove children from their countries and act as if we are safe and loved in every family, assuming they will always be appropriate, educated, and supported. My journey has been

completely lacking supports and I have spent my life dedicated to making sure these supports are understood and provided.

I have been asking for many years for an investigation into Australia's history of intercountry adoptions and it would be your Immigration Dept who is to be held the most accountable for the early years of the 70s-90s in which many of us entered just like I, without many checks and balances. Aust only ratified The Hague Convention in the late 1990s yet our adoption statistics via research shows we had as a minimum around 2500 children enter the country via these methods up to 1980, and then another minimum of over 2000 children by 1990.

In the 70s, I have read the Minister's statements published in news articles about their position that was against international adoption, how displacing us from our country of birth was not in our best interests. But history shows how the lobby actions of adoptive parents pushed the Aust govt to change it's position and eventually allow and open up a process to bring into this country now over at least 20,000 of us. Ever since then, it seems our government is more concerned about meeting the needs of prospective parents than respecting their obligations to international conventions and protecting the rights of the most vulnerable, the children being commodified and purchased.

The impacts of the actions of citizens in this country on my life have been profound and I want to make sure lessons are learnt and mistakes not repeated.

Children need to be protected and parents need to be better scrutinised. Some parents need to be stopped from bringing us into Australia as not every parent is adequately equipped to manage a child who is biologically not their own. Becoming a parent is NOT a right but the Australian government acts as if it is and continues to put the parent's needs first before a vulnerable child's.

Despite being a signatory to 4 major relevant international conventions: the UN Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the Palermo Protocol; the Hague Convention for Intercountry Adoption; our legislation continues to put the needs of the desiring parents ahead of the child. In every plenary adoption we conduct, our right to our origins is obliterated and ignored, our origins records are wiped out or hidden from us, the information claimed by adoption facilitators to be "theirs" not ours. If you in your role do not uphold our rights as children, who then is the protector of us once we enter this country?

As a taken child, I was never in any position to defend or protect myself. I had no voice. I was ignored, laughed and mocked when I tried to speak up to say that people were sexually hurting me. I was told I was a liar when I told my best friend and she spoke to her parents who approached mine. Given the usual narrative of adoption is that we are saved and rescued from a terrible life and country, unsuspecting people naturally look at our adopters as wonderful charitable people who can do no wrong. So of course, the odds are stacked against us if we dare to

speak up and say our truth. It's taken me over 40 years to find my voice. Finally I reported my multiple abusers and in April last year, my adopter pled guilty to the sexual abuse of me. But, the harm didn't stop there, I had to listen to a country bumpkin magistrate praise my father for pleading guilty, saving the country money because our contested court hearing was being avoided and a massive backlog in the courts system because of COVID. He said to my father how he must have had a "momentary slip of judgement". I think that magistrate has been a fan of Woody Allen and he thinks its okay to have a momentary slip of judgement because I'm an exotic Asian girl who is just too much for a man to resist. So for me, I had to endure again another white man in power causing me harm again and minimising what has happened to me.

I asked for this DPR because I wanted to ensure this government bears more than just a financial cost to its actions of the past, but also gets to see the real human being behind the pain and trauma. I wanted government to humanise what your day to day work is because I know how easy it is to lose contact with why you are doing your jobs, why it's important.

You are the Guardian of any child who has not be adopted properly or whose guardianship is not done properly - when you allow them into the country, please take that responsibility seriously and do not fail them. Do not allow the rights of the adults to dominate the most vulnerable one - the child's rights. You are their only hope for any protection if those adults involved are not what they appear to be. These children should be checked up on. Their identity needs to be protected and not wiped out via any adoption, surrogacy, donor conception, IVF or family formation process. When you receive paperwork from prospective parents for a child transferring into their care, you should seek an independent review on the legitimacy of that paperwork and verification that this child has not been trafficked, that their parents indeed did relinquish them with full knowledge of what they were signing.

I hope you will include a representative going forward to attend The Hague Working group meetings and forums, and that education be sought on fully understanding what illegal adoptions look like to ensure Immigration processes are aware of all the numerous ways in which adopters allows and are complicit with illicit and illegal practices in adoption. I have never seen the Aust Dept of Immigration represented at Hague meetings despite DSS having no jurisdiction in what Immigration does. DSS can only ask but they have no power to make you do what they know is best practice for the safety of the child. It seems strangely ironic to me that we are a Hague Signatory country, yet we continue to allow private, proxy and expatriate adoptions in via immigration who have no specialist training in intercountry adoption. Why bother pretending to be a Hague Signatory if we don't take it seriously and act to prevent illegal adoptions? The Hague Convention was created as a result of the huge numbers of trafficked children done in exactly the manner mine was done with Immigration as the only check and balance. Do you ever report people who you suspect? Is any action ever taken to protect a child and help them return to their country and parents by your Dept?

I hope to see a reduction in private, proxy and expatriate intercountry adoptions entering into Australia. Sadly in the past 5 years, the number of these adoptions have risen whilst the Hague adoptions entering the country are at an all time low, which is appropriate. Parents demanding children know to bypass the systems, they hear AdoptChange and the pro adoption lobby's speaking about how hard it is to adopt in Australia so they purposively exploit the weaknesses inherent in Immigration processes, with a lack of oversight from those who are trained and specialised in intercountry adoption. We need an increased awareness by Immigration and Home Affairs of their actual responsibility to stop trafficking and protect children's rights to origins and identity. I sit in fb groups of prospective parents who actively share information on how to bypass the rules and regulations, how to find the easiest route thru' Immigration to bring a child into this country, who are the best immigration lawyers who tell them of the loopholes they can use to bring children in. Do you ever actively consult with lived experience, people like me who have decades of experience and community consultation to draw in best knowledge and better strengthen your processes? Our community of lived experience has been actively sought for our input from the AGD and DSS since 2015 but we still have a massive gap with the private, expatriate and proxy adoptions that enter this country.

You failed to fully investigate my case before allowing me to enter the country with Australian people who had not actually completed an adoption of me; you failed to ascertain WHO I was, who my Vietnamese parents were, who was lodging paperwork to bring me into the country, why I didn't have an independent person to verify who I was without it being the same lawyer paid for by my adoptive parents trying to buy and purchase me.

If you had investigated, you would have found I was being sourced by Australian people wanting to buy me from a private lawyer in Vietnam, in a country that was still in war and turmoil, with no paperwork to prove who I was or how they obtained me, nor whether I'd been relinquished, or even who my birth parents were. To date, none of this has still been established.

You failed to followup on me despite giving me a Visa Stamp of Indefinite Stay with Intention of Adoption. There doesn't appear to be ANY followup on me by an appropriate authority once I entered the country in Dec 73. Why did your Dept fail to notify VIC Dept that I had entered the country and to get them involved at least until an adoption had been completed?

So for 16.5 years, I sat in this country under the Guardianship of your Minister and not one person made contact, followed up to check on me, or to ensure my origins were protected, nor to check my safety and well being.

When VIC State did make contact asking for Guardianship to be assigned to them in order to agree to an adoption into that family, I was never contacted or included in the discussions by your Dept. I was 16.5yrs old.

In that 16.5 years, I endured numerous sexual abuse occurrences by 5 males within that adoptive family (immediate and extended) as you have read in my statements.

I have suffered a loss of my identity because no-one at that early stage when I was 5 months old and being displaced into this country, bothered to determine my identity to begin with.

To this day, I am still without any identity documents from Vietnam whereas your Dept could and should have secured this before granting me access into the country. I have suffered displacement from my country, culture, ethnicity, language, religion, and people because someone deemed it okay to allow me to enter the country with a man who had not completed an adoption.

I have suffered years of trauma at the hands of that family who were not my legal guardians.

I have had to bear the cost of hours of therapy trying to get myself back together despite being suicidal and ending up in emergency because the trauma was too much to bear and I had nowhere to turn that was safe or caring.

I have ended up spending my life dedicated to my community of fellow survivors because I hear too often stories like mine; in the latest Korean adoption research, the largest conducted globally so far, 1/3 adoptees suffer abuse in their adoptive families, 1/6 adoptees suffer sexual abuse like I did. Where are the checks and balances on us vulnerable children who are taken from our countries and cultures by citizens of another country?

The mismanagement by this government continues to this day:

- I have thousands of adoptees in my network globally
- In Australia alone, we have many who have entered this country in adoptions as illegal and illicit as mine
- Pathways via your Department are still allowing adoptions like mine to enter this country.

Expatriate adoption numbers last year were around 62 compared to Hague Convention adoption numbers at 24

I know none of these 62 parents have been prepared at Australian standards nor do they even know about the resources they could turn to for help and support. As a minimum they should be given a complete list of our Post Adoption Support orgs. But I believe there should be at least Police Checks on both parents and substantial psychological screening and mandatory education on the complexities of intercountry and transracial adoption before any child is allowed to enter the country with them.

I would now like to hear your apology based on what I've shared. After this, the minister can leave and I had shared ahead of this meeting a number of questions I posed to the department. I hope they have some answers.

What documents does Australia Home Affairs hold on me that enabled them to approve my entry into the country? Please provide a copy including communications between Saigon Consulate and Australia in 1973.

What documents does Australian Home Affairs have to discuss my guardianship and when it was handed over to the VIC State Govt? Please provide a copy.

What is the policy and process today for private, non-Hague, and expatriate adoptions entering Australia today?

Especially noting the higher numbers of adoptions in this manner entering in the last few years compared to Hague adoptions numbers entering the country. (62 in 2022-2023 vs 28; 24 of these were with countries whom Australia has no program with - high risk!) <https://www.aihw.gov.au/reports/adoptions/adoptions-australia/contents/adoptions>

(16 in 2021 - 2022; 7 from Hague, 9 from non Hague countries <https://www.aihw.gov.au/reports/adoptions/adoptions-australia-2021-22/contents/summary>)

How and who is independently checking up on a child to ascertain they are eligible for adoption, are who the paperworks deems they are, and investigates who is submitting the paperwork for and on behalf of the parents, prior to the Australian parents being approved to enter the country with their newly acquired child?

Are you requiring an independent professional to investigate a child's case to ensure the documentation is not falsified? We all know lawyers are hired by adoptive parents to get the "paperwork done" so they can adopt a child but what about ensuring the child's rights to origins and truth are upheld as per our UNCRC Article 8 obligations? And that the "vested interests" of the adopters is being upheld over the child's right to truth of their origins.

Who is confirming the birth parents have legitimately relinquished their rights and have been fully counselled as to the consequences legally of having their child internationally adopted?

You are part of the Working Group for Expatriate adoptions run by DSS. Why has there never been any Immigration expert attending any of the Hague Working Groups for Prevention of Illicit and Illegal Adoptions? Does DSS not invite you to The Hague meetings? Does Immigration know what's in the Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption?

<https://www.hcch.net/en/publications-and-studies/details4/?pid=8530&dtid=3>

What is Immigration doing to incorporate this information into your policy and process today?

Immigration is such a vital part of the ensuring our obligations as a Hague Convention signatory yet DSS has NO authority over how you do your part of the job so it remains a massive loophole for which responsibility lies in your hands.

What do all our Visa codes mean that adoptees get given in our Passports upon entering Australia? Today I have a handful of 10 examples.

Many of us have entered the country under various visa codes and we have real concerns about the role the Australian government has played in what appears to be illegal and illicit adoptions. Some of us know we are trafficked as the perpetrators were imprisoned eg Julie Chu cohorts of Taiwan. (Yet Taiwan is still a sending country and Australia has done NOTHING for those victims).

We would like a break down of what the visa codes mean for entering the country via adoption and what documentation is required for each code.

Chilean adoptee entering in 1983
Resident Visa Class K 1031 25354
Age infant 8 weeks old

Haiti adoptee entering in 1985
Resident Visa Class G
Age infant 4 weeks old

Vietnam adoptee entering in 1973
W10, Age infant

Korean adoptee entering in 1989
K1A31, Age infant 5 mths old

Lynelle Long
My own Visa code, entering from Vietnam in 1973
K12, Age infant 5 mths old

Viet Operation Babylift, entering from Vietnam 1975
Dept of Labour and Immigration, Sydney
Letter for purposes of adoption, under provision of Migration Act 1958 - 1973

Sri Lankan adoptee entering 1983
Resident Visa Class K
Age infant 6 weeks old

Sri Lankan adoptee entering 1978
K12, Resident entry
Age infant 3 mths old

Taiwanese adoptee entering 1980 (Julie Chu cohort)
W354 and P115/12

Korean adoptee
Class K, N, Indefinite 1985