

ICAV Meeting with DSS Family Policy Branch Manager

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Date of Meeting: 28 April 2023

Time: 2pm

Purpose of Meeting: to discuss issues raised in my letter to the Prime Minister, Hon Anthony Albanese MP, on 30 Sept 2022 and propose ideas to address these issues.

Aust Govt Reference reply and invite letter MC22-014313, sent to Lynelle on 2 Feb 2023

What we Ask in my letter to the PM / Proposed Solutions:

- Apply the UN Joint Declaration on illegal intercountry adoptions announced on 29 Sept 2022 [https://www.ohchr.org/en/press-releases/2022/09/illegal-intercountry-adoptions-must-be-prevented-and-eliminated-un-experts?](https://www.ohchr.org/en/press-releases/2022/09/illegal-intercountry-adoptions-must-be-prevented-and-eliminated-un-experts?fbclid=IwAR0cq70KcHdaCxyel43HR2RDFeRoYCMukeekgbfZY1iW6el7AH9PwYZJFXw)
[fbclid=IwAR0cq70KcHdaCxyel43HR2RDFeRoYCMukeekgbfZY1iW6el7AH9PwYZJFXw](https://www.ohchr.org/en/press-releases/2022/09/illegal-intercountry-adoptions-must-be-prevented-and-eliminated-un-experts?fbclid=IwAR0cq70KcHdaCxyel43HR2RDFeRoYCMukeekgbfZY1iW6el7AH9PwYZJFXw)

Official acknowledgement and recognition of illegal intercountry adoptions by the Australian States with States taking responsibility, including helping victims hold those accountable via legal means where appropriate.

Creation of national legislation so that offences and crimes related to illegal intercountry adoptions become offences with appropriate limitation periods.

Facilitate the Search for Origins and adequate reparation measures such as a DNA database.

- Apply the ToolKit from The Hague Working Group especially pages 7-8 [https://assets.hcch.net/docs/1123716f-f737-4beb-9675-294c94551065.pdf?](https://assets.hcch.net/docs/1123716f-f737-4beb-9675-294c94551065.pdf?fbclid=IwAR3ae93tiWC-6ZaoW5mjredCeiepfqzMJGYOdNGfbYqUJshQS6rV_WoRabk)
[fbclid=IwAR3ae93tiWC-6ZaoW5mjredCeiepfqzMJGYOdNGfbYqUJshQS6rV_WoRabk](https://assets.hcch.net/docs/1123716f-f737-4beb-9675-294c94551065.pdf?fbclid=IwAR3ae93tiWC-6ZaoW5mjredCeiepfqzMJGYOdNGfbYqUJshQS6rV_WoRabk)
Counselling, mediation, legal assistance, financial and other assistance, between country contact at govt level, between country contact between adoptee and birth family
 - Legally prevent expatriate and private adoptions unless exceptional circumstances such as kinship; investigate what legislation needs to be changed to ensure these types of adoptions are almost impossible.
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Has anyone checked our Visa codes and how the children are entering Australia
eg Haitian adoptions on Resident Visa as infant, Vietnamese on K12, W10, Sri Lankan on

From the DSS website, it's very clear, the only role Australian Immigration will play in these adoptions, is to assess visa eligibility.

<https://www.intercountryadoption.gov.au/countries-and-considerations/apply/other-types-overseas/>

"Expatriate adoptions

If you're an Australian citizen or permanent resident who has been living overseas and you adopt a child through an overseas agency or government authority it's called an expatriate adoption.

We can't help you with this type of adoption, as these adoptions occur outside of the Australian intercountry adoption program. This also means that [state and territory central authorities](#) can't carry out or endorse assessments for your eligibility to adopt.

The only involvement the Australian Government has with expatriate adoptions is through assessing visa eligibility after the adoption. The Department of Home Affairs handles [adoption visas](#)."

We suggest an amendment to legislation to provide a "required consideration" in order to grant a visa. Has this been done already?

- Adoptees fear the risk of losing citizenship , the risk of being targeted by country of birth eg Vietnam, the risk of deportation if it turns out our adoption is illegal - these are the concerns by adoptees on whether to speak up. Can the Aust Govt provide documentation outlining a response to these questions?
- Survey results showing what adoptees want in response:

50 adoptees who participated

Top 5 countries: Korea, Sri Lanka, Vietnam, Haiti, (Philippines, Taiwan, Thailand)

9/50 of the adoptions were done outside Australia

Largest number from NSW, then SA, VIC

50% found birth family (Korea, Sri Lanka, Philippines, Taiwan, Vietnam)

Adoptions finalised in years 1963 - 2009 but peak is in 1980 - 1990

43/50 indicate a violation or irregularity in their adoption

76% do not have any evidence of consent from their original families

44% experienced abuse in whilst in care

40% arrived with serious illness, malnutrition or in poor health

30% were made paper orphans for purposes of adoption

16% had adoption breakdown

16% were knowingly separated from siblings by the facilitator

2 were switched (paperwork of another child)

35% indicate the facilitator failed to help their original families make an informed decision about adoption

23% indicate their facilitator failed to properly search for family before being sent for intercountry adoption

12% have family who tried to get them back but were refused

What they want as Solutions from Aust Govt:

Preservation of our records (45/50)

Request birth country to send the complete files (45/50)

Make info publicly avail on what constitutes an Illicit and Illegal Adoption (44/50)

A comprehensive investigation by an independent body (44/50)

What forms of Redress Solutions:

Establish and fund an adoptee community led national archive (45/48)

Establish and fund an adoptee led research and journalism institution commissioned to conduct research, public outreach and education to adoptees (45/48)

National Apology (38/48)

Funded Services Solutions:

DNA testing and family tracing service (47/48)

Specialist Counselling **trained** in illicit and illegal intercountry adoption knowledge (47/48)

Translation Services (45/48)

Travel Support (44/48)

Other Issues not raised within the Letter

- Prison Support / Legal System
Being around other adoptees would have helped
Need to enable adoptees to connect with other adoptees whilst in prison
“Meeting each other in jail made us both open up to each other. I wouldn’t have looked into my adoption otherwise; we undergo drug and alcohol education and counselling but nothing specific for adoption. Adoption and my relinquishment without doubt, now that I am looking into it, was the underlying cause of my troubles. Also in the sentencing, my adoption should have been taken into account by the judges and lawyers, the seriousness of its impacts is not understood.”

Sadly this adoptee is experiencing abandonment all over again when getting out of prison after 17 years; Never felt a sense of belonging nor encouraged or modelled how to deal with emotions openly and healthily.

The legal system needs education on adoption, relinquishment and trauma

My own experience with a judge who stated to my father that he suffered “a momentary lapse of judgement” to my years of abuse within that family

And the complete minimising and dismissiveness by defence lawyer and Magistrate of my Victim Impact statement where I advise about my adoption discharge to demonstrate the massive impact his actions had on my life and losing a second family

- A Royal Commission needs to be run to find out how many suffer abuse in adoption .. we were excluded from the royal commission on institutional abuse yet look at our statistic in this sample of 50 from our Australian survey, 44%

The Korean research indicates 33.5%, see p40-42 <https://drive.google.com/file/d/1nMSpqKsYT8JanHZCsCjZHLrnbQtBbqFb/view?fbclid=IwAR1dmcbKdC6Nhz-Cn1gwoj1diqVi5CbWTxOleS6oxzD889nQSntxNmA8Wvl>

I've also submitted independently another report to the Aust Govt on this

<https://intercountryadopteevoices.com/wp-content/uploads/2021/07/ICAV-Priority-Group-Submission-for-the-Successor-Plan-to-the-NFPAC.pdf>

And yesterday it was announced that Jenni Wilmott in SA was re-arrested on charges of manslaughter and other criminal offences

- Why is there one policy in Australia for indigenous and Torres Strait children protecting them from being racially, culturally forcibly displaced but ignored for intercountry adoptees?

In the *National Framework for Protecting Australia's Children 2009–2020* it is recognised the harm that is done in removing a child from their cultural and racial origins:

“If no other suitable placement with Aboriginal and Torres Strait Islander carers can be found, children are placed with non-Indigenous carers as a last resort, provided they are able to maintain the child's connections to their family, community and cultural identity.”

<https://aifs.gov.au/resources/policy-and-practice-papers/child-protection-and-aboriginal-and-torres-strait-islander>

Yet why do we actively enable intercountry adoption that forcibly separates us and ignores the very same issues?

Thank you kindly for your time to listen to our community concerns and proposed solutions.
