

UNCLASSIFIED

s 22(1)(a)(ii)

Title: **ROK: Intercountry Adoption: Documentation required by Eastern Social Welfare Society**

MRN: s 22(1)(a)(ii) 08/03/2016 s 22(1)(a)(ii)

To: Canberra

Cc: Warsaw , Hong Kong , Taipei , Hanoi , Manila , The Hague , Ho Chi Minh City , Stockholm , Washington , Bangkok , Pretoria , Colombo , China Posts , Santiago De Chile

From: Seoul
Sent by: s 22(1)(a)(ii)

References: s 22(1)(a)(ii)

Response: **Routine, Information Only**

Summary:

As requested, we met with Eastern Social Welfare Society (ESWS) to discuss police clearance requirements for intercountry adoption applications. ESWS advised that prospective adoptive parents would need to provide ESWS with full national police clearances when submitting their initial application dossiers, and then provide updated clearances when submitting their Exit Permit, Court, and Combined packages. ESWS also advised that a "letter of religious freedom" and a "new name of child" document would need to be included with the Exit Permit, Court and Combined packages.

As requested (emails s 22(1)(a)(ii) of 2 March), we met with Eastern Social Welfare Society (ESWS - the only Korean adoption agency that Australia currently works with) on 4 March to discuss police clearance requirements for intercountry adoption applications by Australians.

2. s 47F(1) advised that prospective adoptive parents would need to include full "national police clearances" in the initial application dossiers that were sent to ESWS. Updated full national police clearances would then have to be provided with the Exit Permit, Court and Combined packages (which were submitted later).
3. s 47F(1) noted that some Australian State/Territory Central Authorities may not require full national police clearances at the time of an initial intercountry adoption application. s 47F(1) said that under ESWS' requirements, however, national police clearances were necessary at the initial application stage. ESWS used the application dossier to match children with potential adoptive parents. ESWS needed full visibility of the same police clearance documents that would be provided to the Ministry of Health and Welfare (Exit Permit package) and the Korean Family Court (Court package) to both properly vet parents and to make a successful match.
4. s 47F(1) also advised that a "letter of religious freedom" and a "new name of child" document would need to be included with the Exit Permit, Court and Combined packages, in addition to those documents identified in s 22(1)(a)(ii).

Sent By: s 22(1)(a)(ii)

Prepared By: s 22(1)(a)(ii)

Approved By: s 22(1)(a)(ii)

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s 22(1)(a)(ii)

Topics: IMMIGRATION & ENTRY CONTROL/General , LEGAL/International Instruments , PASSPORT SERVICES/Policy & Operations , CONSULAR /Services and Policy

s 22(1)(a)(ii) - this section, together with the following pages (3-4), are exempt and have been removed.

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Sensitive:Personal

s 22(1)(a)(ii)

Title: ROK: s 47F(1) **Issues with a trilateral intercountry adoption**
MRN: s 22(1)(a)(ii) 12/04/2016 s 22(1)(a)(ii)
To: Canberra
Cc: Hong Kong , Guangzhou , China Posts
From: Seoul
 Sent by: s 22(1)(a)(ii)
References: s 22(1)(a)(ii)
Response: Routine, Information Only

+++ Personal information about individuals contained in this cable should not be disclosed unless authorised under the Privacy Act 1988 (Cth). Any unauthorised disclosure of personal information may constitute a breach of the Privacy Act 1988 (Cth) +++

Summary:

As requested, we met with ROK intercountry adoption agency Eastern Social Welfare Society (ESWS) to deliver a letter from the NSW Department of Family and Community Services and discuss the case of s 47F(1)

ESWS

provided advice on how best to support the family and child. ESWS said there were questions as to whether ESWS would be able to receive the child in the event the adoption broke down.

As requested (emails s 22(1)(a)(ii) 12 April refers), we (Intercountry Adoptions Policy s 22(1)(a)(ii)) met with Eastern Social Welfare Society (ESWS - the Korean intercountry adoption agency that Australia works with) to deliver a letter from the NSW Department of Family and Community Services (FACS) (email s 22(1)(a)(ii) regarding the adoption of s 47F(1) ESWS was represented by s 47F(1)

2. We went through the letter, explaining that the mother was having difficulties bonding with the child. ESWS said that adoption was difficult for everyone and s 47F(1) may have exacerbated the stressors on the family. It was good the family was receiving counselling.

3. ESWS recommended we (NSW FACS/Australian Government) try and connect the family to the Korean-speaking communit s 47F(1)

4. ESWS also recommended that NSW FACS try and connect the family to the NSW adoptive community, either through Skype or something else – for advice and support.

5. ESWS said that although it hoped the adoption would not break down, it was useful to consider possible scenarios. ESWS said that as the adoption was finalised by the Korean Family Court, it would not be easy for the child to return to Korea. Termination of the adoption (in the Korean system) would have to be done by the Korean Family Court, and there were questions as to whether ESWS would be able to service the child now that s 47F(1) had Australian citizenship. Since the Republic of Korea's *Special Adoption Law* came into effect in 2012, there were no examples, as far as ESWS was aware, of children adopted overseas being returned to

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s 22(1)(a)(ii)

the Korean system after an adoption broke down.

6. ESWS requested that the first post-adoption home-visit report be completed (by the ^{s 47F(1)} authorities) early. The report could then be provided to NSW FACS (for on-forwarding to ESWS). In this way, NSW FACS would be better able to identify how the family could best be supported.

Comment

7. Recognising that International Legal Branch, Consular Operations Branch, AGD, and the NSW Department of Family and Community Services are closely coordinating on this, we note the importance of factoring in language considerations in dealing with the case. ^{s 47F(1)}

Sent By: s 22(1)(a)(ii)
Prepared By: s 22(1)(a)(ii)
Approved By: s 22(1)(a)(ii)
Topics: LEGAL/International Instruments , LEGAL/International Law , CONSULAR /Case Management

s 22(1)(a)(ii) - this section, together with the following pages (7-8), are exempt and have been removed.

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s 22(1)(a)(ii)

Title: **ROK: Intercountry Adoption: Changes to Korea's 'exit permit' system - a win for children in need of intercountry adoption**

MRN: s 22(1)(a)(ii) 14/04/2016 s 22(1)(a)(ii)

To: Canberra

Cc: Warsaw , Hong Kong , Taipei , Hanoi , Manila , The Hague , Ho Chi Minh City , Stockholm , Washington , Bangkok , Seoul , Pretoria , Colombo , China Posts , Santiago De Chile

From: Seoul
Sent by: s 22(1)(a)(ii)

References: s 22(1)(a)(ii)

Response: **Routine, Information Only**

Summary:

Following a series of representations by Post, the Korean Ministry of Health and Welfare has changed its 'exit permit' system for children in need of intercountry adoption. While adoption agencies still need to apply for exit permits for children matched with overseas families, the system is now simpler and more transparent. If implemented properly (and adoption agencies adhere to the new rules), the changes should reduce the delays experienced by children adopted by Australian families by around 10-12 months (average Korean processing times are currently around 25 months).

In January 2016, we reported that children adopted from Korea by Australian families experienced delays of approximately 12 months between being matched with an Australian family (by the Korean adoption agency) and the Korean Ministry of Health and Welfare (MOHW) considering their 'exit permit' application (s 22(1)(a)(ii)). As reported in reftel, the 12 month delay was unique to Eastern Social Welfare Society (ESWS - the only Korean intercountry adoption agency that Australia works with). Processing times for children from Korea's other two intercountry adoption agencies were also affected by the 'exit permit' system, but to a lesser extent (s 22(1)(a)(ii)).

2. In line with tasking in s 22(1)(a)(ii) **we made a series of representations to Korea's adoption authorities and other stakeholders** - to both explain the nature of the problem, and to register our view that the twelve month delay was unnecessary and not in the best interests of children in need of intercountry adoption. This included representations directly to s 33(a)(iii) (s 22(1)(a)(ii)) Ambassador and DHOM representations (s 22(1)(a)(ii)) and representations to the offices of relevant Korean National Assembly members (s 22(1)(a)(ii) s 33(a)(iii)).

s 22(1)(a)(ii)

3. s 33(a)(iii)

Adoption agencies will have to continue to apply for exit permits for children that have been matched with overseas families, but the application process is now

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s 22(1)(a)(ii)

simpler and more transparent. From this year, s 33(a)(iii) will give each adoption agency an annual exit permit quota (a continuation of current policy). The number will be calculated based on the number of domestic adoptions the agency had completed the previous year. But s 33(a)(iii) will no longer require exit permit applications to be made at specific points throughout the year. Adoption agencies will instead be able to make exit permit applications at any time. Also, instead of s 33(a)(iii) restricting the number of applications that could be made at one time (based on a complex, non-transparent formula), agencies will now be able to apply for as many exit permits as they want each time, as long as the total remains below their annual quota (meaning the most confusing and non-transparent aspect of the previous system has been eliminated).

Adoption agency views

4. ESWS s 47F(1) told us that the changes to the exit permit system were "very welcome." The changes would hopefully allow ESWS to **clear its waiting list by the end of the year**. ESWS' intercountry adoption quota for 2016 was for 140 exit permits. ESWS had already submitted applications for approximately 50 exit permits, but still had some 70 children remaining on its internal waiting list (children that ESWS had matched with overseas families and were waiting to apply for an exit permit). ESWS planned to apply for exit permits for all those on its waiting list in the first half of 2016. ESWS expected that its 2016 quota would be exhausted by mid-2016, so adoption applications made in the second half of 2016 would likely have to wait until the 2017 quota became available to make an exit permit application. **Grateful of AGD could pass this information on to State and Territory adoption authorities**, in the context of the impact on Australian applications submitted in early 2016 vs late 2016 (those submitted in early 2016 may be able to apply for an exit permit before mid-2016, whereas those submitted later may have to wait until the 2017 quota becomes available - likely February/March 2017).

5. Holt Children's Services s 47F(1) told us that the new system was "much better". Holt did not have an internal waiting list. So under the new system, Holt was now able to apply for an exit permit as soon as it matched a child with prospective parents. Previously there was typically a delay of several months between matching and s 33(a)(iii) allowing Holt to make a batch application.

6. Social Welfare Society s 47F(1) told us that the new system was an improvement over the previous system. Previously, the Ministry restricted when applications could be made, and how many applications could be made - this meant difficulties and delays for the children. That said, SWS had some reservations. s 47F(1) said that s 33(a)(iii)

s 33(a)(iii)

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s 22(1)(a)(ii)

s 33(a)(iii)

Comment

8. While not a perfect outcome s 33(a)(iii) the greater transparency and fewer restrictions on the exit permit application process (if managed properly by s 33(a)(iii) and ESWS) should result in a reduction in the unnecessary delays experienced by Korean children adopted by Australian families. While it will take time to determine the actual impact, **the new system could potentially reduce processing times (on the Korean-side) by around 10-12 months** (average Korean processing times are currently around 25 months).

9. As far as we are aware, s 33(a)(iii)

10. Cable prepared in consultation with DIBP at Post.

Sent By: s 22(1)(a)(ii)

Prepared By: s 22(1)(a)(ii)

Approved By: s 22(1)(a)(ii)

Topics: IMMIGRATION & ENTRY CONTROL/General , LEGAL/International Instruments , PASSPORT SERVICES/Policy & Operations , CONSULAR /Services and Policy , POLITICAL-ECONOMIC/Domestic Political

s 22(1)(a)(ii) - this section, together with the following pages (12-14), are exempt and have been removed.

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s 22(1)(a)(ii)

Title: **ROK: Intercountry Adoption: Eastern Social Welfare Society's new adoption documentation requirements**

MRN: s 22(1)(a)(ii) 01/07/2016 s 22(1)(a)(ii)

To: Canberra

Cc: Warsaw , Hong Kong , Taipei , Hanoi , Manila , The Hague , Ho Chi Minh City , Stockholm , Washington , Bangkok , Seoul , Pretoria , Colombo , China Posts , Santiago De Chile

From: Seoul
Sent by: s 22(1)(a)(ii)

References: s 22(1)(a)(ii)

Attachments: LAB - ESWS required documents - Exit Permit Pack Court Pack and Combined....xlsx

Response: **Routine, Information Only**

Summary:

As requested, we (Intercountry Adoptions Policy Officer, Seoul) met with Eastern Social Welfare Society to discuss the agency's updated documentation requirements for processing intercountry adoptions.

As requested (emails AGD-Post of 6 June, for which thanks), on 30 June Intercountry Adoptions Policy Officer, Seoul s 22(1)(a)(ii) met with Eastern Social Welfare Society (ESWS - the ROK adoption agency we work with) to discuss the agency's updated documentation requirements for processing intercountry adoptions.

2. By way of background, ESWS sent updated documentation requirements to Australian State and Territory adoption authorities on 24 May. As requested, we discussed Australian State and Territory questions about the new requirements with ESWS' s 47F(1)

The list of documents required by ESWS is attached for reference. The list consists of three 'packs': the 'exit permit pack' (which is reviewed by the ROK Ministry of Health and Welfare), the 'court pack' (which is reviewed by the ROK Family Court), and the 'combined pack' (which is kept on file at ESWS).

Documentation to be sent to ESWS as soon as possible

3. s 47F(1) said the new requirements meant that State and Territory adoption authorities should (as soon as possible) send across full sets of documentation for all Australian families that had previously been matched with children from the ROK in need of intercountry adoption and were now waiting to lodge an 'exit permit' application. Separately, as soon as a new match was proposed by ESWS, and accepted by an Australian family, the relevant State or Territory adoption authority should send ESWS the full set of documentation for processing the adoption as soon as possible. s 47F(1) noted that this requirement was a direct result of the new Ministry of Health and Welfare 'exit permit' system (which Post successfully lobbied for, s 22(1)(a)(ii) refers), and was aimed at further reducing the processing delays (on the ROK-side) experienced by children adopted by Australian families. (**Comment:** Prior to the changes to the 'exit permit' system, children matched with Australian families would have to wait around twelve months before ESWS would be able to apply for an 'exit permit'.)

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s 22(1)(a)(ii)

Doctor's letter

4. ^{s 47F(1)} said that the 'doctor's letter' (number 25 in the combined pack list) was noted in the combined pack list as required for both the court pack and exit permit pack, but was not actually listed in the court pack list. ^{s 47F(1)} said this was because the 'doctor's letter' should only be included in the court pack "if required". If the medical issue in question was "minor", the letter would not need to be included in the court pack. If the issue was "of significance", the letter should also be included in the court pack. By way of example, ^{s 47F(1)} said that if a prospective adoptive parent had been taking "stomach medication" for several years, this would be considered a "minor" medical issue, and the 'doctor's letter' would not need to be included in the court pack (it would still need to be included in the exit permit pack and the combined pack).

Agency letter and reference document

5. ^{s 47F(1)} said that the 'adoption agency letter' and 'reference document' (numbers 27 and 28 in the combined pack list) were noted in the combined pack list as only required for the exit permit pack, but appeared on the court pack list (and not the exit permit pack list). ^{s 47F(1)} said that this discrepancy was not an issue for Australian applications. These documents were only needed for US adoptions, which were processed by private US adoption service providers (unlike Australian adoptions, which were processed by Australian State and Territory adoption authorities). The equivalent Australian documentation was supplied to ESWS within the homestudies provided by the State and Territory adoption authorities.

Applications from individuals who have received cancer treatment

6. ^{s 47F(1)} said that applications by prospective adoptive parents who had received treatment for cancer, and were now cancer free, would only be accepted if the individual had completed the treatment five or more years previously. This restriction would also apply to applications where doctors assessed that cancer had been "completely excised".

Sent By: s 22(1)(a)(ii)

Prepared By: s 22(1)(a)(ii)

Approved By: s 22(1)(a)(ii)

Topics: IMMIGRATION & ENTRY CONTROL/General , LEGAL/International Instruments , PASSPORT SERVICES/Policy & Operations , CONSULAR /Services and Policy , POLITICAL-ECONOMIC/Domestic Political , SOCIAL ISSUES/General

s 22(1)(a)(ii) - this section, together with the following pages (17-20), are exempt and have been removed.

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Combined List

	Document	Number of Copies	EP Packet	Court Packet	Note
1	__Statement of Authenticity	1	V	V	Notarized original
2	__The marriage certificate	1		V	Notarized copy
3	__The birth certificate of adoptive father	1		V	Notarized copy
4	__The birth certificate of adoptive mother	1		V	Notarized copy
5	__The birth certificates of children	1		V	Notarized copy
6	__The first child	1		V	Notarized copy
7	__The second child	1		V	Notarized copy
8	__The third child	1		V	Notarized copy
9	__The fourth child	1		V	Notarized copy
10	__Foreign-born(__ adoptive father, __ adoptive mother , __ children)	1		V	Notarized copy
11	__The criminal history check result of adoptive father(__ Crminal records ___No records)	1	V	V	Notarized original
12	__The criminal history check result of adoptive mother(__ Crminal records ___No records)	1	V	V	Notarized original
13	__Home Study Update(if applicable)	1	V	V	Notarized original
14	__Adoption education certificate(with More than 8 hours of education)	1	V	V	Notarized original
15	__Certificate of Completion of Adoptive Parents Education(Korean Form)	1	V		Notarized original
16	__The Certificate of Registration as Prospective Adoption Parents	1	V	V	Notarized original
17	__Statement of Adoption(It must be redone and re-sent if update)	1	V	V	Notarized original
18	__Affidavit of Support(It must be redone and re-sent if update)	1	V	V	Notarized original
19	__The Psychological Evaluation of adoptive father	1		V	Notarized original
20	__The Psychological Evaluation of adoptive mother	1		V	Notarized original
21	__Adoption License Certificate	1		V	Notarized copy
22	__The License of Home Study writer(other documentary evidence when required)	1		V	Notarized copy
23	__Passport Copies of adoptive parents.	1		V	n/a
24	__The Medical Examination Results of adoptive parents	1	V		Notarized original
25	__Dotor's letter	1	V	V	Notarized original
26	__Medical Report Typed or Printed	1	V		n/a
27	__Reference(agency Letter)	1	V		Notarized original
28	__ 3 Reference	1	V		Notarized original
29	__Letter of religious freedom	1	V	V	Notarized original
30	__New name of child	1	V	V	Notarized original

OFFICIAL

s 22(1)(a)(ii)

Title: ROK: Intercountry Adoption: Update on Bill to ratify the Hague Convention on Intercountry Adoption

MRN: s 22(1)(a)(ii) 04/07/2016 s 22(1)(a)(ii)

To: Canberra

Cc: Warsaw , Hong Kong , Taipei , Hanoi , Manila , The Hague , Ho Chi Minh City , Stockholm , Washington , Bangkok , London , Pretoria , Colombo , China Posts , Santiago De Chile

From: Seoul
Sent by: s 22(1)(a)(ii)

References: s 22(1)(a)(ii)

Response: Routine, Information Only

Summary:

The ROK Ministry of Health and Welfare (MOHW) is re-drafting the Bill to ratify the Hague Convention on Intercountry Adoption. We expect the Bill to be submitted to the National Assembly in August, and that it will propose major changes to the ROK adoption system, including MOHW taking over most of the work undertaken by the ROK's private adoption agencies. A consultation committee, chaired by MOHW (and including representatives from all three of the ROK's intercountry adoption agencies) is meeting regularly to discuss the Bill. Adult adoptee NGOs, with the support of a legal firm, are seeking to influence the Bill. The Bill is expected to pass by the end of the year.

As reported in s 22(1)(a)(ii) the Republic of Korea's (ROK) 19th National Assembly had been considering a Bill to ratify the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*. The Bill proposed major changes to the ROK intercountry adoption system, and aimed to reduce the number of Korean children assessed as in need of intercountry adoption.

2. With the dissolution of the 19th National Assembly on 19 May s 22(1)(a)(ii) , all pending Bills were scrapped, including the Hague Convention Ratification Bill. The Bill is now being re-drafted.

s 33(a)(iii)



s 22(1)(a)(ii)

s 33(a)(iii)

Comment

10. If the Bill receives bipartisan support (as the previous version had done), it is possible that





s 22(1)(a)(ii)

it could pass in late 2016, or early 2017. We will continue to report on the progress of the Bill.
s 33(a)(iii)

Sent By: s 22(1)(a)(ii)

Prepared By: s 22(1)(a)(ii)

Approved By: s 22(1)(a)(ii)

Topics: IMMIGRATION & ENTRY CONTROL/General , LEGAL/International Instruments , CONSULAR/Services and Policy , POLITICAL-ECONOMIC /Domestic Political

s 22(1)(a)(ii) - this section, together with the following pages (25-27), are exempt and have been removed.



[REDACTED]

s 22(1)(a)(ii)

Title: ROK: Intercountry Adoption: Concerns raised by adult adoptees about changes to passport requirements

MRN: s 22(1)(a)(ii) 08/07/2016 s 22(1)(a)(ii)

To: Canberra

Cc: Warsaw , Hong Kong , Taipei , Hanoi , Manila , The Hague , Ho Chi Minh City , Stockholm , Washington , Bangkok , London , Pretoria , Colombo , China Posts , Santiago De Chile

From: Seoul

Sent by: s 22(1)(a)(ii)

Attachments: SMH article - Unintended consequence - how Australia stripped an Australian of citizenship.docx

Response: Routine, Information Only

Summary:

Over the past week, s 33(a)(iii)

have raised with Post recent media reports that claimed changes to Australian passport application requirements had stripped intercountry adoptees of Australian citizenship. The Australia-based group claimed the changes were affecting many Korean adoptees in Australia. s 33(a)(iii)

We understand the changes cover passport application requirements only.

Over the past week, s 33(a)(iii)

have raised with Post s 22(1)(a)(ii) recent Australian media reports that claimed changes to Australian passport application requirements were stripping adult intercountry adoptees of Australian citizenship (example article attached for reference). The three Korea-based organisations were: s 33(a)(iii)

2. Post's understanding of the issue is that in late 2015, DFAT implemented an administrative change for passport applications made by individuals born overseas, and as a result, some documents are no longer accepted as evidence of Australian citizenship. Some intercountry adoptees in Australia, including those who did not have access to an Australian citizenship certificate (or perhaps had never been granted Australian citizenship), had in the past used these no-longer acceptable documents to successfully acquire Australian passports s 33(a)(iii)

s 33(a)(iii)

[REDACTED]

s 22(1)(a)(ii)

s 33(a)(iii)

5. Post advised s 33(a)(iii) (drawing on information available at www.intercountryadoption.gov.au/process-adopting/during-process/changes-to-evidence-of-citizenship-for-australian-passports/) that our understanding was: there had been a change to passport application requirements; these changes were for all Australians born overseas, not specifically aimed at intercountry adoptees; that Intercountry Adoption Australia could provide advice to adoptees; and that the Department of Immigration and Border Protection could provide advice to individuals on their citizenship status, as well as advice on making citizenship applications if necessary.

6. Cable prepared in consultation with Corporate and Consular Services Section, and DIBP at Post.

Sent By: s 22(1)(a)(ii)

Prepared By: s 22(1)(a)(ii)

Approved By: s 22(1)(a)(ii)

Topics: IMMIGRATION & ENTRY CONTROL/General , LEGAL/International Instruments , PASSPORT SERVICES/Policy & Operations , POLITICAL-ECONOMIC/Domestic Political , SOCIAL ISSUES/General

s 22(1)(a)(ii) - this section, together with the following pages (30-32), are exempt and have been removed.

<http://www.smh.com.au/national/unintended-consequence-how-australia-stripped-an-australian-of-citizenship-20160624-gpqv7y.html>

'Unintended consequence': how Australia stripped an Australian of citizenship

Date June 26, 2016

[Eamonn Duff](#)

Sun-Herald senior investigative writer

EXCLUSIVE

Teresa Mullan has lived in Australia for more than half a century. During that time, she has raised children here, worked for three governments, voted at 10 federal elections and travelled the world on an Australian passport.

But when she tried to renew that passport ahead of an overseas holiday next month, she was refused a replacement because she could not prove she was an Australian citizen.

Fairfax Media has found that, on the instruction of the Department of Immigration and Border Protection (DIBP), adoptees born overseas can no longer present their Australian birth certificate, issued as part of the adoption process, as lawful evidence of citizenship.

Neither the Department of Foreign Affairs and Trade nor the DIBP would provide reasons for the changes when asked by Fairfax Media last week.

But those amendments, now being applied by the Australian Passport Office, mean there are potentially thousands of inter-country adoptees who assume they are bona-fide citizens but are now not regarded as one, even though they have held passports.

Ms Mullan likened the situation to a bad comedy sketch that has left her feeling humiliated and demoralised.

"This is yet another example of our ill-conceived and inhumane immigration and border protection laws," Ms Mullan said. "After 52 years, am I somehow now a threat to national security? I feel as though my country has stripped me of my nationality and identity. This experience just highlights the government's disregard for the sanctity of citizenship."

ANU College of Law professor Kim Rubenstein, who has published a book exposing the flaws of citizenship laws, confirms a range of scenarios have emerged involving people who are Australian in "all but law".

"That is, their lives have been fully lived in Australia yet they have fallen foul of technical distinctions and have not been recognised as Australian citizens," she said.

Ms Mullan was born in New Zealand in December 1963 and adopted in Australia several months later, in March 1964. As an adult, she has always struggled with the heartbreaking narrative surrounding those events.

She was part of the "white stolen generation", so-called to distinguish it from the Indigenous stolen generations, although the associated suffering was shared. In the five decades before 1982, the newborn babies of young, unmarried women were forcibly removed for adoption.

Ms Mullan's birth mother, from Queensland, had kept her pregnancy secret by staying with nuns in Auckland.

But when she and the father returned to Brisbane and sought assistance from the state government, it separated her from the baby and made her sign adoption forms under duress.

Ms Mullan has since learnt from numerous relatives of her late mother's desperate attempts to retrieve her.

Of her current plight, she asked: "If I was born to two Australian citizens, removed from them by the Queensland government and adopted out to two other Australians citizens, how can I not be a citizen?"

In a letter last December, DFAT formally denied her a full validity replacement passport because she could not present proof of citizenship through a citizenship certificate.

When she sought answers from passport personnel and the office of Immigration and Border Protection minister Peter Dutton, officials would only divulge that she was an "unintended consequence" of law changes that had affected a number of adopted people.

After she applied for her citizenship certificate, the DIBP deemed her paperwork invalid, stating in a letter that citizenship needed to be "acquired" by "conferral". She has since been advised to apply for the required evidence by paying \$190 to attend an interview, sit a test, swear her allegiance to Australia and attend a ceremony, where she would receive her certificate.

In the past few days, New Zealand has accepted Ms Mullan's application for a passport – and recognised her as a citizen – even though she only spent a week there after her birth. While she described her relief as immense, questions still surround her status in Australia when she returns.

A spokesman for Mr Dutton said the department understood it could be distressing for long-term residents of Australia to discover they were not citizens "when they believed this to be the case for many years".

Do you know more?

eduff@fairfaxmedia.com.au

[REDACTED]

s 22(1)(a)(ii)

Title: ROK: Intercountry Adoption: The Gathering
MRN: s 22(1)(a)(ii) 19/08/2016 s 22(1)(a)(ii)
To: Canberra
Cc: Warsaw , Hong Kong , Taipei , Hanoi , Manila , The Hague , Ho Chi Minh City , Stockholm , Washington , Bangkok , London , Pretoria , Colombo , China Posts
From: Seoul
 Sent by: s 22(1)(a)(ii)
References: s 22(1)(a)(ii)
Response: Routine, Information Only

Summary:

The 2016 International Korean Adoptee Associations' Gathering was held in Seoul from 2-7 August. The Gathering, an international conference for adult Korean adoptees, was attended by some 600 Korean adoptees, including 22 Australians. The Gathering demonstrated that the 166,000 Korean adoptees around the world have self-organised into a relatively cohesive international grouping. s 33(a)(iii)

Ambassador hosted a lunch for the Australian participants, who welcomed the opportunity to engage with the Embassy.

'The Gathering'

International Korean Adoptee Associations (IKAA) held the 2016 'Gathering' conference from 2-7 August in Seoul. IKAA is a network of thirteen adult Korean adoptee organisations from Europe and the United States. The Korean intercountry adoption program is the largest and longest running in the world, with more than 166,000 Koreans having been adopted internationally since 1958 (including some 3,500 in Australia). As such, there is now a large cohort of adult Korean adoptees around the world, which has self-organised into a relatively cohesive international community.

2. IKAA has held Gatherings in Seoul every three years since 2004. The 2016 Gathering was attended by around 600 adult Korean adoptees, including 22 Australian adoptees. At the invitation of IKAA, Regional Intercountry Adoptions Policy Officer Seoul (s 22(1)(a)(ii)), attended the 2016 Gathering.

Ambassador-hosted lunch for Australian participants

3. On 2 August, Ambassador Paterson hosted a lunch for the Australian participants of the Gathering. Sixteen Australian Korean adoptees attended the lunch. Some of the participants were members of Korean Adoptees in Australia Network (KAIAN), which had received funding from DFAT's Australia-Korea Foundation (AKF) to support their attendance at the Gathering (s 22(1)(a)(ii)). We were the only Embassy to host a separate event for attendees (which was noted and welcomed by Australian participants and Gathering organisers).

4. Lunch participants, including s 47F(1), welcomed the opportunity to meet with the Embassy and discuss intercountry adoption issues. s 47F(1) in particular welcomed the Department of Social Services' recent announcement that it had provided

s 22(1)(a)(ii)

funding to International Social Service Australia to establish a free counselling, birth search and reunification support service for Australian intercountry adoptees. ^{s 47F(1)} said this demonstrated that the Australian Government was trying to address the issues that adult adoptees had raised ^{s 33(a)(iii)}

s 33(a)(iii)

Gathering opening ceremony

7. During the opening ceremony, President Park provided a pre-recorded video message, in which she "whole heartedly welcomed" adoptees back to their "motherland", and pledged that the ROK Government would provide additional support for adoptees, including tours and Korean language programs to help the "proud sons and daughters of Korea re-establish their Korean identity and assist in the advancement of the motherland." ^{s 33(a)(iii)}

8. Chung Chin-youb, Minister of Health and Welfare, said in his welcoming address that the ROK Government was trying to increase support for adoptees. As well as supporting adult adoptees, the ROK Government was in the process of ratifying the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*. This was difficult, because the ROK needed to both support the rights of potential new adoptees and protect children in need of families. ^{s 33(a)(iii)}



s 22(1)(a)(ii)

s 33(a)(iii)

International Korean Adoption Studies Research Symposium

11. Much of the 2016 Gathering focused on community building activities s 33(a)(iii)

. The main exception to this was the fourth International Symposium on Korean Adoption Studies, held on 3 August. The symposium included presentations and debates by academics on a range of issues relevant to Korean adoptees. Most of the presentations covered issues of racism and personal identity faced by adoptees in receiving countries s 33(a)(iii)





s 22(1)(a)(ii)

s 33(a)(iii)

Comment

14. The Gathering provided insights into how adult Korean adoptees have organised into a cohesive international community, and which issues this community chooses to focus on.
s 33(a)(iii)

Sent By: s 22(1)(a)(ii)

Prepared By: s 22(1)(a)(ii)

Approved By: s 22(1)(a)(ii)

Topics: IMMIGRATION & ENTRY CONTROL/General , LEGAL/International Instruments , CONSULAR/Services and Policy , POLITICAL-ECONOMIC /Domestic Political , SOCIAL ISSUES/General

s 22(1)(a)(ii) - this section, together with the following pages (39-41), are exempt and have been removed.





s 22(1)(a)(ii)

Title: **ROK: Intercountry Adoption:** s 33(a)(iii)

MRN: s 22(1)(a)(ii) 29/08/2016 s 22(1)(a)(ii)

To: Canberra

Cc: Warsaw , Hong Kong , Taipei , Hanoi , Manila , The Hague , Ho Chi Minh City , Stockholm , Washington , Bangkok , London , Pretoria , Colombo , China Posts , Santiago De Chile

From: Seoul
Sent by: s 22(1)(a)(ii)

References: s 22(1)(a)(ii)

Attachments: s 33(a)(iii)

Response: **Routine, Information Only**

Summary:
s 33(a)(iii)





s 22(1)(a)(ii)

s 33(a)(iii)



[REDACTED]

s 22(1)(a)(ii)

s 33(a)(iii)

Impact of Korea's upcoming changes to ratify the Hague Convention

11. The ROK's ongoing work to ratify the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* is covered in s 22(1)(a)(ii) and s 22(1)(a)(ii) Draft ratification legislation signalled major changes to the ROK's intercountry adoption program. s 33(a)(iii)

. Following ratification, we expect there to be a period of uncertainty during which adoption agencies will be either unable or unwilling to form additional relationships. The draft legislation was also designed to further reduce the ROK's intercountry adoption program. Following ratification, the ROK's adoption agencies may be discouraged from expanding their partnerships.

Comment

s 33(a)(iii)

Sent By: s 22(1)(a)(ii)

Prepared By: s 22(1)(a)(ii)

Approved By: s 22(1)(a)(ii)

Topics: IMMIGRATION & ENTRY CONTROL/General , LEGAL/International Instruments , PASSPORT SERVICES/Policy & Operations , CONSULAR /Services and Policy , POLITICAL-ECONOMIC/Domestic Political , SOCIAL ISSUES/General

s 22(1)(a)(ii) - this section, together with the following pages (45-48), are exempt and have been removed.



Title: ROK: Hague Convention ratification, Exit Permits, and adoptee access to information

MRN: s 22(1)(a)(ii) 31/08/2016 s 22(1)(a)(ii)

To: Canberra

Cc: Warsaw , Hong Kong , Taipei , Hanoi , Manila , The Hague , Ho Chi Minh City , Stockholm , Washington , Bangkok , London , Pretoria , Colombo , China Posts , Santiago De Chile

From: Seoul
Sent by: s 22(1)(a)(ii)

References: s 22(1)(a)(ii)

Response: Routine, Information Only

Summary:
s 33(a)(iii)

Hague Convention ratification

2. We sought an update from MOHW on the ROK's efforts to ratify the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*. As reported in s 22(1)(a)(ii) and s 22(1)(a)(ii) MOHW is re-drafting a Bill to ratify the Convention. An earlier draft of the Bill proposed major changes to the ROK intercountry adoption system, including MOHW taking over much of the work currently performed by the ROK's private intercountry adoption agencies.

s 33(a)(iii)





s 33(a)(iii)

7. We asked whether MOHW's relaxation of restrictions on 'exit permit' applications had resulted in a spike in 'exit permit' application numbers, and whether this had impacted MOHW's processing times for individual applications. s 33(a)(iii)

Adoptee access to adoption information

8. As requested in s 22(1)(a)(ii) we noted that open adoption and access to information were core principles of the Hague Convention. Given the ROK's progress towards becoming a party to the Convention, we encouraged the ROK to consider making it easier for adult adoptees to access adoption records. s 33(a)(iii)





Sent By: s 22(1)(a)(ii)

Prepared By: s 22(1)(a)(ii)

Approved By: s 22(1)(a)(ii)

Topics: IMMIGRATION & ENTRY CONTROL/General , LEGAL/International Instruments , CONSULAR/Services and Policy , POLITICAL-ECONOMIC /Domestic Political , SOCIAL ISSUES/General

s 22(1)(a)(ii) - this section, together with the following pages (72-74), are exempt and have been removed.



s 22(1)(a)(ii)

Title: ROK: Intercountry Adoption: s 33(a)(iii) - concerning increases in number of babies abandoned

MRN: s 22(1)(a)(ii) 05/10/2016 s 22(1)(a)(ii)

To: Canberra

Cc: Warsaw , Hong Kong , Taipei , Hanoi , Manila , The Hague , Ho Chi Minh City , Stockholm , Washington , Bangkok , Pretoria , Colombo , Geneva UN , UN New York , China Posts , Santiago De Chile

From: Seoul
Sent by: s 22(1)(a)(ii)

References: s 22(1)(a)(ii)

Response: Routine, Information Only

Summary:
s 33(a)(iii)

The Republic of Korea (ROK) has seen a ten-fold increase in the anonymous abandonment of children via the s 33(a)(iii) since 2012 s 33(a)(iii)

2. The increase in abandonment coincides with the introduction of the ROK's Special Adoption Law (SAL). The SAL was an important and necessary step forward for the ROK's adoption framework (both domestic and intercountry). s 33(a)(iii)



s 22(1)(a)(ii)

s 33(a)(iii)

The children
s 33(a)(iii)

What happens to the children?
s 33(a)(iii)





s 22(1)(a)(ii)

s 33(a)(iii)

Numbers - why the increase?

s 33(a)(iii)

10. Other groups have different views. s 33(a)(iii)

ROK Government views

s 33(a)(iii)

Comment

s 33(a)(iii)

(Note: The *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*, which the ROK is in the process of ratifying, states that adoption is preferable to institutionalisation.) s 33(a)(iii)

14. While s 33(a)(iii) issues have no direct impact on the children adopted by Australian parents under the Australia-ROK intercountry adoption program (noting that children abandoned via





s 22(1)(a)(ii)

s 33(a)(iii) are ineligible for intercountry adoption), they do provide insights into the ROK's approach to its broader adoption and child welfare system. s 33(a)(iii)

Sent By: s 22(1)(a)(ii)

Prepared By: s 22(1)(a)(ii)

Approved By: s 22(1)(a)(ii)

Topics: IMMIGRATION & ENTRY CONTROL/General , LEGAL/International Instruments , CONSULAR/Services and Policy , POLITICAL-ECONOMIC /Domestic Political , SOCIAL ISSUES/General , HUMAN RIGHTS/General

s 22(1)(a)(ii) - this section, together with the following pages (79-81), are exempt and have been removed.



s 22(1)(a)(ii)

Title: ROK: Intercountry adoption: New bills aim to reform the ROK adoption system

MRN: s 22(1)(a)(ii) 21/10/2016 s 22(1)(a)(ii)

To: Canberra

Cc: Warsaw , Hong Kong , Taipei , Hanoi , Manila , The Hague , Ho Chi Minh City , Stockholm , Washington , Bangkok , Seoul , Pretoria , Colombo , China Posts , Santiago De Chile

From: Seoul
Sent by: s 22(1)(a)(ii)

References: s 22(1)(a)(ii)

Attachments: Intercountry Adoption Bill.docx , Special Adoption Law Amendment Bill.docx

Response: Routine, Information Only

Summary:

ROK ruling party MP Kim Seung-hui has submitted two bills to the National Assembly, which aim to reform the ROK adoption system (both domestic and intercountry) by shifting much of the responsibility for ROK adoption processes from private adoption agencies to the ROK central and local governments. s 33(a)(iii)

On 23 September, National Assembly MP Kim Seung-hui submitted two bills to the National Assembly that aim to reform the Republic of Korea's (ROK) adoption system - both domestic and intercountry. Kim's bill's are redrafted versions of the (single) bill that MP Shin Kyung-rim submitted in December 2015 s 22(1)(a)(ii) which lapsed (along with all other pending bills) following the ROK's National Assembly general elections in April 2016. Unofficial translations of the executive summaries for the new bills are attached.

s 33(a)(iii)

Splitting the legislation

3. Currently, both domestic and intercountry adoptions in the ROK are covered by the *Special Adoption Law* (SAL). The new bills would create two separate legislative frameworks for adoption. The two bills are: (1) the *Special Adoption Law Amendment Bill*, which amends the SAL, including making it pertain exclusively to domestic adoptions; and (2) the *Intercountry Adoption Bill*, which sets out a new legal framework for intercountry adoptions. s 33(a)(iii)

s 22(1)(a)(ii)

s 33(a)(iii)

Changes proposed

4. The new bills aim to ratify the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*. They do this not by changing the ROK's adoption processes, but rather by shifting much of the responsibility for these processes from the ROK's private adoption agencies to the MOHW and local governments s 22(1)(a)(ii)

Major points include:

- **Local government involvement:** s 33(a)(iii)

- **Minister of Health and Welfare involvement:** The bills specify that the Minister of Health and Welfare would be the ROK Central Authority (a Hague Convention requirement). The Minister would be responsible for most logistical aspects of the adoption process, including receiving and vetting adoption applications from prospective adoptive parents, and matching children with prospective adoptive parents. Under the ROK's current system, these functions are undertaken by private adoption agencies.
- **Adoption agencies:** The bills limit adoption agencies to essentially advising potential adoptive families on the adoption processes.
- **Korean Family Court:** The Korean Family Court would still be responsible for approving and finalising all adoptions in the ROK. The process would be the same as under the current SAL.

Caveat

5. After specifying that the Minister for Health and Welfare and local governments will be responsible for most adoption processes, the bills state that both the Minister and local governments can delegate these processes to private adoption agencies. The bills state, however, that the Minister and local governments can perform spot-check inspections on the adoption agencies to verify their work processes.

s 33(a)(iii)



s 22(1)(a)(ii)

s 33(a)(iii)

(**Note:** The Hague Convention requires states to focus on family conservation, before looking to adoption as a solution for child welfare.)

s 33(a)(iii)

9. The new bills mirror the SAL clauses on adult adoptee access to their adoption records.
s 33(a)(iii)

Timelines

10. The bills will enter into effect two years after they are voted into law. In the interim, adoptions will continue to be carried out under the SAL s 33(a)(iii)

An opposing bill

s 33(a)(iii)





s 22(1)(a)(ii)

s 33(a)(iii)

Comment
s 33(a)(iii)

Sent By: s 22(1)(a)(ii) —
Prepared By: s 22(1)(a)(ii)
Approved By: s 22(1)(a)(ii)
Topics: IMMIGRATION & ENTRY CONTROL/General , LEGAL/International
Instruments , POLITICAL-ECONOMIC/Domestic Political , SOCIAL
ISSUES/General

s 22(1)(a)(ii) - this section, together with the following pages (86-89), are exempt and have been removed.



Intercountry Adoption Bill

23 September 2016

► List of proposing assembly members

Kim Seung-hui (Saenuri), Gyeong Dae-soo (Saenuri), Kim Gi-seon (Saenuri), Kim Sand-hoon (Saenuri), Kim Seong-tae (Saenuri), Kim Seong-tae (Saenuri), Kim Soon-rae (Saenuri), Eom Yong-soo (Saenuri), Yoon Yeong-seok (Saenuri), Lee Eun-jae (Saenuri), Lim E-ja (Saenuri), Choi Yeon-Hyae (Saenuri)

► Grounds for proposal

Currently, there are many adoptions where child rights are the pretext for ‘intercountry adoption’ and family preservation is not considered. Korea signed the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* in 2013 and is now preparing to ratify the Convention. The Convention aims to implement international standards for the adoption of children between countries, a mutually guaranteed authentication process, and strengthened national policies about adoption procedures.

But at the moment, Korea’s intercountry adoption process comes under the leadership of private intercountry adoption agencies. National policies covering adoption are not just negligent, children in need of protection entering adoption facilities are covered by a dual system in accordance with the [Special Adoption Law] and the [Civil Law]. Unified regulations regarding intercountry adoption face a difficult situation.

Also with the increase in international marriages, there is a recent increasing trend of the previous children of foreign spouses being adopted domestically. This is carried out under the [Civil Law], so cooperation with the child’s birth country and the provision of post-adoption services are difficult. So there is a downside for intercountry adoption in terms of children’s rights and protections.

Accordingly, this Bill aims to establish a law to strengthen the protection and rights of intercountry adopted children, and to apply uniform adoption regulations that meet the international standards, procedures, and requirements of the Convention.

► Main content

A. To set out the requirements and procedures for adoptions that include foreign factors, ratify the Hague Convention on Intercountry Adoption), and enhance the rights and protection adopted children. (Article 1)

B. This law will apply to cases where the outcome of adoption results in the child migrating to a different country, or cases where the adopted child and adoptive parents have different nationalities. (Article 3)

C. Intercountry adoption can only occur in cases where it is judged as in the best interests of the child and no one shall unfairly profit from an intercountry adoption. (Article 4)

D. In the case that the head of the local government of the child's place of residence makes the judgement that intercountry adoption is the best choice for the child, the head of the relevant local government will prepare a report on the child's home family environment. (Article 9)

E. The prospective adoptive parents must have been married for more than three years, must jointly adopt the child, and must possess appropriate economic capacity to raise the child. The prospective adoptive parents must not have a criminal history or health conditions that make it difficult to raise the child. (Article 10)

F. When a child is to be adopted to a foreign country, the prospective adoptive parents shall make an adoption application to the Minister of Health and Welfare through the Central Authority of the receiving country. The Minister of Health and Welfare, on receiving the application, will appropriately match a child with the adoptive parents, based on a report on the adoptive parents. (Articles 13 and 14)

G. For cases where a child is being adopted from overseas into Korea, intercountry adoption procedures apply. The adoption's validity will require approval from the authorities of the child's birth country. (Articles 20 through 26)

H. In line with the spirit of Family Court Law, intercountry adoptions shall result in the child having the same rights as a biological child under the [Civil Law]. (Article 31)

I. The Minister of Health and Welfare will be the Central Authority under the Convention. (Article 34)

J. Adoption agencies may receive permission as per the [Special Adoption Law] to carry out intercountry adoption work. Intercountry adoption agency licenses must be renewed every three years. (Article 35)

Special Adoption Law Amendment Bill

23 September 2016

► List of proposing assembly members

Kim Seung-hui (Saenuri), Gyeong Dae-soo (Saenuri), Kim Gi-seon (Saenuri), Kim Sand-hoon (Saenuri), Kim Seong-tae (Saenuri), Kim Seong-tae (Saenuri), Kim Soon-rae (Saenuri), Eom Yong-soo (Saenuri), Yoon Yeong-seok (Saenuri), Lee Eun-jae (Saenuri), Lim E-ja (Saenuri), Choi Yeon-Hyae (Saenuri)

► Grounds for proposal

Currently the adoption of children in need of protection is carried out according to private adoption agencies' procedures and processes, and Government roles and policies are insufficient.

Accordingly, Korea signed the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* (the Convention) in May 2013 to introduce an adoption system that considered the best interests of children in need of adoption. The Convention guarantees the protection and rights of children adopted internationally, and it aims to strengthen national policies and accountability for adoption processes.

To ratify the Convention and contribute to enhancing the welfare and rights of adopted children, a new bill [Intercountry Adoption Bill] proposes separate regulations for intercountry adoptions. This bill [Special Adoption Law Amendment Bill] amends the Special Adoption Law so that it is limited to covering domestic adoptions. This bill ensures that children's adoption eligibility will be determined by local governments; and strengthens national and local government policies and procedures covering the adoption process.

This bill grants special entity status to Korea Adoption Service under the [Civil Law].

► Main content

A. The Special Adoption Law previously covered both domestic and intercountry adoption. It will now be restricted to domestic adoption only. (Article 1)

B. Adoption can only proceed in the case where the head of the local government (governor, mayor, etc) determines that adoption is in the best interests of the child. (Article 8)

C. Adoption applications will be made to the Minister of Health and Welfare, the Minister of Wealth and Welfare shall prepare a report on the suitability of the adoptive parents. (Article 10)

D. The Minister of Health and Welfare shall consider the rights and interests of children in matching children with prospective adoptive parents. The matching process may be performed by an Adoption Matching Committee. (Article 11)

E. In current law [Civil Law], Korea Adoption Service will be a special entity.

F. Adoption agencies must be managed with the permission of the local mayor/governor; adoption agencies must re-invigorate their domestic adoption work and establish post adoption services; adoption agencies can carry out such work as commissioned by the national or local governments; and adoption agencies must report on their work each year. (Articles 25 and 26)

► Note

This Bill can only be considered and passed on the assumption that the related bill [Intercountry Adoption Bill] is passed.

[REDACTED]

s 22(1)(a)(ii)

Title: ROK: Intercountry Adoption: A six month (25 per cent) reduction in processing times s 33(a)(iii)

MRN: s 22(1)(a)(ii) 07/12/2016 s 22(1)(a)(ii)

To: Canberra

Cc: Warsaw , Hong Kong , Taipei , Hanoi , Manila , The Hague , Ho Chi Minh City , Stockholm , Washington , Bangkok , Pretoria , Colombo , China Posts , Santiago De Chile

From: Seoul
Sent by: s 22(1)(a)(ii)

References: s 22(1)(a)(ii)

Response: Routine, Information Only

Summary:
s 33(a)(iii)

2. By way of background, by January 2016, the average time between a Korean child in need of adoption being matched with an Australian family, and their adoption being finalised by the ROK authorities, had increased to around 25 months (according to ROK adoption agency interlocutors, s 22(1)(a)(ii) refers). During this period, children are cared for by foster families in the ROK. s 33(a)(iii)

During these

representations, we were clear that Australia supported proper and thorough adoption procedures, but that unnecessary delays were potentially harmful to children in need of adoption.

Impact of the change

4. Just seven months since MOHW simplified its exit permit system, the processing time for Korean children adopted by Australian families has reduced by approximately 25 per cent.

s 33(a)(iii)

[REDACTED]



s 22(1)(a)(ii)

s 33(a)(iii)

Sent By: s 22(1)(a)(ii)
Prepared By: s 22(1)(a)(ii)
Approved By: s 22(1)(a)(ii)
Topics: IMMIGRATION & ENTRY CONTROL/General , LEGAL/International Instruments , CONSULAR/Services and Policy , POLITICAL-ECONOMIC /Domestic Political , SOCIAL ISSUES/General

s 22(1)(a)(ii) - this section, together with the following pages (100-103), are exempt and have been removed.



UNCLASSIFIED

s 22(1)(a)(ii)

Title: ROK: Intercountry Adoption: s 33(a)(iii)
MRN: s 22(1)(a)(ii) 30/10/2015 s 22(1)(a)(ii)
To: Canberra
Cc: Warsaw , Hong Kong , Taipei , Hanoi , Manila , The Hague , Ho Chi Minh City , Stockholm , Washington , Bangkok , London , Pretoria , Colombo , China Posts , Santiago De Chile
From: Seoul
 Sent by: s 22(1)(a)(ii)
References: s 22(1)(a)(ii)
Response: Routine, Information Only

Summary:

Korea Adoption Services (KAS), the ROK Government agency responsible for promoting domestic adoption, is working closely with Korean ministries to ratify the Hague Convention on Intercountry Adoption. KAS is working for a post-ratification environment where Korean adoption agencies exhaust every avenue to find Korean families for Korean children. But it sees a place for intercountry adoption, especially for children with special needs. Despite KAS' efforts to boost domestic adoption, Korean adoption agencies continue to struggle to find Korean families for boys, older children and children with special needs.

s 33(a)(iii)

Hague Convention ratification

2. KAS is working closely with the Ministry of Health and Welfare (MOHW) and Ministry of Justice (MOJ) on ratification of the *Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption* (the Hague Convention). KAS was working to persuade National Assembly members on the need to ratify the Hague Convention, and to build consensus among adoption agencies on the draft legislation. We asked whether this new legislation would replace the *2012 Special Adoption Act*. KAS said that it was working with MOJ on this question. For example, MOJ was now thinking that intercountry adoption should be covered by a stand-alone piece of legislation (the *Special Adoption Act* covers both domestic and intercountry adoption).

3. KAS said it was working towards a future where Korean adoption agencies would "exhaust every avenue possible" to find a Korean family for Korean children before turning to intercountry adoption. But it did not want to ban intercountry adoption altogether. Intercountry adoption would always be necessary, particularly when it was so hard to find Korean families for children with special needs.

Effects of the *Special Adoption Act*

s 33(a)(iii)

The Act had resulted in a more robust and credible adoption system for Korea. The Korean Family Court now properly vetted both

UNCLASSIFIED

UNCLASSIFIEDs 22(1)(a)(ii)

Korean and international families seeking to adopt. In the past, adoptions were too easy and many domestic adoptions had dissolved quickly, which was very damaging for the children.

5. The Act requires adoption agencies to search for a domestic family for a child for five months before looking at intercountry adoption, including by cooperating with other adoption agencies. s 33(a)(iii)

Boosting domestic adoption

s 33(a)(iii)

Intercountry Adoption Australias 33(a)(iii)

UNCLASSIFIED

UNCLASSIFIED

s 22(1)(a)(ii)

10. Cable prepared in consultation with DIBP.

Sent By: s 22(1)(a)(ii)

Prepared By: s 22(1)(a)(ii)

Approved By: s 22(1)(a)(ii)

Topics: IMMIGRATION & ENTRY CONTROL/General , LEGAL/International Instruments , PASSPORT SERVICES/Policy & Operations , CONSULAR /Services and Policy , POLITICAL-ECONOMIC/Domestic Political , SOCIAL ISSUES/General

s 22(1)(a)(ii) - this section, together with the following pages (114-116), are exempt and have been removed.

UNCLASSIFIED

s 33(a)(iii), s 22(1)(a)(ii) - this page, together with the following pages (118-150) are exempt or irrelevant and have been removed.