

Standard Operating Procedure: Writing to Adult Australian Children Previously Involved in International Custody Disputes to advise that they may be eligible for an Australian passport. (Japan cases)

OBJECTIVE

This process outlines the steps required to send a letter Australian citizens now aged 18+ residing offshore who may have been the subject of an international custody dispute. It ensures that requests from Australian parents of this cohort of cases are efficiently and consistently managed.

Each case must be assessed against the Risk Assessment matrix (see Resources below) prior to any correspondence being sent.

OVERVIEW

In general the attached letters will be issued on receipt of a written request from an Australian parent where:

- The parent is able to provide contact details for their adult child
- The parent can confirm the adult child is an Australian citizen
- The adult child is aged between 18 and 21
- There are no serious welfare or legal risks (as assessed in steps below) known to the Embassy/DFAT

IMPLEMENTATION STEPS

Step 1

- Consider age and welfare of the child –
 - Letters are only to be sent to a child 18 or over.
 - Letters should not be sent where the Embassy/DFAT is aware of existing threats or risks to the welfare of the adult child.
 - In such a scenario, a detailed risk assessment and legal advice needs to be considered with CCD/LGD

Step 2

- Consider implications on younger siblings (if applicable)
- Check list of consular cases linked to adult child in question for visibility of siblings
- If the child in question has a younger sibling,
 - where there is an active Hague convention case, further legal advice must be sought (CCD will consult LGD/AGD and post may need to consult local lawyers)
- The requesting parent should advise if they have any Hague convention or other pending legal matters in relation to custody/abduction of a younger sibling.
 - The requesting parent should be advised that legal advice will need to be sought on any impact of any Hague convention matter.
 - If parents have any other active legal matters in progress relating to younger siblings, they should seek their own legal advice on any potential impact on those matters.

Step 3

- The Embassy / Conops makes a recommendation to AS CIB which outlines its assessment based on the factors above.
 - AS CIB considers the request, either granting or declining the request.
 - **If approved**, CCD will request the Embassy proceed to issue and despatch the letter to the adult child in a plain envelope which should include a link to the passport application process from the relevant offshore post or mission website where indicated.
 - **If not approved**, appropriate email sent to the requesting parent.

Step 4

- The correspondence should be recorded in CIS to ensure consistent record keeping across all posts.
- The passport letters registration document [Passport letters register.xlsx](#) to be completed which will assist with providing statistics on this process. (Team Leader Consular Operations Team A can give access to this document)
- **Each case to be assessed on a case-by-case basis.**
- **Conops/Posts should assess all information on hand for each case including but not limited to Hague Convention, any known domestic violence claims, and any other legal matters or welfare concerns if these are known to the Embassy/CCD.**

Client interaction

- **Include** any relevant APOCC or Passports.gov.au links

Resources

- **Risk Assessment Matrix**



Child custody DFAT
letter - Risk Assessm

OFFICIAL

Risks

	Event	Sources of the Risk	Impact	Key Contact	Risk Severity without controls implemented			Existing Controls in Place	Risk Severity with controls implemented			Proposed Treatments (proposed additional controls)	Target risk rating after proposed treatments are implemented.		
Ref.	What can happen	Cause, contribution to severity, influence how risk is to be managed	What will the impact/s be if it happens?	Most commonly the director	Consequence (refer to risk matrix)	Likelihood (refer to risk matrix)	Risk Rating (refer to risk matrix)	Descending order from most critical to least with assigned ownership to staff member	Consequence (refer to risk matrix)	Likelihood (refer to risk matrix)	Risk Rating (refer to risk matrix)	Assigned ownership and responsibility. If no further treatment required or available, please explain why	Consequence (refer to risk matrix)	Likelihood (refer to risk matrix)	Risk Rating (refer to risk matrix)
1	Promotes solicitation for Australian passports	DFAT raising eligibility is seen as soliciting passport applications.	Sets a precedent of contacting children to invite passport application. Perceived as a revenue raising initiative.		Major	Possible	High	Legislation does not prevent DFAT from issuing a letter to Australian citizens.	Moderate	Unlikely	Medium	Send letter to the customer requesting consent to provide advice on Australian passport application processes. Apply as a policy exception, only at request of Post and with appropriate level of approval. Develop and implement a SOP to support uniform approach with draft letter template cleared by Legal Division and Passport Policy, and require DFAT legal team reviews final draft letter/s before to ensure eligibility criteria is clear.	Moderate	Unlikely	Medium
2	Safety or wellbeing of the child or younger sibling/s is impacted	The child may not know they are an Australian citizen. The child may not have accurate information about their family model (e.g. may understand the other parent to be intentionally absent, deceased). If the child has escaped family violence, a letter could be a psychological trigger. Inadvertent release of personal details (i.e. home address) to non-custodial parent. The Hague Convention may apply to a younger sibling/s (under 16 years), the parent may raise concerns in the context of the Hague Convention.	Harm to the child. Perception that DFAT has contributed to psychological damage to child. Breach of privacy laws. Damage to Australia's/DFAT reputation.		Major	Possible	High	The APO has a well established Specialised Case Unit trained to process these cases. All Australian citizens have a right to apply for a passport. The APO maintains strict privacy policies limiting prvision of information to a third party without consent from the lodging party. The APO Fraud Controls - Applying Passport Policy Change Process (C-126) and Compass Systems Controls (C-127).	Major	Unlikely	Medium	Require staff at Post/CCD to have sufficient information about the case to inform a risk based decision about sending a letter. Develop and implement a SOP to support uniform approach with draft letter template cleared by Legal Division and Passport Policy, and require DFAT legal team reviews final draft letter/s to ensure risks considered.	Moderate	Possible	Medium
3	Non-compliance with privacy obligations	Privacy Act restricts using and disclosing personal information collected for a consular purpose for a passport purpose (single use APP 6.1). Data quality concerns - Embassy or CCD does not have the correct address of the custodial parent. Unintented disclosure of parent's address is shared with non-custodial parent. Disclosure is not considered fair or reasonable (privacy verse exercising right of citizenship).	Privacy breach as a result of lack of consent to use information for secondary purpose. Legal challenge. Disclosure not seen as fair and/or reasonable- potential for significant interference with the child's privacy.		Moderate	Possible	Medium	The APO has a well established Specialised Case Unit trained to process these cases. The APO maintains strict privacy policies limiting prvision of information to a third party without consent from the lodging party.	Moderate	Unlikely	Medium	Letter contains generic information and asks whether the individual consents to further contact for the purpose of learning about passports.	Minor	Unlikely	Low
4	Damage to Australia's reputation and relationship with Japan and possibly other allied countries	Perception of 'special treatment' or 'targeting' -- no other Australian citizen receives a letter of invitation. Child does not have access to the supporting evidence required for application (consent, evidence of identity and citizenship, application fee, photos). The APO cannot establish eligibility until an application is lodged. The child's application may be rejected.	Could create the perception that Australia is interfering in local legal or custody matters. Expectation that all 18 year old Australian's are advised of their eligibility for a passport within parental consent. DFAT/ Australian Government faces criticism (foreing government/media)/for inviting an application and then refusing to issue. Parent may complain that something implicitly has been disclosed about them that ought not have been.		Moderate	Possible	Medium	Eligibility criteria is published on passports.gov.au. Processing and policy guides for staff.	Moderate	Unlikely	Medium	Letter contains generic information and asks whether the individual consents to further contact for the purpose of learning about passports. Develop and implement a SOP to support uniform approach with draft letter template cleared by Legal Division and Passport Policy, and require DFAT legal team reviews final draft letter/s before to ensure eligibility criteria is clear. Contact foreign (local) government before sending the letter to field concerns and prevent local issues. Consult with other like minded countries to determine whether the provision of a letter of this kind has had any adverse impacts. Don't mention recipieent's age in letter.	Minor	Unlikely	Low
5	Proposal is ineffective in changing the custody issue	Child does not receive letter (intercepted, wrong address). Child does not have access to the supporting evidence required for application (consent, evidence of identity and citizenship, application fee, photos). Child does not want to apply for passport. Child is not permitted by custodial parent to apply for passport.	No change in current circumstances.		Limited	Likely	Medium	Provisions to grant passports on grounds specified in Section 10 of the <i>Australian Passport Determination 2015</i> .	Limited	Possible	Low	NA	Limited	Possible	Low
6	Increased number of specialised cases in queue	If application is lodged before the child is 18 years of age, consent from both parents is required along with supporting identity documents and photo. Child does not have access to the supporting evidence required for application (consent, evidence of identity and citizenship, application fee, photos).	Increased workload for post and APO.		Minor	Likely	Medium	The APO conducts consent checks with the non lodging parent. Workload management system in place to support case management. Referral to fraud team if consent forged. The APO Fraud Controls - Passport Fraud Detection (C-113), Passport Fraud Case Management (C-114), Departmental Fraud Case Management System (C-120).	Minor	Possible	Medium	Send letter to 18+ year old people only. Letter contains generic information and asks whether the individual consents to further contact for the purpose of learning about passports. Policy unit to work with Specialised Case Management to ensure current policies are effective and risks are being reviewed with modifications made where required.	Minor	Unlikely	Low

Date	Requesting case officer	Request from (name of parent)	Responsible area	Current case?	Name of adult child	Age of Adult child at time of request	DOB	Passport number	Younger siblings?	Welfare or legal risks if known	Current Hague Convention with younger siblings?	Letter approved/rejected	Name of Delegate approval/rejection	Date approved/rejected	Date sent	Any response received from adult child?
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