

**From:** [Notarials Support](#)  
**To:** [s22\(1\)\(a\)\(ii\)@austrade.gov.au](mailto:s22(1)(a)(ii)@austrade.gov.au)  
**Subject:** Cable **s 47E(d)** - Notarial Services - Letters of No Objection for Expatriate Adoption [SEC=UNCLASSIFIED]  
**Date:** Thursday, 29 August 2019 8:26:00 AM  
**Attachments:** [Notarial Services - Letters of No Objection for Expatriate Adoption.doc](#)

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## UNCLASSIFIED

Hi <sup>s22(1)(a)</sup>

Please find attached cable sent to all posts yesterday regarding Notarial Services, specifically Letters of No Objection for Expatriate Adoption.

Austrade Consular PPT Posts were included in the distribution.

Kind regards

<sup>s22(1)(a)(ii)</sup>

Notarial Policy Officer | Consular Policy Section (CON)  
Consular Operations Branch | Consular and Crisis Management Division (CCD)  
Department of Foreign Affairs and Trade  
Phone **s22(1)(a)(ii)**  
Email: <sup>s22(1)(a)(ii)</sup> [@dfat.gov.au](mailto:@dfat.gov.au)

[www.dfat.gov.au](http://www.dfat.gov.au) | [www.smarttraveller.gov.au](http://www.smarttraveller.gov.au)  
[Web](#) | [Twitter](#) | [YouTube](#) | [Flickr](#)

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## Summary

From April 2019, responsibility for managing and establishing Australia's intercountry adoption programmes moved to the Department of Social Services (DSS). The Department of Home Affairs remains the agency responsible for the migration of adopted children to Australia. DSS and DFAT re-confirm that the Australian Government does not support the provision of letters of no objection relating to adoptions.

DFAT supports DSS policy that the Australian Government does not issue Letters of No Objection (LNO), or any other type of document intended to take the place of a LNO, to Australian Prospective Adoptive Parents (PAPs) wishing to adopt through the domestic arrangements of overseas countries (Expatriate Adoption). This is on the basis that it is not the role of the Australian Government to assist with or facilitate such adoption arrangements outside of Australia, including by advising a foreign government that Australia would not object to or oppose a particular adoption.

2. Posts are asked to review current blanket LNOs available on post websites and remove any reference to adoption.
3. Requests to administer an Affidavit or Statutory Declaration to circumvent local government requirements for a LNO should be declined on the basis that Affidavits/Statutory Declarations witnessed by Australian Diplomatic or Consular Officers should only be for use in Australia.
4. The Department of Home Affairs website provides information on expatriate adoptions and outlines the visa and citizenship pathways available for a child adopted outside Australia.
5. Further information can be found in Chapter 32 of the Consular Policy Handbook including information on preparing a letter confirming PAP citizenship and/or ongoing residence overseas. Letters of this type must not make reference to the proposed adoption.
6. DSS (Community Cohesion Branch) and DFAT CPL were consulted in the preparation of this cable.

**From:** s22(1)(a)(ii)  
**To:** s22(1)(a)(ii) @dss.gov.au; s22(1)(a)(ii)  
**Cc:** Legal CPL; Notarials Support; s22(1)(a)(ii) @dss.gov.au  
**Subject:** FW: Summary of meeting with Child Adoption Centre [SEC=UNCLASSIFIED]  
**Date:** Thursday, 19 December 2019 9:46:12 AM  
**Attachments:** [image001.png](#)  
[Ministerial Regulation No.9 BE 2543.pdf](#)  
[Stat Dec issued re adoption 28112019.pdf](#)

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**UNCLASSIFIED**

Dear s22(1)(a)(ii)

s22(1)(a)(ii) - Thanks for the readout of your meeting with the Thai Child Adoption Centre.

s22(1)(a)(ii) – Appreciate that policy and decisions on this rest with DSS. Noting that discussions are now including requirements of Thai law, I am cc'g our legal area into this for awareness in the event this issue becomes any more complex. Should DSS decide that Letters of No Objection can be issued, we would appreciate further consultation to ensure all relevant areas were comfortable with the proposed content of such a letter.

Kind regards

s22(1)(a)(ii)

s22(1)(a)(ii)

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Assistant Director, Consular Policy Section  
 Consular Operations Branch  
 Consular and Crisis Management Division

**E** s22(1)(a)(ii) @dfat.gov.au  
**T** | s22(1)(a)(ii)  
**W** | [www.dfat.gov.au](http://www.dfat.gov.au)

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**From:** Notarials Support s 47E(d) t@dfat.gov.au>  
**Sent:** Thursday, 19 December 2019 9:24 AM  
**To:** s22(1)(a)(ii) @dfat.gov.au>  
**Subject:** FW: Summary of meeting with Child Adoption Centre [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

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**From:** s22(1)(a)(ii) @dfat.gov.au>  
**Sent:** Wednesday, 18 December 2019 8:46 PM  
**To:** s22(1)(a)(ii) @dss.gov.au>  
**Cc:** Notarials Support s 47E(d) @dfat.gov.au>; s22(1)(a)(ii) @dfat.gov.au>;  
 s22(1)(a)(ii) @dss.gov.au>; s22(1)(a)(ii) @dss.gov.au>; s22(1)(a)(ii)  
 s22(1)(a)(ii) @dfat.gov.au>; s22(1)(a)(ii) @dfat.gov.au>; s22(1)(a)(ii)  
 s22(1)(a)(ii) @dfat.gov.au>; s22(1)(a)(ii) @dfat.gov.au>  
**Subject:** Summary of meeting with Child Adoption Centre [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Good afternoon,

Please see following a summary of our meeting with the Child Adoption Centre yesterday. Please feel free to call or email me if you require further information.

**s22(1)(a)(ii)** (Consular), **s22(1)(a)(ii)** (Consular) and **s22(1)(a)(ii)** (Immigration) attended the Child Adoption Centre on 17 December. We met with a number of staff including the Director.

- When asked what was the purpose or the intention of the letter they required, they simply repeated that it was required. We tried several times to clarify if it was in relation to the child's citizenship or was it seeking advice from Australian Government in regards to the suitability of the parents to adopt the child and they said neither, they simply needed the letter or else they were unable to submit the adoption to the their board for consideration. We then said that the reason we could not issue the letter was that DSS considered it the role of CAC to determine the suitability or not of the adoption process and it was not something the Australian Government had a role in. **s 33(a)(iii)**
- They said there were currently <sup>s 47F1</sup> Australian families on the waitlist for adoptions which could not proceed given our refusal to issue the letter and that no adoptions by Australians had been approved for 2 years. CAC said that we should tell the families why they were not able to adopt (ie because of the Australian Government's refusal to issue the letter) and not refer families back to them. We said that advice on the letters was on both DFAT, Embassy and Immigration websites.
- They showed us an example of two letters that previously had been issued; one was a letter from Immigration issued in 2016 by former Immigration A based at the Embassy which outlined the process for someone to apply for an adoption visa; the other was a statutory declaration witnessed by our Consulate in Phuket, copy attached and appears to have been done in error. They asked if the stat dec was ok. We said we would discuss and let them know in the next few days – *Notarials – I will email you separately about how we action this.*
- It appears that there are 2 types of adoptions involved in our discussions; 1) Kinship adoptions which are when an family member is adopted or 2) Expatriate adoption when someone intends to take the child to Australia to live. For the kinship adoptions they just want a letter which states we have no objections or see no reason why the child cannot be adopted. For the expatriate adoptions they would need additional information that states the adoption is in compliance with Australian law. We asked how we would know if approached by intended parents under which stream they had applied. CAC said they would prefer to approach us directly to request a letter though when asked didn't commit to doing so if required. They understood that Home Affairs couldn't provide guarantees regarding visas prior to adoption being finalised but did appear to want confirmation that the adoption would be recognised under Australian law for non-kinship adoptions.
- They asked how Australia manages this issue with adoptions in other countries. I said I didn't know and would seek this information.
- We asked if the requirement for a letter was a guideline or legal requirement, they said it was in their legislation, see attached – in particular clause 16 and 17.
- They noted that all other Embassies in Bangkok issued a letter. **s 33(a)(iii)**



**s 33(a)(iii)**

In summary CAC will not allow Australians to adopt a Thai child without a letter from the Embassy.<sup>s 33</sup>  
. If we  
decide to maintain our current position on this issue, could we consider at least allowing the<sup>s 47E</sup> families  
who are currently in the process to be issued a Letter of No Objection and then write to CAC and  
possibly Thai MFA formally advising our position ?

**Ends****s22(1)(a)(ii)**

First Secretary and Consul  
Australian Embassy, Bangkok  
Phone **s22(1)(a)(ii)**

[www.thailand.embassy.gov.au](http://www.thailand.embassy.gov.au)  
[www.smartraveller.gov.au](http://www.smartraveller.gov.au)

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## Tentative Translation

### Ministerial Regulation

No. 9 (B.E. 2543)

issued under the Child Adoption Act, B.E. 2522 (1979)\*

By virtue of section 7, section 18, section 20, section 23 and section 39 of the Child Adoption Act, B.E. 2522 and section 19 of the Child Adoption Act, B.E. 2522 as amended by the Child Adoption Act (No.2), B.E. 2533 which contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 29 in conjunction with section 35 and section 36 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the Minister of Labour and Social Welfare hereby issues the Ministerial Regulation as follows :

**Clause 1.** The following shall be repealed :

- (1) Ministerial Regulation (B.E. 2523) issued under the Child Adoption Act B.E. 2522 (1979);
- (2) Ministerial Regulation No.2 (B.E. 2523) issued under the Child Adoption Act, B.E. 2522 (1979);
- (3) Ministerial Regulation No.4 (B.E. 2523) issued under the Child Adoption Act, B.E. 2522 (1979);
- (4) Ministerial Regulation No.5 (B.E. 2529) issued under the Child Adoption Act, B.E. 2522 (1979);
- (5) Ministerial Regulation No.6 (B.E. 2533) issued under the Child Adoption Act, B.E. 2522 (1979);
- (6) Ministerial Regulation No.7 (B.E. 2533) issued under the Child Adoption Act, B.E. 2522 (1979);
- (7) Ministerial Regulation No.8 (B.E. 2535) issued under the Child Adoption Act, B.E. 2522 (1979).

\* Published in Government Gazette Vol. 117, Part 95 a, dated 22<sup>nd</sup> October B.E. 2543 (2000).

CHAPTER I  
Child Welfare Organization

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Clause 2. A child welfare organization which intends to carry out a child's adoption shall submit an application to the Director-General at the Child Adoption Center in form AC. 1 annexed hereto together with the following documents and evidences :

- (1) a copy of the constitutional documents, articles and objects of the child welfare organization;
- (2) evidence of the applicant's authority to act on behalf of the child welfare organization;
- (3) a working plan for child welfare and the operation of a child's adoption of the child welfare organization;
- (4) a financial statement of the child welfare organization dated within the previous six months;
- (5) documents and evidences in relation to the person authorized to act on behalf of child welfare organization;
- (6) documents and evidences in relation to the person responsible for general administration.

A child welfare organization which intends to carry out a child's adoption abroad shall submit documents and evidences under (1), (2), (3), (4), (5) and (6) as well as documents or evidences in relation to the foreign child welfare organization which has the authority to act on behalf of the Thai child welfare organization evidencing such foreign child welfare organization's authorization from the government of that country to carry out a child's adoption as well as the authority to act on behalf of the Thai child welfare organization together with the license application.

Clause 3. A child welfare organization which intends to carry out a child's adoption must provide the following officers :

- (1) general administrators with at least one year experience in child and family welfare; and
- (2) child welfare officers with qualifications of not less than a Bachelor's degree or its equivalent in social administration, psychology or sociology



to perform the duty of assessing the adoption suitability of a child and the applicant and considering other matters in relation to the carrying out of a child's adoption.

**Clause 4.** Upon the receipt of an application together with the documents and evidences under clause 2, the director of the child adoption center shall examine the correctness of such documents and evidences and forward the application together with the documents and evidences as well as the opinion of the director of the child adoption center to the Director-General within seven days as from the date of receipt of the application and the correct documents and evidences.

**Clause 5.** If the Director-General considers it appropriate to grant a license, a license for the child welfare organization to carry out a child's adoption shall be issued in form AC.2 annexed hereto.

A license shall remain valid until the 31<sup>st</sup> day of December of the year of the issue thereof.

The renewal of a license shall be submitted in form AC.3 annexed hereto to the Director-General not less than fifteen days prior to the expiration of the license.

**Clause 6.** A child welfare organization must provide the following services:

- (1) to give recommendation and advice to parents, guardians or the person who legally has the power to give consent to the adoption;
- (2) to select, evaluate and make a home study report of the family condition of the applicant and;
- (3) to supervise and report the result of probationary placement.

**Clause 7.** A child welfare organization must provide suitable officers in a sufficient number to operate in the manner prescribed by the Director-General and under the rules, regulations and adoption procedure prescribed by the Child Adoption Board.

**Clause 8.** A license issued to child welfare organization to carry out a child's adoption must be displayed at a place that can easily be seen in the office of the child welfare organization.

Clause 9. In the case where any child welfare organization relocates its office or re-appoints a new general administrator, the child welfare organization shall give written notice to the Director-General within fifteen days as from the date of the relocation or re-appointment.

Clause 10. In the case where a child welfare organization makes changes to its objects, working plan for child welfare and the operation of a child's adoption, the person who has the authority to act on behalf of the child welfare organization or the foreign child welfare organization which has the authority to act on behalf of the Thai child welfare organization, such child welfare organization shall notify the Director-General in writing together with the documents and evidences within thirty days as from the date of the change.

## Chapter II

### Adoption of a child in Thailand

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Clause 11. In the case where the applicant is domiciled in Bangkok Metropolis, an application for child adoption shall be submitted to the Director-General at the Child Adoption Center. In the case where the applicant is domiciled in other *Provincial*, an application shall be submitted to the Provincial Governor at the Provincial Office of Public Welfare, District Office or Sub-District Office and filed together with a letter of consent of the person who legally has the power to give consent to the adoption with the following documents and evidences in relation to the applicant attached for consideration:

- (1) a copy of the identity card or other substitute card;
- (2) a copy of the house register;
- (3) a copy of the marriage register or divorce register (if any);
- (4) a medical certificate evidencing good physical and mental conditions;
- (5) two 4.5 x 6 centimeters photographs each of the applicant and spouse (if any) taken within the past six months;
- (6) a letter of consent of the spouse or a court order in lieu of a consent of the spouse (if any).

An application and a letter of consent under paragraph one shall be in accordance with forms AC. 4 and AC.6 annexed hereto.



**Clause 12.** In the case where an applicant is domiciled in a foreign country which has diplomatic relations with Thailand but is resident in Thailand and has a period for probationary placement in Thailand of not less than six months, an application for child adoption shall be submitted to the Director-General at the Child Adoption Center together with a letter of consent of the person who legally has the power to give consent to the adoption and with the following documents and evidences in relation to the applicant attached for consideration:

(1) a copy of a passport or other substitute document, a copy of an alien identity card or a certificate of residence;

(2) a copy of the marriage register or divorce register (if any);

(3) a medical certificate evidencing good physical and mental conditions;

(4) a certificate of work and income;

(5) a financial statement dated within the past six months;

(6) a certificate of property owned;

(7) four 4.5 x 6 centimeters photographs each of the applicant and spouse (if any) taken within the past six months;

(8) documents from the relevant authority in the applicant's country of domicile certifying that such applicant may legally adopt a child under the laws of such country;

(9) documents from the immigration bureau or other relevant organizations in the applicant's country of domicile certifying that the adopted child's entry into the country may be done in compliance with the laws of such country;

(10) a letter of consent of the spouse or a court order in lieu of a consent of the spouse (if any);

(11) a copy of alien work permit; and

(12) a certificate of behavior and suitability of an applicant from not less than two reliable persons.

Documents under (1) to (10) shall be certified by the embassy or consulate of the country in which the applicant is domiciled.

An application and a letter of consent under paragraph one shall be in accordance with forms AC.5 and AC.6 annexed hereto.

**Clause 13.** An applicant may only file an application to adopt one child at a time, unless the applicant is the great-grandfather, great-grandmother, grandfather, grandmother, uncle or aunt of the child, or such child is the son or daughter of



adopted child of the applicant's spouse, or such child is a legitimate brother or sister of full blood or a brother or sister of half blood.

An application to adopt an additional child after the filing of an application may be made once the registration of child adoption for the prior application has been approved.

**Clause 14.** Upon the receipt of an application under clause 11 or clause 12, the competent official shall examine the qualifications and the facts regarding the living conditions and suitability of the applicant, the person who legally has the power to give consent, and the child who is to be adopted and thereafter report to the Director-General or the *Provincial* Governor, as the case may be, for an order to allow or not allow such applicant to carry out a probationary placement.

In the case where a child to be adopted is an abandoned child under the care of a child welfare organization under the law on welfare and child protection, or the child is not abandoned but is in the custody of the organization by the execution of a power of attorney by the father and mother, or father or mother in the case where either has died or has been deprived of parental powers, granting such organization the powers to legally give consent to the adoption on his/her/their behalf, the competent official shall submit to the Director-General for an order under paragraph one regardless of the area in which the application was filed.

### Chapter 3

#### Application for child adoption in a foreign country

**Clause 15.** In the case where an applicant is domiciled in a foreign country which has diplomatic relations with Thailand, an application to adopt a child shall be submitted to the Director-General at the Child Adoption Center in form AC. 5 annexed hereto together with the documents and evidences specified in clause 12 as certified by the Royal Thai Embassy or Royal Thai Consulate in such country as well as the documents specified in clause 17.

An application under paragraph one may be submitted through the Royal Thai Embassy or Royal Thai Consulate in the country in which the applicant is domiciled, or through the responsible organization or an organization entrusted with such responsibilities by the government of the country in which the applicant is domiciled, or through a child welfare organization in such country which has been



authorized by the government of such country to carry out child adoption in a foreign country.

**Clause 16.** In the case where an applicant is domiciled in a foreign country which has diplomatic relations with Thailand but has residence in another country which has diplomatic relations with Thailand and will have a period for probationary placement of not less than six months in the country where the applicant has residence, an application to adopt a child shall be submitted to the Director-General at the Child Adoption Center in form AC. 5 annexed hereto together with the documents and evidences specified in clause 12 as certified by the Royal Thai Embassy or Royal Thai Consulate in the country in which the applicant has residence as well as the documents specified in clause 18.

An application under paragraph one may be submitted through the Royal Thai Embassy or Royal Thai Consulate in the country in which the applicant has residence or through the responsible organization or an organization entrusted with such responsibilities by the government of the country in which the applicant has residence or through a child welfare organization in such country which has been authorized by the government of such country to carry out child adoption in a foreign country.

\* **Clause 17.** An application to adopt a child under clause 15 shall contain the following documents from the responsible organization or organization entrusted with such responsibilities by the government of the country in which the applicant is domiciled or the child welfare organization of such country which has been authorized by the government of such country to carry out child adoption in a foreign country:

- (1) a document certifying that the applicant has the qualifications and suitability for child adoption;
- (2) a document certifying that it will supervise a probationary placement and send a probationary placement report to Director-General every two months; and
- (3) a study report on the applicant's living conditions and family.

**Clause 18.** An application to adopt a child under clause 16 shall contain not only the documents under clauses 17(1), (2) and (3) from the responsible organization or an organization entrusted by the government of the country in which the applicant is domiciled or the child welfare organization of such country to carry



out child adoption in a foreign country, but shall also contain a letter certifying the applicant's residence and a letter certifying that the applicant has a period of probationary placement of not less than six months in such country from the responsible organization of the country in which the applicant has residence:

Clause 19. The provisions in clause 13 shall apply *mutatis mutandis* to child adoption in a foreign country.

Clause 20. Upon the receipt of an application under clause 15 and clause 16, the competent official shall examine the qualifications and the facts regarding the living conditions and suitability of the applicant, the person who legally has the power to give consent to adoption, and the child who is to be adopted and thereafter report to the Director-General for an order to allow or not allow such applicant to carry out a probationary placement

Once the Director-General issues an order for the applicant to carry out the probationary placement of a child, the Director-General shall submit to the Minister for an order authorizing the applicant to take or send the child out of the Kingdom for the purpose of adoption.

#### Chapter 4

#### Probationary placement of a child

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Clause 21. For the probationary placement of a child, the following shall be carried out:

(1) for an application to adopt a child in Thailand,

(a) in the case where the applicant is single, the applicant shall receive the child for probationary placement in person;

(b) in the case where the applicant has a spouse, the applicant and his/her spouse shall receive the child for probationary placement in person except where the spouse is unable to receive the child, in which case the spouse shall notify the Director-General in writing of the reasons for his/her inability to receive the child for the Director-General's consideration and approval;

(2) for an application to adopt a child in a foreign country, the applicant or the applicant and spouse, as the case may be, shall receive the child for



probationary placement in person except where authorized by the Director-General as submitted by the Child Adoption Board in the following cases:

(a) the child has legally travelled to the country where the applicant has domicile or is resident for a period of not less than six months;

(b) the applicant has previously been granted an approval to register a child for adoption, and in this subsequent application, the applicant is unable to receive the child for probationary placement due to a reasonable necessity, and for which a letter was sent to the Director-General together with an expression of intent to cover the expenses of the competent official and the child in escorting such child to the country of such applicant's domicile or residence.

Clause 22. The probationary placement of the child shall be for a period of not less than six months as from when the applicant receives the child into the custody.

Clause 23. During the probationary placement of a child, the competent official or an officer of the child welfare organization shall visit the child and the family giving care to the child to observe the living conditions, physical and mental health of the child, the relationship between the child and the applicant and any other matters in relation to the care of a child and report the result of the child's probationary placement to the Director-General or the Provincial Governor, as the case may be, at intervals of every two months.

In the case of a probationary placement of a child in a foreign country, the organization or child welfare organization specified in the documents under clauses 17(2) or clause 18 shall proceed under paragraph one by reporting the result of the child's probationary placement to the Director-General at intervals of every two months.

Clause 24. During the probationary placement of a child, if the applicant has a change of address, he/she shall give at least fifteen days advance notice in writing to the competent official or an officer of the child welfare organization, except where the change of address was an emergency of which an advance notice was not possible, in which case the applicant shall give notice in writing within seven days as from the date of change of address.

In the case of a probationary placement in a foreign country, an applicant who has a change of address shall give at least fifteen days advance notice



organization or child welfare organization specified in the documents under clause 17 (2) or clause 18, except where the change of address was an emergency of which an advance notice was not possible, in which case the applicant shall give notice in writing within seven days as from the date of change of address and such organization or child welfare organization shall promptly notify the Director-General in writing.

**Clause 25.** During the probationary placement of a child, if the applicant under clause 11 or clause 12 has to take the child out of the Kingdom for probationary placement by reason of necessity, he/she shall submit an application to the Director-General, and when the Director-General considers it appropriate for the probationary placement to be carried out outside the Kingdom, the Director-General shall submit to the Minister for an order authorizing the applicant to take or send the child out of the Kingdom for the purposes of adoption.

During the probationary placement of a child in a foreign country, if the applicant under clause 15 and clause 16 has to take the child for probationary placement in a country which is not the applicant's country of domicile or country of residence, as the case may be, by reason of necessity, he/she shall submit an application to the Director-General at the Child Adoption Center for an order authorizing the applicant to take the child for probationary placement in such other country and such application may be submitted through the organization or child welfare organization under clause 15 paragraph two or clause 16 paragraph two, as the case may be.

**Clause 26.** Upon the completion of a six-month probationary placement period, if the Director-General or Provincial Governor, as the case may be considers the result of probationary placement of the child to be satisfactory, he/she shall submit to the Child Adoption Board or a sub-committee entrusted by the Child Adoption Board for an approval of the applicant's registration of the child's adoption under the law on family registration, but if the Director-General or Provincial Governor, as the case may be, considers the result of probationary placement of the child to be unsatisfactory, he/she may extend the period of probationary placement not more than twice and by not more than six months for each extension.

In the case of the probationary placement of a child in a foreign country, the director of the Child Adoption Center shall supervise the probationary placement of the child until the completion of the period prescribed by the Director-General, and the provisions in paragraph one shall apply *mutatis mutandis*.



Clause 27. The following applicants for child adoption shall be exempt from carrying out a probationary placement of a child:

(1) a person who has a consanguineous relationship with the paternal side of the child to be adopted, being the paternal great-grandfather, great-grandmother, grandfather, grandmother, uncle or aunt of the child in the case where the father and mother of the child did not register their marriage and the father of the child did not register his certification of the child;

(2) a person who is the spouse of a consanguineous relative to the paternal or maternal side of the child and who has registered his/her marriage for not less than six months or registered his/her marriage for less than six months but the child has lived with such spouse for not less than one year in the case where such consanguineous relative has also submitted an application to adopt such child;

(3) a person applying to adopt a child or an adopted child of his/her spouse and the marriage with such spouse has been registered for not less than six months or the marriage has been registered for less than six months but the child has once lived with such spouse for not less than one year;

(4) a person authorized by the Department of Public Welfare to care for an abandoned child as a foster family and has satisfactorily cared for such child to be adopted for not less than one year;

(5) a person who has cared for a child abandoned with himself/herself where the care has been provided for such child to be adopted for a period of not less than one year and the court has issued an authorization order in lieu of a consent of the father and mother to the child's adoption.

Given on 6<sup>th</sup> October B.E. 2543 (2000)

(signed) Pol. Gen. Pracha Promnog  
(Pol. Gen. Pracha Promnog)  
Minister of Labour and Social Welfare



**Title:** Notarial Services - Letters of No Objection for Expatriate Adoption  
**MRN:** s 47E(d) 28/08/2019 04:46:42 PM ZE10  
**To:** Austrade Consular PPT Posts; FAF Posts  
**Cc:**  
**From:** Canberra  
(CHCH/DFAT/CCD/CNB/CON)  
**From File:** s 47E(d)  
**EDRMS**  
**Files:**  
**References:**  
**Response:** Routine, Requires Action

**Comments:**

**To:** CHCH/DFAT/RLD/PIL/s22(1)(a)(ii)

--- Forwarded by CHCH/DFAT/IMD/BSB/OAU/s22(1)(a)(ii)

**Amendments:**

s 47E(d)

s22(1)(a)(ii)

**Summary**

The Australian Government does not support the provision of Letters of No Objection (LNOs) relating to Australian Expatriate Adoption. Posts are requested to review information about LNOs on post websites.

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From April 2019, responsibility for managing and establishing Australia's intercountry adoption programs moved to the Department of Social Services (DSS). The Department of Home Affairs (HA) remains the agency responsible for the migration of adopted children to Australia.

2. Some countries have interpreted Article 17(d) of the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* (the Hague Convention) to require the provision of Letters of No Objection (LNOs) for foreigners (including Australians) planning to adopt a child through domestic adoption arrangements in the overseas country (Expatriate Adoption).

3. DSS policy is that the Australian Government does not issue LNOs, or any other type of document intended to take the place of a LNO, to Australian citizens or permanent residents undertaking an Expatriate Adoption, including where they intend to bring the child to Australia on an Adoption (Subclass 102) visa. This is on the basis that it is not the role of the Australian Government to assist with or facilitate such private adoption arrangements outside of Australia, including by advising a foreign government that Australia would not object to or oppose a particular adoption. DFAT and HA support this policy.

4. Posts are asked to review information about LNOs available on post websites, including copies of any blanket LNOs, and remove any reference to adoption.

5. Requests to administer an Affidavit or Statutory Declaration to circumvent local government requirements for a LNO should be declined on the basis that Affidavits/Statutory Declarations witnessed by Australian Diplomatic or Consular Officers should only be for use in Australia.

6. The Department of Home Affairs website provides information on expatriate adoptions and outlines the visa and citizenship pathways available for a child adopted outside Australia. <https://immi.homeaffairs.gov.au/help-support/glossary/international-surrogacy>

7. Further information can be found at **s 47E(d)** including information on preparing a letter confirming prospective adoptive parent's citizenship and/or ongoing residence overseas. Letters of this type must not make reference to the proposed adoption.

8. CPL, DSS (Community Cohesion Branch) and HA (Skilled & Family Visa Program Branch) were consulted in the preparation of this cable.

text ends

---

**Sent by:** s22(1)(a)(ii)  
**Prepared by:** s22(1)(a)(ii) CCD/CNB/CON  
**Approved by:** s22(1)(a)(ii) Director CON  
**Topics:** CONSULAR/Services and Policy

▼ New Distribution

---

**s 47E(d)**



**From:** s22(1)(a)(ii)  
**To:** s22(1)(a)(ii); [Notarials Support](#) s22(1)(a)(ii)  
**Cc:** s22(1)(a)(ii) : s 47E(d) : s22(1)(a)(ii)  
**Subject:** RE: Adoption. [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 11 December 2019 2:40:55 PM  
**Attachments:** [image001.png](#)

---

Hi <sup>s22(1)(a)(ii)</sup>

I can appreciate your frustrations regarding client expectations around provision of notarial services **s 33(a)(iii)**. No doubt it would be challenging work.

Thanks for the offer of raising items on our behalf at your upcoming meeting with CAC. It would be very much appreciated if you could ask the following questions:

- Why are CAC asking for these letters? What is the intention?
- What does CAC think they are getting from these type of letters? (Note – although Australia is not currently providing such letters, they are being provided by countries other than Australia, **s 33(a)(iii)**)
- Does CAC consider these letters to be the equivalent of meeting the requirements outlined in Article 17 of the Hague Convention (i.e. the equivalent of a Hague compliant adoption)?

For your reference, text of [Article 17](#) follows:

*Any decision in the State of origin that a child should be entrusted to prospective adoptive parents may only be made if -*

- a) the Central Authority of that State has ensured that the prospective adoptive parents agree;*
- b) the Central Authority of the receiving State has approved such decision, where such approval is required by the law of that State or by the Central Authority of the State of origin;*
- c) the Central Authorities of both States have agreed that the adoption may proceed; and*
- d) it has been determined, in accordance with Article 5, that the prospective adoptive parents are eligible and suited to adopt and that the child is or will be authorised to enter and reside permanently in the receiving State.*

Could you please also relay that we are happy to provide a formal letter to CAC that clearly outlines our position regarding expatriate/other adoptions. CAC could refer to this letter in all appropriate cases. We would seek to update and re-issue this letter on a 12 monthly basis moving forward.

It would be great if you are able to meet with senior CAC representatives, exactly for the reasons outlined in your email below. We've not had much success with communication above the caseworker level in recent times.

Good luck in your meeting. I look forward to hearing the outcomes. Please let me know if you need any additional information before then.

Kind regards,

---

**s22(1)(a)(ii)**  
**Assistant Director**  
**Intercountry Adoption Section**

Community Cohesion Branch  
Department of Social Services  
**P:** s22(1)(a)(ii) | **E:** s22(1)(a)(ii) [@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)

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---

**From:** s22(1)(a)(ii) @dfat.gov.au  
**Sent:** Tuesday, 10 December 2019 8:58 PM  
**To:** s22(1)(a)(ii) @dss.gov.au; Notarials Support s 47E(d) @dfat.gov.au; s22(1)(a)(ii) @dfat.gov.au  
**Cc:** s22(1)(a)(ii) @dfat.gov.au; s22(1)(a)(ii) @dss.gov.au; s22(1)(a)(ii) @dss.gov.au; s22(1)(a)(ii) @dss.gov.au; s 47E(d) @dss.gov.au; s22(1)(a)(ii) @dss.gov.au; s22(1)(a)(ii) @dfat.gov.au  
**Subject:** RE: Adoption. [SEC=UNCLASSIFIED]

## UNCLASSIFIED

Hi s22(1)(a)(ii)

s22(1)(a)(ii) has arranged for he and I to meet with the Child Adoption Centre on Tuesday 17<sup>th</sup> December. The issues that you've raised are quite familiar to me and our section as we are responsible for providing notarial services. We are often asked "just to stamp" a document or "just issue a letter" by clients s 33(a)(iii). We've been meeting with a number of authorities to explain what we can and can't do as like you, we often find that the day to day workers understand our position, s 33(a)(iii)

If there is anything specifically that you'd like us to raise at the meeting that you haven't already sent us then please let me know. Otherwise we will report back to you following the meeting and can then discuss next steps.

Kind regards

s22(1)(a)(ii)  
First Secretary and Consul  
Australian Embassy, Bangkok  
Phone s22(1)(a)(ii)

[www.thailand.embassy.gov.au](http://www.thailand.embassy.gov.au)  
[www.smartraveller.gov.au](http://www.smartraveller.gov.au)

logo-st



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**From:** s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dss.gov.au](mailto:s22(1)(a)(ii)@dss.gov.au)>  
**Sent:** Tuesday, 3 December 2019 8:41 AM  
**To:** s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; Notarials Support s 47E(d) <[s47E\(d\)@dfat.gov.au](mailto:s47E(d)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>  
**Cc:** s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dss.gov.au](mailto:s22(1)(a)(ii)@dss.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dss.gov.au](mailto:s22(1)(a)(ii)@dss.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dss.gov.au](mailto:s22(1)(a)(ii)@dss.gov.au)>; s 47E(d) <[s47E\(d\)@dss.gov.au](mailto:s47E(d)@dss.gov.au)>  
**Subject:** RE: Adoption. [SEC=UNCLASSIFIED]

Dear <sup>s22(1)(a)(ii)</sup>

Thank you for the opportunity to explain the limitations of the Australian Government's role in expatriate adoptions.

The Department of Social Services (DSS) as the Australian Central (intercountry adoption) Authority, recently worked with the Adoption Liaison Unit in Home Affairs to revise the information about expatriate adoptions on the Home Affairs website – copied below.

### **Expatriate adoptions**

#### **Australian Government has no role**

The Australian Government, including the Department of Home Affairs, has no role in the overseas expatriate adoption process.

The Australian Government, including our Department, does not provide documents that support or endorse expatriate adoptions overseas. This includes letters of support or certificates of no objection.

If an overseas authority asks you to obtain a document of support for an expatriate adoption, you can advise them to email [info@intercountryadoption.gov.au](mailto:info@intercountryadoption.gov.au)

The reason Australia does not provide any supporting documentation for expatriate adoptions is because Australian authorities are unable to carry out assessments of Australians living in another country and are not able to certify that they are eligible to adopt a child according to Australian law (see further information in the background document attached).

#### **Current Thailand matter:**

In mid-2019 DSS became aware that the Thailand Child Adoption Centre (CAC), had implemented a policy requiring all prospective expatriate adoptive parents to supply a Letter of No Objection (LNO) from their respective country of citizenship.

DSS is unclear about the purpose of the LNO. It is possible CAC are seeking assurance prospective expatriate adoptive parents are suitable to adopt a child and gaining assurance of a guaranteed migration and citizenship pathway for children adopted from Thailand.

As you would be aware, Home Affairs is unable to commit to a migration pathway before it conducts the required assessments and ensuring that an adoption has met all the eligibility criteria (see further information on eligibility requirements for expatriate adoptees entering Australia in the background document attached).

With the support of your colleague s22(1)(a)(ii) (First Secretary Political/Economic), DSS has attempted to gain a greater understanding of CACs requirement for a LNO and to explain Australia's limited role, but we have been unsuccessful in gaining a response from CAC.

Subsequently, we have communicated about this issue at the caseworker level, in response to the reported experiences of s 47F(1) but we note this has not resulted in a broader shared understanding between Thailand and Australia of our respective roles.

We would appreciate your support to again attempt to clarify with CAC Australia's limited role in



expatriate adoptions in the following ways:

1. Our aim is to empower CAC to make decisions regarding expatriate adoptions without input from the Australian Government. This includes CAC taking responsibility for adequately assessing prospective expatriate adoptive parents to the satisfaction of Thailand's laws.
2. We also think it is appropriate for CAC to manage the expectations of expatriates seeking to adopt in Thailand. This includes CAC being prepared to communicate that it will not consider prospective Australian expatriate adoptive parents if the LNO remains a critical eligibility requirement in the final decision making of its courts.

We acknowledge there are a number of Australian expatriates that have been effectively caught in limbo since CAC's rule came into effect. However, the Australian Government **cannot** provide the requested LNO and **cannot** influence CAC or the Thailand courts in domestic adoption decisions.

DSS respectfully requests that you do not directly intervene on behalf of Australian expatriate adoption cases in Thailand.

I hope that the information in this e-mail and the attached background document will assist in building your understanding expatriate adoptions and the role and responsibilities of the Australian Government.

I look forward to discussing this with you in more detail at our upcoming teleconference. Please let me know when you will be available to catch up and once we've agreed on a time, please use the following teleconference dial up details:

**s 47E(d)**

It would be great if **s22(1)(a)(ii)** (cc'd) could also join the teleconference if possible.

Kind regards,

---

**s22(1)(a)(ii)**  
**Assistant Director**  
**Intercountry Adoption Section**  
Community Cohesion Branch  
Department of Social Services  
**P: s22(1)(a)(ii) | E: s22(1)(a)(ii) [@dss.gov.au](mailto:s22(1)(a)(ii)@dss.gov.au)**

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---

**s22(1)(a)(ii)**

s22(1)(a)(ii)

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s22(1)(a)(ii)  
s22(1)(a)(ii)  
s22(1)(a)(ii)  
s22(1)(a)(ii)

s 47E(d)  
s22(1)(a)(ii)  
s22(1)(a)(ii)





**From:** [Notarials Support](#)  
**To:** s22(1)(a)(ii)  
**Subject:** RE: Overseas adoption - Requests for letters of no objection etc - Bangkok Post [SEC=UNCLASSIFIED]  
**Date:** Friday, 23 August 2019 12:52:00 PM  
**Attachments:** [Expatriate Adoption - Draft Cable.docx](#)

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**UNCLASSIFIED**H <sup>s22(1)(</sup>

Please find attached draft cable for DSS review and approval. The majority of the information is based on the 2016 advice sent to Vietnam.

Note this cable will be sent to all posts and will be unclassified.

Kind regards

s22(1)(a)(ii)

Notarial Policy Officer | Consular Policy Section (CON)  
Consular Operations Branch | Consular and Crisis Management Division (CCD)  
Department of Foreign Affairs and Trade  
Phone +s22(1)(a)(ii)  
Email s22(1)(a)(ii)

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---

**From:** s22(1)(a)(ii) @dss.gov.au>  
**Sent:** Friday, 23 August 2019 10:55 AM  
**To:** Notarials Support s 47E(d) @dfat.gov.au>  
**Cc:** s22(1)(a)(ii) @dss.gov.au>; s22(1)(a)(ii) s22(1)(a)(ii) @dss.gov.au>; s22(1)(a)(ii) @dss.gov.au>  
**Subject:** RE: Overseas adoption - Requests for letters of no objection etc - Bangkok Post [SEC=UNCLASSIFIED]

Hi <sup>s22(1)(a)</sup>

Thanks for this. We are writing to s 47F(1) today. We might need to run that draft by you if that's okay?

Kind regards s  
2

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**From:** Notarials Support s 47E(d) @dfat.gov.au>

---

**From:** s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dss.gov.au](mailto:s22(1)(a)(ii)@dss.gov.au)>  
**Sent:** Thursday, 22 August 2019 1:09 PM  
**To:** s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>  
**Cc:** zz [External] <[s22\(1\)\(a\)\(ii\)@dss.gov.au](mailto:s22(1)(a)(ii)@dss.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dss.gov.au](mailto:s22(1)(a)(ii)@dss.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; Notarials Support s 47E(d) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; Kimberley, Mat <[Mat.Kimberley@dfat.gov.au](mailto:Mat.Kimberley@dfat.gov.au)>  
**Subject:** RE: Overseas adoption - Requests for letters of no objection etc - Bangkok Post [SEC=UNCLASSIFIED]

Hi s22(1)(a)(ii)

This is a good result from our perspective, and I agree with your recommendations.

Thank you for offering to prepare the cable and then seek our review – that would be most



appreciated.

s 47F(1)

Many thanks for your speedy attention to this matter.

Kind regards

s22(1)

s22(1)(a)(ii)

**Director**  
**Intercountry Adoption Policy & Program Management**  
 Community Cohesion Branch  
 Department of Social Services  
**P: s22(1)(a)(ii)** 54 **E: s22(1)(a)(ii)** [@dss.gov.au](mailto:s22(1)(a)(ii)@dss.gov.au) **M: s22(1)(a)(ii)**

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s22(1)(a)(ii)

---

**From:** s22(1)(a)(ii) [@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)  
**Sent:** Thursday, 22 August 2019 12:26 PM  
**To:** s22(1)(a)(ii) [@dss.gov.au](mailto:s22(1)(a)(ii)@dss.gov.au)  
**Cc:** s22(1)(a)(ii) [@dss.gov.au](mailto:s22(1)(a)(ii)@dss.gov.au); s22(1)(a)(ii) [@dss.gov.au](mailto:s22(1)(a)(ii)@dss.gov.au);  
 s22(1)(a)(ii) [@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au); Notarials Support s 47E(d) [@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au); Kimberley, Mat  
 <[Mat.Kimberley@dfat.gov.au](mailto:Mat.Kimberley@dfat.gov.au)>  
**Subject:** RE: Overseas adoption - Requests for letters of no objection etc - Bangkok Post  
 [SEC=OFFICIAL:Sensitive, ACCESS=Personal-Privacy] [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi s22(1)

Thanks very much for your call yesterday and for sending the supporting correspondence through to us for background.

There are a couple off issues from our (DFAT) perspective. Firstly the obvious one, that the we should not be providing supporting documents (be they letters of no objection or something that is intended to that take the place of a LNO) to Australian citizens looking to adopt children overseas. s 47F(1)

Secondly, a more straight forward issue, that we only provide notarial services for Australian documents to be used in Australia or overseas, or for foreign documents for use in Australia. This affidavit has been developed for submission to Thai authorities, and hence we should not be notarising it.

As an immediate response, our Notarial Officer (s22(1)(a)(ii) - copied) has contacted our Embassy in

Bangkok and let them know that they must not provide notarial services for documents intended for use overseas, and more importantly, that go against our (Australian Government) position to not endorse any overseas domestic adoption process.

As for next steps, we would recommend a cable be sent to all posts to remind them on the government's position on overseas domestic adoption processes (similar to what was sent to Vietnam posts in 2016 –s 47E(d) refers). It would also be a good reminder to everyone that DSS are now the lead agency for Inter-country Adoption. Given the importance of getting this message out quickly, we would be happy to assist in the preparation of the cable and share it with you for your review and clearance if this is helpful. Let me know.

s 47F(1)

Please feel free to give me a call if you would like to discuss further.

Kind Regards

s22(1)(a)(ii)

Director | Consular Policy Section (CON)

Consular Operations Branch | Consular and Crisis Management Division (CCD)

Phone +s22(1)(a)(ii)

Email s22(1)(a)(ii)@dfat.gov.au

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**From:** s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>

**Sent:** Wednesday, 21 August 2019 6:00 PM

**To:** s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>

**Cc:** zz [External] s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>; s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>

**Subject:** Overseas adoption - Requests for letters of no objection etc - Bangkok Post  
[SEC=OFFICIAL:Sensitive, ACCESS=Personal-Privacy]

Hi s22(1)(a)(ii)

s 47F(1)

I'd be grateful for your assistance in formulating an agreed position on this issue. s22(1)(a)(ii)

. Canberra DHA (Family Migration Program) also has strong views on this issue, and needs to be consulted.

Our chief concern in the Intercountry Adoption section is to safeguard children who may be subject to adoption processes. In that context, we want to avoid 'rubber-stamping' any overseas domestic adoption process, especially when we are unsure if appropriate checks have taken place in the overseas country.

I look forward to discussing this with you further.

Kind regards

s22(1)

s22(1)(a)(ii)

**Director**

**Intercountry Adoption**

Community Cohesion Branch

Department of Social Services

**P:** s22(1)(a)(ii) **E:** [s22\(1\)\(a\)\(ii\)@dss.gov.au](mailto:s22(1)(a)(ii)@dss.gov.au) **M:** s22(1)(a)(ii)

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s22(1)(a)(ii)

s22(1)(a)(ii)

**From:** s22(1)(a)(ii)  
**Sent:** Wednesday, 4 December 2019 3:50 PM  
**To:** s22(1)(a)(ii)  
**Cc:** s22(1)(a)(ii)  
**Subject:** FW: Attention Central Adoption Centre- regarding Letter of No Objection. [DLM=Sensitive]

### Sensitive

Hi s22(1)(a)(ii),

As just discussed, below is the most recent correspondence about the CAC and the LNO issue.

As per the below email, I spent a bit of time talking to CAC and explaining the issue and then s22(1)(a)(ii) was going to follow up. I'm not sure if she did or not.

Anyway- I will send a quick email to CAC now to try and set up a meeting to talk the LNO issue through. I will keep you posted.

Cheers,

s22(1)(a)(ii)

First Secretary (Political/Economic)  
 Australian Embassy Bangkok  
 181 Wireless Rd  
 Lumpini, Pathumwan, Bangkok 10330  
 Phone s22(1)(a)(ii)  
 Mobile s22(1)(a)(ii)  
[www.thailand.embassy.gov.au](http://www.thailand.embassy.gov.au)



*Australia now ASEAN 2019*

**From:** s22(1)(a)(ii)  
**Sent:** Tuesday, 3 September 2019 10:46 AM  
**To:** s22(1)(a)(ii) @dss.gov.au  
**Cc:** s22(1)(a)(ii) @dss.gov.au; s 47E(d) @dss.gov.au  
**Subject:** RE: Attention Central Adoption Centre- regarding Letter of No Objection. [DLM=Sensitive]

### Sensitive

Hi s22(1)(a)(ii)

Thanks for the email.

I think it would be good if you did give s 47F(1) a call. s 33(a)(iii)

## s 33(a)(iii)

Maybe just email them and ask what the best option would be for them? (I can do this if you'd like or you can just contact them directly).

In the interest of timeliness, I don't need to be involved in the phone call. I think the logistics of trying to organise a three-way phone conversation will be problematic and I'm not going to be able to get out to CAC for a while given other commitments. Maybe just try and contact CAC directly to work out a time that is best for you and s 47F(1).

Anyway- happy to help if/when required.

Cheers,

## s22(1)(a)(ii)

First Secretary (Political/Economic)  
 Australian Embassy Bangkok  
 181 Wireless Rd  
 Lumpini Pathumwan Bangkok 10330  
 Phone s22(1)(a)(ii)  
 Mobile s22(1)(a)(ii)  
[www.thailand.embassy.gov.au](http://www.thailand.embassy.gov.au)



*Australia now ASEAN 2019*

**From:** s22(1)(a)(ii) <[redacted]@dss.gov.au>  
**Sent:** Tuesday, 3 September 2019 9:52 AM  
**To:** s22(1)(a)(ii) <[redacted]@dfat.gov.au>  
**Cc:** s22(1)(a)(ii) <[redacted]@dss.gov.au>; s 47E(d) <[redacted]@dss.gov.au>  
**Subject:** FW: Attention Central Adoption Centre- regarding Letter of No Objection. [DLM=Sensitive]

Dear s22(1)(a)(ii)

Thank you for following that up and talking s 47F(1) through the issue. I really appreciate it.

I'll have a conversation with her, I'm thinking this week may be best. What do you think is the best way to do this? Would you like to be involved?

## s 33(a)(iii)

Regards

s22(1)(a)(ii)

---

s22(1)(a)(ii)  
 Departmental Officer  
 Intercountry Adoption Policy and Program Management  
 Community Cohesion Branch

P: s22(1)(a)(ii) E: s22(1)(a)(ii)@dss.gov.au

The Department of Social Services acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to Elders both past and present.

**From:** s22(1)(a)(ii)@dfat.gov.au  
**Sent:** Monday, 2 September 2019 12:05 PM  
**To:** s 47E(d)@dss.gov.au  
**Cc:** s22(1)(a)(ii)@dss.gov.au; s22(1)(a)(ii)@dss.gov.au; s22(1)(a)(ii)@dfat.gov.au  
**Subject:** RE: Attention Central Adoption Centre- regarding Letter of No Objection. [SEC=OFFICIAL:Sensitive, ACCESS=Personal-Privacy] [DLM=Sensitive]

**Sensitive**

Hi s22(1)(a)(ii)

I spoke to the s 47F(1) at the CAC about this today.

We discussed the issues; including the fact that ultimately the Embassy would be unable to issue 'letters of no objection' or notarise documents such as the recent affidavit.

s 47F(1) s 33(a)(iii)

s 47F(1) s 33(a)(iii) accepted our position about us not issuing documents in support of an adoption (such as a 'letter of no objection' of the affidavit). s 33(a)(iii) s 47F(1) s 47F(1)

s 47F(1) explained she and her colleagues could not tell this to the CAC board without some type of document from Australia.

This led to another conversation about the Australian government position to not endorse any overseas domestic adoption process and how the visa application and assessment process worked (I related the information in line with advice detailed in your previous email from 29/8/2019).

s 47F(1) s 33(a)(iii)

May I suggest you contact s 47F(1) directly to try and talk through the issue? You may not have any luck in changing her mind about the need for some type of Embassy issued paperwork but it would be good for the relationship. Not only may it make CAC feel better about the situation, you may even be able to suggest some practical steps CAC could use to manage their own internal processes.

Please let me know what other messages you would like me to convey to CAC.

Cheers,

s22(1)(a)(ii)

First Secretary (Political/Economic)  
 Australian Embassy Bangkok  
 181 Wireless Rd





Phone s22(1)(a)(ii)

Mobile +s22(1)(a)(ii)

[www.thailand.embassy.gov.au](http://www.thailand.embassy.gov.au)

*Australia now ASEAN 2019*

s 33(a)(iii)

s 33(b)

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s 33(a)(iii)





**s22(1)(a)(ii)**

**From:** s22(1)(a)(ii)  
**Sent:** Thursday, 9 January 2020 2:21 PM  
**To:** s22(1)(a)(ii)  
**Cc:** s22(1)(a)(ii)  
**Subject:** RE: DSS to Bangkok Post - Letters of no objection - Expatriate adoptions // Summary of meeting with Child Adoption Centre [SEC=OFFICIAL:Sensitive, ACCESS=Personal-Privacy] [SEC=UNCLASSIFIED]

**UNCLASSIFIED**Hi <sup>s22(1)(a)(ii)</sup>

Thanks for your email. Apologies for the delay in my response, s22(1)(a)(ii)

I suspect that we will be approached by families affected who may wish to take the matter further. Could you please let me how you would like me to direct them? They may not follow this course of action but is there an email address, phone number, etc for us to direct them to?

Also I feel that to close the loop on this we (the Embassy) should write to the Child Adoption Centre again stating the Australian Government position, thank them for the meeting and provide the below advice as well as a contact point both within the Embassy (me) and also in DSS (please provide) for them to refer the families to. s 33(a)(iii)

Grateful your advice

Many thanks

s22(1)(a)(ii)

**s22(1)(a)(ii)**  
 First Secretary and Consul  
 Australian Embassy, Bangkok  
 Phone s22(1)(a)(ii)

[www.thailand.embassy.gov.au](http://www.thailand.embassy.gov.au)  
[www.smartraveller.gov.au](http://www.smartraveller.gov.au)



**From:** s22(1)(a)(ii) <[redacted]@dfat.gov.au>  
**Sent:** Tuesday, 24 December 2019 7:22 AM  
**To:** s22(1)(a)(ii) <[redacted]@dfat.gov.au>  
**Cc:** Notarials Support s 47E(d) <[redacted]@dfat.gov.au>; s22(1)(a)(ii) <[redacted]@dfat.gov.au>; s22(1)(a)(ii) <[redacted]@dfat.gov.au>; s22(1)(a)(ii) <[redacted]@dfat.gov.au>; s22(1)(a)(ii) <[redacted]@dfat.gov.au>; s22(1)(a)(ii) <[redacted]@dfat.gov.au>; s22(1)(a)(ii) <[redacted]@dfat.gov.au>; Legal CPL

s 47E(d)@dfat.gov.au>; s22(1)(a)(ii)@dfat.gov.au>; 77 [External] s22(1)(a)(ii)@dss.gov.au  
s22(1)(a)(ii)@dss.gov.au>; s22(1)(a)(ii)@dss.gov.au>; s22(1)(a)(ii)  
s22(1)(a)(ii)@dss.gov.au>; s22(1)(a)(ii)@dss.gov.au>

**Subject:** DSS to Bangkok Post - Letters of no objection - Expatriate adoptions // Summary of meeting with Child Adoption Centre [SEC=OFFICIAL:Sensitive, ACCESS=Personal-Privacy]

Dear s22(1)(a)(ii) and colleagues

Thank you for following up and seeking clarification on the purpose of an LNO. We greatly appreciate your assistance in this matter. It seems that you have confirmed our thoughts regarding the purpose of an LNO s 33(a)(iii). Rather, CAC appears focussed on receiving an Australian Government letterhead document (even if it simply states that Australia is unable to provide the assurances they have requested be communicated in a letter).

s 47F(1)

Regarding how Australia manages adoptions in other countries, the response is outlined in the attached cable:

*"DSS policy is that the Australian Government does not issue LNOs, or any other type of document intended to take the place of a LNO, to Australian citizens or permanent residents undertaking an Expatriate Adoption, including where they intend to bring the child to Australia on an Adoption (Subclass 102) visa. This is on the basis that it is not the role of the Australian Government to assist with or facilitate such private adoption arrangements outside of Australia, including by advising a foreign government that Australia would not object to or oppose a particular adoption. DFAT and HA support this policy."*

The Australian Government does not issue any document to facilitate an expatriate adoption in any country and as such DSS is not supportive of issuing the remaining s47F families with LNOs. Ultimately, we are still unable to confirm the immigration pathways and ensure that the prospective adoptive parents are suitable to adopt under Australian law.

DSS has liaised with a number of expatriates recently, s 47F(1), and provided Australia's position firmly and consistently. Whilst we can empathise with such expatriates, it's not appropriate for the Australian Government to make assurances that have not been verified. Similarly, it's not appropriate to issue a letter stating that the Australian Government is unable to give such assurances, s 33(a)(iii)

In the new year, DSS will consult with like-minded receiving countries and the Permanent Bureau of the Hague Conference, to identify a systematic approach to this issue that is consistent with the standards and principles of the Hague Convention.

Kind regards

s22(1)(a)(ii)

**Director**

**Intercountry Adoption**

Community Cohesion Branch

Department of Social Services

**P:** s22(1)(a)(ii) **E:** s22(1)(a)(ii)@dss.gov.au **M:** s22(1)(a)(ii)

The Department of Social Services acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to Elders both past and present.

s22(1)(a)(ii)



**From:** <sup>s22(1)(a)(i)</sup> @dfat.gov.au>  
**Sent:** Wednesday, 18 December 2019 8:46 PM  
**To:** s22(1)(a)(ii) @dss.gov.au>  
**Cc:** Notarials Support s 47E(d) @dfat.gov.au>; s22(1)(a)(ii) @dfat.gov.au>; s22(1)(a)(ii) @dss.gov.au>; s22(1)(a)(ii) @dss.gov.au>; s22(1)(a)(ii) @dfat.gov.au>; s22(1)(a)(ii) @dfat.gov.au>; s22(1)(a)(ii) @dfat.gov.au>; s22(1)(a)(ii) @dfat.gov.au>  
**Subject:** Summary of meeting with Child Adoption Centre [SEC=UNCLASSIFIED]

## UNCLASSIFIED

Good afternoon,

Please see following a summary of our meeting with the Child Adoption Centre yesterday. Please feel free to call or email me if you require further information.

s22(1)(a)(ii) (Consular), s22(1)(a)(iii) (Consular) and s22(1)(a)(ii) (Immigration) attended the Child Adoption Centre on 17 December. We met with a number of staff including the Director.

- When asked what was the purpose or the intention of the letter they required, they simply repeated that it was required. We tried several times to clarify if it was in relation to the child's citizenship or was it seeking advice from Australian Government in regards to the suitability of the parents to adopt the child and they said neither, they simply needed the letter or else they were unable to submit the adoption to the their board for consideration. We then said that the reason we could not issue the letter was that DSS considered it the role of CAC to determine the suitability or not of the adoption process and it was not something the Australian Government had a role in. s 33(a)(iii)
- They said there were currently <sup>s 47F</sup> Australian families on the waitlist for adoptions which could not proceed given our refusal to issue the letter and that no adoptions by Australians had been approved for 2 years. CAC said that we should tell the families why they were not able to adopt (ie because of the Australian Government's refusal to issue the letter) and not refer families back to them. We said that advice on the letters was on both DFAT, Embassy and Immigration websites.
- They showed us an example of two letters that previously had been issued; one was a letter from Immigration issued in 2016 by former Immigration A based at the Embassy which outlined the process for someone to apply for an adoption visa; the other was a statutory declaration witnessed by our Consulate in Phuket, copy attached and appears to have been done in error. They asked if the stat dec was ok. We said we would discuss and let them know in the next few days – Notarials – I will email you separately about how we action this.
- It appears that there are 2 types of adoptions involved in our discussions; 1) Kinship adoptions which are when an family member is adopted or 2) Expatriate adoption when someone intends to take the child to Australia to live. For the kinship adoptions they just want a letter which states we have no objections or see no reason why the child cannot be adopted. For the expatriate adoptions they would need additional information that states the adoption is in compliance with Australian law. We asked how we would know if approached by intended parents under which stream they had applied. CAC said they would prefer to approach us directly to request a letter though when asked didn't commit to doing so if required. They understood that Home Affairs couldn't provide guarantees regarding visas prior to adoption being finalised

but did appear to want confirmation that the adoption would be recognised under Australian law for non-kinship adoptions.

- They asked how Australia manages this issue with adoptions in other countries. I said I didn't know and would seek this information.
- We asked if the requirement for a letter was a guideline or legal requirement, they said it was in their legislation, see attached – in particular clause 16 and 17.
- They noted that all other Embassies in Bangkok issued a letter. s 33(a)(iii)

In summary CAC will not allow Australians to adopt a Thai child without a letter from the Embassy. s 33(a)(iii)

If we decide to maintain our current position on this issue, could we consider at least allowing the <sup>647</sup> families who are currently in the process to be issued a Letter of No Objection and then write to CAC and possibly Thai MFA formally advising our position ?

Ends

s22(1)(a)(ii)

First Secretary and Consul  
Australian Embassy, Bangkok  
Phone +s22(1)(a)(ii)

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AUSTRALIAN EMBASSY  
BANGKOK

24 January 2020

Director  
Child Adoption Centre  
Department of Children and Youth  
255 Ratchawithi Road  
Ratchathewi, Bangkok 10400

Dear Madam,

I would like to sincerely thank you and your staff for agreeing to meet with us recently to discuss the issue of Australian citizens adopting children from Thailand.

Following our meeting we provided further advice to the Department of Social Services (DSS) of the Thai Government requirement that Australians citizens or permanent residents adopting a child from Thailand be provided with a document from the Australian Embassy to allow the adoption to proceed. DSS have again confirmed that the Australian Government is unable to provide this document or give any assurances as it is not the role of the Australian Government to assist with or facilitate adoption arrangements outside of Australia, including by advising a foreign government that Australia would not object to, or oppose, a particular adoption. More formal advice on the Australian Government's position regarding this issue will be provided to you shortly.

We appreciate that this will likely cause some distress for families affected. DSS have previously provided this information to a number of families and outlined the Australian Government's position. Should families wish to discuss the matter further, please request that they email DSS; [info@intercountryadoption.gov.au](mailto:info@intercountryadoption.gov.au) or contact the Consular section of the Australian Embassy.

Thank you for your assistance.

Kind regards

s22(1)(a)(ii)



s22(1)(a)(ii)

First Secretary and Consul  
Australian Embassy Bangkok



