



Published by the International Reference Centre for the rights of the children deprived of their family (ISS/IRC)

NEWSLETTER



TABLE OF CONTENT

EDITORIAL	2
ACTORS	4
ISS/IRC NEWS	4
BRIEFS	5
RECENT DEVELOPMENTS IN UKRAINE	6
LEGISLATION	7
UN JOINT STATEMENT ON ILLEGAL INTERCOUNTRY ADOPTIONS	7
CRPD COMMITTEE - GUIDELINES ON DEINSTITUTIONALISATION, INCLUDING IN EMERGENCIES	8
ISS' ACTIONS WORLDWIDE	9
INTERNATIONAL KINSHIP CARE – WHY IT IS A VIABLE PLACEMENT OPTION FOR CHILDREN IN CARE	9
EQUITY IN PERMANENCY PLANNING: ADVANCING CHILDREN'S ACCESS TO FAMILY ACROSS BORDERS	10
INTERDISCIPLINARY RESOURCES	12
LIVED EXPERIENCES IN INTERNATIONAL KINSHIP CARE	12
FURTHER READINGS AND MATERIAL	14
FORTHCOMING CONFERENCES AND TRAINING	16

All rights reserved.

All reproductions, copies or diffusions of this newsletter (integral or partial) are subject to prior approval of ISS/IRC and/or its authors.

EDITORIAL

Kinship care – an option given too little attention?

Formal¹ or informal² kinship care for a child deprived of parental care, and therefore in an alternative care placement or arrangement with a family member, belongs to the family-based care options given great emphasis in international standards. Hence, priority shall be attributed to kinship care when *a)* a child cannot be cared for by his or her birth parents³, and, *b)* considering family reintegration⁴ whether on a case-by-case basis or within the broader process of deinstitutionalisation (see p.8).

Kinship care: family-based care within the child's extended family or with close friends of the family known to the child, whether formal or informal in nature.

Source: para 29 c)(i) [UN Alternative Care Guidelines](#)

The priority attributed to kinship care is based on its various benefits, such as the preservation of the family unit and ties, ensuring stability and permanency⁵ (see pp. 9 and 10), the maintenance of the child's relationship with his/her siblings, as well as respect for the cultural, linguistic, and religious background of the child.

In many contexts, kinship care remains a favoured option for many children in need of care, and mostly occurs in an informal care setting. Consequently, its exact extent is frequently unknown, hence creating significant risks for the children concerned (lack of statistics/information on children's situation, heightened exposure to exploitative situations and rights violations such as child labour, sexual exploitation, etc.). There is an apparent lack of research on children in kinship care in its various forms that could give insight into the real reasons for children being placed in such arrangements in the first place, and, more specifically, their needs.

In light of this situation and its frequency in many countries all over the world, the central question becomes: should we refrain from promoting kinship care, especially in informal settings, despite its numerous advantages for children? The Alternative Care Guidelines recognise the importance of kinship care, *including* informal arrangements, and in this regard stress that any informal caregiver shall notify competent authorities to be ensured access to financial and other support forms, as any family would have (see paras. 18, 76-77 UN Alternative Care Guidelines), with the child's welfare and protection as overall objectives (see para. 79). Furthermore, the formalisation of informal care arrangements should be sought in a participatory manner, "after a suitable lapse of time" and "when proven in the best interests of the child" (see para. 56). When examining the situation in different countries with prevalence of kinship care, it becomes apparent that further work is needed in strengthening existing kinship care placements and in raising awareness of concerned families and children on existing support services (see articles in upcoming newsletters).

Despite the wide-spread recourse to kinship care at the national level, one cannot but wonder why international kinship care is given little attention. What are the reasons hereof? Is it strict immigration laws which only provide access and residence rights to children placed in formal and permanent care solutions, such as adoption? Are competent authorities aware of international kinship care placements and duly consider the latter? As is the case with any cross-border placement, international kinship care adds a layer of complexity and requires the involvement of various stakeholders in a coordinated way. Today, like for national kinship care, little research exists on international kinship care: do we really know when it does take place? Which are the children and families concerned? Are there any specific trends in these cross-border placements (from south to north, within a regional context, etc.)? What kind of support is available to the children and caregivers concerned?

¹ See para. 29 b)(i) UN Alternative Care Guidelines: Informal care refers to: "any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (informal kinship care) or by others in their individual capacity, at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body".

² See para. 29 b)(ii) UN Alternative Care Guidelines: Formal care refers to "all care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures".

³ See i.e. para. 27, 43 UN Alternative Care Guidelines.

⁴ See paras. 3 UN Alternative Care Guidelines.

⁵ See paras. 12, 62 UN Alternative Care Guidelines.

In addition, many intercountry adoptees stress their desire to have the opportunity to maintain links with their birth family and/or birth country, given the dual identity lived by intercountry adoptees all around the globe. In this context, international kinship care appears to present itself as a real alternative to intercountry adoption, as it would not sever (legal) ties with the birth family and would allow for more openness in arrangements to the benefit of all concerned parties. Members of the ISS network are convinced of the value of international kinship care as a viable care option for children, and are actively working on training, advocacy, research initiatives as well as assessment reports to put kinship care at the forefront.

Based on ISS' experience, what is needed to fully make use of the benefits of kinship care when it comes to international placements?

- Pre-established/existing relationship between the child and the family member who shall become caregiver.
- A solid legal mechanism that would allow for effective cooperation and communication between concerned authorities, such as foreseen by the [1996 Hague Convention](#), that does not only ensure the decision-process but also the monitoring and follow-up post-placement.
- Informed and trained professionals, including but not limited to child protection authorities, immigration authorities, staff of diplomatic missions, to evaluate the necessity and suitability of international kinship care for a child. This is especially crucial to ensure due processes in line with the child's wishes and needs with the objective to avoid any wrongdoings or abusive practices.

However, ISS believes that what is most needed, whether in national or in cross-border contexts, is to conduct further research on the lived experiences of children and youth in order to thoroughly inform laws, policy and practice (see p. 12).

Useful resources on kinship care

Platform **Changemakers for Children - spearheaded by Family for Every Child** - <https://changemakersforchildren.community/home>. As a member, you will be able to access the resource library from reports, podcasts, good practice examples, participate in ongoing discussion/webinars etc.

Transforming Children's Care Global Collaborative Platform - spearheaded by BCN - (<https://transformcare4children.org/home>) – As a member, you will be able to access a massive depository where to ask for assistance, share reports/findings, policy papers etc covering all alternative care options. In addition, several task forces have been formed and developing separate thematic guidance briefs.

ISS/IRC Team
October 2022

ACTORS IN INTERCOUNTRY ADOPTION AND CROSS-BORDER CHILD PROTECTION

- **Guatemala, Ireland, Kazakhstan, Madagascar:** these countries have updated the contact details of their Central Authorities, competent authorities and/or accredited adoption bodies designated under the 1993 Hague Convention.
- **Denmark:** this country has updated the contact details of their Central Authority designated under the 1996 Hague Convention.
- **Cape Verde** acceded to the 1996 Hague Convention on October 4, 2022. This Convention will enter into force in the country on August 1, 2023.

Source: Hague Conference on Private International Law, [Latest updates](#).

ISS/IRC NEWS

ISS/IRC Annexes on Search for origins and future work of ISS

On the reserved chapter of its website, ISS/IRC has started uploading specific annexes with very practical information on past adoption practices and applicable laws as well as current search for origins processes (legislation, requirements, support forms, etc.). Information relating to the following countries is currently available: Romania, Kazakhstan, Costa Rica, Brazil and Senegal. ISS/IRC will continue uploading further country-specific information. Your feedback on these annexes is more than welcome.

ISS/IRC is also pleased to announce that a motion on search for origins and family reunification processes in the context of adoption was adopted during the ISS' International Council that took place in Belgrade, Serbia, from November 1st-4th 2022. This motion recalls that search for origins and family reunification processes are traditionally at the heart of ISS network's actions. This confirmation vote by the ISS General Assembly enables the ISS General Secretariat, including ISS/IRC and ISS members to jointly develop programmes and training, educational material as well as partnerships to consolidate ISS knowledge, expertise and skills providing timely and professional services to adopted persons as well as their families. It is for instance planned to conduct an ISS' wide mapping that will give further insight into ISS' members concrete work in relation to search for origins and family reunification.

ISS/IRC Factsheets on country-specific surrogacy aspects

At the request of a Central adoption authority involved in current reflections on surrogacy-related questions, ISS/IRC has developed 7 country-specific surrogacy briefs focusing on applicable laws/policies, requirements, procedures and practices. The countries examined are: Colombia, Georgia, Israel, India, Thailand, UK and Ukraine. These research briefs are available at the ISS/IRC upon request.

ISS/IRC participation in the 2022 Euradopt conference

At the beginning of September 2022, ISS participated to the 14th international conference of [Euradopt](#), that took place in Copenhagen (DK). The Conference was attended by more than 100 experts from all over the world.

The main topic of the conference "Sustainability in intercountry adoption" was addressed and discussed from different perspectives, through the interventions of 15 researchers and professionals from Europe, Africa and Asia.

Speakers discussed the sustainability in ICA under three main themes: 1) intercountry adoption as a child protection measure; 2) post adoption service - counselling and services offered to adoptees in the receiving countries, and 3) cooperation and sustainability in intercountry adoption. The conference was also the opportunity for adoptees to share their lived experience and suggest concrete ways forward.

ISS/IRC participation in a consultation for combating trafficking in human beings

On the 7th of October 2022, ISS participated in the online consultation that was organised by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB), Valiant Richey, with civil society and international organisations prior to his official visit to Switzerland from 19-21 October 2022. The aim of this meeting was to share knowledge and good practices on human trafficking issues in order to assess the human trafficking situation in Switzerland.

Technical Workshop for the Development of Standard Operating Procedures for BIA/BID processes in Morocco

From 19-21 September 2022, a first workshop was held in Tangier to launch a process which develops standard operating procedures for the assessment and determination of the best interests (BIA/BID) of children on the move. It also aims to develop training tools and build the capacity of institutional and civil society partners.

This workshop was held as part of an ISS technical assistance project in close collaboration with UNICEF and the Presidency of the Public Ministry (PMP) following a first project phase between 2019 and 2021.

More than 40 participants, composed of national experts from the PMP, representatives of public authorities, civil society, and international organizations such as IOM, directly or indirectly involved in situations of children in migration, working in the contexts of Oujda, Tangier or the central level actively participated in the workshop.

The workshop was facilitated by Olivier Geissler and Houda Samadi, ISS child migration consultants, as well as national experts, with the General Secretariat team providing remote support.

ISS is pleased that Moroccan stakeholders fully embrace the [8 steps-methodology of ISS](#) as a key tool to organise the network of stakeholders at local, national and transnational levels to ensure sustainable solutions in the best interests of children concerned.

BRIEFS

Legislative and policy developments in relation to children's rights around the world

- **Cuba** : [Código de las Familias](#), Ley 156/2022, approved through referendum in September 2022 and entered into force on 28 September 2022.
- **India** :
 - [Adoption Regulations 2022](#), entered into force on 23 September 2022.
 - [The Juvenile Justice \(Care and Protection of Children\) Model Amendments Rules 2022](#), entered into force on 1 September 2022.
 - [The Juvenile Justice \(Care and Protection of Children\) Amendment Act, 2021](#), entered into force on 1 September 2022.
- **Ireland** : 3 October 2022, opening of new information and tracing services as foreseen by the [Birth Information and Tracing Act 2022](#), entered into force on 1 July 2022.
- **Slovenia** : [Amendments](#) to the Family Code, September 2022.

CELCIS - Development of a section on Your Right to Continuing Care

The Scottish Centre of Excellence for Childcare and Safeguarding (CELCIS) is making available, through a dedicated section on its website, [a range of information for young adults in foster care, kinship care and residential care up to the age of 21](#). These different situations are illustrated by videos and stories featuring young people with the similar life experience. Many issues are addressed and the roles and responsibilities of local authorities are also defined.

RECENT DEVELOPMENTS IN UKRAINE

1/ The **ISS-UNICEF assessment on the child protection and alternative care system in Ukraine**, final report of July 2020 – hence pre-conflict, is now publicly available in English and Ukrainian at: <https://www.unicef.org/ukraine/en/research-and-reports> or upon request at ISS/IRC.

This ISS study of the child protection system as it particularly relates to alternative care was commissioned by UNICEF Ukraine. This report contains an overview of the child protection and alternative care system in Ukraine based on the process of a desk review and a 10-day fact finding mission in Ukraine in February 2020 undertaken by a team of experts from ISS. The report is divided into the following sections: International treaties that informed the ISS mission in Ukraine; the child protection and alternative care system in Ukraine; Implementing the ‘necessity principle’ including consideration of ‘gatekeeping’ mechanisms, prevention of family separation and family reunification; Implementing the ‘suitability principle’ including consideration of family-based alternative care in Ukraine; The use of children’s residential institutions in Ukraine and deinstitutionalisation.

2/ The Ukrainian authorities recently created the **Children of War platform** which performs two main functions:

- **Information:** "Children of the War" is a single platform that provides up-to-date and consolidated data on children who suffered as a result of Russia's war against Ukraine, died, were injured, went missing or were illegally displaced, and those who were found and rescued. Law enforcement agencies and the National Information Bureau update quantitative indicators daily.
- **Assistance in tracing children:** The platform enables the contact with law enforcement agencies, in particular the National Police, the Office of the Prosecutor General, as well as the National Information Bureau.

Source: <https://www.oblradack.gov.ua/v-ukraini-zapracuyuvav-portal-diti-viyni>

UN Joint Statement on illegal intercountry adoptions

This recent Statement focuses on the intercountry dimension of illegal adoptions, considering recent developments in a number of receiving States and with the aim of providing guidance to States, victims and other stakeholders.

On September 29th, 2022, several UN bodies and experts⁶ issued a [Joint Statement on illegal intercountry adoptions](#), “in order to promote a human rights-based and gender sensitive approach to preventing and eradicating illegal intercountry (...) adoptions, by identifying the rights which are violated through illegal intercountry adoptions and clarifying States’ obligations in this respect under international human rights law” (para. 2).

Recognising the wide variety of illicit practices and illegal acts that can lead to illegal adoptions, as well as the devastating consequences such practices have on the lives and rights of victims, the Joint Statement emphasises the importance of mutual assistance by States in investigating and prosecuting acts constituting illegal adoptions. States should also play an active role in the implementation of the rights of victims of illegal intercountry adoptions, to know the truth, to receive appropriate assistance and guidance to know their origins and to prove with adequate redress mechanisms.

Obligation to prevent illegal intercountry adoption

The authors of the Joint Statement recall underlying principles that govern intercountry adoption. This includes the child’s best interests, the principle of subsidiarity (see [ISS/IRC Publication on the principle of subsidiarity](#)), the prohibition of improper financial or other gains (see [ISS/IRC Publication on financial supports to countries of origin](#)), and the child’s right to be heard. Additionally, it highlights the need for intercountry adoption to be authorised by a competent authority which determined “that the adoption is permissible in view of the child’s status concerning parents, relatives and legal guardians and that, if necessary, the persons concerned have given their informed consent to the adoption on the basis of appropriate counselling.” (para. 5).

In addition to these principles which shall underpin applicable laws, and policies, the necessity to prohibit private and independent adoptions is recalled - a step that more and more countries have taken (see recently France and Germany in IRC’ Newsletters n°261 and 258), while States of origin are called to address the root causes of practices through, *inter alia*, increased support to vulnerable families and strengthening of their national child protection system (see for example reforms in the last years in Rwanda, Cambodia, Madagascar, Kenya, India, etc.). Finally, emphasis is also placed on the importance to gathering data on illegal intercountry adoptions, including the “number of persons whose true identity has been re-established” (para. 11).

Criminalisation and investigation of illegal intercountry adoptions

Illegal intercountry adoptions shall be considered an offense under criminal law, and appropriate sanctions established in this regard, with due consideration given to avoiding obstacles for victims to access judicial remedies due to short statutes of limitation. Further, necessary measures are to be taken to ensure complete, impartial and diligent investigations of these cases.

States have an obligation to remedy illegal intercountry adoption. The Joint Statement continues by stating that States shall “provide redress to victims of illegal intercountry adoptions by establishing specific procedures for reviewing and, where appropriate, annulling adoption, placement or guardianship that originated in an enforced disappearance or any illegal acts, and for swift action to re-establish the true identity of the adoptee concerned, taking into account the best interests of the child when applicable and without prejudice for the right to a nationality”(para. 16).

For that purpose, several measures of reparation are listed, including: “restitution to the original situation of

⁶ The Committee on the Rights of the Child (CRC), the Committee on Enforced Disappearances (CED), the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence, the Special Rapporteur on the Sale and Sexual Exploitation of Children including child prostitution, child pornography and other child sexual abuse material, the Special Rapporteur on Trafficking in Persons, especially women and children, and the Working Group on Enforced or Involuntary Disappearances.

the victim before the illegal intercountry adoption occurred, where appropriate, and taking into account the best interests of the child; compensation for any economically assessable damage; rehabilitation, which should include medical and psychological care as well as legal and social services [such as in Australia through the attribution of public fund to improve access to specialist support services and to mental health services in 2013⁷], counselling and facilitation; satisfaction, which should include, but is not limited to, full and public disclosure of the truth, public apology [such as in Australia and Ireland for domestic adoptions past practices, Switzerland and the Netherlands], commemorations and tributes to the victims; guarantees of non-recurrence through legal, institutional and practical reforms [such as legal

reforms in Argentina or Guatemala in the past, or current measures taken for example by the Dutch, Swiss or Flemish governments to review intercountry adoption process]” (see para.17).

Finally, particular attention is paid to the establishment of independent commissions of inquiry, a measure that already has been initiated in several countries (see Switzerland, the Netherlands, France and, Ireland for domestic adoption), for investigating facts into allegations of illegal intercountry adoptions, determining responsibilities, and proposing measures of adequate reparation for the victims as well as recommendations to prevent the recurrence of such illegal intercountry adoptions.

For some reactions on this Joint Statement, see for example: ICAV at the following [link](#) or Hervé Boéchat at the following [link](#).

CRPD Committee - Guidelines on Deinstitutionalisation, including in emergencies

On September 9th, 2022, the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) adopted the Guidelines on Deinstitutionalization, including in emergencies (herein after the DI Guidelines) after a participatory process which included over 500 persons with disabilities, among others.

The recently adopted [Guidelines on Deinstitutionalization, including in times of emergency](#), recognise the institutionalisation of persons with disabilities including children, as a discriminatory practice. The DI Guidelines are catered for government stakeholders, inter alia, disability activists and professionals, with the aim of putting an end to institutionalisation and residential treatment for persons with disabilities, in light of the right for all persons with disabilities to live in society, as enshrined in [the Convention on the Rights of Persons with Disabilities](#).

Children with disabilities and the DI Guidelines

Institutionalised Children with disabilities (CWD) are among the groups whose situation is addressed throughout the DI Guidelines. The latter tackle the threats and challenges that institutionalisation presents children with, and the ways it may result in violations of their rights. Such as, but not limited to, their inability to “choose” to live in an institution, the

trauma and the exacerbated emotional and physical impairments following a placement in residential care.

The DI Guidelines stress that, for CWD, an “institution” is any placement that is not family-based. It urges State parties to ensure the right to family life for CWD, to exhaust all possibilities to avoid the institutionalisation of such children who do not live with their families of origin, while proposing appropriate ways in which deinstitutionalisation efforts could be better implemented.

Approach to a dignified and diversified deinstitutionalisation of CWD

Several topics are addressed in this context, such as the necessity of establishing inclusive child protection systems and providing necessary support and accommodation to parents of CWD, as well as the need for more community inclusion of children and adolescents with disabilities, particularly in educational settings, given that segregated education could lead to an increased pressure for the institutionalisation of such children.

⁷ See for example, <https://www.intercountryadoption.gov.au/key-contacts-and-support/intercountry-adoption-family-support-service/> or <https://www.rasa.org.au/services/couples-families/intercountry-adoptee-service/>.

Further, the DI Guidelines insist on the importance of a more facilitated access to community support services such as peer support and personal assistance of CWD, in addition to an increased access to information for families and children in a more convenient user-friendly format. This coupled with the essential capacity building of child-protection professionals.

Emergency Deinstitutionalisation of CWD in situations of risk and humanitarian emergencies

The DI Guidelines acknowledge the disproportionate impacts that emergency settings such as pandemics, natural disasters or conflicts, could have on institutionalised persons with disabilities such as children. Consequently, they stress the need to continue and accelerate deinstitutionalisation efforts when in an emergency, and the importance of targeted efforts to ensure inclusion in evacuation, humanitarian relief and recovery measures. CWD must be holistically included, for instance, in all family tracing and reunification efforts.

Joint Statement of the CRPD and CRC Committees, on the Rights of Children, March 2022

“The Committees recall that, in accordance with both Conventions, States Parties have the obligation to adopt clear and targeted strategies for de-institutionalization, with specific time frames and adequate budgets, in order to eliminate all forms of discrimination and segregation of children with disabilities. Specific attention should be paid to children with intellectual or psychosocial disabilities and children requiring high levels of support, who are usually at a higher risk of institutionalization. The Committees call on States parties to provide inclusive and supportive services for children with disabilities and their families in the community in accordance with article 23 para. 5. of the CRPD, and article 23, para. 1 of CRC.”

ISS' ACTIONS WORLDWIDE

International Kinship Care – why it is a viable placement option for children in care

This article is written by Damon Martin, Deputy CEO of International Social Service Australia, Chair of ISS Casework Coordinators' group .

Ten years ago, baby Joshua was in a precarious situation. Removed from his mother's care and with no other family placement options in Australia, Joshua was placed in foster care. Being raised in foster care was the likely trajectory of his childhood. This changed however when a proactive caseworker contacted ISS Australia, seeking assistance to locate Joshua's family members in Borneo.

Through the assistance of our ISS member in Malaysia, Joshua's maternal grandparents were located and advised of their grandson's existence and situation. They expressed their desire to care for Joshua and a comprehensive assessment was completed, recommending the grandparents as a viable placement option for Joshua. The Children's Court Judge then recommended Joshua be transitioned into his grandparent's long-term care, a process which began with 8-month-old Joshua being escorted to Borneo with the assistance of ISS Australia.

Fast forward 10 years and Joshua continues to thrive in his family placement in Borneo, which in turn has

enhanced his sense of identity and cultural needs as well as his family connections. In 2022, ISS Australia developed this 4 minute [International Kinship Care video](#) that highlights Joshua's story. The aim of the video was also to raise awareness and promote international kinship care as an important and viable alternative care option for children in care.

ISS encourages all child protection caseworkers to explore all options that might allow a child to remain within their extended family, including identifying any potential family placement overseas.

There are over 45,000 children in out-of-home care in Australia, and almost half of these children are cared for by people whom they are not related to. When a child cannot be cared for by their parents, the preferred means of care should be with their extended family, even when the extended family reside overseas. Family placements like Joshua's allow children to know their family and medical history, cultural identity and language.

Potential family placement options overseas are often not considered or are simply overlooked by relevant child protection authorities. I believe this stems from two core beliefs. The first being that child protection caseworkers may feel overwhelmed by the logistics associated with arranging an overseas assessment and placement, and secondly, caseworkers are often unfamiliar or concerned by the cultural and systemic differences of the other country and therefore assume it is in the best interests of the child to be placed locally.

The ISS network will continue to promote international kinship care as a viable placement option for children in care. ISS can assist Child Protection Authorities with the international element of their casework, including thorough background checks of prospective carers, the exploration and facilitation of family connections, and assessments of extended family placement options overseas.

Equity in Permanency Planning: Advancing Children’s Access to Family Across Borders

By Khadija Barqadle and Elaine Weisman

Child welfare professionals and researchers around the world have long established that a child’s wellbeing is affected by the kinds of connections and relationships they have to their biological family. While family reunification has been firmly recognised as a goal wherever possible, in the U.S., race and ethnicity correlate with the length of time children remain in foster care,⁸ while few States have well-established policies to seek family connections across borders. Inequity in access to family is the result of bias, fear, and outdated or culturally inadequate policies. Improved family finding can mitigate some of these disproportionate outcomes by seeking equity in children’s access to family, regardless of race, ethnicity or country of origin.

Why Focus on Equity in Permanency Planning

Permanency planning⁹ begins when a child enters into care and includes all efforts to ensure they are placed in an environment that will lead to a safe, nurturing, lifelong connection. Family finding or diligent search¹⁰ efforts are one step in the permanency planning process and include a comprehensive search for a child’s kin who may serve as potential placement options for the child. Equity, defined as the lack of bias or preference in treatment, is getting renewed attention as a measure with which to guide permanency planning.

In the U.S, racial disparity in the child welfare system has long disadvantaged children and families of color. A 2021 report¹¹ highlighted that families of color, particularly Black or Latinx families, engage with the child welfare system at a disproportionately higher rate, are less likely to be reunified with their biological family, and remain in the foster care system without permanent placement options more frequently than White children. Furthermore, there are approximately 18 million children in the U.S. born to at least one immigrant parent, about a quarter of the entire child population in the U.S. Many of these children live in mixed-status families made up of members who have a variety of legal or residency statuses¹². Of those children that enter the foster care system, it is probable that many have family connections outside of the U.S., however there is insufficient data on how many children have family placement options overseas and of these, how these connections are explored and how frequently U.S. agencies place children with family overseas. These disparities, a consequence of a systemic history of implicit bias in child welfare, persist in part due to assessment tools that are not adapted with cultural awareness to meet the needs of every child, and policies that fail to account for and collect data about the intercultural nature of U.S. families today.

Considering Unexplored Connections

⁸ Disproportionality and race Equity in Child Welfare. Jan 2021. <https://www.ncsl.org/research/human-services/disproportionality-and-race-equity-in-child-welfare.aspx>

⁹ Achieving and Maintaining Permanency. Child Welfare Information Gateway. <https://www.childwelfare.gov/topics/permanency/overview/>

¹⁰ Family Search Engagement – Casey Family Programs. <https://www.casey.org/family-search-engagement>

¹¹ Disproportionality and race Equity in Child Welfare. Jan 2021. <https://www.ncsl.org/research/human-services/disproportionality-and-race-equity-in-child-welfare.aspx>

¹² Profile of the foreign-born population in the United States. Vera Institute of Justice. <https://www.vera.org/downloads/publications/profile-foreign-born-population-united-states.pdf>

Millions of people in the U.S. are part of transnational families. These families can include members who are immigrants to the U.S. or are second or third generation immigrants with a foreign-born parent or grandparent. They also include families with members who work, serve, study or retire in other countries, or hold dual citizenship. Children in these families often have ties to loved ones and family members across the globe that deserve to be explored. Research is unequivocal about the importance of family connection in positive outcomes for children, and it therefore is the duty of child welfare professionals to consider transnational family relationships when seeking long-term placements.

Searching for family placement options is also U.S. law under the Fostering Connections to Success and Increasing Adoptions Act of 2008¹³. The law states that within 30 days of a child's removal from their home, it is the state's responsibility to conduct a diligent search to identify and notify adult relatives of the child for potential placement. Although the law does not explicitly include a duty to search across borders, the intent to identify suitable permanency options with family is implied. National guidance from the U.S. Administration for Children and Families (ACF) has also underscored that reunification with family must be an urgent priority for children in alternative care settings¹⁴.

To better understand these policies in practice, a team at ISS-USA conducted exploratory research to identify state-level protocols that facilitate international connections for children and youth involved in the child welfare system¹⁵. The team disseminated a survey amongst child welfare professionals across the country. ISS-USA received responses from professionals across 19 unique jurisdictions, comprising 37 percent of total U.S. state jurisdictions. Those surveyed worked in various areas of child welfare, including in their state or tribal child protection agency as social workers, supervisors, administrators and others responsible for permanency outcomes. Questions sought to understand the following from respondents:

1. International placement protocols at their agency
2. The type of placement data gathered at their agency
3. Their knowledge and preparedness to engage in the process of cross-border (or international) placements
4. Resource needs related to international family finding.

Findings indicated much more comfort and familiarity with family finding and placement protocols in a domestic context as compared to an international context, with more than one third of respondents indicating that international family finding efforts are not a regular part of their work. Nearly 90 percent felt comfortable conducting diligent search efforts within the U.S., while less than 40 percent felt comfortable doing so internationally. Findings also indicated a lack of resources to identify international placement options. When asked to identify what resources would support their navigation of cross-border placements, they indicated preferences for: training for child welfare professionals about how to place children with family overseas, guidance on connecting and communicating with relatives across borders, changes to improve written policy in regards to cross border family finding/placement, access to a directory of contacts for child welfare agencies around the world, and access to ISS-USA and or/other international service providers.

Where do we go from here?

Based on the findings, ISS-USA believes that permanency outcomes can be improved for children in the child welfare system with family outside of the U.S. if child welfare systems can help their workers achieve the same familiarity and comfort level exploring family placements outside the U.S. as they have inside their own communities. In order to achieve this, states need to develop or expand internal policies and procedures, so that regardless of where family members might live, there is equity in mandate and procedures to explore family placements. Furthermore, as mentioned, state child welfare systems not only need the mandates to explore family placements both inside and outside the U.S., but the knowledge and tools to do so. ISS-USA, in collaboration with colleagues in the ISS network, are working together to make more training available in our respective countries and to raise awareness of this issue globally. Training will help child welfare actors in the U.S. and other countries understand the benefits of cross border family placements, especially in helping children retain or reconnect with their cultures, ethnicities, and languages. Similarly, training will provide social workers with helpful tools to find and assess families overseas, and tools to safely place children, ensure appropriate follow up care and supervision for however long is needed. Finally, there is a dire need to know more about what happens to

¹³ Fostering Connections to Success and Increasing Adoptions Act of 2008. Child Welfare Information Gateway.

<https://www.childwelfare.gov/topics/systemwide/laws-policies/federal/fosteringconnections/>

¹⁴ Administration for Children and Families. Informational Memorandum. <https://www.cwla.org/wp-content/uploads/2021/01/ACYF-CB-IM-20-09.pdf>

¹⁵ Equity In Permanency: Assessing The Scope of International Kinship Placements for Children in the U.S. Foster Care System. https://www.iss-usa.org/wp-content/uploads/2022/04/Report.Equity-in-Permanency_Assessing-International-Placement-with-Kin-2.pdf ;

children in care: how many are reunited with family in the community, across state lines, across international borders? Where searches and reunifications took place, how many in the community, across state lines, in other countries? What are the short-term and long-term outcomes for children placed with family across borders? We also need to ask children about their placements, access to their families, culture, and

language, and what they felt was most important to them in their placements with kin? We need more precise data to ensure that we are acting in their best interests and equitably across all children separated from their families within communities and across state and international borders.

INTERDISCIPLINARY RESOURCES

Lived Experiences in International Kinship Care

*Dr Klaus Serr, a senior honorary academic at La Trobe University in Australia and former Research Manager at ISS Australia, provides a brief introduction into the book *Voices of Young People in international Kinship Care*, published this year, by sharing some insights into lived experiences of young people resettled to Australia through international kinship care arrangements.*

The current humanitarian crisis in the Ukraine further highlights the plight of the estimated 90 million people around the world, who have been forcibly displaced by war/ conflict, climate change, natural disasters and poverty¹⁶. These include an estimated 28 million refugees (about half under the age of 18) and many of the 150 million orphans who have at least lost one parent¹⁷. Given the particular vulnerabilities and needs of unaccompanied orphan children/ young people (YP)¹⁸, Australia has granted about 4,900 international orphans (period: 2000-2019) permanent refuge under the provisions of the Orphan Relative Visa (ORV). ORVs can be issued to YP under 18, whose biological parents cannot be found or parents' inability to care for YP because of severe disability/ health issues or death (see Australian Government Department of Home Affairs (AGDHA) 2022¹⁹ for details on visa eligibility and procedures).²⁰ It is under the ORV/ international

kinship care (IKC) system that YP can be cared for by relatives in Australia.²¹

Since so little is still known about the needs and issues faced by this group after arrival, *Voices of Young People* endeavoured to gain a better understanding of the resettlement experiences of ORV holders²². This small qualitative study interviewed 16 young African people (aged 16-28) in Melbourne and was led by Dr Klaus Serr (La Trobe University), in partnership with Associate Professor David Rose (University of Melbourne) and the Centre of Multicultural Youth. The research builds on the authors' previous IKC research *New Beginnings*²³, which elicited insights from relevant professionals about the needs of carers and YP and will inform a third study currently being developed by the authors, to ascertain the needs of carers of YP ORV holders. Consistent with the research aim of capturing peoples' own perspectives, in-depth interviews were

¹⁶ UNHCR, 2022, '[Key indicators](#)', *UNHCR Refugee Data Finder*, (accessed 4 October 2022).

¹⁷ UNICEF, 2022, '[Orphanhood](#)', *UNICEF Data: Monitoring the situation of children and women*, (accessed 4 October 2022).

¹⁸ From now on children and young people are simply referred to as 'young people' and abbreviated as 'YP'

¹⁹ Australian Government Department of Home Affairs (AGDHA), 2022a, '[Subclass 117 Orphan Relative visa](#)', (accessed: 15 October 2022).

²⁰ The study confirmed that there are many reasons people might apply for an Australian ORV. In some cases, both parents had died or migrated overseas years previously, leaving the young people in the care of others. In others, the young person was still with one parent in Ethiopia - but the family breadwinner had died or the remaining parent's poor health put severe socio-economic pressures on the family. Then migration of the young people to Australia as an 'orphan' was seen as the best option for the child by the surviving parent. This observation explains why a young person on an ORV might be classified as an 'orphan' though they have a living parent in their country of origin whom they may, or may not, be in contact with (p.6).

²¹ This is in contrast to refugee applicants (with backgrounds of substantial persecution in their home country, normally referred to Australia by the United Nations High Commissioner for Refugees (UNHCR)), - and those applying under the special humanitarian visa category (with backgrounds of 'substantial discrimination' in their country of origin). For further details, see Australian Government Department of Home Affairs (AGDHA), 2022b, '[Refugee category visas](#)', and '[Global Special Humanitarian visa](#)', (accessed: 15 October 2022).

²² Rose, D., & Serr, K., 2019, 'International kinship care in Australia: issues and needs of young immigrants', *Developing Practice: The Child, Youth and Family Work Journal*, No. 2: 58-68. Available at: <https://search.informit.org/doi/10.3316/informit.852277809700993>; and Serr & Rose, 2022, *Voices of young people in international kinship care*, Australian Scholarly Publishing, Melbourne.

²³ Serr, K., & Rose, D., 2016, *New beginnings: issues and needs in international kinship care*, Australian Scholarly Publishing, Melbourne. Both *Voices of Young People* and *New Beginnings* are available from Australian Scholarly Publishing in Melbourne: <https://scholarly.info/book/voices-of-young-people-in-international-kinship-care/>

conducted - and *Voices of Young People* is the first study presenting the lived experiences of YP on ORVs in Australia. Based on the interviews, the following brief sections report on the overall findings on: 1) issues; 2) needs; 3) support requirements; and 4) system improvements.

Issues affecting orphan YP

... people [from Africa] who come to Australia very often escape war, they didn't know love, no foundations. Even if they were rich, everything was taken away from them as they fled for safety (Zinash).²⁴

For all participants, migration to Australia changed their lives. After arrival, they felt various emotions relating to their prior expectations, hopes, excitement, fear and uncertainty. During the phases of post-arrival, initial settlement - and later struggles towards independence, YP had positive experiences (e.g. having a home, safety), but also negative encounters (e.g. overcrowding). All YP had to make major life adjustments, e.g.:

When I first arrived in Australia it was amazing and at the same time scary. It was scary because everyone around me was so different to me. I had left everything behind and had to adapt to a completely new life and culture. I didn't speak the language, which was one of the most challenging issues – [that is] to be able to communicate with other people (Yelfu).

Post-arrival, YP were confronted with new systemic, cultural and family settings, inadequate accommodation/ overcrowding, family conflict and financial difficulties. While not a focus of the study, some YP also revealed past trauma and how they tried to deal with it, e.g. loss of parents:

When I was crying, I was with my mum and I like that!... [When I] had a feeling I missed my mum, that I wanted to see my mum, and not forget [her, it was important]. Because sometimes when you come from other countries and you don't have nothing [but] somewhere else [deep down], you have something you feel. ... [And] sometimes [it] was like I didn't forget my mum, so that is why I cried and kept it to myself (Rukia).

Needs of YP

When I came here I needed friends and I needed to learn [the] language ... stuff for learning, like books or laptop. I need help. I don't know everything, what is good for me and what is bad for me ... I don't know how can I live here, how can I use money, then how can I get [a] job, how can I improve my language (Wolde).

YP identified a number of key factors, important for successful resettlement in Australia. These included: supportive friendships/ social networks, the ability to achieve/ succeed in following their dreams, financial stability, and access to employment and training. While participants' determination and resilience were often strongly tested, YP clearly demonstrated a desire to work hard and achieve:

I'm the kind of person who doesn't give up, even if I don't understand [something] I still try over and over until I get what I want. And then, somehow, I [had] become good, good at maths, good at other stuff, writing and reading too (Yelfu).

Due to their strong work ethic and focus on education, most participants established successful new lives in Australia after migration. With good school and community support, many received scholarships with some also becoming high achievers in education and work.

Support Requirements

How do you know how it feels like to come from Africa, how do you know how it feels like to leave your mum and dad, come here [when] five years old and go in [and out of] foster families. How did it feel to grow up without love, - you don't [know]. So how are [you] going to help me? You can't, but this is the system that's there (Zinash).

YP's experiences demonstrate the complexities of their needs and nature of support requirements. Participants suggest that in order to successfully integrate into Australian society, they (and their carers) need access to well-targeted and culturally appropriate support services, often over many years. Most participants here felt the necessity for government and non-government organisations to offer: financial/ income support, housing and community services, specialist services e.g. emotional/psychological, access to supportive mainstream education and English language schools. Outside from their host families, YP identified schools as vital institutions, providing much support, stability and friendships/ social networks. Rachel 'met a friend at school' and was able to:

... keep studying, learning, keep talking to people. I was getting faster and [it] was very interesting [and I could] catch up with everything. And after six months I left that school, my English was getting better, I kept practising. You know when you have, like, someone [who] really supports you [and] if you have all those

²⁴ The names of all participants used in this study are fictitious.

kind of supports, so you may improve your language, your listening skills, your reading and writing.

ORV System Improvements

We didn't know anything, my sister was doing everything. In 2012 my sister told us that we can go to Australia ... I think it was hard but we didn't know anything. We were told to come here to live with our sister. We had to go to an interview [where] they ask about how old we are and something like that, just once. [At the time] we were living in Addis Ababa, Ethiopia [because] we had to go to the Australian embassy there (Ibrahim).

Since most YP were relatively young on arrival, their knowledge of the ORV system was limited. Despite this, older participants wanted improved access to government supports and benefits, currently not available to ORV holders during the first two years of settlement. They further advocated greater access to community and housing support services and other basic resources for ORV Holders (and their carers), especially during the crucial initial settlement period.

Dr Klaus Serr, K.Serr@latrobe.edu.au

Department of Social Work and Social Policy, La Trobe University, Australia

FURTHER READINGS AND MATERIAL

Recent resources on specific topics related to child protection, alternative care, and adoption

Resources related to the Ukraine-Russia conflict:

- Joint statement by the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on Ukrainian children with disabilities, [Urgent call to action regarding Ukrainian children. With disabilities in residential care institutions.](#)
- Ukraine Children's Care Group, [Addressing the Need for Foster Care in the Context of the Ukraine Crisis.](#)

CELCIS. Resource Section – [Supporting child refugees and their families.](#)

This resource is designed to help people in Scotland working with and supporting children and families in professional, voluntary or personal capacities, and across Europe. This focuses on child protection and safeguarding, supporting mental and physical wellbeing including trauma, and the needs of children who require care.

ICAV [Search and Reunion section](#)

ISS/IRC invites its readers to regularly consult ICAV's website which contains useful resources and regularly updated

Some YP also suggested more financial and housing resources for when they moved out of home into independence.

While it is always difficult to do justice to the complexity of peoples' lives and their stories, *Voices of Young People* illustrates the complex issues faced by ORV holders, their needs and support requirements. Despite the many resettlement challenges, YP remained resilient, worked hard and became successful members of Australia society. Overall, the study clearly shows that through the provision of well-targeted and appropriate support, ORV holders 'are worth supporting since they are potentially a major future resource for their newly adopted country, in Australia and in other countries as well'.²⁵ Building on the insights of *Voices of Young People* and *New Beginnings*, the researchers are currently developing a follow-up study to ascertain the needs of the carers of young ORV holders and the issues they face.

information, including on adoptee-led associations who provide services to help adoptees conduct search processes.

The Global Reference Group on Children Affected by COVID19: Joint Estimates and Action (2022). [Children: The Hidden Pandemic, September 2022, Orphanhood and Caregiver Loss Based on Excess COVID-&9 Death Estimates.](#)

This report updates the last findings to provide the most current estimates of COVID19 associated orphanhood and caregiver loss during the first 26 months of the pandemic (March 1, 2020 – May 1, 2022)

Cambiando la forma en que cuidamos (2022). [Pasos y recursos para acompañar a organizaciones en el proceso de transformación.](#)

This document is intended to serve as a guide for interaction with organisations that have the possibility of transforming their services from residential care to other types of care.

²⁵ Ayoub, J., 2022, 'Foreword', in Serr & Rose, 2022, *Voices of young people in international kinship care*, Australian Scholarly Publishing, Melbourne.

Next Generation Guatemala (2022). [*Between Two worlds*](#). *Maya America: Journal of Essays, Commentary, and Analysis*

This publication presents the experiences of Guatemalan adoptees through their own voices. *Maya America* presents this special issue as a stand-alone primary document to further an understanding of the life experiences of Guatemalan adoptees and to encourage the inclusion of irregular adoption as part of the Maya diaspora and as an integral part of the migration of peoples from Central America.

IACN, Hope and Homes for Children, UNICEF (2022). [*Every child's right to family life: An introduction to family strengthening and alternative care in India*](#).

This resource answers the most frequently asked questions on care reform and addresses related misconceptions.

Ward, H. (e.a.) (2022). [*Outcomes of Open Adoption from Care – An Australian Contribution to an International Debate*](#).

This report presents the findings from a longitudinal research study that traced the needs, experiences and outcomes of the 210 children who were adopted through Find-a-Family between 1987 and 2013. It explored the characteristics, antecedents and experiences of children, birth parents and adoptive parents at the time the children first entered their adoptive homes, and then traced the subsequent life trajectories of 93 (44%) of the adoptees until 2016, an average of 18 years after placement.

Meggin Nam Holtz (2022). [*The unrecognized developmental trauma of early relinquishment in adoption*](#).

Permanent physical separation between birthing mothers from their babies is commonly referred to as “relinquishment” in the context of adoption. This discussion article will explore developmental effects of relinquishment occurring at birth and in the early days of an infant’s life.

Dr Fanny Cohen Herlem (2022). [*Le point sur la situation de l'adoption en France*](#).

Through this text, Dr. Fanny Cohen Herlem, child psychiatrist, shares her reflections on the current situation of adoption in France, especially with regard to the new law on adoption voted in February 2022.

Creating a Family (2022). [*Strengthening & Supporting Your Transracial Adoptee*](#).

This book is the result of questions asked to a panel of young adult transracial adoptees in a CreatingaFamily.org podcasts. In a roundtable format, they shared their thoughts and experiences of growing up in families who are different races than they are.

Webinar: UNICEF and Changing the Way We Care - [*Lesson on care reform in Eastern and Southern Africa from COVID-19*](#).

This webinar presents 9 lessons learnt on care reform from the COVID-19 pandemic with examples from Malawi, Uganda and Kenya.

Webinar: ESARO Regional Learning Platform on Care Reform (2022). [*Workforce Strengthening and Care Reform*](#).

In this Webinar, a panel of experts explored how the social service workforce can be strengthened to support care reform in Eastern and Southern Africa.

FORTHCOMING CONFERENCES AND TRAINING

- **Belgium** : [Les défis et les leviers des parents d'ados adoptés par Johanne Lemieux](#), 2 December 2022, L'Envol, Mont-Saint-Guibert.
- **Mauritania** : [Forum Mondial sur la Justice pour les Enfants et la Privation de Liberté](#), [Global Forum on Justice for Children and Deprivation of Liberty](#), 8-9 November 2022, Nouakchott.
- **Latin America** : *Recomendaciones Del Comité De Los Derechos Del Niño Sobre Cuidado Alternativo, Desafios y oportunidades para América Latina y el Caribe*, 9 November (online). [Registrations here](#).
- **Switzerland** :
 - Café rencontre - [L'accès à la majorité des jeunes placés en famille d'accueil : une étape essentielle pour tous](#), 5 November, Association Genevoise des Familles d'Accueil avec Hébergement, Genève.
 - [Ados Adoptés par Johanne Lemieux](#), 25 November 2022, Adoptons-Nous, Neuchâtel.
- **World** :
 - [Neurodiversity in Adoption, Fostering and Kinship care](#), half day course, 4 November 2022, CoramBAAF.
 - [Managing allegations and monitoring standards of care in foster care](#), 8 November 2022, CoramBAAF.
 - [Resilience and recovery in residential child care: Supported adults and supported children](#), 9-10 November 2022, Scottish Institute for Residential Child Care.
 - ICAV, [Navigating Disability and Rare Medical Conditions as Intercountry Adoptees: Webinar](#), 22 November 2022.
 - [Improving practice and assessments for unaccompanied asylum-seeking children and young people](#), 7 December 2022, CoramBAAF.

EDITORS & COORDINATORS

Juliette Duchesne-Roulez and Jeannette Wöllenstein-Tripathi

DRAFTING COMMITTEE & DISTRIBUTION:

Liliana Almenarez, Carlotta Alloero, Juliette Duchesne-Roulez, Elizabeth G. Hood, Galina Ivanchenko, and Jeannette Wöllenstein-Tripathi.

ISS/IRC would like to specifically thank Damon Martin, Khadija Barqadle, Elaine Weisman et Dr Klaus Serr for their valuable contributions to this Newsletter.



International Social Service – General Secretariat
32, Quai du Seujet
Geneva 1201 - Switzerland
www.iss-ssi.org

For further information: irc-cir@iss-ssi.org

ISS/IRC wishes to thank the governments (including of some federal States) of the following countries for their financial support in the preparation and distribution of this newsletter:
Andorra, Australia, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Luxembourg, Malta, Monaco, New Zealand, Norway, South Africa, Spain, Sweden, Switzerland, The Netherlands.