Adoptees help to change adoption culture in Korea

By Emma Kalka

Since 1953, almost 200,000 Korean children have been sent to 14 Western countries through inter-country adoption.

And each year, hundreds of adoptees return to Korea to live, work and study.
But of the thousands of adoptees and families that attempt to reunite every year, less than 3 percent are successful, as documents have often been lost or falsified by adoption agencies, hindering these reunions.

Many of these adoptees have joined forces with unwed mothers’ groups, lawmakers and special interest lawyers, calling for changes to the system to better safeguard the rights of the children involved and protect unwed mothers from being pressured to give up their children.

After three years of work, it seemed steps forward were being made in August 2011 when amendments to the Special Adoption Law were passed and went into effect just a year later.

The Korean government said Friday it had joined the Hague Convention on Intercountry Adoption, which, if properly implemented, would be another step forward by pushing adoption agencies to be more transparent in their proceedings and placing more emphasis on the child and birth family’s rights.

Without proper enforcement in Korea, the convention would be “meaningless” according to activists here in the adoption community.

The adoption structure in Korea has long been plagued with complaints that false documents have been used to send children abroad for adoption, that unwed mothers have been pressured to give up their children, and that birth parents have been encouraged to think of inter-country adoption as a “study abroad” opportunity rather than a permanent separation.

Adoptees, lawmakers and others involved in the movement to support the rights of unwed mothers and Korean adoptees take part in a cake-cutting ceremony at the Single Moms’ Day International Conference on May 10 at the National Assembly. (Jes Eriksen)

Adoptee rights groups say they are in an ongoing battle with adoption agencies and related groups pushing to overturn those revisions just nine months after they went into effect.

Special hearings with lawmakers on the revisions this year have given adoption agencies and adoptive parents more opportunity to speak on the issue than adoptees and like-minded groups.

Some of their claims have raised eyebrows.

One of the clauses in question regards birth registration. According to adoption organizations, the rate of mothers abandoning their children has risen since the revisions, due to the legal obligation to register the birth of their child. However, birth registration was in the Special Adoption Law before the amendments were made, and was not covered by the amendments.

What’s more, the law protects birth parents from being linked to an adopted child. The relations between the birth parents and the child are erased once an adoption is completed successfully, leaving no record of the birth on the mother’s family registration.

Critics point to the higher number of children left at what are called “baby boxer” at local churches as proof.

Lawyers involved with the adoption law revisions point to Korean society’s prejudice against single moms as the real culprit.

According to data from the Ministry of Welfare, 90 percent of adoptees in 2012 came from single mothers. Adoptees, single mothers’ groups, lawyers and lawmakers involved with the revisions say the government needs to provide more support to unwed and single parents by creating child support laws and allow Korean adoptees more rights in Korea — including the right to know who their biological parents are.

The amendments to the Special Adoption Law aim to facilitate this by requiring adoptions in Korea to be finalized in court. This will hopefully push for more oversight of adoption procedures along with the documentation required for a full and legal adoption.

Finalizing adoptions through the court will also prevent citizenship issues that affect many adoptees from arising. There are 18,000 adoptees in the U.S. whose naturalization papers never came back to Korea, according to Jane Jeong Trenka, an adoptee to the U.S. and president of TRACK, putting them at risk of deportation if they are not citizens.

“Some don’t find out until they apply for a passport or financial aid. Some find out when they are deported after committing a crime,” she said.
If adoptions are finalized in court, Korean children sent to the U.S. for adoption will be able receive the IR-3 visa, which is only given when a “full and final adoption is completed abroad” and the adoptive parents “physically see the child prior to or during the adoption proceedings.”

The amendments will require that adoptions be finalized here in Korea rather than allowed to be finalized abroad.

Trenka said special interest groups in the U.S. are fighting against this requirement as well, pushing for the country to continue with the IR-4 visa, which puts adoptees at risk of deportation if the adoptive parents fail to “readopt” them upon arrival in the U.S.

She and others are working to get the Child Citizenship Act in the U.S. revised so that adoptees there would be guaranteed citizenship.

“We’re trying to get it retroactive, so that adoptees back to 1945 would be grandfathered into citizenship,” she said.

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