

Bindu Philips

United States Senate Committee on Foreign Relations

International Parental Child Abduction

February 27, 2014

Mr. Chairman and distinguished members of the Committee, it is my honor and privilege to submit this testimony for the record today and I thank you for taking your valuable time to hear of my plight. My name is Bindu Philips and it is my ardent hope that my story shall capture your attention today.

While I have held many roles in my life, none has been more meaningful to me than that of motherhood. Twelve years ago, I was blessed to become a mother of twin boys – my precious children, Albert Philip Jacob and Alfred William Jacob. When my children were born my ex-husband, Sunil Jacob, and I made a joint decision that I would stay home with them and be their primary caretaker. I was an active and loving mother in every aspect of our children's lives. My children came first in everything I did and in every decision I made.

Tragically, my world and that of my innocent children, was violently disrupted by my ex-husband, Sunil Jacob in December of 2008, when he orchestrated the kidnapping of the children during a vacation to India. I would note that the children, my ex-husband and I are American citizens and that the children were born in America, which is the only nation they identified with as home.

Sunil Jacob worked in the financial industry, and was laid off by his employer, Citi Group, late in 2008. My ex-husband pressed me to agree to a family vacation to India during the children's winter break. My ex-husband was both physically and emotionally abusive to me, and I feared the consequences of refusing him. I had seen return plane tickets dated January 12, 2009, and I had every reason to believe that we would be home in a few weeks to resume our life in the United States. Had I known what would follow I would never have boarded that flight to India.

On reaching India I was not only physically and emotionally abused by my ex-husband but also by his parents. I was finally, very cruelly separated from my children with no means to communicate with them.

I could not bear the separation from my children and on learning that they were admitted to a local school in India, I approached the Principal requesting that I be allowed to see my children and I was granted permission. As soon as my ex-husband learnt about this, he transferred them to another school and gave the school strict orders that neither the mother nor any of the maternal relatives should be allowed to see or communicate with the children.

I contacted the US Consulate in Chennai, India, for assistance. Yet absent an order granting me custody of the children, there was little that the consulate could do for me.

I would like to point out that Sunil Jacob's plan to kidnap the children and sequester them in India out of my reach was not a decision that was quickly or lightly reached. Subsequent events showed how carefully he had planned his actions.

Unable to communicate with the children, I ultimately returned to the United States four months later on April 9, 2009. I literally came home to an empty house. Our residence in Plainsboro was devoid of all furniture and possessions and both cars were gone from the garage. While in India, my ex-husband had his 3 friends strip the entire house of everything inside. They took everything, leaving me with not even a single photograph of my children. He had not paid the mortgage on the Plainsboro home, nor the utilities or nor an equity line of credit which he had transferred to India, and left me with this additional financial burden.

Heart broken and impoverished, I had to start from nothing and survived initially on the graciousness of good people. My neighbors allowed me to move in with them briefly and a local church gave me a car. Shortly thereafter, I found employment, secured an apartment and purchased a car of my own.

Over the last four and a half years I continue to uncover information that shows how deceptive my ex-husband Sunil Jacob is. The investigation reports from Plainsboro Police Station show that he had planned the move to India as early as March of 2008. He had communicated his intentions to the principal of the children's elementary school, without my knowledge. In November of 2008, one month before the trip to India, Sunil Jacob obtained an Indian visa for him and the children, known as OCI, Overseas Citizen of India that would allow him and the children to stay for an extended period of time in India, since the children are American citizens and without the OCI visa they can stay in India only for 6 months. Indian OCI visa is granted to minor children only after the approval of both parents. Sunil Jacob obtained this visa by fraudulent means as I have not signed on any OCI application for my children. Sunil Jacob, an American citizen, deceptively abducted my American citizen children and is staying in India, out of my reach and that of the Hague Convention, indefinitely. (Please note India does not honor dual citizenship.) I came to know that he has two software firms in India and recently got information that he is also the owner of a resort in India that was registered in 2007; that's when we were still married. I also came to know that he has remarried. In 2013, Sunil Jacob's family member confirmed with the Plainsboro police that the separation of the children from me was planned well in advance.

Frustrated but determined, on May 14, 2009, I filed a petition with the Superior Court of NJ for custody of our children. Sunil Jacob tried to delay the matter by arguing that the US did not have jurisdiction to hear the case, but the American Courts, both at the superior court and appellate levels, have held that jurisdiction was indeed proper in the Superior Court Family Part. My ex-husband was in contempt of the court order granting me parenting time over the children' winter break although he participated in this hearing over the phone. The flight information was conveyed to Sunil Jacob by the US consulate, my American attorney, my father and me. The Honorable Superior Court of New Jersey granted me residential and legal custody of the children. The Plainsboro police and FBI have issued arrest warrants against Sunil Jacob. Please note in 2007, while Sunil Jacob was working at Citi Group, he was involved in an unknown incident at his office that resulted in an FBI enquiry on him.

It is significant that the Honorable Barry A. Weisberg, Judge of the Superior Court Family Part in New Jersey, not only granted me sole custody of the children and demanded their immediate return to the United States, but also held that Sunil Jacob must comply with a psychiatric evaluation and a risk assessment upon his return of the children. Clearly, Judge Weisberg, an experienced jurist in the Family Part, felt that Sunil Jacob's conduct was evidently that of a man who was disturbed. I fear for the safety of our children and their emotional wellbeing in their father's care.

Despite having kidnapped our children, Sunil Jacob filed for custody of the children in the Indian Courts after the U.S child custody was filed. This case is currently pending at the Honorable Supreme Court of India. In addition to wrongfully keeping the children from me, Sunil Jacob has thwarted every effort I have made to even speak to our children and let them know that I love them. Beyond the kidnapping, Sunil Jacob continues to file false court cases against members of my family and me in India and is brain washing and alienating the children from their own mother. He believes that if his campaign of harassment becomes too much to bear, we will

back away from the quest for me to regain custody of our children. He must learn that this will not happen; he must be held accountable for his reprehensible actions.

On my children's birthday in December 2013, I had birthday wishes published in a local Indian newspaper, since Sunil Jacob has not allowed me to communicate with my children even on their birthday. I also created a website (<http://albertalfredbindu.blogspot.com/>) so that I could send my love, motherly advice and let my children know that I am trying my best to be reunited with them. Sunil Jacob filed two more Indian court cases on me in December and obtained a court order preventing me from posting new messages on the website. He manages to get court orders and then drags the court case for years. The Superior Court of New Jersey awarded me sole legal and residential custody of the children in December 2009 and I am not able to see or communicate or even post messages to my own beloved children.

I have put everything I have into my mission to be reunited with my children. I have rebuilt myself financially and made a viable career path for myself. I have made a new home for the children to return to, as I was forced to sell the marital home to satisfy the debts my ex-husband created. It must be remembered that America is the children's home – it is where they were born, where the children they lived. They must be brought home to American soil. I implore the Senate to assist me in righting the wrongs that have been done to the children and me by my ex-husband, Sunil Jacob.

Every day I awaken to the heart-wrenching reality that I am separated from the children that I love more than anything in the world. I have done everything that I can think to do in this nightmarish situation, and I will never give up on my children. Yet, I am here because I can no longer fight the good fight on my own. I respectfully request that you, the members of the Senate, help me to make my voice heard in a way that shall be meaningful and allow me to be reunited with my children who need the love and nurturing of their mother

Please help me to end this nightmare that Sunil Jacob has created for my family. Please help my precious children and me – I do not want to know and cannot imagine a meaningful life without them. Please act not just for the benefit of two innocent children and their broken-hearted mother; please think of all the other children and parents caught in similar nightmarish situations due to hostile-minded parents who abduct children to overseas nations.

I thank Senator Robert Menendez and Congressman Chris Smith for being champions for the noble cause of reuniting the children with their left behind parents.

Thank you from the bottom of my heart for accepting my humble and fervent plea during your otherwise pressing schedules. I shall always be grateful for this time and for the opportunity to share my story and that of my children.

