

Australian Greens Dissenting Report

1.1 At the time that this Bill was introduced and referred to inquiry dozens of babies born on Australian soil, to asylum seekers parents, were awaiting imminent deportation to Australia's offshore detention centres. Despite these babies being born in Australia, the Government argued that they were taken to have entered Australia by sea and therefore subject to transfer to offshore immigration detention.

1.2 The Australian Greens out rightly rejected the government's position. These babies were born in Australia, they did not enter Australia by sea or by air, they were born safely on Australian soil and they deserved to remain in Australia.

1.3 Submitters to the inquiry wholeheartedly supported the intention of the Migration Amendment (Protecting Babies Born in Australia) Bill 2014. Refugee law experts and advocates raised particular concern about the Government's intentions to deport new born babies to Australia's offshore detention centres as the act would defy international law and put vulnerable children at risk.

1.4 When Australia signed the Convention on the Rights of the Child in December 1990 we agreed that any laws or actions affecting children should put their best interests first and protect and uphold their basic rights. As argued by submitters to the inquiry the Government's actions risk breaching these obligations and putting children in even greater danger.

1.5 The Australian Greens agree with the majority of the submitters that newborn babies would be subject to unacceptable conditions in the camps on Nauru. We know that the wellbeing of these children is compromised every day and that irreparable damage is caused. The health risks to children who are detained indefinitely in immigration detention centres have been well documented by medical experts across the country. Despite this evidence the Government continues to detain vulnerable children indefinitely in offshore centres.

1.6 The passing of the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014* last year enshrined the deportation of Australian born babies into law. Babies born in Australia to asylum seeker parents will spend their early childhood locked up in Australia's detention centres, making them effectively stateless.

1.7 The Australian Greens believe that all children, born in Australia to asylum seeker parents, should remain in Australia and have the opportunity to live their lives free from fear and persecution.

Recommendation 1

The Australian Greens recommend that babies born in Australia to asylum seekers parents be allowed to remain in Australia and be granted citizenship rights.

Senator Sarah Hanson-Young