

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 25 May 2015

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE15/178) - Stateless babies born in Australia - Programme 2.1: Citizenship

Senator Hanson-Young, Sarah (L&CA) written:

- What happens when a Rohingya couple gives birth in Australia? Is the baby taken back to Nauru? Isn't the baby entitled to make an application for Australian citizenship? Given the likelihood that this application will be successful and the family will need to be resettled in Australia, isn't it counterproductive and costly to transfer them back to Nauru?

Answer:

Under the Citizenship Act, a person born in Australia, including to claimed stateless parents, would be able to apply for Australian citizenship onshore or offshore. The application will continue to be processed if the person leaves Australia, including if they are taken to a Regional Processing Centre (RPC).

Such applications take time to consider as they are intricate and complex – each case will be unique as they are based on the particular circumstances of the child applicant and their parents. This includes considering the parents' identities, including countries of birth, and other aspects of their personal history. The refugee status assessment will continue in the RPC while the application for Australian citizenship is being considered.