

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE14/471) PROGRAMME –

Senator Wright (Written) asked:

Are children born through surrogacy assessed for citizenship on the same basis as other citizenship applications?

- Please outline the assessment process for citizenship applications where the child was born through surrogacy arrangements.

Answer:

Yes.

A child born overseas may be eligible for Australian citizenship by descent if they have at least one parent who is an Australian citizen. Additional DNA testing and/or other evidence may also be required to demonstrate the parent-child relationship. Where an international surrogacy arrangement is declared or detected, medical procedure records and surrogacy agreement documents will be required to support the application.

All citizenship applications lodged for applicants aged under 16 years must be signed by a responsible parent of the child. The definition of a responsible parent is set out in the *Australian Citizenship Act 2007*. A person is a responsible parent of a child if they are the child's parent under the *Family Law Act 1975*, or have parental responsibility, guardianship or custody under Australian or foreign laws.

Each country has its own rules about who will be recognised as a parent of a child born overseas. In some overseas jurisdictions, only the birth mother and her husband are recognised as the child's legal parents and must sign the application form on the child's behalf.