

A PLACE TO CALL HOME: SHINING A LIGHT ON UNMET LEGAL NEED FOR STATELESS REFUGEE CHILDREN IN AUSTRALIA

Katie Robertson and Sarah Dale
March 2021



“CITIZENSHIP TO ME
MEANS PROTECTION
AND CERTAINTY FOR
MY CHILDREN.

WITHOUT IT,
I FEAR THEY
HAVE NO FUTURE.”

— Amir, stateless Palestinian father of four

Executive Summary

‘There is a huge difference in this world for children with citizenship, and those without it.’

— Aisha, stateless Rohingya mother of one

Children born on Australian soil are not guaranteed Australian citizenship. Citizenship is foundational to a child’s sense of identity and belonging, providing them with fundamental rights. Importantly, for children of stateless refugees it can also offer security and safety; a place to call home and build a future.

Pathways to permanent protection are extremely limited — and indeed in the majority of cases, prohibited — for refugees that arrive in Australia by boat seeking asylum after 19 July 2013.¹

In 2014 the Australian Government reintroduced the Temporary Protection Visa (TPV) and introduced the Safe Haven Enterprise Visa (SHEV) limiting the duration of protection available to refugees and prohibiting them from accessing a range of essential services.² The reintroduction of TPVs followed the reinstatement of Australia’s policy of offshore processing in August 2012, and then mandatory offshore processing in July 2013, whereby children (including those born in Australia) of parents who arrived by boat are taken to Nauru and prohibited from ever applying for any form of protection in Australia under law.³

Many children in need of protection are therefore no longer afforded permanent protection and resettlement in Australia.

Simply by virtue of the mode by which their parents arrived to seek asylum, children born on Australian soil are condemned to a life of limbo.

Those lucky enough to be allowed to apply for a temporary visa live a life characterized by uncertainty; despite being recognized as refugees they must reapply for temporary protection every three to five years. Many others are completely prohibited from applying for any form of Australian visa (temporary or otherwise) and live under strict conditions in Australia on a ‘transitory’ basis, at risk of removal at *any* time, often with very little notice.⁴

For these children, Australia is the only home they have ever known. Their legal status as ‘stateless’ (discussed below) means they have no country to ‘return’ to, having inherited no nationality from their parents.⁵ The precarious temporary basis upon which they remain in Australia means their chance to grow and develop as individuals in a secure environment — the opportunity to be children with hopes and dreams for the future — is overshadowed by a perpetual lack of certainty regarding their ability to remain here.

With Australian citizenship, these children have the chance to grow to their full potential in a place they can call home.

A significant but unknown number of children have been born in Australia to stateless asylum seeker and refugee parents. While they are prohibited from applying for permanent protection under Australian immigration law and remain at risk of removal to Nauru, they are, however, eligible for Australian citizenship by virtue of their inherited statelessness.⁶

Although these children have a right to apply for citizenship under Australian and international law, they face significant barriers in navigating this complex process. Indeed, many parents are unaware that their child even has an entitlement to apply for citizenship.



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‘All my children feel Australian. But being on a temporary visa makes it hard. My wife and I try to shield them from this uncertain future as much as we can, but this isn’t always easy. Just last week the Principal at my children’s school approached my wife in the school yard to ask for a certain letter he needs regarding the enrolment, because our visa has expired. Our children overheard this conversation and were asking us that night ‘what does this mean?’ This was hard for my wife and I – how can we explain this?’

We want our children to feel secure, and not carry our worries about their future.’

— Amir, stateless Palestinian father of four

This Project aims to increase awareness among Australian stateless refugee communities about the entitlement to citizenship for Australian born children and link them with free, expert legal services. By doing so, it aims to provide them with Australian citizenship — the most legally significant form of protection, thereby offering them a secure future where they can grow, learn, and participate in a society where they truly belong.

‘Our lawyer at RACS first told us about applying for citizenship for our two youngest children – we didn’t know this was possible. Sometimes I wonder – if they hadn’t told me about this process, how would I know? Applying for citizenship – even knowing it is a possibility – would be too hard for us to navigate without a lawyer.’

— Amir, stateless Palestinian father of four



‘I want my children to have a better life – I want them to be Australian citizens. This is my dream.’

— Nur, stateless Rohingya mother of four

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A PLACE TO CALL HOME: SHINING A LIGHT ON UNMET LEGAL NEED FOR STATELESS CHILDREN IN AUSTRALIA

The Refugee Advice & Casework Service (RACS) and Peter McMullin Centre on Statelessness have partnered to conduct groundbreaking research into the legal needs, barriers, and gaps experienced by stateless refugee children and their families in accessing and acquiring Australian citizenship. The *'A Place to Call Home'* Project aims to educate stateless community groups about any potential entitlement Australian-born children may have to citizenship, as well as link them to RACS' Stateless Children Project for expert legal assistance. The project also aims to identify the legal need and potential legal assistance models for stateless refugee children nationally across Australia.

The *'A Place to Call Home'* Project also documents the lived experience of statelessness with the aim of providing human insight into the everyday challenges experienced by stateless children and their families in Australia — in their own words.



Established in 2018, RACS' Stateless Children Project is Australia's first and only legal service dedicated to providing assistance to stateless children in obtaining Australian citizenship.

RACS is one of Australia's leading refugee legal centres providing free, dedicated legal assistance to people seeking asylum. As an independent community legal centre, RACS has been protecting and advocating for human rights for people seeking asylum, who have made it to Australia for over 30 years. Over this time, RACS has assisted hundreds of stateless people to apply for asylum. Through working with key external partners also working in this space, RACS identified a specific need to assist stateless children born in Australia apply for citizenship, under domestic legislation.

Melbourne Law School's Peter McMullin Centre on Statelessness was established in 2018 with the objective of undertaking research, teaching, and engagement activities aimed at reducing statelessness and protecting the rights of stateless people in Australia, the Asia-Pacific region, and as appropriate more broadly.

The *'A Place to Call Home'* Project is led by Peter McMullin Centre on Statelessness Research Fellow Katie Robertson, who has extensive experience working with stateless children through her role as a lawyer and is supported by Sarah Dale, who supervises the legal service delivery.

'Being stateless has been a huge source of sadness for me in my life. At times it has made me question my very existence and made me wonder why my parents chose to bring me into this world. I've never felt like I have a future. Wherever I've gone, I have no rights.

I hope for better for my children.'

— Amir, stateless Palestinian father of four

THE LEGAL FRAMEWORK

What is Statelessness?

A stateless person is someone who does not have a nationality of any country. This means they are not recognised as ‘belonging’ to any country.⁷ The international legal definition of a ‘stateless person’ is ‘a person who is not considered as a national by any state under the operation of its law.’⁸

‘To be stateless means to have no country. This is very hard – and I feel deeply sad about it. I know people who aren’t allowed to study or work because they are stateless – I worry about this for my daughter.’

— Aisha, stateless Rohingya mother of one

What is *Nationality* and *Citizenship*?

The terms ‘nationality’ and ‘citizenship’ are often used interchangeably.⁹

‘Nationality’ is a term used to describe an individual’s link to the state (or ‘country’) in the context of international law.¹⁰ ‘Citizenship’ is the term that is usually used in a domestic context, for example in domestic law.¹¹

‘For us, being stateless means we don’t have any country or documentation. We feel very distressed about this.’

When our son was granted Australian citizenship we were extremely happy. It was a big deal, because we have never known in our lives what it is like to be a citizen.’

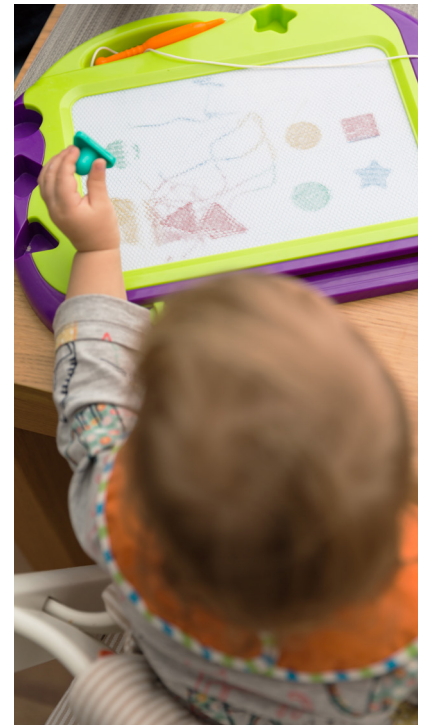
— Muhammad and Sumaiya, stateless Rohingya parents to three children

Childhood Statelessness

There are estimated to be between 10–15 million stateless people in the world, a third of which are children.¹² The United Nations High Commissioner for Refugees (UNHCR) estimate that a child is born into statelessness at least every 10 minutes.¹³ Stateless children can face barriers to a range of essential human rights by virtue of having no nationality, including access to education and health care.¹⁴

‘Our eldest daughter Noor is very studious, and hopes to be a doctor when she grows up. This would not have been possible for her in our home country where she was born.’

— Muhammad and Sumaiya, stateless Rohingya parents to three children



Australia's International Obligations

'We are stateless – we have no country. This is very hard. In our home country we had nothing, our life was very difficult. We couldn't do anything, go anywhere, choose our path.'

— Nur, stateless Rohingya mother of four

The two key international instruments that address the issue of statelessness are the 1954 Convention relating to the Status of Stateless Persons (1954 Convention) and the 1961 Convention on the Reduction of Statelessness (1961 Convention).¹⁵

Australia has ratified both the 1954 Convention and the 1961 Convention, without reservation.¹⁶

Australia is also party to several international agreements that protect the rights of stateless persons and ensure the right to nationality, including:

1.1 International Covenant on Civil and Political Rights (ICCPR).¹⁷

Article 24(3) provides that every child has the right to acquire a nationality.

1.2 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).¹⁸

Article 5(d)(iii) provides that States Parties undertake to prohibit and eliminate racial discrimination in all its forms and to guarantee equality before the law in the enjoyment of the right to nationality.

1.3 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹⁹

Article 9 provides that parties shall grant women equal rights with men to acquire, change or retain their nationality and with respect to the nationality of their children.

1.4 Convention on the Rights of the Child (CRC).²⁰

Articles 7 and 8 provide that a child will have the right, from birth, to acquire and preserve their nationality.

1.5 Convention on the Rights of Persons with Disabilities (CRPD).²¹

Article 18 provides that persons with disabilities have the right to acquire and change nationality and must not be deprived of their nationality arbitrarily or on the basis of disability.

Overview of Australia's Legal Framework for Nationality and Statelessness

The *Australian Citizenship Act 2007* (Cth) (Citizenship Act) provides the legal framework for nationality in Australia.

Section 21(8) of the Citizenship Act provides that a person born in Australia who is not (nor has ever been) a citizen or national of a foreign country, and is not entitled to acquire citizenship or nationality of another state, is eligible for Australian citizenship.²²

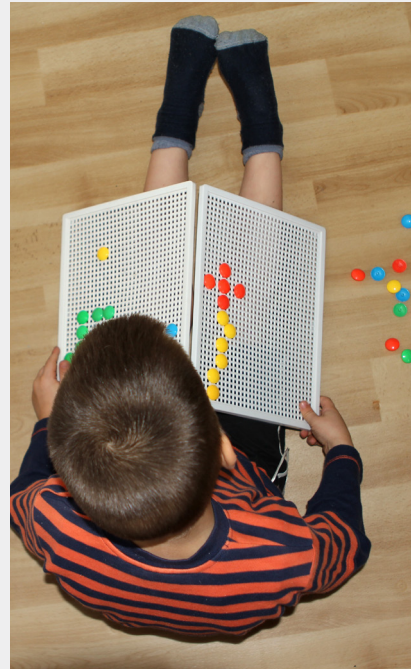
Children born in Australia to parents who arrived by boat after 13 August 2012 are generally defined as 'unauthorised maritime arrivals' under the *Migration Act 1958* (Cth).²³ By virtue of this status, they are prohibited from applying for any form of visa in Australia unless the Minister for Immigration and Border Protection personally intervenes to allow them to make such an application, in which case they will only be eligible for a TPV or SHEV.²⁴ Furthermore, Australian immigration law provides that those arriving on or after 19 July 2013 'must' be removed to a regional processing centre (such as Nauru) as soon as is 'practicable', including shortly after birth.²⁵

Despite being classified as an 'unauthorised maritime arrival' at birth, stateless children can still preserve their right to apply for Australian citizenship under the *Citizenship Act*. Such an entitlement provides them with concrete rights to remain and participate in the Australian community (therefore preventing their mandatory removal to Nauru), far beyond the limited entitlements and protections they would receive under a temporary visa (TPV or SHEV).

'Being stateless makes things challenging for us here. My children feel Australian – yet we are often reminded they are not. For example, our eldest child Iman started kindergarten this year. It was so difficult trying to enroll him – they asked about his passport, his visa, his status. I felt embarrassed having to explain he has no passport – no identity. No certainty of his future. Having citizenship will make it easier for him – for all of our kids.'

— Nur, stateless mother of four children

The Legal Needs, Barriers, and Gaps Experienced by Stateless Children in Australia



Initial research conducted as part of the 'A Place to Call Home' Project indicates –

Key finding

Parents of stateless children are unlikely to know their child has a potential claim to Australian citizenship — they find out when or if their lawyer proactively flags this with them.

Often this occurs inadvertently, in the course of a lawyer providing the family with advice about their refugee status.

The consequences of not knowing about this entitlement to Australian citizenship mean that these children remain at risk of removal to Nauru or in limbo on the temporary visa.

Targeted outreach in the form of community legal education is needed to inform families about this right, and link them with the RACS' Stateless Children Project for legal assistance.

Key finding

There are a number of stateless family groups in the Australian community who have not yet made a connection with a lawyer about their child's potential entitlement to citizenship.

Further outreach and funding is required to locate, educate, and assist these children and their family members.

Key finding

Parents of stateless children are unlikely to be able to navigate the citizenship process without access to free legal assistance, from lawyers with specialised knowledge.

This is particularly the case where the child and his or her parents may have visa applications on foot, or be holders of a TPV, to ensure any application for Australian citizenship is consistent with the child's refugee status determination.

'We would never have known about, or been able to navigate the citizenship process without a lawyer. Accessing free legal advice has been essential for us.'

— Muhammad and Sumaiya, stateless Rohingya parents to three children

Key finding

Stateless children with access to quality legal assistance, specifically lawyers with expertise in navigating the citizenship process (including how it interacts with a child's immigration status) have better progressed citizenship claims than those who do not. For those without quality legal assistance there are often misunderstandings regarding the evidential requirements or the imperative to respond to requests which have deadlines bound by legislation. This demonstrates the critical role that RACS' Stateless Children Project plays in this process, and the need for accessible, free legal assistance for these children generally.

Key finding

There are many — potentially dozens — of stateless children in Australia with a *prima facie* entitlement to Australian citizenship, who are not aware of this entitlement, or in contact with a specialised legal service for assistance.

There is a clear need for greater legal assistance for stateless children in Australia, and targeted funding for dedicated legal support for these children.

There is currently no clear or centralised data regarding how many stateless refugee children are in Australia, and their location. The Peter McMullin Centre on Statelessness and RACS are currently researching stateless populations in the Greater Sydney region with the aim of connecting them to the Stateless Children Project.

In 2022, the Peter McMullin Centre on Statelessness will engage in a broader mapping project of stateless persons in Australia. It is hoped that further children with a potential entitlement to Australian citizenship will be identified and connected with appropriate legal assistance.

'Without access to free legal support, this process would be very difficult; I don't think we could do it on our own.'

— Aisha, stateless Rohingya mother of one



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MEET SOME OF THE FAMILIES

(Names have been changed to protect identities)



'WE HAVE NEVER KNOWN IN OUR LIVES WHAT IT IS LIKE TO BE A CITIZEN.'

— Muhammad and Sumaiya, stateless Rohingya parents to three children



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One Family, Two Legal Realities

Muhammad, Sumaiya and family

Muhammad and his wife Sumaiya are stateless Rohingyas, who arrived by boat seeking asylum in Australia in 2013. They have three children — all of whom were born in different countries. Their first child, daughter Noor was born in their country of origin. Their second daughter, Farrah, was born while the family were in transit to Australia. Their third child, son Husan was born in Australia shortly after the family arrived.

The different location of each child's place of birth means that despite sharing the same biological parents, each child's legal status, and potential entitlement to citizenship, is different, with only the third child having a *prima facie* entitlement to Australian citizenship under domestic legislation.

This has resulted in an unusual legal situation for the family, whereby the youngest member is an Australian citizen, yet his parents and siblings are on temporary visas, with no ability to apply for a permanent protection visa, no certainty regarding a long-term future in Australia, and no pathway to citizenship or permanent protection.

Muhammad and Sumaiya did not know their son had an entitlement to citizenship until they met with a lawyer at RACS, who identified this entitlement in the course of giving them advice regarding visa matters.

'For us, being stateless means we don't have any country or documentation. We feel very distressed about this. When our son was granted Australian citizenship we were extremely happy. It was a big deal, because we have never known in our lives what it is like to be a citizen. It is our hope that all of our children will have a good education, find jobs and live a good life.'

Our eldest daughter Noor is very studious, and hopes to be a doctor when she grows up. This would not have been possible for her in our home country where she was born. Our middle daughter Farrah was born on our journey to Australia. She loves school. Her favourite subjects are maths and writing.

Hasan, our youngest, is full of energy. He loves Spiderman and wants to be a police officer when he grows up.

While our youngest son can get Australian citizenship, our older children cannot. While we understand that this is because he was born here, it has resulted in a strange situation for us as a family. While he is a citizen, the rest of us are on temporary visas, with uncertain futures. Being on a temporary three year visa is a huge source of stress to us.

Hopefully, one day our other children will get citizenship, inshallah.

We would never have known about, or been able to navigate, the citizenship process without a lawyer. Accessing free legal advice has been essential for us.'



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To Exist with Confidence in this Country

Amir and family

Amir and his family are stateless Palestinians. Amir, his wife Fatima and two eldest children, Leila and Abdul, arrived in Australia by boat in 2012. Since arriving in Australia, Amir and Fatima welcomed their daughter Zara and son Aref.

Amir was unaware of his two youngest children's eligibility for Australian citizenship until he first came to RACS for assistance with his visa in 2012. Through the course of seeking assistance from the RACS team in this process, he was informed by his lawyer of this entitlement. The family submitted a citizenship application for Zara in 2014 and are still waiting on a determination, almost five years later. In this time, their initial three-year temporary visa has expired.

'Being stateless has been a huge source of sadness for me in my life. At times it has made me question my very existence and made me wonder why my parents chose to bring me into this world. I've never felt like I have a future. Wherever I've gone, I have no rights. I hope for better for my children.

Like every father, I wish to see my children get a good education and have a bright future. My eldest daughter dreams of becoming a ballet dancer, while my son hopes to become a teacher. My younger daughter started school this year and loves it – she has already made so many friends.

All my children feel Australian. But being on a temporary visa makes it hard. My wife and I try to shield them from this uncertain future as much as we can, but this isn't always easy. Just last week the Principal at my children's school approached my wife in the school yard to ask for a certain letter he needs regarding the enrolment, because our visa has expired. Our children overheard this conversation and were asking us that night 'what does this mean?' This was hard for my wife and I – how can we explain this? We want our children to feel secure, and not carry our worries about their future.

Citizenship to me means protection and certainty for my children. Without it, I fear they have no future. The rules change all the time depending on the Government of the day. I see them remove people on visas. With citizenship, I would be less afraid for my children.

Citizenship for my children means having confidence in this country, stability in this country.

Our lawyer at RACS first told us about applying for citizenship for our two youngest children – we didn't know this was possible. Sometimes I wonder – if they hadn't told me about this process, how would I know? Applying for citizenship – even knowing it is a possibility – would be too hard for us to navigate without a lawyer.'

The Chance for a Safe and Permanent Future

Aisha and her daughter, Rahma

Aisha is a stateless woman of Rohingya ethnicity. She arrived in Australia by boat seeking asylum in 2013 with a group of her immediate and extended family members. Shortly after arriving, she met her husband, also a stateless Rohingya asylum seeker. Recently they welcomed their first child, daughter Rahma. RACS have been assisting Aisha and her extended family apply for protection in Australia. She is currently on a temporary five year SHEV.

Aisha was unaware of her daughter's potential claim to Australian citizenship and was informed of this by her legal team at RACS, in the course of obtaining visa assistance. She is in contact with a number of other Rohingya families in Sydney who have also had children since arriving in Australia. She believes many of them are not aware of their child's potential claim to Australian citizenship and are yet to make contact with a lawyer about this. The RACS team are currently preparing Rahma's application for citizenship.

'To be stateless means to have no country. This is very hard – and I feel deeply sad about it. I know people who aren't allowed to study or work because they are stateless – I worry about this for my daughter.

There is a huge difference in this world for children with citizenship, and those without it. When a child is very young they are innocent; they don't understand the difference. But as they grow, they begin to understand. I don't want my child to face this life of hardship and uncertainty.

I felt very sad growing up stateless. If my daughter could become an Australian citizen, I would feel very happy. It would mean she would have a safe and permanent future in Australia.

Being on a temporary visa makes me worried. I don't want my children to face the uncertainty this brings.

Without access to free legal support, this process would be very difficult; I don't think we could do it on our own.'



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The Dream of Citizenship

Nur, Faisal and family

Nur was pregnant with her first child, son Iman, when she arrived in Australia by boat seeking asylum with her husband Faisal. Iman was born shortly after they arrived, and spent more than the first year of his life held in immigration detention in a remote part of Australia, under threat of removal to the remote Island nation of Nauru, where Australia detains people seeking asylum. Through a separate legal action, Nur and her family won the ability to stay in Australia and apply for a visa.

Since being released from immigration detention the family obtained a temporary 5 year SHEV visa, and have welcomed three more sons; Aziz, Rahmat, and Husan. Nur dreams of having a daughter so plans to try for one more child in the near future.

Nur and Faisal are stateless by virtue of their Rohingya ethnicity.

RACS have been previously assisting Nur and Faisal to secure a SHEV visa, and subsequently proactively contacted them with an offer to assist with Iman's application for citizenship. Prior to this offer of assistance, Nur and Faisal were unaware that they could obtain free assistance with this process.

'We are stateless – we have no country. This is very hard. In our home country we had nothing, our life was very difficult. We couldn't do anything, go anywhere, choose our path.

Coming from nothing, we want to be happy in Australia, for our kids to be happy in their future. Our hope is that citizenship will make them safer and ensure they have a better life.

Safety is important to us. I have four sisters and a brother back in my home country. Every night I worry about them and cry when I think of them. I am afraid for them.

Being stateless makes things challenging for us here. My children feel Australian – yet we are often reminded they are not. For example, our eldest child Iman started kindergarten this year. It was so difficult trying to enroll him – they asked about his passport, his visa, his status. I felt embarrassed having to explain he has no passport – no identity. No certainty of his future. Having citizenship will make it easier for him – for all of our kids.

We want our children to grow up and become whatever they want to become. For them to have a safe and bright future. I believe getting citizenship will make this easier for them.

My husband and I have come from nothing. I want my children to have a better life – I want them to be Australian citizens. This is my dream.'

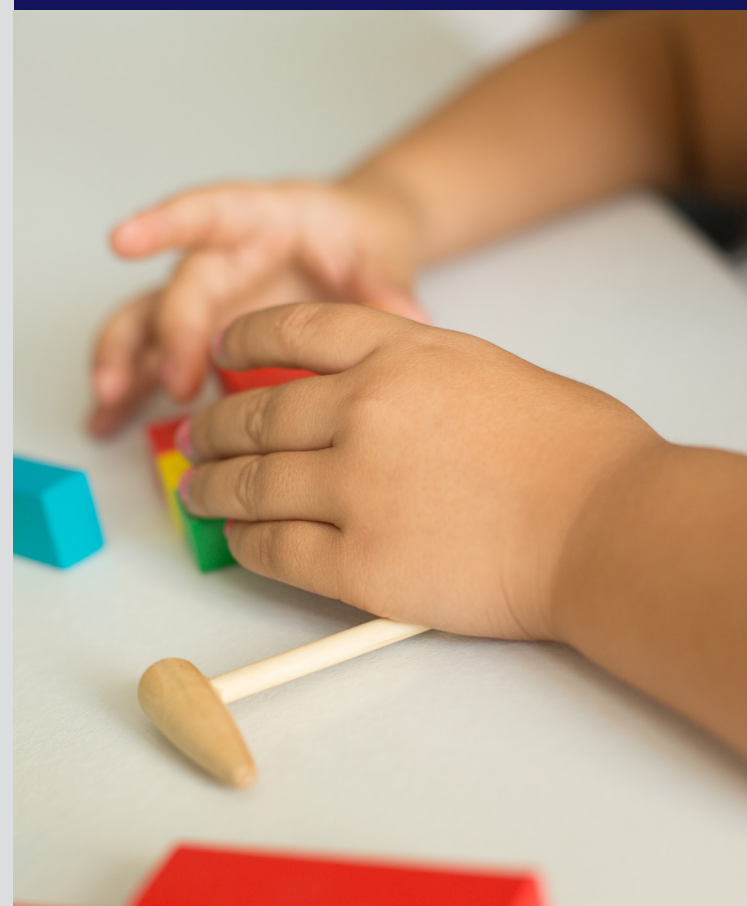
A LIFE-CHANGING DIFFERENCE

For children locked in a life of uncertainty — at risk of removal from Australia despite being born here — securing Australian citizenship is life-changing. But they can't do it alone.

More than providing them with a secure future — the ability to play, grow, learn, and contribute to our society — Australian citizenship offers them and their future generations safety and security; a place to call home.

Further research and legal support is needed to help other children realise their potential as young Australians.

The 'A Place to Call Home' Project provides groundbreaking — and for stateless children — vital research and legal support for stateless children in Australia, with life-changing outcomes.



'Citizenship to me means protection and certainty for my children. Without it, I fear they have no future. The rules change all the time depending on the Government of the day. I see them remove people on visas. With citizenship, I would be less afraid for my children.'

— Amir, stateless Palestinian father of four

Acknowledgements

Sarah Dale and Katie Robertson gratefully acknowledge the assistance of the Statelessness Hallmark Research Initiative, Peter McMullin Centre on Statelessness, Professor Michelle Foster, Dr Christoph Sperfeldt, Professor John Tobin, Hayley Jones and Allen & Overy for supporting the 'A Place to Call Home' Project. Particular acknowledgement goes to Ahmad Sawan and Isobel McGarity of the Refugee Advice and Casework Service for their exceptional commitment and legal work on behalf of stateless children in Australia. The authors also wish to acknowledge Asher Hirsch of the Refugee Council of Australia, Nicki Lees of Maurice Blackburn and Professor Kim Rubenstein for their generosity of time in being interviewed in the early stages of research. Thank you to Stephanie Jones and Hannah Gordon for editing assistance.

The Refugee Advice and Casework Service gratefully acknowledges the Australian Ethical Foundation and the Danks Trust for funding the Stateless Children Project.

Above all, the authors wish to acknowledge the stateless children and their families interviewed in this report for their bravery, honesty and hope for a better life.

May Australian citizenship one day be yours.

About this Project

Katie Robertson and Sarah Dale met in 2014, whilst both independently providing legal assistance to asylum seeker children on Christmas Island, many of whom faced transfer to Nauru. Katie worked extensively on the 'Baby Ferouz' matter, which involved successfully preventing the transfer of over 100 Australian born asylum seekers and their families to Nauru. She also worked on the first test case to secure Australian citizenship for an Australian born 'unauthorised maritime arrival' stateless child refugee, Ferouz.

Sarah worked to prevent the transfer of many unaccompanied children from transfer to Nauru and has represented more than 100 unaccompanied children through the process of seeking asylum in Australia, including those transferred to Nauru with complaints before the United Nations.

They have both since successfully provided legal assistance to stateless children in Australia in their application for citizenship. Together they are committed to highlighting the inadequacy of the protections for the rights of children, stateless, and refugees who arrive in Australia seeking asylum through research and frontline service delivery. As co-chairs of the Stateless Children Australia Network, they continue to advocate for greater legal support for stateless children nationally.



Katie Robertson



Sarah Dale

Endnotes

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²Refugee Advice and Casework Service, An Overview of the Current Legal Situation for People Seeking Asylum in Australia (Factsheet, November 2019) 3 <<https://www.racs.org.au/s/101-An-Overview-of-the-Current-Legal-Situation-for-People-Seeking-Asylum.pdf>>; Refugee Advice and Casework Service, Fact Sheet: Temporary Protection Visas (TPV) and Safe Haven Enterprise Visas (SHEV) (Factsheet, November 2019) 2 <<https://www.racs.org.au/s/202-TPV-and-SHEVs-Boat-Arrivals.pdf>>.

³Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 (Cth) sch 6 pt 1 cl 1, 7.

⁴An application for a visa is not considered a valid application under the Migration Act (n 1) if it is made by a 'transitory person' who is in Australia and who is either an unlawful non-citizen or a person who holds a bridging visa, a temporary protection visa, or certain other prescribed temporary visas: s 46B(1). Further, if a transitory person, who has been present in Australia for a temporary purpose, no longer needs to be in Australia for that purpose, then the person must be removed from Australia as soon as reasonably practicable: s 198(1A).

⁵The international legal definition of a 'stateless person' is 'a person who is not considered as a national by any State under the operation of its law.' See Convention relating to the Status of Stateless Persons, opened for signature 28 September 1954, 360 UNTS 117 (entered into force 6 June 1960) art 1 ('1954 Statelessness Convention'). See further Peter McMullin Centre on Statelessness, Factsheet: An Overview of Statelessness (Factsheet, September 2020) 1 <https://law.unimelb.edu.au/_data/assets/pdf_file/0007/3489676/Statelessness_overview_factsheet_Sept_2020.pdf>.

⁶Migration Act (n 1) ss 5(1)(d), (e), 199(2), (3); Australian Citizenship Act 2007 (Cth) s 21(8) ('Citizenship Act').

⁷Factsheet: An Overview of Statelessness (n 5) 1.

⁸1954 Statelessness Convention (n 5) art 1. See further Peter McMullin Centre on Statelessness, Factsheet: The 1954 Convention relating to the Status of Stateless Persons (Factsheet, September 2020) <https://law.unimelb.edu.au/_data/assets/pdf_file/0003/3489600/1954-Convention_factsheet_Sept_2020.pdf>.

⁹Factsheet: An Overview of Statelessness (n 5) 1.

¹⁰Ibid.

¹¹Ibid.

¹²'Statelessness Around the World', UNHCR (Web Page) <<https://www.unhcr.org/en-au/statelessness-around-the-world.html>>.

¹³UNHCR, I Am Here, I Belong: The Urgent Need to End Childhood Statelessness (Report, 2015) 4 <https://www.unhcr.org/ibelong/wp-content/uploads/2015-10-StatelessReport_ENG16.pdf>; Institute on Statelessness and Inclusion, Childhood Statelessness (Report, 2018) 4, 9 <<https://files.institutesi.org/childhood-statelessness.pdf>>.

¹⁴See further, Peter McMullin Centre on Statelessness, Factsheets: Childhood Statelessness (Factsheet, 2020)

<<https://law.unimelb.edu.au/centres/statelessness/resources/factsheets>>.

¹⁵1954 Statelessness Convention (n 5); Convention on the Reduction of Statelessness, opened for signature 30 August 1961, 989 UNTS 175 (entered into force 13 December 1975) ('1961 Statelessness Convention').

¹⁶Australia ratified the 1954 Convention on 13 December 1973: UN Treaty Collection, 3. Convention relating to the Status of Stateless Persons, 1 <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20V/V-3.en.pdf>>. Australia ratified the 1961 Convention on 13 December 1973: UN Treaty Collection, 4. Convention on the Reduction of Statelessness, 1 <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20V/V-4.en.pdf>>.

¹⁷International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) ('ICCPR'). Australia ratified the ICCPR on 13 August 1980: UN Treaty Collection, 4. International Covenant on Civil and Political Rights, 1 <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-4.en.pdf>>.

¹⁸International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature 7 March 1966, 600 UNTS 195 (entered into force 4 January 1969) ('ICERD'). Australia ratified the ICERD on 30 September 1975: UN Treaty Collection, 2. Convention on the Elimination of All Forms of Racial Discrimination, 1 <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-2.en.pdf>>.

¹⁹Convention on the Elimination of All Forms of Discrimination against Women, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) ('CEDAW'). Australia ratified the CEDAW on 28 July 1983: UN Treaty Collection, 8. Convention on the Elimination of All Forms of Discrimination against Women, 1 <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-8.en.pdf>>.

²⁰Convention on the Rights of the Child, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) ('CRC'). Australia ratified the CRC on 17 December 1990: UN Treaty Collection, 11. Convention on the Rights of the Child, 1 <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-11.en.pdf>>.

²¹Convention on the Rights of Persons with Disabilities, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) ('CRPD'). Australia ratified the CRPD on 17 July 2008: UN Treaty Collection, 15. Convention on the Rights of Persons with Disabilities, 1 <<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-15.en.pdf>>.

²²Citizenship Act (n 6) s 21(8).

²³Migration Act (n 1) s 5AA(1A)(b).

²⁴Ibid s 46A.

²⁵Ibid s 198AD(2).

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