



Australian immigration and asylum

'It starts with one child': white-hot anger in New Zealand as Australia deports 15-year-old



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Sun 21 Mar 2021 06.00 AEDT

In [New Zealand](#), a long-simmering resentment is burning into white-hot anger over Australia's secretive deportation of a 15-year-old boy, alone, to a country he barely knows.

“The abuse that is occurring under Australia's system, now the abuse of children, is horrific,” says Filipa Payne, the co-founder of Route 501, an advocacy organisation that assists people forcibly deported by Australia's adamantine immigration policies. “New Zealanders are growing outraged by this - especially the deportation of a 15-year-old boy - people are beginning to understand just how draconian these laws actually are.”

But the child removed to New Zealand this month “will not be the last” deported by Australia, advocates and lawyers say, as Canberra's punitive policy of forcibly removing non-citizens continues to escalate, despite the travel restrictions of the global pandemic.

Some [1,029 people were forcibly removed from Australia](#) last financial year, the second highest number on record.

The number of deportations under the notorious [section 501 of Australia's Migration Act](#) has [increased nearly tenfold in under a decade](#). In 2012-13 just 139 people were removed. In 2013-14, that figure was just 76.

There is little known publicly about the child's case. Government sources say his situation is complex, and NZ welfare group Oranga Tamariki has said it is preparing support for the child when he leaves hotel quarantine.

It is known that the child has lived the vast majority of his life in Australia, though he has some family in New Zealand, and is a New Zealand citizen. The child was removed from Australia alone.

It is unclear whether he was removed under section 501 of the [Migration Act](#), though lawyers in Australia argue as a minor forcibly held in immigration detention, he cannot be considered to have volunteered to leave.

There are also other sections of the act - such as [section 116](#) - which give the home affairs minister sweeping unchallengeable powers to cancel visas and deport non-citizens.

The New Zealand children's commissioner, Judge Andrew Becroft, said based on the information provided to him in a briefing, it appeared Australia had breached its international legal obligations under the UN convention on the rights of the child.

"It is the most signed convention in history, [we can't play fast and loose with it](#)," he told Radio New Zealand.

"I think there is every reason to conclude, on what I know at the moment, that while two countries have signed that convention only one is really applying it and abiding by it," he said.

Becroft said it appeared the child's interests were not considered pre-eminent in the decision to deport him, as the convention mandates.

"Why put him on a plane by himself, without support, to a country that I understand, we need to check this out, he has never been to before.

"By any analysis it seems to me to be outrageous on what we know so far."

And the child's deportation has been met with a rising resentment in New Zealand, compounded by Australia's home affairs minister, Peter Dutton, insisting the

forcible expulsion of non-citizens, such as the 15-year-old, on “character grounds” was simply Australia “[taking the trash out](#)”.

Several in New Zealand who spoke to the Guardian for this article noted Dutton made his comments on the anniversary of the Christchurch massacre, when an Australian citizen committed the most violent act in modern New Zealand history, murdering 51 people.

A spokesperson for Australia’s home affairs department says “non-citizens who do not hold a valid visa will be liable for detention and removal from Australia”.

“The department approaches visa cancellation of minors with a high degree of caution and consultation, to ensure all relevant factors are considered and the approach is consistent with community and government expectations.”

Payne says she fears the 15-year-old boy’s deportation will not be the last.

“How and why did this boy end up in a situation where he was facing deportation? It starts with one child, but it will not end with one.”

Payne says New Zealanders are systematically discriminated against by numerous pieces of Australian legislation, which leads to acute vulnerability, particularly among children.

New Zealand children cannot access the National Disability Insurance Scheme, despite all taxpayers in Australia contributing to it, and since legislative changes in 2001 they are cut off too from social security, crisis housing and other critical support.

“This leaves our children voiceless, this leaves our children vulnerable, to homelessness, and to dangers such as domestic violence,” Payne says.

“Our children in Australia have no political representation. For many New Zealanders, there is no fair pathway to permanent residency, they are unable to gain citizenship, unable to vote.”

Many of those deported from Australia to New Zealand as adults have lived almost their entire lives in Australia, and regard themselves as Australian, even if they have not formally adopted citizenship, or been able to.

Politically, the issue has been an escalating tension between Australia and New Zealand.

“Do not deport your people and your problems,” the New Zealand prime minister, Jacinda Ardern, publicly rebuked the Australian prime minister, Scott Morrison, last

year, telling him the forcible deportations were “corrosive” to the countries’ relationship.

“I have heard countless cases of individuals [deported to NZ] who on any common-sense test identify as Australians,” Ardern said.

“I met a woman who moved to Australia not much older than one year old. She told me she had no connection to our country but had three children in Australia. She was in a crisis centre, having returned to a country she did not feel was her own.”

A spokesperson for the Australian Lawyers Alliance, Greg Barns SC, told the Guardian it is “deeply troubling that Australia would deport any child in circumstances where they are alone”.

“The secrecy attached to it is again highly disturbing: while it’s convenient for government to say it is to protect the child’s privacy, it is of fundamental importance that there is transparency around the process.

“There is no doubt in our view, that the convention of rights of the child has been breached here. A child cannot be subject to adult detention, and the best interests of the child must always be placed first and foremost. That has clearly not been the case here.”

The Australian minister’s own legislation and guidelines - explicitly Direction 65, signed by now prime minister Morrison - insist that the interests of the child must outweigh all other concerns.

Australia has previously attempted to deport a minor. Barns helped a 17-year-old successfully appeal against their deportation.

Barns also says the child’s removal could not be cast as “voluntary”, even if he had agreed to go. The Guardian understands the child was being forcibly detained in Australia, and faced a continuing, potentially indefinite, detention if he did not accede to leaving the country.

“How could it be said to be voluntary, it’s a vulnerable 15-year-old kid, up against a government that was holding him. The circumstances are horrific.”

Meg de Ronde, the executive director of Amnesty International Aotearoa New Zealand, says many of those forcibly sent to New Zealand face “pretty horrific” circumstances.

“The isolation from family is incredibly difficult, people’s whole lives are in Australia: their partners, their children, everybody. There are huge issues because

many of these people have very few connections in New Zealand. The outcomes are pretty horrific in many cases.”

Australia’s use of the “character test” provisions of its legislation meant that some forced removals did not even require any criminality, de Ronde says. And she condemned the aggressive political rhetoric from Australian politicians.

“The dehumanisation is such a worrying approach from Australia. I have to think by constantly demonising and singling people out - ‘taking out the trash’ - this degrading language is just compounding the trauma and the shame and humiliation of this.”
