

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### (SE14/473) PROGRAMME –

Senator Wright (Written) asked:

What protocols exist to ensure children born through surrogacy are legally under the guardianship of the commissioning parents when an application for Australian citizenship is made?

*Answer:*

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.