

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: FJI31352
Country: Fiji
Date: 8 February 2007

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

Would a child who was born in Australia and whose parents are Fijian citizens be able to obtain a Fijian passport or travel document?

RESPONSE

Would a child who was born in Australia and whose parents are Fijian citizens be able to obtain a Fijian passport or travel document?

Country Research spoke to the Consul-General at the Consulate-General of the Republic of the Fiji Islands in Sydney and then sent an email to obtain the information in writing (RRT Country Research 2007, Email to the Consulate-General of Fiji 'Issue of Travel Document to Children born in Australia to Fijian Parents', 8 February – Attachment 1).

On 8 February 2007, the Consul-General provided the following information:

Thank your query concerning the above subject. I am copying you an email correspondence which was submitted to ... a staff of DIMIA in around July 2005, which I hope will satisfactorily address the issues you have highlighted.

Further to your email below and our discussion yesterday concerning the above topic, I am pleased to provide hereunder our reponse to your query on the same subject. This advice is based on an opinion furnished by the Fiji Government Solicitor General dated 4th May 2005.

1. That as a signatory of the Convention on the Rights of the Child (CRC) which Fiji ratified on 12th September 1993, the Fiji government will recognise and uphold the rights and interests of a child where an application for a Certificate of Identity (CI) is submitted for consideration;

2. As it is in the best interest of every child to be with his/her parents regardless of nationality, a CI can be issued where both parents are being sent home to Fiji after exhausting all legal avenues, having failed to acquire citizenship/permanent residence for themselves and their children in Australia. That is to say, subject to the laws of Australia, CI's should only be issued when a child first exhausts all his /her legal avenues to remain or to become a resident or citizen of Australia to the extent allowable by Australian or international law where applicable;

3. The issuance of a CI upon the request of a requesting state, in this case Australia, should not be entertained unless the child or the child's parents do not entertain, or the law of the requesting state does not allow any legal recourse to the decision to deport them.

4. Where a child is a citizen of Fiji, the above issues become irrelevant and a CI will be issued following receipt of evidence of citizenship.

We trust the above will clarify our current position with regards to the issuance of CI for children of Fiji nationals in Australia. Please do not hesitate to contact us if further clarification required (Consulate-General of Fiji 2007, Email to RRT Country Research 'Re: Issue of Travel Document to Children born in Australia to Fijian Parents', 8 February – Attachment 2).

This information has been included the attached document (RRT Country Research 2007, 'Issue of Travel Document to Children born in Australia to Fijian Parents: Information provided by the Consul-General at the Consulate-General of the Republic of the Fiji Islands in Sydney to the RRT on 8 February 2007', 8 February - Attachment 3).

List of Sources Consulted

Consulate-General of the Republic of the Fiji Islands in Sydney

List of Attachments

1. RRT Country Research 2007, Email to the Consulate-General of Fiji 'Issue of Travel Document to Children born in Australia to Fijian Parents', 8 February.
2. (Consulate-General of Fiji 2007, Email to RRT Country Research 'Re: Issue of Travel Document to Children born in Australia to Fijian Parents', 8 February.
3. RRT Country Research 2007, 'Issue of Travel Document to Children born in Australia to Fijian Parents: Information provided by the Consul-General at the Consulate-General of the Republic of the Fiji Islands in Sydney to the RRT on 8 February 2007', 8 February.