

When the New Zealand Prime Minister Jacinda Ardern met with Scott Morrison in Melbourne last Friday, Australia's policy of deporting New Zealand citizens on character grounds was at the top of the agenda.

Under this policy, Australia forcibly deported [more than 1,000 people](#) from 2016 to 2018, many who were Australian citizens. In 2014, when Morrison was minister for immigration, the [policy was expanded](#) to include mandatory deportation for non-citizens sentenced to [12 months or more in prison](#).

Read more: [***Why New Zealanders are feeling the hard edge of Australia's deportation policy***](#)

Ardern has always argued that deportations should not take place when a person has spent ten years living in a country.

She said the issue was having a "[corrosive](#)" effect on Australia's relationship with her country, and that Australia should not take the closeness of the relationship [for granted](#).

Moreover, people who stay in Australia to appeal their deportation are placed in immigration detention, which is, in effect, double punishment. And people who are deported are faced with essentially a life sentence of being deprived of access to family members.

A pattern of repeated representations from senior NZ politicians to their Australian counterparts about this issue is emerging.

Deportations a growing source of tension

The Australian and New Zealand governments have been at odds over this issue since the legislation changes were introduced in 2014.

In 2015, then NZ Prime Minister [John Key said](#) the deportation of New Zealand citizens went against the “Anzac bond and Anzac spirit”.

Other NZ ministers have been outspoken about the legislation, including Justice Minister Andrew Little, who [condemned the action](#) of the Australian government, saying the issue was “straining the relationship between the two countries”.

Read more: [***The long, bipartisan history of dealing with immigrants harshly***](#)

But this harsh deportation policy isn't the only issue creating strain in the relationship. New Zealand's offer to resettle refugees imprisoned in Australian offshore detention centres has been refused a number of times, most [recently](#) last week.

Morrison's apparent lack of willingness to take Ardern's concerns about deporting New Zealand offenders more seriously confirms a noticeable hardening in Australia's approach.

After Key first raised the issue in 2015, then Prime Minister Malcolm Turnbull [promised](#) a “more compassionate” approach, saying he would do what he could to speed up appeals, and that he was “alert” to the issue and “empathetic”.

But after Turnbull won the 2016 election, his approach shifted to a [harder line](#) . In March 2018,

he described Australia's approach as "fair", "just" and "moral".

Who are the offenders?

Home Affairs Minister Peter Dutton, who is responsible for making decisions about individual deportees, also confirmed on Friday that the policy would not change. Doubling down on Morrison's rejection of any policy change, Dutton told [Channel Nine](#) :

If you come as a New Zealand citizen, or a Brit, wherever you come from, your country of origin is where you go back to if you have committed a crime. [...] Where we've got Australian citizens who are falling victim in certain circumstances where people are sexually offending against children, for example, we've had a big push to try to deport those paedophiles.

Fair enough, most Australians may think.

But Dutton's remarks are highly misleading. The overwhelming majority of the people being deported are not paedophiles.

In fact, many people being deported from Australia under the "[character test](#)" have extensive [family ties](#) in Australia and have spent very little time in New Zealand, having arrived in Australia as children.

Losing contact with family

Deportees we've interviewed for as-yet unpublished research had experienced significant trauma because of this process, and a common theme in our research is grief from the loss of contact with children and other loved ones.

Stories of families being torn apart and children being raised by only one parent were particularly distressing for them to recount.

In one case, a person who has been deported to New Zealand came to Australia at three years old, and grew up in poverty.

Read more: [**Sri Lankan asylum seekers are being deported from Australia despite fears of torture**](#)

He became a thief because there was no food in the house, leading to him being arrested and eventually becoming a ward of the state. After he was arrested for low-level property offences, he was incarcerated in juvenile detention due to his limited ties in the community. He was repeatedly physically abused and sexually assaulted in Australian institutions. He became a heroin user and then a serial offender to feed his habit.

He spent over a decade in and out of prison and under the 2014 regime, he was deported to New Zealand. He has no family and no connections in New Zealand, but has three Australian-born children he rarely gets to see.

This man's offending behaviour cannot be excused. But his case raises legitimate concerns about Australia's degree of culpability in creating the environment that helped make him who he became.

It is this fact, and the importance of our friendship with New Zealand, which should make us re-think this policy, and give Ardern's "ten years" approach serious consideration.

The authors do not work for, consult, own shares in or receive funding from any company or organization that would benefit from this article, and have disclosed no relevant affiliations beyond their academic appointment.

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No, Peter Dutton. Most deported Kiwis aren't paedophiles and you're hurting our relationship with NZ

Written by Patrick Keyzer, Professor and Head of the La Trobe Law School, La Trobe University

Read more <http://theconversation.com/no-peter-dutton-most-deported-kiwis-arent-paedophiles-and-youre-hurting-our-relationship-with-nz-120655>