

Anne MacGregor
Freshfields Deringer
5, Place du Champ du Mars
1050 Bruxelles
Belgium

26 February 1999

Dear Australian living in Belgium,

Some of you may be aware that the Australian Citizenship Council has released an Issues Paper entitled 'Contemporary Australian Citizenship'. The Paper is available on the Internet at www.immi.gov.au/citizen1/issues.htm.

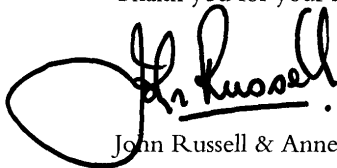
We believe that this Paper is of interest to all Australians living abroad. We were particularly interested to read paragraphs 96 to 102 of this paper, which deal with the issue of dual citizenship. It would appear from press releases made at the time of the release of the Issues Paper that the Government may be seriously rethinking its policy on this point.

The Australian Citizenship Council has invited written submissions on the issues raised in the Paper. We have written the enclosed letter, outlining what we believe to be the main concerns for Australians working in Belgium.

If you feel that this is an issue which you wish to support, we would be grateful if you would fill out the attached form and return it to us by 16 March 1999. If you know of any other Australians living in Belgium who may wish to show their support for this letter by signing the attached form, then please do not hesitate to make copies of it and to circulate it to as many people as you are able to.

Should you have any further questions, please feel free to contact Emma Sutherland at Freshfields Deringer, Phone (02) 504 7107.

Thank you for your support.

A handwritten signature in black ink, appearing to read 'John Russell', with a large, stylized initial 'J'.

John Russell & Anne MacGregor

Name: _____
Address: _____
Profession: _____
Number of years overseas: _____
Signature: _____

Please return to:
**Anne MacGregor, Freshfields Deringer, Bastion Tower,
Place du Champ de Mars 5, 1050 Brussels**

Name: _____
Address: _____
Profession: _____
Number of years overseas: _____
Signature: _____

Please return to:
**Anne MacGregor, Freshfields Deringer, Bastion Tower,
Place du Champ de Mars 5, 1050 Brussels**

Name: _____
Address: _____
Profession: _____
Number of years overseas: _____
Signature: _____

Please return to:
**Anne MacGregor, Freshfields Deringer, Bastion Tower,
Place du Champ de Mars 5, 1050 Brussels**

before the grant of Australian Citizenship and they are sentenced to death or imprisonment for a period of 12 months or more for that offence.

94 Furthermore, in addition to a person being convicted for any of the offences mentioned above, the Minister must consider that it would be contrary to the public interest for that person to continue to be an Australian Citizen.

95 It should be noted that legislative provisions and international Conventions relating to statelessness place limits on deprivation of Australian Citizenship where the person so deprived would become stateless. It also should be noted that deportation is not a necessary consequence of deprivation of Australian Citizenship. A person who is deprived of their Australian Citizenship whilst in Australia automatically receives permanent resident status. Any question of deportation is a matter which then depends on the operation of the provisions of the Migration Act.

Should Australian Citizens lose their Citizenship on applying for and receiving the Citizenship of another country?

96 Under the *Australian Citizenship Act 1948* any adult Australian Citizen who applies for, and acquires, the Citizenship of another country will automatically lose their Australian Citizenship.

97 Developments in Citizenship laws in other countries, the increasing international mobility of the work force, and specific changes to Australian immigration law raise issues in relation to loss of Australian Citizenship upon acquisition of another Citizenship.

98 Some feel that Australian Citizens who take out another Citizenship should continue to lose their Australian Citizenship on the basis that there

has been some loss of loyalty and commitment to Australia and the existing policy will help to give strength and cohesion to the nation.

99 Others consider that in the current international marketplace this requirement may place unnecessary and restrictive limits on individuals — often engaged in activities beneficial to Australia — who wish to pursue wider global goals in business or other spheres. They argue that for a wide variety of reasons it can also be advantageous to be the Citizen of another country in addition to being an Australian Citizen; that many countries now do not have a legal requirement that their Citizens lose their Citizenship on gaining another; that many people born overseas can retain the Citizenship of their country of origin and be able to take out Australian Citizenship (with up to five million dual Citizens already existing in Australia); and that in this respect, the current Australian legislation effectively discriminates against Australian-born Citizens by denying them the opportunity to have dual Citizenship. They say that it is not about questioning their loyalty to Australia but about the very nature of the changing international environment.

100 In considering these two seemingly opposite views, it is important to bear in mind that there is now greater movement of people internationally than ever before. Australians themselves now travel extensively for business, employment and personal reasons, sometimes taking up residence, on either a short or long term basis, in other countries. In 1997-98, for example, there were 14.9 million movements of people into and out of Australia, compared with 7.5 million movements in 1987-88. This trend will no doubt continue to rise at an exponential rate with the further internationalisation of the labour market and demand for skilled workers, cheaper fares, the tendency for temporary rather than

permanent movements — and even migration, and changing international opportunities both in Australia and overseas.

101 Some argue for maintaining the current legislative provisions on the following basis:

- The notion that a person cannot owe allegiance to more than one country.
- A person should be totally committed in a legal and emotional sense to one country.
- Having more than one Citizenship conflicts with notions of national identity and cohesion.

102 Arguments for removing the current restrictions include:

- The current restrictions can be arbitrary or discriminatory in their practical application. The existing law impacts most heavily on Australian-born as compared with the perhaps up to five million mostly foreign-born dual national Australian Citizens. This is because migrants becoming Australian Citizens can, subject to the laws of the country of their prior nationality, retain that nationality, and Australian-born children with migrant backgrounds often acquire two (or occasionally more) Citizenships.
- There is no evidence to suggest that those Australians who currently possess dual Citizenship are disloyal or lack commitment to Australia.
- There is an international trend towards dual Citizenship: the UK, Canada, NZ, France, USA and Italy all allow their Citizens to acquire the Citizenship of another country without this affecting their existing Citizenship status.

OTHER ISSUES

103 The Council would also welcome your comments about any other issues related to Australian Citizenship that have not been covered in this brief issues paper. Any comments on these matters would need however to clearly demonstrate the association to Australian Citizenship and the relationship to the Council's Terms of Reference.

PROCESS

104 The Australian Citizenship Council invites your **written submissions to be lodged by Friday 2 April 1999**. Submissions should be forwarded to:

**The Australian Citizenship Council Secretariat
Department of Immigration and
Multicultural Affairs
PO Box 25, Belconnen, ACT, 2616**

105 Please include your name, name of your organisation (if appropriate), address and daytime telephone number.