

Dual Citizenship Wins Approval of Australians Overseas

A new rule allowing Australians to adopt foreign citizenship without relinquishing their Australian citizenship is being welcomed by all but a few.

Excited by the prospect of dual citizenship, some Australians in the US, where citizenship can take years to process, have already applied.

"There's no reason not to take it now," said Kate Juliff, an Australian living in New York who runs a web site lobbying for the new rule.

Even with tough new legislation passed in the wake of September 11, dual citizenship rules are unlikely to raise any significant issues in the US legal system, said Joseph Bonnici, a Rhode Island-based lawyer who regularly deals with immigration issues for Australian clients in the US.

"Whether American citizens or prospective American citizens will also have another citizenship from a wonderful country like Australia is of no concern to the American government," said Bonnici.

The USA Patriot Act, which the US Congress passed in the wake of September 11, will not affect those applying for citizenship. Instead, by mandating close monitoring of arrivals and departures, it will affect permanent residents, who can only leave the US for a limited time if they wish to retain their status, Bonnici said.

While many Australians overseas have expressed satisfaction at the new rule, not everyone is happy; some have expressed disappointment that the new law will not be made retroactive.

"The past victims are left in the cold," said Janet Magnin, a freelance translator currently living in France who campaigned actively for the law. Magnin became a French citizen in 1994 for employment reasons, but didn't discover she had lost her Australian citizenship until 1998, when she tried to return home to visit her ailing mother.

Although Magnin was able to resume citizenship in 1999, her situation was complicated by the birth of her daughter, which occurred just months after Magnin lost her Australian citizenship. Because the new rule isn't retroactive, Magnin's daughter cannot claim citizenship by descent because she did not have an Australian parent at the time of her birth.

The Citizenship Legislation Amendment Bill 2002 repeals Section 17 of the Australian Citizenship Act of 1948; the section strips Australians of their citizenship if they do "any act or thing" resulting in foreign citizenship.

The new rule took effect on April 4, when Governor-General Peter Hollingsworth gave royal assent to the legislation.

The law is not without its detractors. The Herald Sun reported in October that Bruce Ruxton of the Returned and Services League pledged to campaign against the Federal Government if they supported dual citizenship.

Supporters of the new rule have long charged section 17 discriminates against native-born Australians, who are denied dual citizenship even though the status has been extended to some 4.4 million immigrants, who can maintain citizenship in their country of origin upon naturalization.

Ironically, Magnin's case is illustrative as she was able to retain her French citizenship upon resuming Australian citizenship in 1999.

The amendment brings Australia into line with other countries that have a large immigrant intake. Canada, New Zealand, the United States, the United Kingdom, the Netherlands, and France all allow dual citizenship.

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Courtesy of <http://www.immigrationsolutions.com.au>