



DUAL CITIZENSHIP

The Australian Citizenship Legislation Amendment Bill 2002 was passed through both houses of Parliament on 14 March 2002 and received Royal Assent on 4 April 2002 and therefore the repeal of Section 17 of the Australian Citizen Act has come in to effect as from 4 April 2002 - Schedule 1 of the **Amendment Act** provides for the following changes to the Act :

- repeal of Section 17 so that adult Australian citizens no longer lose their Australian citizenship if they acquire another citizenship after 4 April 2002.
- omits the reference to Section 17 from Section 23(1)(a) of the Act where previously, children lost their Australian citizenship when their parents lost theirs under Section 17.
- inserts into Section 23b a new subparagraph to allow children who lost their citizenship prior to 4 April 2002 because their parents lost theirs under Section 17, to continue to be able to resume their Australian citizenship under section 23b.

There are three possible situations where a person may be affected by the repeal of Section 17 :

- a person who acquires the citizenship or nationality of another country as from 4 April 2002 will not lose their Australian citizenship,
- a person who applied for the citizenship of another country prior to 4 April 2002 but did not acquire that citizenship until 4 April 2002 or later, will not lose their Australian citizenship,
- a person who applied for and acquired the citizenship of another country before 4 April 2002 will have lost their Australian citizenship under Section 17 of the Act.

The repeal of Section 17 will not apply retrospectively. A person who acquired the citizenship of another country prior to 4 April lost their Australian citizenship by operation of law under Section 17 at the time they acquired the other citizenship. Those who lost their citizenship under Section 17 of the Act, may still apply to resume their Australian citizenship under the current resumption provisions.

Summary of amendments to take effect from 1 July 2002 :

- Extending the age limit from 18 years to 25 years for a person, born outside Australia and whose parent was an Australian citizen at the time of their birth, to register as an "Australian citizen by descent" (amendment of Section 10b of the Act).
- Provide young former Australian citizens with an adequate period after reaching their majority, to resume their Australian citizenship where it was renounced in order to retain the nationality or citizenship of another country (Section 24ab inserted).
- provides for children under 16 years who acquire Australian citizenship with their responsible parent (or at a later date) to be given their own citizenship certificate. Previously, children under 16 years were included on the back of their parent's application for citizenship (Section 13(10) repealed and Sections 13(9b), (9c), and (9e) inserted).

- Strengthening aspects of the integrity of the Australian citizenship process by :
 - requiring the Minister to be satisfied that applicants (who are aged over 18 years) who apply under Section 10b 23aa, and 23b of the Act, are of good character,
 - imposing a 10 year ban on the grant of a certificate of Australian citizenship to a person who is a "serious repeat offender" in relation to a sentence of imprisonment (section 13(11)(ca) inserted),
 - introducing a new power for the Minister to revoke, in certain specified circumstances, the grant of a certificate of Australian citizenship before conferral of citizenship and providing review of this provision (section 14b inserted and section 52a(1) amended),
 - introducing a new power for the Minister to defer conferral of Australian citizenship in certain circumstances (Section 14c inserted), and,
 - clarifying that the prohibition on the grant of a certificate of Australian citizenship in paragraphs 13(11)(d) and 13(11)(e) also applies to a person who has in certain specified circumstances, been released from serving the whole of a sentence of imprisonment.
- Exempting a person who has completed at least 6 months full-time service as a member of an Australian reserve force, from the residence requirements in paragraphs 13(1)(d) and 13(1)(e) for grant of Australian citizenship (Section 13(3a) inserted).
- Inserting a note that highlights that a person who has committed a "people smuggling" offence before the grant of a certificate of Australian citizenship may, in certain circumstances, be subject to the deprivation of Australian citizenship under subsection 21(1) of the Citizenship Act.
- Amending the section heading for Section 10c to better reflect those people who are eligible to apply for Australian citizenship by descent under that provision.

If you wish to obtain further information, you may consult the following website www.immi.gov.au or contact MR Raymond MERCIECA at the Australian Embassy Berlin, Germany as follows :

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