



Mrs Beryl Spalding
7 Cedarwood House
24 Culloden Road
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ENGLAND

30 APR 2003

Dear Mrs Spalding

Thank you for your letter of 27 March 2003 concerning Australian citizenship.

First of all, I would like to thank you for participating in the Citizenship Affirmation Ceremony at Australia House in London. It was a privilege for me to meet the Australian community and I am grateful for your warm welcome.

You mention in your letter that you adopted two children in the 1970s and ask whether it would be possible for your son Ian to become an Australian citizen. You also mention that following your inquiries at Australia House in 1984, you were advised that the age limit for registration was 18 years of age and therefore, your children did not meet the requirements.

I would like to clarify the difference between a child born overseas to an Australian citizen parent and a child adopted overseas by an Australian citizen.

A child born overseas to an Australian citizen parent may be registered as an Australian citizen by descent provided all requirements are met, including the legal requirement that the child must have one natural parent who was an Australian citizen at the time of the child's birth. The registration must be made before the child is 25 years of age. Before the amendments introduced by the Australian Government in 2002 to the *Australian Citizenship Act 1948*, the age limit for registration was 18 years of age.

An Australian citizen who adopts a child overseas needs to apply for Australian citizenship on behalf of that child, provided the adoptive parents have been resident overseas for at least 12 months at the time of the adoption and at least one parent is an Australian citizen. In addition, the child must be under 18 years of age. This age limit has not been changed.


I sympathise with your situation but regret that currently I have no discretion under the *Australian Citizenship Act 1948* (the Act) to waive eligibility requirements for applications for Australian citizenship.

I can however assure you your situation is one which I have firmly in my gaze should there be a change in the Act.

May I suggest your son Ian explore migration options at the Australian High Commission in London.

In the meantime, I regret I am unable to be of more assistance to you on this occasion. I enjoyed meeting you in London and thank you for raising this matter with me.

Yours sincerely



Gary Hardgrave

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