

From: Citizenship@immi.gov.au [mailto:Citizenship@immi.gov.au]
Sent: 11 July 2007 10:15
To: anne@southern-cross-group.org
Subject: **Australian born individuals who lost British subject status prior to 26 January 1949** [SEC=UNCLASSIFIED]

Dear Ms MacGregor

Thank you for your letter dated 11 June 2007 to the Minister for Immigration and Citizenship, the Hon Kevin Andrews MP, concerning Australian born individuals and loss of British subject status prior to 26 January 1949. The Minister has asked me to respond on his behalf.

The assessment of the relevant law set out in your letter is accurate. The Nationality Act 1920 provided that a married woman was under a disability, and therefore did not lose British subject status on acquisition of the citizenship of another country. This information is available at Attachment A to the Reader's Guide: Australian Citizenship Act 2007, which can be found at www.citizenship.gov.au/law-and-policy.

Mr Macek's letter dated 12 January 2006 was based on limited legal advice that did not canvas the issue of disability and that is regrettable.

Assessments and decisions in individual cases must be made on the basis of an individual's circumstances and the information which has been provided. In the absence of specific details, my letter to Mr Milham in May 2007 made no assumptions but accurately noted that if a person had lost their British subject status prior to 26 January 1949 they would not have become an Australian citizen on that date.

Thank you for bringing this matter to the Minister's attention.

Yours sincerely

Mary-Anne Ellis
Assistant Secretary
Citizenship Branch

10 July 2007