

From: Adrian Burn (DIAC)  
Sent: Wednesday, 27 August 2008 10:06 AM  
To: Anne MacGregor (Southern Cross Group)  
Cc: Kate Pope (DIAC); Renelle Forster (DIAC)

**Subject: Re: War Brides - Faded Fingerprints [SEC=UNCLASSIFIED]**

Dear Anne

Apologies for the delay in responding to your e-mail of 9 July 2008 concerning the processing of applications for resumption and the inability of some elderly clients, in particular war brides, to provide standard documentation required by the department to assess applications against the character requirement.

You asked how many times an applicant must be rejected by the FBI because they have not been able to provide a clear set of finger prints for the purposes of a applying for a penal clearance certificate. You have noted that our office in Washington has indicated that the client must make three attempts before they will consider other options.

The Department is currently reviewing its policy on penal clearance certificate requirements for the elderly, and for people with a physical incapacity which prevents them from providing clear fingerprints, where these are required by an agency in order to issue a penal clearance certificate.

In the meantime we have asked both our Washington office and processing offices in Australia to take a liberal interpretation of the current policy on a case by case basis and where circumstances warrant it. This means that a person who is not able to provide a satisfactory set of finger prints on the first attempt when applying for a penal clearance certificate will be asked to provide alternative documentation such as a statutory declaration or a penal clearance certificate which is the result of a name only check.

In addition, you asked if a statutory declaration, oath, affirmation or affidavit made under US law and authorised by a US Notary Public would suffice in lieu of a statutory declaration made before an Australian consular or diplomatic official. I note that a US Notary is required to fully identify the person making the declaration before witnessing the statement, therefore giving the process a suitable degree of integrity. For the purposes of Citizenship, we do accept overseas equivalents to people in Australia who are able to witness similar documents. Therefore, a US Notary Public would be an acceptable person to witness a statutory declaration in this situation.

Thank you for bringing these matters to our attention.

Regards.

Adrian Burn  
Director Citizenship Law & Policy  
Citizenship Branch  
Department of Immigration and Citizenship  
Canberra