

From: Adrian Burn
Sent: Monday, 28 July 2008 9:45 AM
To: Anne MacGregor
Cc: Kate Pope; Kerry Vlatkovic; Renelle Forster

Subject: Re: Police Clearances: Descent + Resumption - Conflicting Requirements

Dear Anne

Thank you for your email of 14 July 2008 concerning the police clearances that applicants must provide to the Department when applying for Australian citizenship by descent or resumption, and your concerns that the Department is providing conflicting information through its different information channels. I apologise for the delay in responding.

I can confirm that the information presented on Form 118 and Form 132 is correct. In the case of the adult descent applicant who has resided in the Bahamas for approximately nine years and in the United Kingdom for just under one year, the applicant will be required to provide police clearances from both the Bahamas and the United Kingdom.

Please note that the Department's citizenship policy in relation to the requirements for overseas penal certificates has not changed. The Department has always required that a police clearance be provided for each country where the applicant has resided/lived when the applicant has spent a total cumulative period of 12 months or more outside Australia. The 12 months is a cumulative period that can be made up of several periods of absence from Australia. The 3 month period relates to the length of continuous time spent in any one country. The Department defines a period of residence/living in another country as generally being one with a continuous duration of 3 months or more.

For example, to illustrate I put forward a hypothetical situation, where an applicant had been outside Australia on the following dates:

- 01/01/05 – 30/06/08: Japan (6 months)
- 01/07/05 – 31/08/05: China (2 month)
- 01/09/05 – 30/11/05: Russia (2 months)
- 01/12/06 – 30/01/07: England (2 month)
- 20/03/07 – 30/03/07: Germany (10 days).

As the applicant had spent a cumulative period of over 12 months outside Australia he/she would be required to provide police clearances for each country in which they resided. As the applicant spent 6 months in Japan they would be required to provide a police clearance from Japan. As the applicant did not spend more than 2 months in any of the other countries, they would not be required to provide police clearances for any of those other countries.

I have taken note of the discrepancies in the information presented on the Department's website and forms. I apologise for the confusion that this has caused. The Department is currently looking at its public information, and efforts are being taken to ensure that the information provided through all channels is accurate and consistent. Your comments will be taken into consideration during this process.

In the meantime, please note that the information contained in the forms most accurately reflects the Department's policies in relation to police clearances.

Thank you for bringing this matter to my attention.

Regards,

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