



Australian Government
Department of Immigration and Citizenship

Ms Anne MacGregor
Co-founder
The Southern Cross Group
Email:anne@southern-cross-group.org

Dear Ms MacGregor

Thank you for your letters of 7 May and 14 May 2007 to the Minister for Immigration and Citizenship, the Hon Kevin Andrews MP, concerning the effect of Irish Post-Nuptial citizenship and the Australian citizenship status of Australian born children of certain war brides. The Minister has asked me to respond on his behalf.

The Legal Division of the Irish Department of Justice, Equality and Law Reform, through the Irish Embassy in Canberra, has provided the following advice in relation to post nuptial Irish citizenship:

“For post nuptial Irish citizenship to be granted, a few conditions had to be applied. One of these conditions was that the Form and Affidavit have to be signed on the same date and sworn before a person who is authorised to administer oaths. Therefore the date in which a declaration is sworn in front of the legal witness is the date in which citizenship will take effect.”

Your letter of 7 May stated that Mrs P made her declaration in January 2002. Given the foregoing advice provided through the Irish Embassy, Ms P lost her Australian citizenship under the now repealed section 17 of the *Australian Citizenship Act 1948*. It would of course be open to Mrs P to apply to resume her Australian citizenship.

The legal assessment of a fictitious case of an Australian born child of a war bride set out in your letter of 14 May is correct. However, you would appreciate that assessments and decisions in individual cases must be made on the basis of an individual’s circumstances.

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

Yours sincerely

Mary-Anne Ellis
Assistant Secretary
Citizenship Branch

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6 Chan Street Belconnen ACT 2617

PO Box 25 BELCONNEN ACT 2616 • Telephone (02) 6264 2244 • Facsimile (02) 6264 2479 • Website:
www.immi.gov.au

Email natcomms@immi.gov.au