



Applying for Australian Citizenship

under the *Australian Citizenship Act 2007*

Information for Applicants Residing in Canada

Fulfilling the Good Character Requirement

1. Introduction

From July 1, 2007, thousands of individuals in the Australian diaspora will be able to apply for Australian citizenship under changes enacted in the *Australian Citizenship Act 2007*.

The new law provides that the Australian Minister for Immigration and Citizenship must be “satisfied that the person is of good character at the time of the Minister’s decision on the application”.

This requirement is a mandatory legal prerequisite for all applications for Australian citizenship made by adults:

- Former Australian citizens applying for **resumption**
- Persons born outside Australia applying for **citizenship by descent** (i.e. those who had a natural Australian–citizen parent at the time of their birth)
- Persons applying for **citizenship by conferral** (i.e. grant/naturalization)

2. How to Demonstrate Good Character for Your Citizenship Application

To satisfy the good character requirement, the Australian Department of Immigration and Citizenship (DIAC) requires applicants for Australian citizenship aged 16 and over to provide **police clearance certificates** from all countries they have lived in for a period of 12 months or more (except Australia) since the age of 16.¹

3. Police Clearances in Canada

In Canada two different processes exist to conduct a police check for Australian citizenship purposes. You should first establish which category you fall into:

Group 1 – Residents of Canada with no criminal record; or

Group 2 – Non-residents of Canada, or residents of Canada with a criminal record.

¹ If you have lived in countries apart from Canada and Australia for 12 months or more since you were 16, you will also need police clearances from those other countries to file a complete Australian citizenship application. See Form 47P at www.citizenship.gov.au for details of how to obtain police clearances from other countries. Note that the *Australian Citizenship Act 2007* only empowers the Minister to be satisfied of good character for descent and resumption applicants aged 18 and over. The SCG is presently challenging the Minister on the Department’s administrative practice of requiring police clearances for those aged 16 and over. Further, as at April 2007, resumption/descent citizenship applicants under the 1948 Act only require police clearances going back 10 years, not for a person’s entire adult life. The SCG is also seeking clarification from the Minister as to why and whether that will change from July 1, 2007.

4. Group 1 – Residents of Canada with No Criminal Record

In order to establish “good character” for your Australian citizenship application you will need to obtain a local “*Police Certificate for Visa Purposes.*”

This certificate can be obtained from your local city police, or your local RCMP office if there is no dedicated city police force where you live in Canada.

You should contact your local police office in advance to find out local procedures for this process. Fees may vary depending on your local police force but you should expect the following:

- You will not normally be fingerprinted.
- You will almost certainly be required to make the request in person so the police office can verify your identification.
- You will likely require two pieces of ID.
- Fees will normally vary from \$35-\$75 CAD.

5. Group 2 – Non-residents of Canada, and residents of Canada with a criminal record

To show good character for your Australian citizenship application you will be required to obtain a “*Certified Criminal Record Check*” from the RCMP.

You should complete all the fingerprinting requirements, and include all the information required below in a letter to the RCMP. The address is at the bottom of this document under point 5.8. Processing times vary, but as of April 2007 are in excess of 120 days and no significant reduction is expected in processing times in the near future.

5.1 Have Your Fingerprints Taken

For a Certified Criminal Record Check, a full set of fingerprints will be required. If you are **in Canada** you must have your fingerprints taken on form **C-216C** at your local police station or private accredited fingerprinting agency. Depending on the police jurisdiction, a fee may be required.

If you are **outside Canada**: contact the nearest police force that offers fingerprinting services. The RCMP will accept fingerprint forms from foreign countries that contain the following:

- Rolled and flat impressions of all ten fingers taken with black ink
- Full name, date of birth and sex of the applicant
- The name and address of the police agency
- The signature of the official taking the fingerprints

5.2 Reason for Application

Clearly indicate the reason for your Certified Criminal Record Check, in this case that you are intending to apply for Australian citizenship and require it to verify your “good character” for the purposes of that application.

5.3 Personal Information

Ensure you provide your full name, date of birth, sex, mailing address and phone number and/or fax number and/or e-mail address. No further information is required. You do not need to provide your social insurance number, passport copies, photographs or addresses of former places of residence.

5.4 Identification of Police Service or Fingerprinting Agency

Verify the information recorded by the official taking your fingerprints and ensure that the official's name and signature, and the name of the agency is indicated on your fingerprint form.

5.5 Processing Fee

The processing fee is 25.00\$CAN or 18.00\$US, and is payable to the "Receiver General for Canada" by certified cheque or money order. Payments by credit card are not accepted.

The processing fee is in addition to the fee you may have to pay to have your fingerprints taken.

5.6 Release of Information to a Third Party

The release of personal information is governed by the Canadian *Privacy Act* and ministerial directives. If you want the results of your criminal record check forwarded to a third party, such as an agency, lawyer, friend or family member acting on your behalf, you must provide written consent authorizing the RCMP to release your criminal record information to the individual or agency.

The consent must contain a statement that you are aware that refusal to give consent to release information to a third party will not negatively affect your request. Your consent must be an original document.

NOTE: Faxed or photocopied consent letters are not considered valid and will be returned unprocessed.

5.7 Final Step (Checklist)

Before sending your application, make sure it contains the following:

- Original fingerprint form
- Full name
- Date of birth
- Sex
- Mailing address
- Phone number, fax number or email address
- Reason for application
- Processing fee
- Third party consent letter (if applicable)

5.8 Send Your Request to the RCMP

Forward your request with all relevant documents by mail or courier.

By mail:

RCMP
Civil Fingerprint Screening Services
P.O. Box 8885
Ottawa, ON K1G 3M8

By courier:

RCMP
National Police Services Building, Loading Dock #1
Information and Identification Services
Civil Fingerprint Screening Services
1200 Vanier Parkway
Ottawa, ON K1A 0R2

If you wish to have your results returned by courier, you must enclose a prepaid return envelope (not C.O.D.) taking into account the following:

- If you are outside Canada, the prepaid envelope must be from an internationally recognized courier service.
- If you are in Canada, the prepaid envelope must be from Canada Post or from an internationally recognized courier service.
- If you are using a courier service company, the attached waybill must bear an account number that could be from your own contractual agreement with a courier service company or from a courier service agency, in which case a temporary account number would be given upon payment of one prepaid envelope.
- If you have difficulty obtaining a temporary account number from an agency, call other agencies until you find one that will provide an account number.
- All conditions above must be met, otherwise documents will be returned by regular postal service, even if funds or credit card information is provided to pay for courier service.

6. Lodging your Australian Citizenship Application

Once you have received either your "Police Certificate for Visa Purposes" (following the procedure under point 4 above) or alternatively your "Certified Criminal Record Check" (following the procedure under point 5 above), put the document in a safe place. You will need the original when you file your Australian citizenship application after July 1, 2007.

You should also make sure that you collect up the rest of the supporting documentation that you will need to put with your Australian citizenship application.

If you are a **former Australian citizen** and will be applying to **resume** your Australian citizenship, check the list of required documentation at:

<http://www.citizenship.gov.au/law-and-policy/new-act/na-resumption.htm>

If you were **born outside Australia** and had an Australian-citizen natural parent at the date of your birth, and will be applying for citizenship **by descent**, check the list of required documentation at:

http://www.citizenship.gov.au/law-and-policy/new-act/na_descent.htm

If you were born outside Australia to someone who had lost their Australian citizenship before your birth, and will be applying for citizenship **by conferral**, check the list of required documentation here:

<http://www.citizenship.gov.au/law-and-policy/new-act/na-conferral.htm>

The application form you will need to apply for Australian citizenship will be available online from www.citizenship.gov.au from July 1, 2007. Do not print off or start filling in any citizenship forms from that website before July 1, 2007 because you will be wasting your time. Existing citizenship application forms will all be fully replaced and updated from July 1, 2007 when the *Australian Citizenship Act 2007* comes into force.

Those resident in Canada will apply for Australian citizenship through the Australian High Commission in Ottawa. For the address, opening times, filing fees and further information see the AHC website at:

<http://www.ahc-ottawa.org/otwa/Visas1.html>

If you have further questions or experience any difficulties as you prepare your Australian citizenship application, or if you have useful information to share with other applicants in Canada, contact Brett Rueff, the SCG's volunteer co-ordinator for Canada in Vancouver, at brett@southern-cross-group.org.