

From: Anne MacGregor [<mailto:anne.macgregor@skynet.be>]

Sent: 18 November 2005 00:34

To: mary-anne.ellis@immi.gov.au; nadine.clode@immi.gov.au

Subject: **Citizenship Bill: Loss of Citizenship before 26/1/49**

Dear Mary-Anne and Nadine,

The Southern Cross Group would like to seek clarification as to whether certain Australians who lost their British subject status prior to 26 January 1949 will have access to Australian citizenship under the Australian Citizenship Bill 2005. It has come to our attention that a number of individuals in the Australian diaspora who have contacted the SCG may be impacted.

The attached document sets out our questions in further detail.

We look forward to your response.

Kind regards,

Anne MacGregor
Co-founder
Southern Cross Group
Brussels

Attachment to E-mail of 18 November 2005

**Questions to DIMIA
*Australian Citizenship Bill 2005***

Does the Bill provide access to Australian citizenship for all those Australians, both male and female, who lost their British subject status before 26 January 1949?

In particular:

- A. Is it the case that an Australian woman with British subject status who married an alien after the date of Federation but before 26 January 1949 and simply by act of marriage, under the law of her husband's country, automatically acquired his citizenship, retained her British subject status under the law of the Commonwealth?
- B. If the answer to A is no, did such women become Australian citizens on 26 January 1949?
- C. If an Australian woman with British subject status married an alien during the period after the date of Federation but before 26 January 1949, and did not automatically acquire the citizenship of her husband's country under the law of his country purely by act of marriage (as in the case of thousands of Australian women who married US servicemen during and after the Second World War), did the woman forfeit her British subject status under the law of the Commonwealth due to that marriage?
- D. If the answer to C is yes, were such women left stateless upon marriage?
- E. If the answer to C is yes, and the woman concerned acquired, by voluntary act, after the date of her marriage, but before 26 January 1949, the citizenship of another country, did she become an Australian citizen on 26 January 1949?
- F. If the answer to C is yes, and the woman concerned did not, after the date of her marriage, but before 26 January 1949, acquire by voluntary act the citizenship of another country, did she then become an Australian citizen on 26 January 1949?
- G. Did an Australian man with British subject status, or an unmarried Australian woman with British subject status who acquired by voluntary act the citizenship of another country after the date of Federation but before 26 January 1949, forfeit their British subject status in so doing?
- H. If the answer to G is yes, did such individuals become Australian citizens on 26 January 1949?
- I. Was there provision for the formal, voluntary renunciation of British subject status by Australians under the law of the Commonwealth at any time from the date of Federation until 26 January 1949?
- J. If the answer to I is yes for any or all of that period, did Australians who formally renounced their British subject status prior to 26 January 1949 become Australian citizens on 26 January 1949?
- K. If minor children of Australians with British subject status lost their British subject status due to their parent's loss under any of the scenarios above, did they become Australian citizens on 26 January 1949?

If the answer to any of B, E, F, H, J or K above is no, was the Department previously aware that the *Australian Citizenship Bill 2005* does not cover these groups of individuals, and have specific policy decisions been taken to exclude them from the Bill if the Department was aware that they were not covered? If specific policy decisions have been taken, on what grounds have these decisions been taken?