

From: greg.macek@immi.gov.au [mailto:greg.macek@immi.gov.au]
Sent: 12 January 2006 00:22
To: anne.macgregor@skynet.be
Cc: nadine.clode@immi.gov.au
Subject: Fw: **Responses to questions on Australian Citizenship Bill 2005**
[SEC=UNCLASSIFIED]

Anne

I received an out of office message from your linklaters email address.
Please find our responses to your questions below. thanks g

Greg Macek

(02) 6264 2993

----- Forwarded by Greg Macek/ACT/IMMI/AU on 12/01/2006 10:20 AM -----

Greg
Macek/ACT/IMMI/AU

11/01/2006 06:10
PM

To
jajenkins@sprint.ca,
anne.macgregor@linklaters.com
cc

Subject
Responses to questions on
Australian Citizenship Bill
2005 [SEC=UNCLASSIFIED]
Protective Mark
UNCLASSIFIED

Dear Anne and Jeremy

Apologies for the delay in responding to your e-mails of November 2005.
Please find below responses to the questions you have asked in your e-mails
that the Department is in a position to respond to.

Kind Regards

Greg Macek
A/g Assistant Secretary
Citizenship and Language Services Branch
Citizenship, Settlement and Multicultural Affairs Branch

DIRECT E-MAIL of 20 NOVEMBER 2005

ANSWERS - WOMEN AND BRITISH SUBJECT STATUS

This issue of woman who became a citizen of another country by reason of her marriage alone was governed by section 18 of the Nationality Act 1920, which was subject to significant amendments (in 1936 and 1946 which introduced sections 18A and 18B) until the Citizenship Act 1948 (the Act) repealed it. In 1949 when the Act commenced, transitional provisions restored citizenship to married woman in certain circumstances. A woman with British subject status who ceased to be a British subject by reason, relevantly, that on her marriage to an alien she acquired

the nationality of her husband, she was deemed to be a British subject immediately before the commencement of the Act.

A woman with British subject status married an alien and who did not acquire the citizenship of her husband by virtue of her marriage and prior to 26/01/49, and who did not acquire the citizenship of another country by a voluntary act and prior to 26/01/49, did not cease to be a British subject.

The position of a woman who did not acquire the citizenship of another country by virtue of her marriage to an alien was the same as that of men prior to the commencement of the Act. As such, women or men who acquired the citizenship of another country by a voluntary act prior to 26/01/49, ceased to be British subjects (section 21 of the Nationality Act 1920).

Section 22 of the Nationality Act 1920 provided that a person who was also a subject of another foreign state, and who was of full age (i.e 21) and not under disability (i.e woman) to make a declaration of alienage. On making the declaration the person ceased to be a British subject.

In 1949 when the Act commenced, the transitional provisions which provided for a person becoming an Australian Citizen were premised on the person being a British Subject.

Greg Macek

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