

The Southern Cross Group

Promoting Mobility in the Global Community



The Hon Kevin Andrews MP
Minister for Immigration and Citizenship
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House of Representatives
Parliament House
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AUSTRALIA

Via fax: 0061 2 6273 4144 and 0061 3 9848 2741

By e-mail to Kevin.Andrews.MP@aph.gov.au

20 June 2007

Availability of New Citizenship Application Forms on the Commencement of the *Australian Citizenship Act 2007*

Dear Minister

We write concerning the availability of the new forms to be used for the making of citizenship applications under the *Australian Citizenship Act 2007*.

Thousands of people in the Australian diaspora who will be eligible to apply for Australian citizenship under various provisions of the 2007 Act have been waiting for this legislation for many years. Understandably, many of them want to file their applications at the first opportunity.

The SCG is presently working on a one-to-one basis with a number of applicants for resumption, descent and conferral based in the UK, with a view to having those people ready to file their applications as a group on Monday 2 July 2007 at the Australia High Commission in the Strand in London at 9:30 am when the Immigration and Citizenship section opens. It is anticipated that there will be media coverage of this event by the Australian media. The High Commission in London has been informed.

We had thought that the new forms for use with applications under the new Act would be available online at www.citizenship.gov.au from the time the Act enters into force, i.e. at 00:01 on Sunday 1 July 2007 Canberra time, which would be 15:01 on Saturday 30 June in London.

It seems however that the Department of Immigration and Citizenship is unwilling to commit to having the new forms available online at any precise time.

We originally enquired as to the exact timing of the availability of the new forms with Nadine Clode of DIAC on 13 May, receiving a response on 15 May. That exchange is attached as an **Annex**.

In her response dated 15 May 2007, Ms Clode merely stated that the forms would be available "as soon as possible".

In an e-mail to Lara Wood-Gladwin, Senior Migration Officer at the Australian High Commission in London dated 15 June, we again took up this matter, in the context of preparing applicants to be ready for the 2 July London filing event.

An endorsed passport sized photograph must be submitted with all citizenship applications under the 2007 Act, and the photo endorser must also complete the Proof of Identity page/section of the applicant's form. This means that those people who wish to file in London on the morning of 2 July need to be able to organise to see their endorser, with their application form and photo, between the time the forms become available online and 9:30am on Monday 2 July 2007 London time, in other words, on Saturday afternoon/evening or during the day on Sunday London time.

We suggested to Ms Wood-Gladwin that the logistics of preparing individuals in the UK for the morning of 2 July would be greatly eased were the Department able to make the new forms available a few days ahead of 1 July. We also pointed out that we had at that stage received no firm commitment as to exactly what day and time the new forms would go online from Canberra – merely an “as soon as possible”.

On 18 June Ms Wood-Gladwin passed on a response from the Department’s National Office that stated:

Any plans for applications to be made at the first available opportunity after the legislation commences are obviously a matter for the individual concerned.

Further, DIAC stated:

Applications under the Australian Citizenship Act 2007 must be made on forms approved under that Act. The forms cannot be approved in advance of the commencement of the Act on 1 July 2007. Arrangements are being made for that to occur as early as possible on that day. Following approval of the forms they will be made available on the website as soon as possible thereafter.

We note that in the last 24 hours, the following text has been added to the “Applying Under the New Act” page of the *citizenship.gov.au* website.

Please note: New Forms - Applications under the Australian Citizenship Act 2007 must be made on forms approved under that Act. The forms cannot be approved in advance of the commencement of the Act on 1 July 2007. Following approval, the forms will be made available on this website as soon as possible on 1 July 2007.

It would therefore appear that the Department is now prepared to commit to making the forms available at some point on Sunday 1 July, but is unwilling to commit to the forms being available at 0:01 on 1 July.

It is clear that applications under the Act must be on a relevant form approved by the Minister. But the forms concerned are already final. On 15 June I spoke to Jeremy Hawson at the Australian High Commission in Malta, who advised me that the Southern Cross Group’s Coordinator in Malta would be given, within a few days, a copy of the new resumption application form, as “the form was already final”, and “even though it is embargoed until 1 July”. It was only after having heard this that we suggested to Ms Wood-Gladwin that evening that all the forms might be made available a few days ahead of 1 July for the London group.

Even if that undertaking given by Mr Hawson is not honoured, the fact remains that the SCG still has no clear undertaking from the Department as to the precise time on 1 July that the new application forms will come online.

The phrase being used by the Department – “as soon as possible” – does not allow those individuals who want to file their applications in London on the morning of 2 July to make any firm plans for Saturday 30 June or Sunday 1 July to meet with their endorsers.

A number of people presently hoping to file on 2 July do not live in London and will need to travel in to London from other parts of the UK and abroad, incurring travel and accommodation costs. They are understandably reluctant to book and pay for travel and accommodation at this stage while it is uncertain if or when the forms will be available online over the weekend in London.

The Department’s statement on 18 June that “any plans for applications to be made at the first available opportunity after the legislation commences are obviously a matter for the individual concerned” is essentially a retort that any good faith attempts by applicants in London to be ready for 2 July by seeking to complete their forms on Saturday 30 June and Sunday 1 July are not DIAC’s concern or responsibility. This attitude by the Department is unacceptable when such applicants are entirely dependent on the forms coming online immediately the Act enters into force, a matter that only the Department controls.

We seek an immediate and clear undertaking from you as to the exact time that the relevant new citizenship application forms will go online on the Department’s citizenship website or otherwise be made available to the Southern Cross Group.

The SCG's 2 July citizenship filing event has already been widely publicised. If your Department is not going to be ready and will not have the new forms available promptly at 0:01 am Canberra time on the commencement date of the new Act, thereby in practical terms hindering and perhaps preventing individuals in London and elsewhere in the world from applying for citizenship on the first working day after the Act comes into force, the SCG will have to announce the cancellation of those plans and the reason for that cancellation.

We trust that you will give this matter your personal attention and look forward to a response signed by yourself as soon as possible.

Kind regards,

Anne MacGregor
Co-founder

Annex (2 pages)

Cc: Mr Tony Burke, MP
Shadow Minister for Immigration, Integration and Citizenship

Mr Richard Alston
Australian High Commissioner to the UK

Ms Lara Wood-Gladwin
Senior Migration Officer, London

Mr Jurek Juszczak
Australian High Commissioner to Malta

Ms Mary-Anne Ellis, DIAC (via e-mail only)

Ms Nadine Clode, DIAC (via e-mail only)

All potential 2 July London citizenship applicants