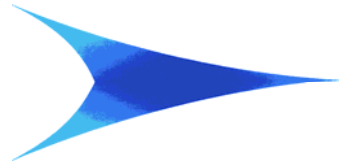


# The Southern Cross Group

*Promoting Mobility in the Global Community*



## Frequently Asked Questions

### Applying for Australian Citizenship

under the *Australian Citizenship Act 2007*

Information for Applicants Residing in the United States

#### 1. I'm not sure if I qualify for Australian citizenship under the new Act. How can I find out?

The Southern Cross Group (SCG) website carries comprehensive information. You should compare your situation to the fictitious examples of the war bride family discussed on the [war brides pages of our website](#) to understand how the new citizenship legislation will operate, even if you are not a war bride, or the child or grandchild of a war bride.

The main "expat fixes" in the new Act are outlined in simple language in our media release of March 20, 2007, which you can download [here](#).

The Australian Government citizenship website should also be consulted: [www.citizenship.gov.au](http://www.citizenship.gov.au). In particular, through that website you can access the [full text of the Act](#) as well as a special [Reader's Guide](#), and the text of the [Australian Citizenship Instructions](#) (approved Departmental policy guidance on the Act).

If you are still not sure after consulting the above sources, then we are happy to look at your case and provide you with a short legal assessment. Write to us at [info@southern-cross-group.org](mailto:info@southern-cross-group.org), providing your name, date and place of birth, full contact details and the date and places of birth of your parents as well as information as to their naturalization dates in later life, if any.

If you don't have e-mail, call our SCG volunteer Robyn Stephenson in Michigan on (616) 748 7993, e-mail [robyn@southern-cross-group.org](mailto:robyn@southern-cross-group.org).

#### 2. If I become an Australian citizen, will my US citizenship be impacted? Can I be a dual citizen?

Your US citizenship will not be impacted. You will become a dual citizen. There are already many people who are dual Australian/US citizens.

If you hold some other citizenship – e.g. German or Danish, or some Asian citizenships, then the laws of those countries might mean that you automatically forfeit or must formally renounce that citizenship on becoming Australian. If in doubt, check with the consular authorities of the country concerned to learn what their national citizenship law says. Note that [Australian law](#) does not require that you formally renounce your other citizenship(s) on becoming Australian. But the law of some other countries may not allow you to hold dual citizenship.

Those with US, Canadian, British, Irish, and New Zealand citizenship will become dual citizens on obtaining Australian citizenship. Many other countries also allow dual citizenship.

Date of publication: August 10, 2008.

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### 3. When did the new *Australian Citizenship Act 2007* come into force?

The Act was passed by the Australian Federal Parliament on March 1, 2007, and received royal assent from the Governor-General on March 15, 2007. It entered into force on July 1, 2007.

As of the date of finalization of this guidance document, the new Act had not been amended since July 1, 2007.

### 4. Where can I get a citizenship application form?

Current versions of all Australian citizenship application forms are always available online at:

<http://www.citizenship.gov.au/law-and-policy/forms/index.htm>

**Resumption** applicants should use [DIAC Form 132](#).

Those born outside Australia who had an Australian-citizen parent on their date of birth, applying for citizenship by **descent**, should use [DIAC Form 118](#).

Those born outside Australia to a person who had lost their Australian citizenship by the applicant's date of birth, applying for citizenship by **conferral**, should use [DIAC Form 1290](#).

The forms available from the above website are in a special pdf-fillable format. This means that as long as you have Adobe reader software on your computer, you can save the form to your local hard drive, and fill it in largely on screen, then save it again before printing it out. This is much neater than filling in a hard copy of the form by hand and allows you to correct any mistakes as you go along, before you print the final version. You must lodge a hard copy in the end (you cannot e-mail your application to the Australian Embassy), and you must sign it by hand. Your photo endorser must also fill in the Proof of Identity section by hand and sign that section.

If you do not have internet access, then call the Australian Department of Immigration and Citizenship's (DIAC) toll-free North American information line Monday to Friday, 10 am to 5 pm, Eastern time, to have a hard copy of the correct form posted to you: Tel: **1 888 990 8888**. Or send an e-mail to [\*immigration.washington@dfat.gov.au\*](mailto:immigration.washington@dfat.gov.au).

Alternatively, our SCG USA volunteer Robyn Stephenson in Michigan is also happy to post you the correct application form: [\*robyn@southern-cross-group.org\*](mailto:robyn@southern-cross-group.org), tel (616) 748 7993.

**IMPORTANT NOTE:** DIAC updates its citizenship application forms from time to time. It is impossible to predict when forms might next be updated. Immediately before you are ready to file your complete citizenship application, once you have collected up all relevant original supporting documentation, you should check that you have the very latest edition of the form relevant for your circumstances. Look at the bottom of the form, at the footer in tiny print, usually on right hand side, which will state the design date and the month and year. Compare the hard copy you have with the edition available on the Department's website above, or call the DIAC information line or the SCG's Robyn Stephenson to check there is no more recent form. If you try to apply using an out-of-date application form, you will be asked to re-do your application and this will greatly slow down the process.

### 5. Where and how do I lodge my citizenship application and are there filing fees?

If you are resident in the US, then you have to file through the Embassy of Australia, 1601 Massachusetts Ave, NW Washington DC 20036.

Make sure you send your application form, photo and original documents as well as set of photocopies of original documents by a completely safe method: e.g. FedEx, UPS, US Express Mail – or some other track and trace service. Do not entrust them to the ordinary post.

You should also include a US Post Office pre-paid self-addressed Express Post envelope in your application package for the safe return of your original documents by the Embassy.

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There are **filing fees** for Australian citizenship applications, and the fee varies slightly depending on the category of citizenship you are applying for. Fees are always revised and adjusted on 1 January and 1 July each year.

For lodgment details, information on current fees and payment methods accepted by the Australian Embassy in Washington, consult this page:

[http://www.usa.embassy.gov.au/whwh/DIAC\\_lodgement.html](http://www.usa.embassy.gov.au/whwh/DIAC_lodgement.html)

Personal checks are not accepted, and payment must be in US dollars. Visa, Mastercard, AmEx and Diners Club are acceptable, or a certified bank check or money order.

If you don't have internet access and require more information on current fees and methods of lodgment and payment, call the DIAC North American advice line: **1 888 990 8888**, or our SCG volunteer Robyn Stephenson in Michigan, tel (616) 748 7993.

## 6. Apart from the citizenship application form, what other documentation will I need?

Key pieces of supporting documentation you will need to put with your application are police clearances, one from your US state of residence, and an FBI criminal history record check. Consult the separate SCG information sheet on this subject called "Fulfilling the Good Character Requirement". It is [available here](#) on our website or call our SCG volunteer Robyn Stephenson to have a hard copy sent to you: (616) 748 7993.

Police clearance documents take a number of weeks once ordered, so tackle that step first. Once your police clearance has been ordered, while you are waiting for it to come back, you can start to assemble all the other original documents you will need.

The Australian Government citizenship website has guidance on the exact original documentation you will need to put with your application form. The documents you will require depend on the category of citizenship you will be applying for.

If you are a **former** Australian citizen and will be applying to **resume** your Australian citizenship using [DIAC Form 132](#), check the list of required documentation at:

<http://www.citizenship.gov.au/applying/resuming-citz-docs.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** using [DIAC Form 118](#), check the list of required documentation at:

<http://www.citizenship.gov.au/applying/categories/citz-by-descent-docs.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** using [DIAC Form 1290](#), check the list of required documentation here:

<http://www.citizenship.gov.au/applying/categories/born-former-citz-docs.htm>

If you don't have internet access, then call the DIAC information line for North America or SCG volunteer Robyn Stephenson to find out exactly which original documents you will need.

As a general rule, all applicants need an original of their own birth certificate, showing full details of their parents.

Further, women applicants also need to present originals of all their marriage certificates if ever married, to show why their surname changed at various points during their life. Other original documentation which shows a change of surname, such as a divorce decree for example, or a change of name by deed poll (for both men and women), must also be presented.

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All applicants should also present their current passport/s (if they have one/any) regardless of country or countries of current citizenship/s.

If you are applying to **resume** your Australian citizenship, because you lost it when you became a US citizen in the period January 26, 1949 to April 4, 2002, then you will need to present your original certificate of US naturalization, OR an official copy of the US National Archives record of your US naturalization.

If the citizenship applicant is born outside Australia and is the **child of a person who lost their Australian citizenship** in that period due to US naturalization, then the applicant will generally need their parent's original US naturalization certificate or a US National Archives official copy of the record. If you need help on this point, contact the SCG.

The above is not a complete list of documentation required. It is very important that you find out exactly what is required for your particular circumstances. Do not file your citizenship application until you have all the relevant original documentation to put with the application form. If you file an incomplete application, this will slow down the processing of your application considerably.

If several family members are applying together, we advise sending all the applications to the Embassy in one big envelope. That way, any original document which forms part of more than one application need only be sent in once.

Note that you will get all your original documents back from DIAC. Although many people don't like to send in their original documents, and we understand that, we stress that it is absolutely necessary. A mere photocopy of the original document is not sufficient. DIAC must sight your originals, but you will get them all back.

Once you have assembled all your originals, make two photocopies of each original document. Put one set of photocopies aside for your personal records. Have the other set of photocopies certified as "true copies of the originals" by the same person who endorses your photo. See the separate SCG guidance document on how to make certified copies. You must send in your original documents and a set of photocopies certified as true copies with your application form.

## **7. How do I obtain Australian birth certificates?**

You may need a full birth certificate for yourself if born in Australia, or for your parent, if they were born in Australia and you were born outside Australia. You may also need to show an Australian marriage certificate, depending on the circumstances. Consult the links under Question 6 above to understand fully which documentation you will need.

If you no longer have an original full birth certificate for the person concerned, then you will need to order a fresh original from Australia. Note that original documents will be returned to you by DIAC once they have been sighted by consular officials processing your citizenship application.

In Australia, births, deaths and marriage records are maintained by the individual States and Territories. Consult the separate SCG information sheet entitled "Obtaining Birth, Death and Marriage Certificates from Australia" for address and other details for each State and Territory. It is available for [download here](#). Or call our SCG volunteer Robyn Stephenson on (616) 748 7993 to have a hard copy sent to you.

In rare cases you may find that Australian state privacy laws mean that you cannot obtain a fresh original birth or marriage certificate for a person other than yourself. If you encounter this problem, contact the SCG. DIAC is aware of the issue.

**8. The *citizenship.gov.au* website says I need a photograph endorsed by an Australian citizen who has known me for 12 months and belongs to a specific occupation category. What do I do if I don't know anyone who falls into this category?**

If you live outside Australia and do not know or have access to an Australian citizen locally in the listed occupations who has known you for twelve months, then the photograph may be signed by a citizen in the applicant's country of residence who is employed in one of the stipulated occupational groups listed, who is not related by birth or marriage and who has known the applicant for at least 12 months.

In other words, you can have a US citizen in one of the specified occupations endorse your photograph and fill in the proof of identity section of your citizenship application form. Generally your local doctor, dentist, pharmacist, vet, nurse, minister of religion, an accountant or an attorney should be able to do the honors for you.

For exact details of endorsement wording, and a full list of acceptable occupational groups, consult:

<http://www.citizenship.gov.au/applying/categories/endorsed-photos.htm>

Remember that your photo must be endorsed by the same person who fills in the Proof of Identity section of your citizenship application form. Get your endorser to do both at the same time.

See also the special SCG guidance document on photographs, endorsement of photographs, and how to organize certified copies of original supporting documentation, available on the SCG website, or phone our SCG volunteer Robyn Stephenson to have a copy sent to you: (616) 748 7993.

**NOTE:** the specifications for Australian passport photos are DIFFERENT to what is acceptable for the US authorities. Your citizenship application may be rejected if your photo is not taken correctly, and endorsed correctly. Consult this guidance document on the Embassy's website:

<http://www.usa.embassy.gov.au/whwh/files/PP%20Photo%20Guide.pdf>

We suggest you get a set of four passport photos done to those specifications. Use one for your Australian citizenship application, and keep the other three to use when you apply for your first Australian passport once you are an Australian citizen.

For some amusing examples of passport photos which would fail to make the grade, consult this link:

<https://www.passports.gov.au/Web/Requirements/Photos.aspx>

**9. How do I get an Australian Passport?**

In order to apply for an Australian passport, you must first be an Australian citizen. Applying for a passport is a completely separate administrative procedure to applying for citizenship, with its own set of fees. Whereas DIAC processes and decides citizenship applications, the Department of Foreign Affairs and Trade (DFAT) has responsibility for passport applications.

Once you are an Australian citizen and have a certificate of Australian citizenship you can then apply for an Australian passport through the Embassy of Australia in Washington DC.

For more information on passports, see:

<http://www.austemb.org/whwh/PassportsUS.html>

Once you are an Australian citizen and hold an Australian passport, on leaving and entering the US you should show your US passport, and on leaving and entering Australia, you should show your Australian passport.

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**10. Even though I qualify for Australian citizenship under the new Act, I'm not sure I should become an Australian citizen. What are the privileges and responsibilities of Australian citizenship?**

The *citizenship.gov.au* website has the following information, aimed at migrants in Australia who are considering naturalizing there:

Privileges of Australian Citizens

It entitles you to privileges of Australian citizenship giving you the right to:

- live in Australia
- apply for an Australian passport and to leave and re-enter Australia without applying for a resident return visa
- seek assistance from Australian diplomatic representatives while overseas
- vote to help elect Australia's governments
- stand for Parliament
- work in the public service
- serve in the armed forces
- register as Australian citizens by descent any of your children born overseas after you become an Australian citizen.

Responsibilities of Australian Citizens

Citizenship also brings with it responsibilities. For example, citizens are required to:

- obey Australian laws
- enrol on Federal and state/territory electoral registers
- vote in elections
- defend Australia should the need arise
- serve on a jury if called to do so.

Not all of the above applies to those living overseas intending to become Australian citizens. For example, you won't be called for jury service if you don't live in Australia. Further, under the Australian Constitution dual citizens are not permitted to stand for election to the Australian Federal Parliament. You also may not be able to vote in Australian elections from overseas. See further below.

**11. Will I be forced to vote in Australian elections if I don't live in Australia? Do I have a right to vote in Australian elections from abroad?**

Voting in Australian federal and state elections is compulsory if you are an Australian citizen aged 18 or over and you are in Australia on polling day. It is not compulsory to vote if you are outside Australia.

You may want to vote from abroad, even though it is not compulsory. If this is the case, then you may find that in fact Australian electoral law prevents you voting. To vote you have to be on the electoral roll. If you are not currently on the roll, you may only enroll from abroad if it is less than three years since you left Australia to live abroad. This limitation will mean that many people who will obtain Australian citizenship under the new Act who have lived abroad their whole lives or for many years will be prevented from enrolling to vote once they become Australians.

Unlike the US Constitution, there is no explicit right to vote in the Australian Constitution. Australia has no federal Bill of Rights.

If you go to Australia to live, as a US citizen abroad you will always have a right to vote in US elections from abroad, even if you never return to the US.

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Voting for Australians abroad is a matter that the SCG has been lobbying on for some years. We estimate that there are around half a million Australian citizens living abroad who are presently disenfranchised because of enrolment limitations in Australian federal law. For more information consult the SCG's brochure entitled "What you need to know about voting in Australia while you live overseas", in the SCG website archives, overseas voting folder, 2007 subfolder. There is also considerable information on our website about our lobbying activities on this subject.

**12. Once I become an Australian citizen, I want to go to live in Australia. But my partner/spouse and/or dependent children are not Australian citizens. Can we move to Australia as a family?**

Generally yes. As an Australian citizen, you will need to sponsor your partner/spouse and dependent children for Australian visas first. You can do this only after you have your own Australian citizenship. You should start this process from your country of residence, well before the envisaged move date.

Consult the [www.immi.gov.au](http://www.immi.gov.au) website for visa information, specifically:

<http://www.immi.gov.au/migrants/family/family-visas-partner.htm>

and

<http://www.immi.gov.au/migrants/family/family-visas-child.htm>

You may wish to have a Registered Australian Migration Agent help you with your family visa applications. For details of all registered agents, consult [www.themara.com.au](http://www.themara.com.au)

**13. Once I become an Australian citizen, can my non-Australian spouse/partner and children become Australian citizens?**

If your spouse/partner/child moves to Australia to live on a family visa, then in due course they should qualify to apply for naturalization (citizenship by conferral) after they have clocked up the requisite permanent residency periods. Consult [www.citizenship.gov.au](http://www.citizenship.gov.au) for further information. Note that naturalization rules changed under the new Act from July 1, 2007.

If you remain living outside Australia, then the options for non-Australian spouses to take Australian citizenship are very limited. Generally, non-Australians married to Australians must clock up certain permanent residency time living in Australia before they can become naturalized citizens.

The new 2007 Act does have some new provisions for non-Australian spouses living outside Australia with their Australian-citizen spouses. See Section 22(9) of the Act. But non-Australian spouses need to have Australian permanent residence first for this provision to be useful to them. To get permanent residence, they would need to have gone through the spouse visa process first.

Then, before applying for naturalization ("conferral") they would first need to have sat and passed the Australian Citizenship Test. This can be done outside Australia at certain Australian missions.

If you are the spouse of an Australian citizen, and already hold Australian permanent residence, and want to apply for Australian citizenship while living outside Australia, then contact the SCG for further information: [info@southern-cross-group.org](mailto:info@southern-cross-group.org).

**14. If I go to live in Australia, will I qualify for the government pension there? Will all my US social security contributions over the years be lost?**

Australia and the United States are parties to a special bilateral social security agreement. Under the agreement, Australia and the US broadly share the support of those people who have spent part of their working life in both countries. People can move between the two countries knowing that their pension rights are recognized in both countries.

For a fact sheet, visit the Centrelink website:

<http://www.centrelink.gov.au/internet/internet.nsf/publications/aia.htm#usa>

For general eligibility for Australia social security payments, consult [www.centrelink.gov.au](http://www.centrelink.gov.au).

**15. I have a 401k plan in the US, and/or a private pension fund in the US. Can I take that money to Australia or have benefits from those plans paid to me while I live in Australia?**

You should consult the companies with which you have these plans.

**16. If I become an Australian citizen, will I have to pay Australian taxes?**

Australia does not (currently) generally levy income taxes on Australian citizens resident outside Australia (except for income sourced in Australia). [www.ato.gov.au](http://www.ato.gov.au) has Australian government information on taxes.

Australian citizens living in Australia are taxed on worldwide income, whether brought to Australia or not.

You should check with an Australian accountant about the taxability of funds you might bring with you from overseas, or pensions or other benefits that might be paid to you in Australia from overseas.

Australian tax paid can normally be offset against US federal tax due.

Note that Australia has tax treaties (double tax agreements) with many countries including the US. For an overview consult the advice from the Australian Taxation Office (ATO) at

<http://www.ato.gov.au/large/content.asp?doc=/content/54558.htm>

Note also that US citizens living outside the US are in principle taxed on their worldwide income by the US tax authorities, although exclusions apply. For more information see:

<http://www.irs.gov/faqs/faq13-7.html>

**17. I've carefully read all the SCG material but I still have questions. Can you help?**

We will do our best, within the limitations of our volunteer resources. Since the new Act came into force, we have assisted many hundreds of people in the Australian diaspora to become Australian citizens.

E-mail the SCG's co-founder and lawyer Anne MacGregor at [anne@southern-cross-group.org](mailto:anne@southern-cross-group.org). Or contact our USA coordinator, Robyn Stephenson, at 530 William Street, Zeeland, Michigan 49464, telephone (616) 748 7993, e-mail [robyn@southern-cross-group.org](mailto:robyn@southern-cross-group.org).