

Australian Citizenship Act 2007

Citizenship by Resumption

Subdivision C—Resuming citizenship

28A Simplified outline

The following is a simplified outline of this Subdivision:

You may be eligible to become an Australian citizen under this Subdivision if you ceased to be an Australian citizen under this Act or the old Act.

You must make an application to become an Australian citizen again. The Minister must approve or refuse you becoming an Australian citizen again.

You must be eligible to be an Australian citizen again to be approved. You may be refused citizenship again even if you are eligible.

The Minister may be required to refuse your application on grounds relating to:

- non-satisfaction of identity: see subsection 30(3); or
- national security: see subsections 30(4) to (7).

You will be registered if the Minister approves you becoming an Australian citizen again.

29 Application and eligibility for resuming citizenship

- (1) A person may make an application to the Minister to become an Australian citizen again.

Note 1: Section 46 sets out application requirements (which may include the payment of a fee).

Note 2: The person may also apply to become an Australian citizen again under Subdivision A, AA or B.

Cessation under this Act

- (2) A person is eligible to become an Australian citizen again under this Subdivision if:
- (a) the person ceased to be an Australian citizen under:
 - (i) section 33 (about renunciation) in order to acquire or retain the nationality or citizenship of a foreign country or to avoid suffering significant hardship or detriment; or
 - (ii) section 36 (about children); and
 - (b) if the person is aged 18 or over at the time the person made the application—the Minister is satisfied that the person is of good character at the time of the Minister’s decision on the application.

Note 1: See also section 32 (which is about persons resuming their former citizenship status).

Note 2: A person who ceases to be an Australian citizen under section 34 or 35 may apply to become an Australian citizen again under Subdivision A, AA or B.

Cessation under old Act

- (3) A person is eligible to become an Australian citizen again under this Subdivision if:
- (a) the person ceased to be an Australian citizen under:
 - (i) section 17 (about dual citizenship) of the old Act; or
 - (ii) section 18 (about renunciation) of the old Act in order to acquire or retain the nationality or citizenship of a foreign country or to avoid suffering significant hardship or detriment; or
 - (iii) section 20 (about residence outside Australia) of the old Act; or
 - (iv) section 23 (about children) of the old Act; and
 - (b) if the person is aged 18 or over at the time the person made the application—the Minister is satisfied that the person is of good character at the time of the Minister’s decision on the application.

30 Minister’s decision

- (1) If a person makes an application under section 29, the Minister must, by writing, approve or refuse to approve the person becoming an Australian citizen again.
- (1A) The Minister must not approve the person becoming an Australian citizen again unless the person is eligible to become an Australian citizen again under subsection 29(2) or (3).
- (2) The Minister may refuse to approve the person becoming an Australian citizen again despite the person being eligible to become an Australian citizen again under subsection 29(2) or (3).

Identity

- (3) The Minister must not approve the person becoming an Australian citizen again unless the Minister is satisfied of the identity of the person.

Note: Division 5 contains the identity provisions.

National security

- (4) If the person is not covered by subsection (6), the Minister must not approve the person becoming an Australian citizen again at a time when an adverse security assessment, or a qualified security assessment, in respect of the person is in force under the *Australian Security Intelligence Organisation Act 1979* that the person is directly or indirectly a risk to security (within the meaning of section 4 of that Act).
- (5) If the person is covered by subsection (6), the Minister must not approve the person becoming an Australian citizen again if the person:
- (a) if subparagraph (6)(b)(i) applies to the person:
 - (i) has been convicted of a national security offence; or
 - (ii) subject to subsection (7), has been convicted of an offence against an Australian law or a foreign law, for which the person has been sentenced to a period of imprisonment of at least 5 years; or
 - (b) if subparagraph (6)(b)(ii) applies to the person—has been convicted of a national security offence.
- (6) A person is covered by this subsection if:
- (a) at the time the person made the application under section 29, the person:
 - (i) is not a national of any country; and
 - (ii) is not a citizen of any country; and
 - (b) either:
 - (i) the person was born in Australia; or
 - (ii) the person was born outside Australia and, at the time of the person's birth, the person had a parent who was an Australian citizen.
- (7) The Minister may decide that subparagraph (5)(a)(ii) does not apply in relation to a person if, taking into account the circumstances that resulted in the person's conviction, the Minister is satisfied that it would be unreasonable for that subparagraph to apply in relation to the person.

31 Registration

If the Minister approves the person becoming an Australian citizen again, the Minister must register the person in the manner prescribed by the regulations.

32 Day citizenship begins again etc.

- (1) A person becomes an Australian citizen again on the day on which the Minister approves the person becoming an Australian citizen again.

Same kind of citizenship—former citizen under this Act

- (2) If the person, before ceasing to be an Australian citizen, was an Australian citizen under Subdivision A, AA or B, the person becomes an Australian citizen again under that Subdivision.

Note: One of the effects of this subsection is that the Minister is able to revoke the person's citizenship: see section 34.

Same kind of citizenship—former citizen under old Act

- (3) If the person, before ceasing to be an Australian citizen, was an Australian citizen under the provision set out in column 2 of the following table, the person becomes an Australian citizen again under the provision set out in column 3 of the table.

Same kind of citizenship		
Column 1 Item	Column 2 Provision under which person was a citizen	Column 3 Provision under which person becomes a citizen again
1	Section 10B, 10C or 11 of the old Act	Subdivision A of this Division
2	Division 2 of Part III of the old Act	Subdivision B of this Division

Note: One of the effects of this subsection is that the Minister is able to revoke the person's citizenship: see section 34.

NOTE: This is the version of Subdivision C of the Australian Citizenship Act 2007 in force as at 1 July 2007. Later amendments may occur.