

Australian Citizenship Act 1948

Section 10C

10C Citizenship by descent for a person aged 18 or over on 15 January 1992

- (1) A person who is registered under this section is an Australian citizen.
 - (2) A person may apply to the Minister to be registered under this section.
 - (3) The application must be in accordance with the approved form.
 - (4) The Minister must register, in the prescribed manner, an applicant for registration under this section if:
 - (a) a natural parent of the applicant was an Australian citizen at the time of the birth of the applicant; and
 - (b) that parent:
 - (i) is an Australian citizen at the time an application under this section is made; or
 - (ii) is dead and at the time of his or her death was an Australian citizen; and
 - (c) the applicant:
 - (i) was born outside Australia on or after 26 January 1949; and
 - (ii) is aged 18 years or over on the day on which this section commences; and
 - (iii) failed for an acceptable reason to become registered as an Australian citizen under:
 - (A) section 10B; or
 - (B) section 11 of this Act as in force at any time before the commencement of section 10B; and
 - (d) the Minister is satisfied that the applicant is of good character.
- Note: **acceptable reason** is defined in subsection (5).
- (5) For the purposes of subparagraph (4)(c)(iii), an applicant has an acceptable reason if and only if:
 - (a) an Australian passport has been issued to the applicant; or
 - (b) the applicant's name has been on an Electoral Roll under the *Commonwealth Electoral Act 1918*; or
 - (c) the applicant was unaware of the requirement of registration for the purposes of obtaining Australian citizenship by descent under section 10B or under section 11 of this Act as in force at any time before the commencement of section 10B; or
 - (d) the applicant has a reason for failing to become registered that is declared by the regulations to be an acceptable reason for the purposes of this section.
 - (6) If the Minister decides not to register an applicant under this section, the Minister must inform the applicant of that decision by written notice served personally, by post or by an electronic communication.
 - (7) A notice served on an applicant under subsection (6) must include:
 - (a) reasons for the decision; and
 - (b) notification of the applicant's entitlement to apply for review of the decision under section 52A.

Note: This provision was inserted into the Australian Citizenship Act 1948 for the first time and commenced on 15 January 1992. Due to 10C(4)(c), only persons born on or after 26 January 1949 and before 15 January 1974 could use Section 10C to apply for Australian citizenship by descent as adults.

This is the version of Section 10C in force as at 30 June 2007. This provision was repealed with effect from 1 July 2007. The Australian Citizenship Act 2007 contains a new provision dealing with citizenship by descent (Section 16) from 1 July 2007.