

Australian Citizenship Act 1948

Section 11

11 Citizenship by descent through mother

- (1) A person born outside Australia or New Guinea before 26 January 1949 may, within 5 years after the commencement of this section, apply to the Minister for his or her registration under this section as an Australian citizen if the person's natural mother became an Australian citizen on 26 January 1949 and, before that day:
 - (a) was born in Australia or New Guinea; or
 - (b) was naturalised in Australia.
- (2) The application may include any natural child of the applicant, regardless of the child's age.
- (2A) The application must be in accordance with the approved form.
- (3) The Minister must register, in the prescribed manner, the applicant as an Australian citizen where the Minister is satisfied that the applicant:
 - (a) was present in Australia for any time before 1 May 1987; and
 - (b) is of good character.
- (4) The applicant, and any natural child of the applicant included in the application, becomes an Australian citizen on the day on which the applicant is registered as an Australian citizen.
- (5) If the Minister makes a decision under subsection (3) and the applicant is not to be registered as an Australian citizen, the Minister must cause to be served on the applicant a notice in writing setting out that decision. The notice may be served personally, by post or by an electronic communication.
- (6) A notice served on an applicant under subsection (5) 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 18 June 1991. Persons had to register as Australian citizens by descent under this Section prior to 18 June 1996, i.e. in a defined five-year window. For this reason, no one has used Section 11 since 17 June 1996. An added hurdle was that the applicant must have spent time in Australia before 1 May 1987.

This is the version of Section 11 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 This provision was repealed with effect from 1 July 2007.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.