

Australian Citizenship Act 1948

Section 23

23 Children of persons who lose or are deprived of citizenship

- (1) Subject to subsection (3), where:
 - (a) a responsible parent of a child, being a child who has not attained the age of 18 years, ceases to be an Australian citizen under section 18 or 19; and
 - (b) that child is, under the law of a foreign country, a national or citizen of that country immediately after the time when that responsible parent ceases to be an Australian citizen;that child shall cease to be an Australian citizen from that time.
- (2) Subject to subsection (3), where a person is deprived of Australian citizenship under section 21, the Minister may, in the Minister's discretion, by order, direct that all or any of the children of whom that person is a responsible parent and who have not attained the age of 18 years shall cease to be Australian citizens, and the children in respect of whom the order is made shall, upon the making of the order, cease to be Australian citizens.
- (3) Where, but for this subsection:
 - (a) a child would cease to be an Australian citizen under subsection (1) as a consequence of a responsible parent of the child ceasing to be an Australian citizen; or
 - (b) the Minister would be empowered under subsection (2) to direct that a child should cease to be an Australian citizen as a consequence of a responsible parent of the child being deprived of Australian citizenship;and at the time the child would cease to be an Australian citizen or the Minister would become so empowered, as the case may be, another responsible parent of the child is an Australian citizen, subsection (1) or (2), as the case may be, does not apply in relation to the child:
 - (c) until there ceases to be a responsible parent of the child (whether or not that other responsible parent), being a responsible parent who is an Australian citizen; or
 - (d) if the cessation referred to in paragraph (c) is by reason of the death of the responsible parent—at any time after that death.
- (4) Where the Minister makes an order under subsection (2) directing that all or any of the children of a person shall cease to be Australian citizens, the Minister shall, if the person is present in Australia, cause to be served on the person a copy of that order. The copy of that order may be served personally, by post or by an electronic communication.

Note: paragraph (1)(a) above included a reference to Section 17 until 4 April 2002.

The reference in paragraph (1)(a) above to the age of 18 years was a reference to the age of 21 years until 1 June 1974.

This is the version of Section 23 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 the children of responsible parents who cease to be citizens (Section 36) from 1 July 2007.