

Australian Citizenship Act 1948

Section 23AA

23AA Persons may resume citizenship lost in certain circumstances

- (1) Where:
- (a) a person:
 - (i) has done a voluntary and formal act, other than marriage, by virtue of which the person acquired the nationality or citizenship of a country other than Australia; or
 - (ii) has done any act or thing:
 - (A) the sole or dominant purpose of which; and
 - (B) the effect of which;was or is to acquire the nationality or citizenship of a foreign country;
being an act or thing that resulted in the person ceasing to be an Australian citizen;
 - (b) the person furnishes to the Minister a statement, in writing, to the effect that:
 - (i) if the person had not done the act or thing, the person would have suffered significant hardship or detriment; or
 - (ii) at the time when the person did the act or thing the person did not know that he or she would, as a consequence of doing the act or thing, cease to be an Australian citizen;and also stating that the person:
 - (iii) has been present in Australia (otherwise than as a prohibited immigrant, as a prohibited non-citizen, as an illegal entrant, as an unlawful non-citizen, or in contravention of a law of a prescribed territory) for a period of, or for periods amounting in the aggregate to, not less than 2 years;
 - (iv) intends that:
 - (A) if the person again becomes an Australian citizen and is residing in Australia at the time when the person so becomes an Australian citizen, the person will continue to reside in Australia after so becoming an Australian citizen; or
 - (B) if the person again becomes an Australian citizen and is not residing in Australia at the time when the person so becomes an Australian citizen, the person will commence to reside in Australia after so becoming an Australian citizen and before the expiration of the period of 3 years commencing on the day on which the statement is made; and
 - (v) has maintained a close and continuing association with Australia; and
 - (c) the person furnishes to the Minister together with the statement a declaration in the prescribed form that the person wishes to resume Australian citizenship;
- the Minister may, in the Minister's discretion, if the Minister is satisfied:
- (d) as to the truth of the matters contained in the statement; and

- (e) in a case where the person has claimed that, if the person had not done the act or thing that resulted in the person ceasing to be an Australian citizen, the person would have suffered hardship or detriment of an economic nature—that the person's circumstances were such as to compel the person to do that act or thing; and
 - (f) that the person is of good character;
- register the declaration in the prescribed manner and, upon the registration of the declaration, the person making the declaration again becomes an Australian citizen.
- (2) The Minister may, in the Minister's discretion, upon application in accordance with the approved form, include in a declaration registered under subsection (1), either at the time of registering the declaration or by later amending the declaration, the name of a child:
- (a) who has not attained the age of 18 years;
 - (b) of whom the person who made the declaration is a responsible parent; and
 - (c) who ceased to be an Australian citizen by reason of the person who made the declaration ceasing to be an Australian citizen;
- and, upon the inclusion of the name of the child in the declaration, the child again becomes an Australian citizen.

Note: This is the version of Section 23AA 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 resumption (Section 29) from 1 July 2007.