

Australian Citizenship Act 1948

Section 23AB

23AB Persons may resume citizenship lost under section 18

(1) If:

- (a) a person has ceased to be an Australian citizen because of section 18 (which deals with renunciation of citizenship); and
- (b) the person has not attained the age of 25 years; and
- (c) the person gives the Minister a written statement that complies with subsection (2); and
- (d) the person gives 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:

- (e) as to the truth of the matters contained in the statement; and
- (f) in a case where the person has claimed that, if the person had not renounced his or her Australian citizenship, 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 renounce his or her Australian citizenship; and
- (g) that the person is of good character;

register the declaration in the prescribed manner and, on the registration of the declaration, the person making the declaration again becomes an Australian citizen.

(2) A statement made by a person under paragraph (1)(c) complies with this subsection if the statement is to the effect that:

- (a) the person renounced his or her Australian citizenship in order to retain the nationality or citizenship of a foreign country; and
- (b) if the person had not renounced his or her Australian citizenship, the person would have suffered significant hardship or detriment;

and the statement also states that the person:

- (c) 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; and

(d) intends that:

- (i) 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
- (ii) 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 begin to reside in Australia after so becoming an Australian citizen and before the end of the period of 3 years beginning on the day on which the statement is made; and

(e) has maintained a close and continuing association with Australia.

- (3) The Minister may, in the Minister's discretion, on 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; and
 - (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, on 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 23AB in force as at 30 June 2007. Section 23AB was first introduced into the Australian Citizenship Act 1948 on 1 July 2002. 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.