

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 OCTOBER 2010

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(263) Program 6.1: Multicultural and Citizenship Services

Senator Cash asked:

How many people have had their citizenship revoked as a result of fraud in the gaining of permanent residency and citizenship?

Answer:

Revocation of Australian citizenship is provided for under section 34 of the *Australian Citizenship Act 2007* (the Act). Under the *Australian Citizenship Act 1948* it was referred to as deprivation of citizenship.

Since the introduction of citizenship legislation on 26 January 1949, Ministers have exercised their powers to deprive a person of Australian citizenship on 14 occasions.

Of those 14 cases, all of which were made under the 1948 legislation:

- Six were on the basis of criminal convictions for offences committed prior to the grant of citizenship and not declared at time of application; and
- Eight were on the basis of migration and citizenship fraud which resulted in the person acquiring Australian citizenship.

Revocation may be considered in all cases where a person:

- has been convicted of making a false statement or misrepresentation in relation to a migration or citizenship application which resulted in them becoming an Australian citizen;
- has acquired citizenship since 1 July 2007 as a result of third party fraud where the third party who committed the offence has been convicted of the offence; or
- has committed a serious criminal offence prior to being approved for Australian citizenship and is convicted of the offence after becoming an Australian citizen. This provision applies to serious criminal offences committed in Australia and overseas.
 - A serious offence is one where a person has been convicted of an offence against an Australian or foreign law for which a person was sentenced to death or a serious prison sentence of 12 months or more.

- Citizenship can only be revoked where it was acquired through conferral, descent, or adoption in accordance with the Hague Convention on Intercountry Adoption. It cannot be revoked, for example, if it was acquired through birth.
- The Minister may not revoke Australian citizenship if the person would otherwise become stateless.
- In all cases the Minister must be satisfied that it would be contrary to the public interest for the person to remain an Australian citizen.