

The Committee Secretary,
Senate Legal and Constitutional Committee,
Department of the Senate,
Parliament House,
CANBERRA
ACT 2600
AUSTRALIA



23rd December 2005

Dear Sir/Madam,

Re: Citizenship Bill 2005

Thank you for the opportunity to comment on the above Bill which, in my mind, is excellent in that it corrects a number of anomalies left over from the 1948 and 2002 Acts.

However there is one area which is not addressed and that is the plight of children born in the UK and certain other Commonwealth countries who came to Australia in the immediate post war years as migrants, usually with their parents, who lived for many years in Australia and eventually left to live overseas firmly believing that they were Australian citizens.

When I grew up in Australia in the 1950s and 1960s, like virtually all UK migrants, I firmly believed that I was an Australian citizen. A recent publication by the Department of Immigration and Multicultural and Indigenous Affairs "*Australian citizenship - Former British child migrants*" stated "Only a small number of post-war British migrants applied to become Australian citizens. Many wrongly believed they already were Australian citizens". I emigrated to Australia, at the age of ten, in 1949 with my parents from Scotland and spent some sixteen years in Australia, including the majority of my formative years. When I was planning my first trip to the UK in 1964 I contacted the Department of Immigration in Brisbane and enquired about a passport, I was told, no doubt in good faith, that I was eligible for either an Australian passport or a UK one but if I wanted to work in the UK it would be advantageous to have a UK passport. I took that advice. In 1966 I was offered a lectureship in London and again enquired about my situation when I would wish to return to Australia. I was told that there would be no problems as I had lived there so long. On neither occasion was I told that I needed to register as an Australian citizen. The lack of this piece of advise has meant that I have not been able to return to Australia as a permanent resident nor to share in the rich heritage of Australia with which I grew up. The need to register does not seem to have been conveyed to UK migrants in the 1950s, certainly, when I later asked them, neither of my parents nor any of their migrant friends had known

/2

anything about it. By 1966 only 1% of UK immigrants in Australia had registered. As late as 1970 the then Australian Minister for Immigration, Philip Lynch, admitted that there was much confusion over the citizenship status of immigrants from the UK. This was not helped by the fact that both Australian and British passports then indicated British Subject, Resident of Australia.

Would it be possible for Australia to rectify this anomaly and allow Australian Citizenship for those of us who arrived in Australia as children and who lived there for a long period (eg ten years) and who left prior to 1974 (the year registration ended), firmly believing that we were Australian citizens, and who have maintained close and continuing ties with Australia over the years?

It seems very unfair that, after so long in Australia, where I grew up and went through the "rites of passage", and despite the fact that I am fully self supporting financially, that I cannot be recognised as an Australian citizen and, possibly, return to Brisbane (which I still consider to be my "home town") to live and where, despite now being retired, I cannot play a full part in the life of the city through voluntary activity (I currently do some 20 hours of voluntary service per week).

I grew up in Brisbane and attended Brisbane State High School. I left school at fifteen and immediately started work. I attended the, then, Central Technical College (now QUT) in the evenings for six years and qualified as an architect, whilst working full time. I continued to work as such until I left for the UK. (over ten years working). I registered for National Service in 1957 but was not selected as the ballot system had just come into force. Had I been selected and completed my National Service I would be eligible for permanent residency and thus able to apply, in due course, for citizenship irrespective of my financial situation. I have paid frequent visits "home" to Brisbane and have, over the years, saved Australia considerable foreign exchange in feeding and accommodating my friends, their children, their grandchildren and, in one case, a great grandchild, here in London!

I have maintained close contact with Australia over the years through frequent return visits including, in 1986, a short sabbatical when I delivered lectures at the then NSWIT, QIT and Canberra College of Advanced Education (now all universities). I studied various aspects of Housing in Australia and, on my return, delivered the Faculty Lecture at the then South Bank Polytechnic (now London South Bank University) on "Housing for the Elderly in Australia". I was very much involved in a programme of student exchanges between the Royal Melbourne Institute of Technology and the South Bank Polytechnic. In my book "Architectural and Building Design - an Introduction", published in 1986, I drew heavily from Australian examples thus bringing a greater awareness of Australia's architecture to UK and other students.

Prior to leaving Australia to take up the lectureship in 1966, I renewed my driving licence and over the years, until my final retirement in 2002, I remained registered as an architect in Queensland, paying my annual roll fee. I am a Fellow of the Royal Australian Institute of Architects and have maintained this by annual subscription over all my years here. I think that this supports my claim that had I been told that I needed to register as an Australian citizen in 1966 I would most certainly have done so.

I do currently hold a Retirement visa (class 410) but, as you know, this provides only for temporary residence up to four years. I get no special concessions in respect of all my years in Australia. This visa expires in August 2006 and it looks unlikely that I will be able move back to Australia before then which means, as I understand it I would need \$1.5million to enable me to apply for in Investment Retirement visa to enable me to return to Brisbane!

It is ironic that, if I had been told about registering in 1964/66 and had done so, or if I had been selected in the ballot for National Service, and had now become a pauper I could return to Australia to live for the rest of my life "off the state". But as a comfortably off retiree with a decent, index linked, pension I cannot return as a permanent resident. There is a further interesting point about the National Service issue in that only men were required to register and serve, this puts all British migrant women who attained 18 in the National Service years at a disadvantage. The only way to reconcile this would be to recognise all men who registered and all women, who would have had to register had they been men, as if they had completed three months service.

I would greatly appreciate it if you would consider my case and allow the very small number of people in my position to be treated in the same way as former Australian Citizens who lost their citizenship and to enable us to become the Australian Citizens we believed we were. A simple amendment to the Citizenship Act could allow *"Former child migrants who spent part of their formative years in Australia and who lived in Australia for at least ten years, and who have maintained close and continuing ties with Australia, and who left prior to 1974 (when registration ended), to take up the Australian Citizenship which they firmly believed they had"*

I thank you in advance for your help in placing this submission before the Senate Legal and Constitutional Committee which is considering this Bill.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Michael Young', written over a horizontal line.

Michael Young
Dip Arch (Qld), Msc (Lon), FRAIA, RIBA