

Media Release - 7 July 2004
Gary Hardgrave
Minister for Citizenship and Multicultural Affairs

Australian Citizenship Act Reforms

The Minister for Citizenship and Multicultural Affairs, Mr Gary Hardgrave today outlined changes to the 55-year-old *Australian Citizenship Act* to bring it into line with the reality of modern Australia.

'Australian Citizenship law and policy has changed over time, in line with our diverse population and society, to remove discriminatory provisions and unnecessary barriers,' Mr Hardgrave said. 'Following the Government's repeal of section 17 to allow dual citizenship, there is still work to be done and the changes to the *Citizenship Act* I am highlighting today will go a long way to ensuring that the Act reflects the needs of all Australians in today's global environment.

'These further commonsense changes will benefit people who wish to resume their Australian Citizenship and regain access to their Australian heritage.

'The changes will also mean removal of the age limits for registration of citizenship by descent and give children of former Australian Citizens access to their Australian heritage.

'Australian Citizenship is the cornerstone of our society and the bond which unites us as a nation. It is the pathway to membership and full participation in the Australian family.

'One way to help protect Australia in these uncertain times, is through a coherent set of national values, the unifying effect of the common bond of Australian Citizenship and a focus on building a shared future in which we all have a stake.

'I am confident that Australian Citizenship will continue to play a critical role in maintaining Australia's success as a culturally diverse, strong and independent nation with clearly defined national values,' Mr Hardgrave said.

More detailed information regarding the changes to the *Australian Citizenship Act* can be found on the following **Fact Sheet**.

The full transcript of the speech can be found at :
http://www.minister.immi.gov.au/cam/media/speeches/sydinstitute_07_04.htm

Proposed changes to the Australian Citizenship Act 1948 - Fact Sheet

Resumption

- The only criterion for resumption of Australian citizenship by people who lost their Australian citizenship when they acquired another country's citizenship will be that the person be of good character.
- Former Australian citizens who renounced their Australian citizenship to acquire or retain another citizenship, or renounced to avoid significant hardship or disadvantage will also be given the opportunity to resume their Australian citizenship, if they are of good character.

Children of former Australian citizens

- The Act will be amended to provide for grant of citizenship to a person of good character and over the age of 18 years who was born overseas after their parent lost citizenship under the former section 17.

Descent

- The provisions in the Act for the registration of citizenship by descent will be amended. The only requirements that will apply to a person seeking registration as an Australian citizen by descent are that:
 - at least one of the parents was an Australian citizen at the time of the person's birth
 - the person is of good character if 18 years or over, and
 - if a parent of the applicant acquired Australian citizenship by descent that parent must have spent a total of two years in Australia as a lawful resident.
- The Act will be amended to extend the registration of Australian citizenship by descent for people born overseas before 26 January 1949 to a mother who became an Australian citizen on commencement of the Act on 26 January 1949.

English proficiency

- The age at which adult applicants for Australian citizenship are exempt from the requirement to have a basic knowledge of English will be raised to 60 years, to align it with the age at which applicants are exempt from the requirement to have an adequate knowledge of the responsibilities and privileges of citizenship.

Spouse

- The changes to the Act will require the spouse of an Australian citizen to meet the same criteria as other adult applicants for grant of citizenship.
- A spouse specific residence discretion will be introduced, to waive part or all of the residence requirements, based on a demonstrable close and continuing association with Australia.
- A definition of 'spouse' will be introduced to include a de facto spouse where the applicant was granted permanent residence as the de facto spouse of their current partner.

Residence Discretions

- The equity and integrity of the residence discretions will be improved by:
 - requiring applicants who, following the acquisition of their permanent residence, have been engaged in activities overseas which are considered beneficial to the interests of Australia, to have been present in Australia for a total of twelve months prior to their application for citizenship
 - introducing a discretion to allow for periods spent overseas involved in activities beneficial to the interests of Australia, following the acquisition of permanent residence, to be treated as time spent in Australia if the applicant would suffer significant hardship or disadvantage if citizenship were not granted
 - introducing a discretion to allow for a total of twelve months spent in Australia as a lawful temporary resident prior to application to be counted as permanent residence if the applicant was involved in activities beneficial to the interests of Australia during that period; and
 - removing the policy requirement for twelve months' permanent residence prior to applications, for applicants who would suffer significant hardship or disadvantage if their periods of lawful residence other than as a permanent resident were not counted as permanent residence.

Media contact: Anthony Moate 0402 415 167