



MEDIA RELEASE

Expats Welcome Australian Citizenship Reforms

The Southern Cross Group (SCG) today welcomed significant reforms to Australian Citizenship law announced by the Minister for Citizenship and Multicultural Affairs, Mr Gary Hardgrave in Sydney on 7 July 2004.

Once the changes become law, thousands of former Australians who live overseas and automatically forfeited their Australian citizenship when they acquired another citizenship before 4 April 2002 will be able to resume their lost citizenship simply by showing that they are of good character.

Co-founder Anne MacGregor said from Brussels that the reform package had come about following consistent lobbying efforts lead by the Southern Cross Group, the only international non-profit advocacy and support organisation for the Australian diaspora. She thanked the thousands of individuals in the Australian community abroad and at home who have lent their personal support to the campaign for further citizenship law reform over the last three years, as well as the SCG's team of some 100 volunteer committee members in over 30 countries.

The current resumption provision in the *Australian Citizenship Act 1948* requires former citizens who lost their citizenship under the now repealed Section 17 by acquiring another citizenship who are still overseas to declare an intention to return to reside in Australia within three years if they want their Australian citizenship back. That requirement is presently preventing many, who do not know when they might return, or who cannot return to Australia due to family or other commitments overseas, from rejoining the Australian family. The intention to return within three years requirement will now be dropped from the criteria for resumption.

"Since 4 April 2002, when Section 17 was repealed, overseas Australians who decide to acquire the citizenship of their country of residence by naturalisation are no longer stripped of their Australian citizenship by virtue of Australian law and many are thereby able to enjoy the various benefits of dual citizenship in our globalised world", Ms MacGregor said. "But that hard-won amendment did not help those who forfeited their much-prized Australian citizenship prior to 4 April 2002 and remained abroad. The Government's acceptance that the current resumption rules are inequitable vis-à-vis those overseas and its decision to change the law sends an important message of inclusion to everyone in the Australian expatriate community, which now numbers approximately one million people around the world."

As part of the package of reforms, former Australian citizens who renounced their Australian citizenship under Section 18 of the Act 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. Approximately 2000 former Australian citizens in Malta fall into this category. The SCG's volunteer Australian-born Maltese Co-ordinator, Norman Bonello, himself a renunciation victim currently excluded from resumption, spearheaded efforts in both Australia and Malta over the last three years to pressure the Australian Government to make this particular change.

But Norman's two young children, born in Malta some years after he was forced to renounce his Australian citizenship under Section 18 to retain his Maltese citizenship when he was 18, might be out in the cold, even once Mr Hardgrave's changes enter into force and Norman resumes his lost Australian citizenship. Although material on the changes presently available states that children born overseas to Section 17 victims (i.e. those who lost their Australian citizenship by acquisition of another citizenship rather than formal renunciation) who did not have an Australian citizen parent at the time of their birth will be able to be granted Australian citizenship when aged 18 or over, no mention is made of the children of Section 18 victims. It is unclear at this stage whether the legislation will extend to cover the Bonello children and others in their situation.

Speaking from his home in Malta, Mr Bonello said, "If Maltese law at the time had not prohibited dual citizenship, I would never have been forced to renounce my Australian citizenship as a teenager. But I had no choice in order to retain my Maltese citizenship. If I had been Australian at the time of my children's births in Malta, they would now be Australian by descent. I am concerned that these new changes might discriminate between children of Australian heritage simply on the basis of the legal

provision under which their parents had the misfortune to lose their Australian citizenship." The SCG has called upon Mr Hardgrave to make sure that the children of Australian-born Maltese are not excluded from what is otherwise a very sound package of reforms.

The provisions in the *Australian Citizenship Act 1948* for the registration of citizenship by descent will also be amended. Currently, the legacy of a patchwork of amendments over the years randomly excludes particular pockets of individuals from registering as Australian citizens by descent purely due to their date of birth. Once the Act is amended, the only requirements that will apply to an overseas-born person seeking registration as an Australian citizen by descent will be that at least one of their parents was an Australian citizen at the time of their birth; that the person is of good character if 18 years or over; and, if a parent of the applicant acquired Australian citizenship by descent themselves, that parent must have spent a total of two years in Australia as a lawful resident.

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 will also become possible.

The SCG stresses that although the Government has now signalled its intention to make these citizenship reforms, they are not yet in force. Legislation to amend the *Australian Citizenship Act 1948* will have to be drafted, introduced and passed by both Houses of Parliament and then assented to by the Governor-General before people who will benefit from the changes can take action with regard to their personal situation. It is unclear when the legislation will be introduced into the House of Representatives, but information available at this stage appears to indicate that it is unlikely to be introduced before the federal election is called, and will probably therefore not come into force until some time in 2005.

Further Information:

Media Release of 7 July 2004 by Gary Hardgrave, Minister for Citizenship and Multicultural Affairs:
<http://www.minister.immi.gov.au/cam/media/media04/h04128.htm>

Minister's Speech of 7 July 2004 Announcing Changes:
http://www.minister.immi.gov.au/cam/media/speeches/sydinstitute_07_04.htm

Many expatriates told their personal citizenship stories to the ongoing Senate Inquiry into Australian Expatriates in written submissions which can be read on the Parliament House website at:

http://www.aph.gov.au/senate/committee/legcon_ctte/expats03/index.htm

The Senate Inquiry was established in late 2003 following representations in Canberra by the SCG and broadly covers all aspects of the Australian diaspora. The Inquiry is due to report by 5 October, although it may be put on hold if the federal election is called earlier. Hearings in the Inquiry may be held in late July.

The Government's www.citizenship.gov.au website as it relates to citizenship matters for overseas Australians has recently been improved to take into account many of the criticisms levelled at the site by the SCG in its submission to the Inquiry.

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