

As discussed, I hope the following clarification regarding the Australian Citizenship Act 2007 (the Act) is helpful to you.

Part 2, Division 2 of the Act sets out how people may acquire Australian citizenship by application. Subdivision B sets out the provisions for Citizenship by conferral.

Essentially, a person may be eligible to become an Australian citizen under this Subdivision in 7 situations, as follows:

- by satisfying the general eligibility criteria and successfully completing a citizenship test (subsections 21(2) and (2A)); or
- being aged 60 or over or having a hearing, speech or sight impairment (subsection 21(4)); or
- being aged under 18 (subsection 21(5)); or
- having a permanent physical or mental incapacity (subsection 21(3)).

There are a further three situations which relate to very limited circumstances - including statelessness (subsection 21(8)); being born in Papua under certain historical circumstances (subsection 21(7)); and being born to a former Australian citizen, also under very specific circumstances (subsection 21(6)).

The legislation only requires those people who are seeking citizenship by conferral under the general eligibility criteria (subsection 21(2) and (2A)) to successfully complete a citizenship test. To clarify, children and people over 60, as well as the other groups, are not required to do a test.

The figures provided in response to the Questions on Notice regarding the number of people conferred Australian citizenship relate to all those who acquired citizenship by conferral during the period specified. That is, they relate to the whole of s21 of the Act (including children and people over 60) as this is the way in which the system is able to provide statistical reporting. We are not readily able to provide a breakdown of numbers against each subsection of the Act. However, we have been able to count the number of people who acquired citizenship who specifically applied under the permanent incapacity provision (ie subsection 21(3)) for the period requested. This formed part of the Department's response to the Questions taken on Notice in relation to the proposed amendment to s21(3)(d).

I trust this helps to clarify how the Act works in relation to citizenship by conferral and helps explain why the number of people conferred citizenship will be greater than the number of people who are required to pass a test.

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