

EXPLANATORY STATEMENT

Statutory Rules No. 87 of 1987

Australian Citizenship Regulations (Amendment) issued by the authority of the Minister for Immigration and Ethnic Affairs

Section 53 of the Australian Citizenship Act 1948 (the Act), so far as is relevant, provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed for carrying out or giving effect to the Act.

The amendments amend the Regulations to include the following provisions:

- . delete the need for those who have been approved for resumption of citizenship to be issued with a certified copy of their declaration of resumption and provide that these persons be issued with a declaratory certificate of citizenship (regulation 17);
- . provide that a fee of \$50 is payable on lodging an application for resumption of citizenship;
- . delete the provisions (regulation 20) that a person may obtain a certified copy of his or her declaration of resumption or renunciation of citizenship;
- . provide that a fee of \$30 is payable on lodging an application for an evidentiary certificate of citizenship;
- . regulations dealing with British subject status are repealed to reflect the amendments made to the Act;
- . that an authorized officer sign the Register of Citizenship by Descent (regulation 7(2));
- . a replacement extract from the Register of Citizenship by Descent issued pursuant to regulation 7D shall be issued upon surrender of the original extract if it has not been lost or destroyed;

- . that additional information is to be supplied in applications under regulation 8(3) for declaratory certificates where Australian citizenship was acquired by birth;
- . that additional information be supplied pursuant to regulation 11 in applications for the grant of a certificate of Australian citizenship to assist in identification of applicants and in determining their eligibility; and
- . that additional information relating to criminal offences be provided by applicants seeking resumption of citizenship.

Details of the regulations are as follows:

- . Regulation 1 provides that these amendments came into operation on 1 June 1987.
- . Regulation 2 defines "Principal Regulations" to mean the Australian Citizenship Regulations.
- . Regulation 3 repeals regulations 5, 5A and 6 of the Principal Regulations following the repeal of the British subject status provisions of the Act.
- . Regulation 4 amends regulation 7 of the Principal Regulations to require an authorized officer to complete and sign the Register of Citizenship by Descent.
- . Regulation 5 amends regulation 7A of the Principal Regulations by omitting paragraphs (1)(a), (d), and sub-paragraph (f)(ii) and requiring the following information to be supplied:
 - . the full name of the person when the application is made and when the birth of the person was registered;
 - . the applicant's full name, usual residential and postal addresses;
 - . the full names of the natural parents of the person at the time of birth and time of application; and
 - . in the case of an Australian citizen parent, the manner of acquisition of such citizenship and, depending on method of acquisition, details of that parent's residence both within and outside Australia.

- . Regulation 6 repeals regulation 7D of the Principal Regulations and substitutes a new provision which requires, upon registration, an authorized officer at an Australian consulate to give to the person who applied for the registration an extract of the entry in the register relevant to the registration. Where there has been a correction of an error in, or omission from, an entry in the register an authorized officer shall give an extract of the register, as corrected to the applicant, or the subject of the application, if the applicant is dead, provided the officer is satisfied that the original extract has been lost or destroyed or the person has returned any original extract.
- . Regulation 7 amends regulation 8 of the Principal Regulations by omitting sub-regulation (1) and inserting a new sub-regulation requiring an authorized officer, upon application by a person in accordance with the regulations, to issue a declaratory certificate of citizenship.

Paragraph 3(g) of the Principal Regulations is also omitted and new paragraphs inserted requiring applicants to furnish particulars, if applicable, of the diplomatic status of the father of the applicant, if born before 22 November 1984; or, if born between 22 November 1984 and 20 August 1986, of either parent; and, if born after 20 August 1986, of the citizenship or permanent resident status of either parent.

A new paragraph, (ga), is inserted to require, if applicable, particulars of registration under section 23D(1) of the Act to be furnished.

Paragraph 4(a) of the Principal Regulations is omitted and a new paragraph inserted to take account of the repeal on 1 May 1987 of the British subject status provisions in the Act.

Paragraph 4(f) is repealed.

A new sub-regulation (8), is added which provides that another declaratory certificate of citizenship will not be issued unless the applicant has returned any certificate previously issued to the applicant or an authorized officer is satisfied that a declaratory certificate previously issued to the applicant has been lost or destroyed.

- . Regulation 8 amends regulation 11 of the Principal Regulations by omitting paragraphs (a), (h), (i) and (1a) and substituting new provisions which widen the scope of prescribed matters previously sought under this regulation, and the inclusion of new prescribed matters. Applicants are now required to furnish information in respect of the following additional prescribed matters:
 - . the name of the applicant as set out in any travel document of the applicant;
 - . any former names of the applicant;
 - . the applicant's sex;
 - . citizenship of the applicant at time of application;
 - . periods during which the applicant was present in Australia as a permanent resident;
 - . periods of residence by the applicant in Papua New Guinea;
 - . the name, and the date and place of birth of each of the applicant's parents;
 - . the applicant's mother's maiden name;
 - . if the applicant was born in Australia before 20 August 1986, details, if applicable, of any parent's diplomatic or consular status;
 - . if the applicant was born in Australia on or after 20 August 1986, details of a parent's Australian citizenship or permanent resident status;
 - . details of relevant defence service;
 - . details of previous applications for Australian citizenship;
 - . details of acquisition and loss of previous Australian citizenship;
 - . details of any offence for which the applicant has been found guilty, including any sentence imposed;
 - . details of any proceedings pending, including by way of appeal or review, against the applicant;
 - . the name, date and place of birth, citizenship and sex of any child included in the application;

- . details in relation to criminal proceedings generally against children included in the application are also required to be provided; and
- . details of any court order in respect of the custody of any child included in the application.
- . Regulation 9 inserts a new regulation 13B into the Principal Regulations which requires applicants for resumption of citizenship under sub-section 23AA(1) of the Act to provide evidence of criminal proceedings, etc. similar to the details sought under an application for the grant of Australian citizenship. This information is sought in respect of the applicant and any child included in the application.
- . Regulation 10 repeals regulations 16, 17, 18 and 20 of the Principal Regulations. New regulations 16, 17, 18 and 19 are inserted.
 - . Regulation 16 provides for a fee of \$50 to be payable in respect of a declaration furnished for the purposes of section 23AA, 23A or 23B of the Act.
 - . Regulation 17 provides that an authorized officer shall issue a declaratory certificate to a person when that person again becomes an Australian citizen in accordance with sub-section 23AA(1) or (2), 23A(2) or 23B(2) of the Act.
 - . Regulation 18 provides for a fee of \$30 to be payable in respect of applications under sub-section 44A(2) of the Act for the issue of an evidentiary certificate.
 - . Regulation 19 provides for a prescribed fee of \$30 for the purposes of paragraph 46A(1)(c) of the Act.
- . Regulation 11 omits Forms I and II in the Second Schedule.