

EXPLANATORY STATEMENT

Issued by the Minister for Immigration, Citizenship and Multicultural Affairs

Australian Citizenship Act 2007

Australian Citizenship Amendment (Indexation of Fees) Regulations 2024

The *Australian Citizenship Act 2007* (the Citizenship Act) provides for the process of becoming an Australian citizen, the circumstances in which citizenship may cease, and other related matters.

Section 54 of the Citizenship Act provides that the Governor-General may make regulations prescribing matters required or permitted by the Citizenship Act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Citizenship Act. Paragraph 46(1)(d) of the Citizenship Act provides that an application made under that Act must be accompanied by the fee prescribed by the regulations.

For the purposes of paragraph 46(1)(d) of the Act, section 16 of the *Australian Citizenship Regulation 2016* (the Citizenship Regulation) provides that the fee to accompany an application is the amount set out in Schedule 3, in addition to any surcharge if the payment is made by credit card or PayPal. The *Australian Citizenship Amendment (Indexation of Fees) Regulations 2024* (the Regulations) applies the Consumer Price Index (CPI) to Australian citizenship application fees from 1 July 2024.

Fees for Australian citizenship are increased to keep pace with the cost of processing applications for Australian citizenship and delivering the Australian citizenship program. Citizenship application fees were last updated on 1 July 2023.

There is no change to Items in Schedule 3 that provide for a nil fee. There is no change to some smaller fees due to rounding.

The amendments to the Citizenship Regulation relate to matters of detail and are therefore appropriate for inclusion in regulations.

A Statement of Compatibility with Human Rights has been completed in accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011*. The overall assessment is that the Regulations are compatible with human rights. A copy of the Statement is at [Attachment A](#).

The Office of Impact Analysis (the OIA) has been consulted in relation to the amendments. No Impact Analysis is required. The OIA consultation reference number is OIA24-06649.

No consultation was undertaken as the amendment does not substantially alter existing arrangements. The proposed change will enable the Citizenship Program to keep pace with the cost of processing applications. This accords with section 17 of the *Legislation Act 2003*, which provides that before a rule maker makes a legislative instrument, they must be satisfied that appropriate and reasonably practicable consultation has taken place. In determining whether any consultation is appropriate, the rule maker may have regard to any relevant matter.

The Regulations commence on 1 July 2024.

Further details of the Regulations are set out in Attachment B.

The Department follows standard practices to notify clients about the proposed changes, including updating citizenship application fees on its website.

The Citizenship Act specifies no conditions that need to be satisfied before the power to make the Regulations may be exercised.

The Regulations are a legislative instrument for the purposes of the Legislation Act.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Australian Citizenship Amendment (Indexation of Fees) Regulations 2024

This Disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Regulation change

The *Australian Citizenship Amendment (Indexation of Fees) Regulations 2024* amends the *Australian Citizenship Regulation 2016* (the Regulation) to increase fees for certain Australian citizenship applications.

Schedule 3 to the Regulation sets out, for the purposes of paragraph 46(1)(d) of the *Australian Citizenship Act 2007*, the amount of the fee payable (if any) to accompany an application for citizenship.

The current citizenship application fees as listed under Schedule 3 to the Regulation were set on 1 July 2023. In line with the 2023-24 Budget Measure *Revenue Options for Citizenship Application Fees*, ongoing annual indexation of citizenship application fees from 1 July 2024 will apply. This means that, annually from 1 July 2024, some fee amounts to accompany citizenship applications will change. Items in Schedule 3 that provide for a nil fee will not change. There is no change to some smaller fees due to rounding.

The purpose of this amendment is to increase citizenship application fees in order to keep pace with the cost of processing applications and delivering the Citizenship Program. Citizenship application fees are categorised as a resource charge and is guided by the Australian Government Charging Framework issued by the Department of Finance.

The fees will be amended in accordance with the following table:

Item Number	Type of Application	Fee from 1 July 2023 (AUD)	Fee from 1 July 2024 (AUD)
1	<u>Citizenship by descent – person born outside Australia to an Australian parent</u> Applications made at the same time under section 16 of the Act by 2 or more siblings	\$345 for the application by the first sibling, and \$145 for the applications made by the second and subsequent siblings	\$360 for the application by the first sibling, and \$150 for the applications made by the second and subsequent siblings
2	<u>Citizenship by descent – person born outside Australia to an Australian parent</u>	\$345	\$360

	An application under section 16 of the Act, other than an application mentioned in item 1		
3	<p><u>Citizenship through adoption – person adopted in accordance with the Hague Convention on Intercountry Adoption or a bilateral arrangement</u></p> <p>Applications made at the same time under section 19C of the Act by 2 or more siblings</p>	\$345 for the application by the first sibling, and \$145 for the applications made by the second and subsequent siblings	\$360 for the application by the first sibling, and \$150 for the applications made by the second and subsequent siblings
4	<p><u>Citizenship through adoption – person adopted in accordance with the Hague Convention on Intercountry Adoption or a bilateral arrangement</u></p> <p>An application under section 19C of the Act, other than an application mentioned in item 3</p>	\$345	\$360
10	<p><u>Citizenship by conferral – other than general eligibility – citizenship test not required – eligible for concessional fee</u></p> <p>An application under section 21 of the Act, other than an application mentioned in items 5 to 9 or item 15, if:</p> <p>(a) the applicant does not claim eligibility on the basis of the criteria in subsection 21(2) of the Act; and</p> <p>(b) the applicant:</p> <p>(i) holds a pensioner concession card issued by the Commonwealth; or</p> <p>(ii) is under the age of 18 and is listed as a dependant</p>	\$40	\$40 (no increase)

	on a pensioner concession card issued by the Commonwealth held by another person		
13	<p><u>Citizenship by conferral – general eligibility – eligible for concessional fee</u></p> <p>An application under section 21 of the Act, other than an application mentioned in items 5 to 9 or item 15, if:</p> <p>(a) the applicant claims eligibility on the basis of the criteria in subsection 21(2) of the Act; and</p> <p>(b) the applicant:</p> <p style="padding-left: 40px;">(i) holds a pensioner concession card issued by the Commonwealth; or</p> <p style="padding-left: 40px;">(ii) is under the age of 18 and is listed as a dependant on a pensioner concession card issued by the Commonwealth held by another person</p>	\$75	\$80
14	<p><u>Citizenship by conferral – general eligibility</u></p> <p>An application under section 21 of the Act, other than an application mentioned in items 5 to 13 or items 15 to 18, if the applicant claims eligibility on the basis of the criteria in subsection 21(2) of the Act</p>	\$540	\$560
16	<p><u>Citizenship by conferral – other than general eligibility - citizenship test not required</u></p> <p>An application under section 21 of the Act, other than an application mentioned in items 5 to 15 or items</p>	\$330	\$345

	17 and 18		
17	<p><u>Citizenship by conferral – general eligibility – applicant previously passed citizenship test in association with a previous application – eligible for concessional fee</u></p> <p>An application (the <i>new application</i>) under section 21 of the Act, other than an application mentioned in item 5, 6, 8, 13 or 18, if:</p> <p>(a) the applicant claims eligibility on the basis of the criteria in subsection 21(2) of the Act; and</p> <p>(b) the applicant previously made an application (the <i>old application</i>) on or after 1 October 2007; and</p> <p>(c) under the old application, the applicant sat a test as described in paragraph 21(2A)(a) of the Act; and</p> <p>(d) the applicant:</p> <p style="padding-left: 40px;">(i) holds a pensioner concession card issued by the Commonwealth; or</p> <p style="padding-left: 40px;">(ii) is under the age of 18 and is listed as a dependant on a pensioner concession card issued by the Commonwealth held by another person</p>	\$40	\$40 (no increase)

18	<p><u>Citizenship by conferral – general eligibility – applicant previously passed citizenship test in association with a previous application</u></p> <p>An application (the <i>new application</i>) under section 21 of the Act, other than an application mentioned in item 5, 6, 8, 13 or 17, if:</p> <p>(a) the applicant claims eligibility on the basis of the criteria in subsection 21(2) of the Act; and</p> <p>(b) the applicant previously made an application (the <i>old application</i>) on or after 1 October 2007; and</p> <p>(c) under the old application, the applicant sat a test as described in paragraph 21(2A)(a) of the Act</p>	\$330	\$345
20	<p><u>Resumption of Australian citizenship</u></p> <p>An application under section 29 of the Act, other than an application mentioned in item 19</p>	\$230	\$240
21	<p><u>Renunciation of Australian citizenship</u></p> <p>An application under section 33 of the Act</p>	\$290	\$300
24	<p><u>Evidence of Australian citizenship</u></p> <p>An application under section 37 of the Act, other than an application mentioned in item 21A, 22 or 23</p>	\$265	\$275

Human rights implications

The measures in this instrument may engage the right to acquire or change a nationality under the following international instruments:

- Article 24(3) of the International Covenant on Civil and Political Rights;
- Article 5(d)(iii) of the Convention on the Elimination of all Forms of Racial Discrimination;
- Article 18 of the Convention on the Rights of Persons with Disabilities;
- Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women; and
- Article 7 of the Convention of the Rights of the Child.

An increase in fees for citizenship applications may engage the right to acquire or change a nationality under the instruments listed above. To the extent that a person has a right to acquire or change a nationality, an increase in fees may limit that right. However, any limitation is reasonable and proportionate, noting also that the Regulation provides for concessional fees for recipients of certain income support payments. Fee increases are necessary to ensure the continued delivery of the Citizenship Program in a timely and efficient manner.

Conclusion

This regulation change is compatible with human rights because, to the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate.

The Hon Andrew Giles MP

Minister for Immigration, Citizenship and Multicultural Affairs

Details of the Australian Citizenship Amendment (Indexation of Fees) Regulations 2024

Section 1 - Name

This section provides that the name of the instrument is the *Australian Citizenship Amendment (Indexation of Fees) Regulations 2024* (the Regulations).

Section 2 - Commencement

This section provides that the Regulations commence on 1 July 2024.

Section 3 - Authority

This section provides that the instrument is made under the *Australian Citizenship Act 2007*.

Section 4 - Schedules

This section provides for how the amendments made by the Regulations operate.

Schedule 1 – Amendments

Part 1 – Amendments

Australian Citizenship Regulation 2016 (the Citizenship Regulation).

Items [1 to 13]

Part 1 to Schedule 1 to the Regulations amend column 2 of the table in Schedule 3 to the Citizenship Regulation. Items 1 to 13 give effect to increases to the citizenship application fee amounts from 1 July 2024.

The amendments made by items 1 to 13 substitute previous citizenship fee amounts with indexed fee amounts. The following table summarises the changes that take effect on 1 July 2024.

Item Number	Type of Application	Fee from 1 July 2023 (AUD)	Fee from 1 July 2024 (AUD)
1	<u>Citizenship by descent – person born outside Australia to an Australian parent</u> Applications made at the same time under section 16 of the Act by 2 or more siblings	\$345 for the application by the first sibling, and \$145 for the applications made by the second and subsequent siblings	\$360 for the application by the first sibling, and \$150 for the applications made by the second and subsequent siblings

2	<p><u>Citizenship by descent – person born outside Australia to an Australian parent</u></p> <p>An application under section 16 of the Act, other than an application mentioned in item 1</p>	\$345	\$360
3	<p><u>Citizenship through adoption – person adopted in accordance with the Hague Convention on Intercountry Adoption or a bilateral arrangement</u></p> <p>Applications made at the same time under section 19C of the Act by 2 or more siblings</p>	\$345 for the application by the first sibling, and \$145 for the applications made by the second and subsequent siblings	\$360 for the application by the first sibling, and \$150 for the applications made by the second and subsequent siblings
4	<p><u>Citizenship through adoption – person adopted in accordance with the Hague Convention on Intercountry Adoption or a bilateral arrangement</u></p> <p>An application under section 19C of the Act, other than an application mentioned in item 3</p>	\$345	\$360
10	<p><u>Citizenship by conferral – other than general eligibility – citizenship test not required – eligible for concessional fee</u></p> <p>An application under section 21 of the Act, other than an application mentioned in items 5 to 9 or item 15, if:</p> <p>(a) the applicant does not claim eligibility on the basis of the criteria in subsection 21(2) of the Act; and</p> <p>(b) the applicant:</p>	\$40	\$40 (no increase)

	<ul style="list-style-type: none"> (i) holds a pensioner concession card issued by the Commonwealth; or (ii) is under the age of 18 and is listed as a dependant on a pensioner concession card issued by the Commonwealth held by another person 		
13	<p><u>Citizenship by conferral – general eligibility – eligible for concessional fee</u></p> <p>An application under section 21 of the Act, other than an application mentioned in items 5 to 9 or item 15, if:</p> <ul style="list-style-type: none"> (a) the applicant claims eligibility on the basis of the criteria in subsection 21(2) of the Act; and (b) the applicant: <ul style="list-style-type: none"> (i) holds a pensioner concession card issued by the Commonwealth; or (ii) is under the age of 18 and is listed as a dependant on a pensioner concession card issued by the Commonwealth held by another person 	\$75	\$80
14	<p><u>Citizenship by conferral – general eligibility</u></p> <p>An application under section 21 of the Act, other than an application mentioned in items 5 to 13 or items 15 to 18, if the applicant claims eligibility on the basis of the criteria in subsection 21(2) of the Act</p>	\$540	\$560
16	<p><u>Citizenship by conferral – other than general eligibility - citizenship test not required</u></p>	\$330	\$345

	An application under section 21 of the Act, other than an application mentioned in items 5 to 15 or items 17 and 18		
17	<p><u>Citizenship by conferral – general eligibility – applicant previously passed citizenship test in association with a previous application – eligible for concessional fee</u></p> <p>An application (the <i>new application</i>) under section 21 of the Act, other than an application mentioned in item 5, 6, 8, 13 or 18, if:</p> <p>(a) the applicant claims eligibility on the basis of the criteria in subsection 21(2) of the Act; and</p> <p>(b) the applicant previously made an application (the <i>old application</i>) on or after 1 October 2007; and</p> <p>(c) under the old application, the applicant sat a test as described in paragraph 21(2A)(a) of the Act; and</p> <p>(d) the applicant:</p> <p>(i) holds a pensioner concession card issued by the Commonwealth; or</p> <p>(ii) is under the age of 18 and is listed as a dependant on a pensioner concession card issued by the Commonwealth held by another person</p>	\$40	\$40 (no increase)

18	<p><u>Citizenship by conferral – general eligibility – applicant previously passed citizenship test in association with a previous application</u></p> <p>An application (the <i>new application</i>) under section 21 of the Act, other than an application mentioned in item 5, 6, 8, 13 or 17, if:</p> <p>(a) the applicant claims eligibility on the basis of the criteria in subsection 21(2) of the Act; and</p> <p>(b) the applicant previously made an application (the <i>old application</i>) on or after 1 October 2007; and</p> <p>(c) under the old application, the applicant sat a test as described in paragraph 21(2A)(a) of the Act</p>	\$330	\$345
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Part 2 – Application of amendments

Australian Citizenship Regulation 2016

Item [14] At the end of Part 4

This item inserts new section 35 into Part 4 of the Citizenship Regulation. Section 35 provides that amendments made by Part 1 of Schedule 1 to the Regulations apply in relation to an application made on or after 1 July 2024.