

# IMMIGRATION NEWS

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(Australian Immigration Law Services)



## ***New Citizenship Act 2007 Starts 1st July 2007***

- **Australian Citizenship Act 2007**

The new Australian Citizenship Act was passed in April 2007 and will come into effect on 1<sup>st</sup> July 2007. In this newsletter, we will outline some of the important changes that were introduced which may have an impact on your citizenship application. It is advisable to study these changes carefully in order to understand how they apply to your situation.

There are however many sections of the Australian Citizenship Act 2007 but the main issues we are covering in this newsletter particularly relate to those students who have recently obtained their permanent residency or will soon gain their residency.

- **General Eligibility**

The basic requirements which must be met so you can become an Australian Citizen are:

- a) is 18 or older at the time you apply
- b) is a permanent resident at this time
- c) understands the nature of the application
- d) satisfies the resident requirements
- e) possesses basic knowledge of the English Language
- f) have an adequate knowledge of the responsibilities and privileges of Australian citizenship

We will talk more about part (e) and (f) in a later newsletter.

- **New residence requirements**

To fulfil the new residence requirements, you need to meet the following conditions:

- **4 years lawful residence** in Australia immediately prior to making an application for Australian citizenship with at least 12 months as a permanent resident AND
- Absences from Australia of no more than 12 months in total in the four years

prior to application, and no more than 3 months in the 12 month permanent residency period prior to application.

Unlike the existing requirements which require applicants to be present in Australia as a permanent resident for periods amounting to 2 years in the last 5 years including 1 year in the last 2 immediately prior to making the application, the new changes recognize time lawfully spent in Australia as temporary residence. It is also important to bear in mind that the new residence requirements only apply to applications lodged after 1<sup>st</sup> July. Therefore, current permanent residents are unaffected by this change.

This also means if you are a student completing fulltime studies of 4 years or longer, you can take advantage of this new change to obtain Australian citizenship sooner. Provided all other residence requirements are met, if you lodge your permanent residency application **after 1<sup>st</sup> July 07**, you will only need to wait 1 year instead of 2 years to apply for citizenship.

Under the new legislation, you are allowed up to 12 months absence in Australia in 4 years prior to application and no more than 3 months in the last 12 months prior to the application. This is good news for students and businesspersons who travel overseas on a regular basis. Now you can spend up to 3 months in total each year in the 4 years prior to your application overseas and not get penalised for it.

- **Citizenship by descent**

The age and time limitations for registration of citizenship by descent will be removed under the new legislation. The only requirements that will apply to a person applying to become an Australian citizen by descent will be that:

- At least one parent was an Australian citizen at the time of the person's birth.
- If the person is 18 years or over, the person must be of good character.
- If the parent became an Australian citizen by descent, he or she must have been present in Australia for periods totalling two years at some time in their life for you to apply for Australian citizenship.

This new proposed change will make it easier for people to apply for citizenship by descent. Regardless of your current age, as long as one of your parents was an Australian citizen at the time of your birth, you are eligible to apply for citizenship by descent.

Children born in Australia with at least one parent who is an Australian citizen or permanent resident will continue to automatically acquire Australian citizenship at birth.

- **Citizenship by resumption**

The proposed changes will make it significantly easier to resume your Australian

citizenship if it was previously renounced. Under the existing legislation, unless you did not know that you would lose Australian citizenship, you have to demonstrate the following requirements in order to resume your citizenship status:

- You would have suffered significant hardship or detriment had you not acquired the other citizenship.
- You intent to commence residing in Australia within 3 years
- You have been a lawful resident in Australia for a total of at least 2 years at some time.
- You have maintained a close and continuing association with Australia.
- You are a good character.

Under the new legislation, only the last requirement (Demonstration of a good character) is retained.

- **Making the Pledge of Commitment**

The pledges are of course an interesting addition! If it makes the government happy, then why not. Of course no verbal pledge can substitute for what you feel in your heart. I remember the pledge (affirmation) I made when becoming a police officer, makes you feel all warm and fuzzy inside. It's a step to be part of a focused community so I think it's a great idea. You can practice one of these below which are in the new Act.

1) From this time forward, under God,  
I pledge my loyalty to Australia and its people,  
Whose democratic beliefs I share,  
Whose rights and liberties I respect, and  
Whose laws I will uphold and obey.

or

2) From this time forward,  
I pledge my loyalty to Australia and its people,  
Whose democratic beliefs I share,  
Whose rights and liberties I respect  
Whose laws I will uphold and obey.

We will provide more information in a later edition of IMMIGRATION NEWS.

Kind regards

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