



REGISTRY OF

19 MAR 2018

SENATORS' INTERESTS

To the Registrar of Senators' Interests,

Statement in relation to citizenship – 45th Parliament

I declare that at the time I nominated for election in this 45th Parliament I was an Australian citizen.

Section 1—Senator's details

Surname: Keneally	
Other Names: Kristina Kerscher	State: NSW

Section 2—Senator's birth and citizenship details

Place of birth: Las Vegas, Nevada, United States of America	Citizenship held at birth: USA
Date of birth: 19 / 12 / 1968 Day Month Year	Date of Australian naturalisation: (if not an Australian citizen by birth) 31 / 10 / 2000 Day Month Year

Section 3(a)—Senator's parents' birth details

	Mother	Father
Place of birth:	Brisbane, Queensland, Australia	Toledo, Ohio, United States of America
Date of birth:	09 / 01 / 1945 Day Month Year	18 / 01 / 1943 Day Month Year

Notes

- (1) The information which you are required to provide is contained in a resolution agreed to by the Senate on 13 November 2017
- (2) If there is insufficient space on this form for the information you are required to provide, you may attach additional pages for that purpose. An electronic file of this form is available on www.aph.gov.au/senators_interests.
- (3) Forward the original, signed copy of all pages of this statement to the Registrar of Senators' Interests, SG.39
Parliament House, Canberra ACT 2600

Section 3(b)—Senator's grandparents' birth details

	Maternal grandmother	Maternal grandfather
Place of birth:	South Brisbane, Queensland, Australia	Roanoke County, Virginia, USA
Date of birth:	29 / 02 / 1924 Day Month Year	20 / 03 / 1921 Day Month Year

	Paternal grandmother	Paternal grandfather
Place of birth:	Fort Jennings, Ohio, USA	Toledo, Ohio, USA
Date of birth:	07 / 11 / 1918 Day Month Year	23 / 05 / 1917 Day Month Year

Section 3(c)—Other factors that may be relevant eg: adoption, IVF, or assumption of citizenship through marriage.

NIL

Section 3(d)—Please list the steps you have taken to assure yourself you have not inherited citizenship of another country from a parent or grandparent.

Knowledge of parents and grandparents places of birth and citizenship status.

Legal advice sought in 2017 (attached)

Section 4(a)—Foreign citizenship

Have you ever been a citizen of any country other than Australia?

☐ **NO** — Proceed to Section 6

☒ **YES** — List the countries that you have been a citizen of, and evidence of the date and manner in which your citizenship was renounced or otherwise came to an end.

Country	Manner of renunciation or other manner in which the foreign citizenship came to an end	Date	Evidence attached
USA	Renunciation at the USA Consul General office	16 September 2002	yes

NB: Evidence of the date and manner in which your citizenship was renounced or otherwise came to an end **should** be attached to this form. Please date and initial each page of any attachment.

Section 4(b)—Foreign citizenship at time of nomination

On the date you nominated for election in this 45th Parliament were you a citizen of any country other than Australia?

- ☒ **NO** — Proceed to Section 4(c)
- ☐ **YES** — Provide evidence of any steps you have taken to renounce the citizenship of the country prior to the date of nomination:

Country	Action	Date	Evidence attached

NB: Evidence of the steps taken to renounce foreign citizenship prior to the date of nomination **should** be attached to this form. Please date and initial each page of any attachment.

Section 4(c)—Are you now a citizen of any country other than Australia?

- ☒ **NO** — Proceed to Section 5
- ☐ **YES** — Provide evidence and details of steps taken to renounce citizenship:

Country	Action	Date	Evidence attached

NB: Evidence of the steps taken to renounce foreign citizenship prior to the date of nomination **should** be attached to this form. Please date and initial each page of any attachment.

Section 5—Senator with foreign citizenship at nomination or now

Complete this section if you answered YES in section 4(b) or 4(c)

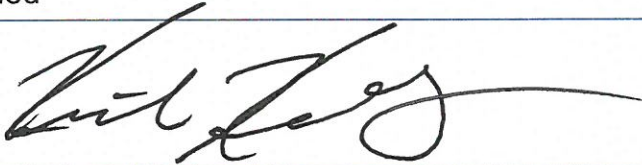
Basis on which the Member contends she or he is not disqualified under s 44(i)	Evidence attached

Section 6—General declaration

I declare that I have completed this statement to the best of my knowledge and have attached all evidence relevant to my declarations.

Signed

Date

	<table><tr><td>6</td><td>103</td><td>12018</td></tr><tr><td>Day</td><td>Month</td><td>Year</td></tr></table>	6	103	12018	Day	Month	Year
6	103	12018					
Day	Month	Year					

STATE OF NEVADA—DEPARTMENT OF HEALTH, WELFARE, AND REHABILITATION
DIVISION OF HEALTH—SECTION OF VITAL STATISTICS
4803
CERTIFICATE OF LIVE BIRTH 127- 58-007047

NAME OF CHILD Kristine Marie		SEX FEMALE	DATE OF BIRTH (TIME, DAY, MONTH, YEAR) December 19, 1968
PLACE OF BIRTH Rural Las Vegas		COUNTY OF BIRTH Clark	STATE OF BIRTH (TO WHOM IN SCAL, HOME BIRTH) Nevada
NAME OF MOTHER Catherine M. Karscher		AGE (IN YEARS) OF MOTHER AT TIME OF BIRTH 23	STATE OF BIRTH (TO WHOM IN SCAL, HOME BIRTH) Brisbane, Australia
NAME OF FATHER John Francis Karscher		AGE (IN YEARS) OF FATHER AT TIME OF BIRTH 25	STATE OF BIRTH (TO WHOM IN SCAL, HOME BIRTH) Ohio
NAME OF MOTHER (if different from above) Catherine M. Karscher		RELATION TO CHILD Mother	
NAME OF FATHER (if different from above) John Francis Karscher		RELATION TO CHILD Father	
NAME OF REGISTRAR Jordan Goodman		DATE SIGNED (MONTH, DAY, YEAR) December 23, 1968	ATTENDING PHYSICIAN (NAME, ADDRESS, CITY, STATE, ZIP) M.D.
SIGNATURE OF REGISTRAR <i>Jordan Goodman</i>		SIGNATURE OF PHYSICIAN <i>[Signature]</i>	
NAME OF REGISTRAR JORDAN GOODMAN, CAPT, USAF, MO		ADDRESS 474th Tactical Hospital Nellis AFB, Nevada 89110	
NAME OF REGISTRAR <i>John Davis - Deputy</i>		DATE RECEIVED—MEDICAL OFFICE JAN 2 1969	

I hereby certify that this is a true and correct copy of the original record which is on file in the office of the Section of Vital Statistics of the Nevada State Division of Health at Carson City, Nevada.

Date Issued:
March 5, 1970

[Signature]
CHIEF, SECTION OF VITAL STATISTICS



COMMONWEALTH OF AUSTRALIA

Australian Citizenship Act 1948

Certificate of Australian Citizenship

KRISTINA KERSCHER KENEALLY

born on 19th December 1968

having applied for a Certificate of Australian Citizenship, having satisfied the conditions prescribed by the Australian Citizenship Act 1948 for the grant of such a Certificate and having undertaken to fulfil the responsibilities of a citizen,

*I, the Minister for Immigration and Multicultural Affairs,
grant this Certificate of Australian Citizenship to the abovenamed applicant who is
an Australian citizen on and after 31st October 2000.*

*Issued by the authority
of the Minister
for Immigration and
Multicultural Affairs*




**MINISTER
FOR IMMIGRATION AND
MULTICULTURAL AFFAIRS**

No. 00085500339

CHILDREN INCLUDED IN CERTIFICATE

*The names of the following children who have not attained the age of sixteen years
and of whom the grantee of this Certificate is a responsible parent
have been included in this Certificate.*

NAME OF CHILD

DATE OF BIRTH

THERE ARE NO CHILDREN ON THIS CERTIFICATE



**MINISTER
FOR IMMIGRATION AND
MULTICULTURAL AFFAIRS**

Post



UNITED STATES DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

CERTIFICATE OF LOSS OF NATIONALITY OF THE UNITED STATES

This form is prescribed by the Secretary of State pursuant to Section 501 of the Act of October 14, 1940 (54 Stat. 1171) and Section 358 of the Act of June 27, 1952 (66 Stat. 272).

Consulate General of the United States of America

at Sydney, Australia

SS:

I William D. Douglass, Consul
(Name)

hereby certify that, to the best of my knowledge and belief,

Kristina Kerscher Keneally
(Name)

was born at Las Vegas, Nevada,
(Town or City) (Province or County)
U.S.A., on December 19, 1968,
(State or Country) (Date)

That she ~~(NAME)~~ resided in the United States (dates): birth to September 17, 1994

That she resides at 1 Casino Street, Eastlakes, New South Wales 2018, Australia;

That she acquired the nationality of the United States by virtue of birth in the United States

That she acquired the nationality of Australia by virtue of
naturalization on October 31, 2000, upon her own application

That she signed an Oath Of Renunciation Of The Nationality Of The United
(The action causing expatriation should be set forth succinctly)
States on September 16, 2002, at Sydney, Australia

That she thereby expatriated her self on September 16, 2002 under the provisions of
Section 349(a)(5) of ~~(the Nationality Act of 1952)~~ (the Immigration and Nationality Act of 1952)*

That the evidence of such action consists of the following:

as listed below

That attached to and made a part of this certificate are the following documents or certified
copies thereof: 1) Oath Of Renunciation Of The Nationality Of The United States; 2) Statement Of
Understanding Concerning The Consequences And Ramifications Of Renunciation; both signed
by Mrs. Keneally on September 16, 2002 at Sydney, Australia; 3) Certificate of Australian
Citizenship ~~in name of~~ Kristina Kerscher Keneally dated October 31, 2000.

In testimony whereof, I have hereunto subscribed by name and affixed my office seal this 16th
day of September, 2002.

(SEAL)

William D. Douglass
(Signature)
William D. Douglass
Consul of the United States of America
(Title)

*Strike out inapplicable item.



CONSULATE GENERAL OF THE UNITED STATES OF AMERICA

American Citizen Services, Level 59 MLC Centre, 19-29 Martin Place, Sydney, New South Wales 2000
Tel: (02) 9373-9200 Fax: (02) 9373-9184

OATH OF RENUNCIATION OF THE NATIONALITY OF THE UNITED STATES

(This form has been prescribed by the Secretary of State pursuant to Section 349(a)(5) of the Immigration and Nationality Act, 66 Stat. 268 as amended by P.L. 95-432 of October 10, 1978, 92 Stat. 1046.)

Commonwealth of Australia)

State of New South Wales) SS:

City of Sydney)

Consulate General of the)

United States of America)

I, Kristina Kerscher Keneally, a national of the United States, solemnly swear

that I was born at Las Vegas, Nevada,
(town/city) (state)

U.S.A. on December 19, 1968;
(country) (date)

that I formerly resided in the United States at 114 Michigan Avenue, Highwood, Illinois;

That I had resided in the United States from birth to September 17, 1994;

That I am a national of the United States by virtue of birth in the United States
(If a national by birth in the United States, or abroad,

so state; if naturalized, give the name and place of the court in the United States before which naturalization was granted and

the date of such naturalization.)

That I desire to make a formal renunciation of my American nationality, as provided by section 349(a)(5) of the Immigration and Nationality Act, and pursuant thereto I hereby absolutely and entirely renounce my United States nationality together with all rights and privileges and all duties of allegiance and fidelity thereunto pertaining.

K. Keneally
(signature of renunciant)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 16th DAY OF September, 2002, AT
SYDNEY, AUSTRALIA



William D. Douglass
William D. Douglass
Consul of the United States of America



CONSULATE GENERAL OF THE UNITED STATES OF AMERICA

American Citizen Services, Level 59 MLC Centre, 19-29 Martin Place, Sydney, New South Wales 2000
Tel: (02) 9373-9200 Fax: (02) 9373-9184

RENUNCIATION OF UNITED STATES CITIZENSHIP

**STATEMENT OF UNDERSTANDING
CONCERNING THE CONSEQUENCES AND RAMIFICATIONS OF RENUNCIATION**

I, Kristina Kerscher Keneally, understand that:
(full names)

1. I have a right to renounce my United States citizenship.
2. I am exercising my right of renunciation freely and voluntarily without any force, compulsion, or undue influence placed upon me by any person.
3. Upon renouncing my citizenship, I will become an alien with respect to the United States, subject to all the laws and procedures of the United States regarding entry and control of aliens.
4. If I do not possess the nationality/citizenship of any country other than the United States, upon my renunciation I will become a stateless person and may face extreme difficulties in traveling internationally and entering most countries.
5. If I am found to be deportable by a foreign country, my renunciation may not prevent my involuntary return to the United States.
6. My renunciation may not affect my military or Selective Service status, if any. I understand that any problems in these areas must be resolved with the appropriate agencies.
7. My renunciation may not affect my liability, if any, to prosecution for any crimes which I may have committed or may commit in the future which violate United States law.
8. My renunciation may not exempt me from United States income taxation. With regard to United States taxation consequences, I understand that I must contact the United States Internal Revenue Service. Further, I understand that if my renunciation of United States citizenship is determined by the United States Attorney General to be motivated by tax avoidance purposes, I will be found excludable from the United States under the Immigration and Nationality Act, as amended.
9. The extremely serious and irrevocable nature of the act of renunciation has been explained to me by William D. Douglass, Consul at the American Consulate General at Sydney, Australia. I fully understand its consequences.

/PTO

- 2 -

I (do not) choose to make a separate written explanation of my reasons for renouncing my United States citizenship. I **swear** that I have **read** this Statement in the English language and fully understand its contents.


(renunciant's signature)

Kristina Kerscher Keneally
(renunciant's name)

CONSULAR OFFICER'S ATTESTATION

Kristina Kerscher Keneally appeared personally and **read** this English language Statement in the presence of these witnesses and after my explanation before them of its meaning and of the consequences of renunciation of United States citizenship, **signed** the Statement **under oath** before me this 16th day of September 16, 2002.

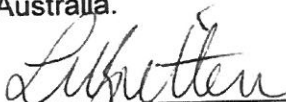
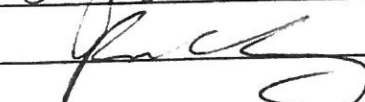



William D. Douglass

Consul of the United States of America

WITNESSES' ATTESTATION CLAUSE

The undersigned persons certify that they witnessed the personal appearance of Kristina Kerscher Keneally before Consul William D. Douglass who explained the meaning of the Statement after it had been read and the consequences of renunciation of United States citizenship, after which there was a **signing under oath** before the named consular officer and undersigned witnesses this 16th day of September, 2002, at Sydney, Australia.

Witness 
Witness 

Address American Consulate General
American Services Section
Level 59, MLC Centre
Address 19-29 Martin Place
Sydney N.S.W. 2000

8854

February 2002
Department of the Treasury
Internal Revenue Service

Expatriation Information Statement

OMB No. 1545-1567

▶ See separate instructions. ▶ Please print or type.

Attachment
Sequence No. 112

Name Kristina Kerscher Kenally Date of birth (mo., day, yr.) 12-19-68 Telephone number 612 8338 9395 Identifying number 291 60 7488

Part I General Information. All filers must complete Part I. Complete Part II if, on the date of expatriation, you had gross assets with a collective fair market value of more than \$500,000. See instructions.

1 Date of expatriation Sept. 16, 2002 2a If you are a former U.S. citizen, check this box ☒
 b If you are a former U.S. long-term resident (LTR), check this box ☐

3 Mailing address where you may be reached after expatriation 4 Address of tax residence after expatriation (if different from 3)

1 Casino St. Eastlakes
New South Wales 2018
Australia

5 Address of tax residence before expatriation

1 Casino St
Eastlakes New South Wales 2018
Australia

6 List all foreign countries (not the United States) of which you are a citizen.

a Name of country	b How you became a citizen	c Date you became a citizen
<u>Australia</u>	<u>Naturalization</u>	<u>Oct. 31, 2000</u>

7 Number of days you were present in the United States during the

a Tax year of expatriation	a
	<u>0</u>
b Tax year before expatriation	b
	<u>20</u>
c Tax year that is 2 years before expatriation	c
	<u>0</u>

8 Was your average annual net U.S. income tax liability (after credits) for the 5-tax-year period that ended before the date of expatriation more than \$120,000 (for expatriation in 2002), \$116,000 (for expatriation in 2001), or the applicable threshold amount (see instructions for this line) for expatriation before 2001? ☐ Yes ☒ No
If "Yes," enter your tax liability for each of those years (rounded to the nearest \$50,000).

5th Year Before Expatriation	4th Year Before Expatriation	3rd Year Before Expatriation	2nd Year Before Expatriation	1st Year Before Expatriation
\$	\$	\$	\$	\$

9 Was your net worth on the date you expatriated equal to or more than \$599,000 (for expatriation in 2002), \$580,000 (for expatriation in 2001), or the applicable threshold amount (see instructions for this line) for expatriation before 2001? ☐ Yes ☒ No

10 If you checked the "Yes" box on line 8 or line 9, see instructions and complete lines 10 a, b, and c. Otherwise, go to line 11.

a Are you eligible to submit a ruling request that your expatriation did not have, as one of its principal purposes, the avoidance of U.S. taxes? ☐ Yes ☐ No
b Did you submit or do you intend to submit such a ruling request? ☐ Yes ☐ No
c If you submitted a ruling request, did you receive a ruling that either:
(1) Your ruling request was complete and submitted in good faith? ☐ Yes ☐ No
(2) Your expatriation did not have as one of its principal purposes the avoidance of U.S. taxes under Internal Revenue Code section 877(a)(1)? ☐ Yes ☐ No

11 On the date of expatriation, did you have gross assets with an aggregate fair market value of more than \$500,000? ☐ Yes ☒ No
If "Yes," complete Part II on the back.

Sign
Here

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than filer) is based on all information of which preparer has any knowledge.

Your signature K Kenally
Preparer's signature

Date Sept. 16, 2002
Date

Part II Balance Sheet

- Complete Part II only if you checked the "Yes" box on line 11 in Part I.
- List the amounts of your assets and liabilities in U.S. dollars immediately prior to expatriation.
- If you are a former U.S. long-term resident (LTR), it may benefit you to complete column (d). Only former LTRs should do so.

For more details see the separate instructions.

Assets	(a) Fair Market Value (FMV) immediately prior to expatriation	(b) U.S. adjusted basis immediately prior to expatriation	(c) Gain or (Loss). Subtract column (b) from column (a)	(d) FMV on beginning date of U.S. residency (optional, for LTRs only)
1 Cash, including bank deposits				
2 Marketable stock and securities issued by U.S. companies				
3 Marketable stock and securities issued by foreign companies				
4 Nonmarketable stock and securities issued by U.S. companies				
5 Nonmarketable stock and securities issued by foreign companies				
6 Pensions from services performed in the United States				
7 Pensions from services performed outside the United States				
8 Partnership interests (see instructions)				
9 Assets held by trusts you own under sections 671-679 (see instructions)				
10 Beneficial interests in nongrantor trusts (see instructions)				
11 Intangibles used in the United States				
12 Intangibles used outside the United States				
13 Loans to U.S. persons				
14 Loans to foreign persons				
15 Real property located in the United States				
16 Real property located outside the United States				
17 Business property located in the United States				
18 Business property located outside the United States				
19 Other assets (see instructions)				
20 Total Assets. Add lines 1 through 19				
Liabilities	Amount			
21 Installment obligations				
22 Mortgages, etc.				
23 Other liabilities (see instructions)				
24 Total Liabilities. Add lines 21 through 23				
25 Net Worth. Subtract line 24 from line 20, column (a).				



Your ref -
Our ref Australia/PTG/

Kennedys

PRIVATE AND CONFIDENTIAL

By Email: keneallykk@gmail.com

The Honourable Kristina Keneally
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GLADESVILLE NSW 1675

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Sydney NSW 2000
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T +61 2 8215 5901
F +61 2 8215 5988

Email
Patrick.George@kennedyslaw.com

Date
14 August 2017

Dear Kristina

CITIZENSHIP LAWS

1 I refer to your email of 26 July 2017 and your questions, abbreviated as follows:

- (1) *What was my mother's citizenship status from her birth to 10 April 1974 when she became a naturalised US citizen?*
 - *Was she a British subject?*
 - *Did her mother's naturalisation in 1955 or 1956 render her stateless?*
- (2) *If my mother was a British subject, how does that affect me and my brother Kevin, as we were born before she became a naturalised US citizen?*
- (3) *If my mother was a British subject, did she lose that status when she took out American citizenship in 1974 - noting she had a birthright to American citizenship through her father? If she is a dual British subject/US citizen, how would that affect my brother Jeff?*
- (4) *Sadly, my grandmother died in 2015, but my mother still lives in Ohio. What is her citizenship status vis a vis Australia and/or Britain*

Kennedys offices, associations and cooperations: Auckland, Beijing, Belfast, Birmingham, Bogotá, Brussels, Buenos Aires, Cambridge, Chelmsford, Copenhagen, Dubai, Dublin, Edinburgh, Glasgow, Hong Kong, Karachi, Lima, Lisbon, London, Madrid, Manchester, Mexico City, Miami, Moscow, Mumbai, New Delhi, Oslo, Paris, Rio de Janeiro, Santiago, São Paulo, Shanghai, Sheffield, Singapore, Stockholm, Sydney, Taunton and Warsaw

today? Is she only a US citizen? Is she still a British subject? Could she apply to have her Australian citizenship re-instated?

- 2 I note the timeline in your email and that the questions essentially concern Australian, British and American (US) citizenship.

Birth

- 3 The obvious source of citizenship is by birth and in your family's history, citizenship by birth is as follows:

George W Powell	-	American
Patricia (Anderson) Powell	-	Australian
John Kerscher	-	American
Catherine Mary (Powell) Kerscher	-	Australian
Kristina (Kerscher) Keneally	-	American
Kevin Kerscher	-	American
Jeff Kerscher	-	American

- 4 Citizenship by birth is automatic and remains for life unless the person takes affirmative action to renounce it. Under US law, it is guaranteed by the Fourteenth Amendment to the Constitution, Section 1. Under Australian law, it has no Constitutional basis and for the time period under consideration, it has been determined by a mixture of common law and statute, making it a complex issue.

US Citizenship

Acquisition

- 5 In addition to birth in the US, it is also possible to become a US citizen by 'acquisition', being born to US citizens. If a person was born to parents, at least one of whom was a US citizen at the time of birth, the person may automatically gain US citizenship through the process of acquisition. It does not matter whether the person was born on American soil or not.
- 6 On this analysis, it would suggest that your mother, Catherine, should have acquired US citizenship, being a child to a US citizen, and that your own children may have acquired US citizenship as they were born prior to your renouncement of US citizenship in 2002.
- 7 The answer depends on the applicable legislation at the time of birth. For Catherine, it appears the relevant legislation was the Nationality Act of 1940. A child, born to a US citizen, and in the case of an armed services citizen who

had resided in the US for 10 years prior to the birth, at least five of which after the age of 12, could acquire US citizenship at birth.

Naturalisation

- 8 A third possible means of obtaining citizenship is through the naturalisation process which involves applying for and passing a citizenship test. This, your grandmother Patricia did in the US in 1955/56 and Catherine did in the US in 1974. It is unclear whether they each were required to renounce their Australian/British subject status as part of the US naturalisation process, but the US has recognised dual citizenship under its law for some time: *Kawakita v US* 343 US 717 (1952).
- 9 You became a naturalised Australian in 2000 after applying for permanent residency in Australia in 1993, and renounced your US citizenship in 2002.

Derivation

- 10 It is possible that a person may become a citizen if one or both of the parents has been naturalised as a US citizen through '*derivation of citizenship*'. This may have been relevant to Catherine's US citizenship as a consequence of Patricia's naturalisation in 1955/56. However, Catherine was required to undergo the process of naturalisation herself in 1974.

Australian Citizenship

- 11 Under the Australian Nationality Act 1920, Australian citizenship was governed by the English common law. Australians were known as '*British subjects*'. The term was used to denote citizenship of the United Kingdom and the British Empire, and until 1949, was used to refer generally to any person born or naturalised in the United Kingdom or the British Empire including the independent dominions such as Australia.
- 12 The term '*subject*' was used rather than citizen because of the supreme authority of the British monarch in whose name all legal power in civil and military law was exercised. The people of the British monarchy were regarded as the monarch's subjects who were under certain obligations, such as owing allegiance to and thereby being entitled to the protection of the Crown.
- 13 Before 1949, every person born within Australia owed allegiance to the British Crown based on the common law, being a British subject. This was first codified in the UK under the British Nationality & Status of Aliens Act 1914 and was recognised in Australia by the Australian Nationality Act 1920.
- 14 Consequently, at the time they departed Australia for the US, both Patricia and Catherine were classified as '*British subjects*' born in Australia and

defined pursuant to Section 6(1)(a) of the Australian Nationality Act 1920 as '*Natural Born British Subjects*'.

- 15 Between 1947 and 1951, the members of the British Commonwealth created their own national citizenship, and Australia did so under the Nationality & Citizenship Act 1948, later called the Australian Citizenship Act 1948, by which the national citizenship of Australia co-existed with the continuing status of British subject. The Act came into operation on 26 January 1949.
- 16 Under Section 10 of the Act, a person born in Australia '*after the commencement of the Act*' (in 1949) became an Australian citizen.
- 17 Under the British Nationality Act 1948, every person who was a British subject by virtue of a connection with the United Kingdom or one of her colonies but not the dominions, became after commencement of that Act, a citizen of the United Kingdom and Colonies and they retained the status of British subject. The status of British subject also then came to be known from 1949 as Commonwealth Citizen. This did not apply to Patricia and Catherine.
- 18 In Australia, natural born British subjects under the Australian Nationality Act 1920 and Australian citizens under the Australian Citizenship Act 1948, retained the status of British subject until the Australian Citizenship Amendment Act 1984 removed Part II of the Australian Citizenship Act 1948 effective on 1 May 1987.
- 19 Importantly the provisions in Part II, which operated from 1949 until 1987, deemed an Australian citizen to be a British subject. Under section 11 of that Act, a child born outside Australia was deemed to be an Australian by descent if the child's father was an Australian citizen. Accordingly with an American father, none of Catherine's children were deemed to be Australian citizens.
- 20 Under the Australian Citizenship Act 1948, Section 17, a British subject/Australian citizen who while outside Australia, acquired the citizenship of another country by some voluntary and formal act other than marriage thereupon ceased to be an Australian citizen. Accordingly, by the affirmative act of taking up citizenship in the US, Patricia and Catherine ceased the status of British subjects under Australian law on the respective dates when they became naturalised US citizens.

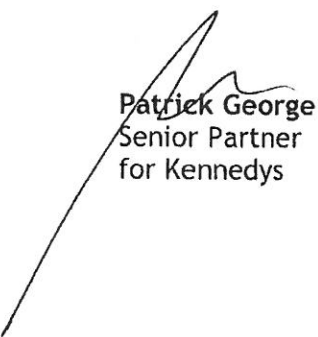
Your Questions

- 21 The answers to your questions therefore are these:
 - (1) *Your mother, Catherine, was initially a natural born British subject under Australian law until she became a naturalised US citizen in 1974. She ceased to be a British subject/Australian citizen at that time. She also may have been a US citizen by acquisition through her father's*

birthright and derivation through her mother's naturalisation but for some reason, this citizenship was not raised or recognised at the time she proceeded through the naturalisation procedure for herself as an adult. Patricia's naturalisation in 1955/56 did not render Catherine stateless as she remained a British subject.

- (2) *As a result of your father's US citizenship, you and your brother Kevin could not be Australian citizens by descent under the Australian Citizenship Act 1948, but you were US citizens by birth and by acquisition on your father's side.*
- (3) *Catherine lost her status of British subject when she became a naturalised US citizen in 1974 by operation of Section 17 of the Australian Citizenship Act 1948. Until that time, it is possible that she had dual citizenship as a British subject and as a US citizen by acquisition. Jeff was born after 1974 and was a US citizen by birth and acquisition.*
- (4) *Catherine is now a US citizen and not a British subject or Australian citizen. Under section 29 of the Australian Citizenship Act 2007, she is entitled to reapply to be an Australian citizen if she wishes. That section deems former Australian citizens (and natural born British subjects) as eligible for resuming Australian citizenship if the person ceased to be an Australian citizen by operation of section 17 of the Australian Citizenship Act 1948, or under section 18 of that Act by which the person was required to renounce the Australian citizenship in order to acquire (in this case US) citizenship.*

Kind regards



Patrick George
Senior Partner
for Kennedys