

Question on notice no. 237

Portfolio question number: AE21-237

2020-21 Additional estimates

Legal and Constitutional Affairs Committee, Home Affairs Portfolio

Senator Janet Rice: asked the Department of Home Affairs on 22 March 2021—

Senator RICE: I want to get some more information adding to the answer that you gave to my question on notice No. 455 about the 19 Australians who've had their citizenship revoked. You said: There are 19 individuals whose Australian citizenship has ceased automatically ? The Department is unable to release the names of these individuals publicly due to privacy concerns. ?

That's the guts of it. Of these 19 individuals whose citizenship has been revoked or ceased, I acknowledge you can't provide names, but can you give me a breakdown of their ages, gender and where they were when their citizenship was ceased?

Mr Pezzullo: Possibly. Mr Teal is the head of our citizenship program.

Mr Teal: You're indeed correct with those 19 individuals. I will take that on notice.

Senator RICE: You can't give me any information now about those 19 individuals?

Mr Teal: No. I will take it on notice.

Senator RICE: Can you tell me how many are children for the purposes of the legislation?that is, aged between 14 and 18?

Mr Teal: I will also take that on notice.

Senator RICE: Can you tell me how many of those 19 were in Syria?

Mr Teal: At the time?

Senator RICE: Yes.

Mr Teal: Again, I will take that on notice.

Senator RICE: You haven't got that information there in front of you? You seem to have some documentation.

Mr Teal: No, I don't.

CHAIR: The witness has indicated he will take it on notice. Could you go to your next question?

Senator RICE: If there were any of the 19 individuals whose citizenship has been revoked who were aged between 14 and 18, can you please indicate how and in what form the best interests of those children were considered in the decision to revoke their citizenship?

Mr Pezzullo: It's perhaps worth briefly explaining that, for a time, at least?the provisions have since been amended?this parliament required that citizenship cessation occur as a result of the function of law or the operation of law. In other words, if certain objective facts have occurred and they come to our attention, we're duty bound under the law as it was written to advise the minister. So there's no determination specifically administratively that this person meets the criteria for having their citizenship stripped. I will just use that verb. It's not the verb in the legislation. But, by operation of law, their allegiance to Australia was effectively deemed to have been not operative, and then that's drawn to the minister's attention.

The law has now been amended so there's an active decision required that takes into account of a whole lot of factors.

Senator RICE: For those 19 there's no opportunity for them to have the fact that their citizenship was stripped from them reconsidered, then?

Mr Pezzullo: The law as it was written, this provision of which remains on the statute book, gave the minister?because it's historical in relation to that group because the law has been amended. The only discretion available to the minister was whether he or she would reinstate their citizenship as a separate decision.

Senator RICE: But none of these 19, however, have had their citizenship reinstated?

Mr Pezzullo: No.

Senator RICE: Of those 19 individuals, can you also indicate how many of them had children, including the number and the ages of their children?

Mr Teal: Again, I will take that on notice.

Answer —

Please see the attached answer.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ADDITIONAL ESTIMATES
22 MARCH 2021**

**Home Affairs Portfolio
Department of Home Affairs**

Program 2.1: Multicultural Affairs and Citizenship

AE21-237 - Citizenship Revocation

Senator Janet Rice asked:

Senator RICE: I want to get some more information adding to the answer that you gave to my question on notice No. 455 about the 19 Australians who've had their citizenship revoked. You said:

There are 19 individuals whose Australian citizenship has ceased automatically ... The Department is unable to release the names of these individuals publicly due to privacy concerns. ...

That's the guts of it. Of these 19 individuals whose citizenship has been revoked or ceased, I acknowledge you can't provide names, but can you give me a breakdown of their ages, gender and where they were when their citizenship was ceased?

Mr Pezzullo: Possibly. Mr Teal is the head of our citizenship program.

Mr Teal: You're indeed correct with those 19 individuals. I will take that on notice.

Senator RICE: You can't give me any information now about those 19 individuals?

Mr Teal: No. I will take it on notice.

Senator RICE: Can you tell me how many are children for the purposes of the legislation—that is, aged between 14 and 18?

Mr Teal: I will also take that on notice.

Senator RICE: Can you tell me how many of those 19 were in Syria?

Mr Teal: At the time?

Senator RICE: Yes.

Mr Teal: Again, I will take that on notice.

Senator RICE: You haven't got that information there in front of you? You seem to have some documentation.

Mr Teal: No, I don't.

CHAIR: The witness has indicated he will take it on notice. Could you go to your next question?

Senator RICE: If there were any of the 19 individuals whose citizenship has been revoked who were aged between 14 and 18, can you please indicate how and in what form the best interests of those children were considered in the decision to revoke their citizenship?

Mr Pezzullo: It's perhaps worth briefly explaining that, for a time, at least—the provisions have since been amended—this parliament required that citizenship cessation occur as a result of the function of law or the operation of law. In other words, if certain objective facts have occurred and they come to our attention, we're duty bound under the law as it was written to advise the minister. So there's no determination specifically administratively that this person meets the criteria for having their citizenship stripped. I will just use that verb. It's not the verb in the legislation. But, by operation of

law, their allegiance to Australia was effectively deemed to have been not operative, and then that's drawn to the minister's attention. The law has now been amended so there's an active decision required that takes into account of a whole lot of factors.

Senator RICE: For those 19 there's no opportunity for them to have the fact that their citizenship was stripped from them reconsidered, then?

Mr Pezzullo: The law as it was written, this provision of which remains on the statute book, gave the minister—because it's historical in relation to that group because the law has been amended. The only discretion available to the minister was whether he or she would reinstate their citizenship as a separate decision.

Senator RICE: But none of these 19, however, have had their citizenship reinstated?

Mr Pezzullo: No.

Senator RICE: Of those 19 individuals, can you also indicate how many of them had children, including the number and the ages of their children?

Mr Teal: Again, I will take that on notice.

Answer:

Of these 19 individuals whose citizenship has been revoked or ceased, I acknowledge you can't provide names, but can you give me a breakdown of their ages, gender and where they were when their citizenship was ceased?

Of the 19 individuals who ceased to be Australian citizens under the former operation of law provisions in the *Australian Citizenship Act 2007*:

- 16 were male and 3 were female; and
- nine individuals were aged between 18-30, seven between 30-40, and three were aged 40 or above.

All individuals were located offshore at the time the Minister for Home Affairs became aware that their Australian citizenship had ceased.

Can you tell me how many are children for the purposes of the legislation—that is, aged between 14 and 18?

No individuals were aged 14 to 18 at the time their Australian citizenship ceased.

Can you tell me how many of those 19 were in Syria (at the time they lost their citizenship)?

All individuals were located offshore at the time the Minister for Home Affairs became aware that their Australian citizenship had ceased.

It would not be appropriate to provide the exact location of each individual.

Of those 19 individuals, can you also indicate how many of them had children, including the number and the ages of their children?

The Department is aware that some of the 19 individuals have children.

It would not be appropriate to provide further details.