



Current Issues Brief
No. 5 2000–01

Dual Citizenship in Australia

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Adrienne Millbank
Social Policy Group
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Enquiries

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Major Issues

- The approach of the Centenary of Federation has seen a renewed focus on what it means to be an Australian citizen. Economic globalisation, rapid developments in communications and travel, and vastly increased personal mobility are impacting on notions of national identity and citizenship world-side. Notions of immigration are also changing, with competition for skilled migrants, and with recognition of the increasing importance of temporary movements and the impermanence of many 'permanent' movements. The context within which the Government is considering a key recommendation of the Australian Citizenship Council, in effect to officially endorse dual citizenship, is very different to that which prevailed in 1976, when a Parliamentary inquiry rejected the notion of dual nationality for Australia.
- Section 17 of the *Australian Citizenship Act (1948)* provides that, except in relation to 'an act of marriage':

A person, being an Australian citizens who has attained the age of 18 years, who does any act or thing: (a) the sole or dominant purpose of which; and (b) the effect of which; is to acquire the nationality or citizenship of a foreign country, shall, upon that acquisition, cease to be an Australian citizen.

The Australian Citizenship Council, in its report to the Government 23 December 1999, has 'strongly' recommended repeal of this section, 'so that Australian citizens over the age of 18 do not lose their Australian Citizenship on acquisition of another Citizenship'.

- The strongest argument in favour of dual citizenship at the beginning of the new millennium in Australia is the estimated 4–5 million Australians—people who have migrated and taken out Australian citizenship, and their children—who are already dual citizens. The proportion of the population who are dual citizens has increased, with migration, over the last 50 years, and with little evidence of adverse effects in terms of national cohesion or security. With up to a quarter of the population dual citizens, or entitled to take out dual citizenship, dual citizenship in Australia is a *fait accompli*. This situation has resulted in a glaring anomaly for 'born and bred' Australians, whereby section 17 of the Citizenship Act requires people with only Australian citizenship to relinquish this if they take out the citizenship of another country.
- The major argument in favour of dual citizenship generally is that it makes sense and has become increasingly common (regardless of government policy or preference) in a world

of economic globalisation, instant communications and vastly increased personal mobility. Dual citizenship facilitates travel, business and work opportunities for individuals, and awareness has increased, in both 'sending' and 'receiving' nations, of national level benefits.

- The last couple of years have seen historically high levels of 'permanent' departures from Australia (41 000 in 1999–2000), about one half of whom are Australian-born, many highly skilled. Benefits of the overseas experience of such people will be lost to Australia if they are discouraged from returning through loss of citizenship.
- While overall comparative data is lacking and conditions vary, the international trend is clearly towards increasing numbers of dual citizens, and the legalising by governments of dual citizenship. Notably, major 'sending' countries have legislated in the 1990s to allow their citizens who have taken out e.g. US citizenship to maintain or resume their original citizenship. Also notably, Australia is alone amongst the major immigration countries (the others being the USA, Canada, and NZ) in prohibiting its citizens from taking out another citizenship. The UK has long promoted dual citizenship.
- In effect, rules regarding the resumption of Australian citizenship have become so relaxed and the administrative process so straightforward as to almost be a formality. While a continuing imposition and source of anxiety for those affected, section 17, apart from its symbolic value, is arguably redundant. Monitoring and administering citizenship between countries to ensure people only have one citizenship has however become administratively difficult, and the bilateral arrangements that Australia has had with many other countries have lapsed.
- The major argument against dual citizenship has (like Section 17 of the *Australian Citizenship Act 1948*) remained unchanged for over 50 years. It is based on the symbolic value of citizenship, viz citizenship as a core issue of national identity and sovereignty and security. As such, it is argued that it should not be degraded by being treated as a commodity to be sought for economic reasons or convenience of travel arrangements, employment opportunities or tax advantages. It is this symbolic significance of citizenship (and/or populist politics) that has prevented successive governments from repealing section 17, despite the recommendation of Parliamentary and government commissioned inquiries over the last decade.
- Worldwide, arguments against dual citizenship have become less compelling, over time, while arguments in favour of dual citizenship have become stronger, and especially over the last 10 to 15 years. The change in weight and focus of the arguments in Australia can be followed through parliamentary and other inquiries into citizenship legislation since 1976. Those conducted over the last decade have recommended repeal of section 17.

Introduction

The approach of the Centenary of Federation has seen a renewed focus on what it means to be an Australian citizen. Economic globalisation, rapid developments in communications and travel, and vastly increased personal mobility are impacting on notions of national identity and citizenship worldwide. Notions of immigration are also changing. There is increasing recognition of the growing economic, cultural and international relations impact of temporary movements, and the impermanence of many 'permanent' movements.

There are 76 000 places planned for under Australia's 2000–01 permanent immigration program. On 30 June 2000 there were 514 000 temporary entrants (students, visitors, temporary residents) in Australia. In 1999–2000 there were 41 000 'permanent' departures from Australia—an historic high.

The world has changed since a 1976 Parliamentary inquiry rejected the notion of dual nationality for Australia. The Government is currently considering a key recommendation of the Australian Citizenship Council to repeal section 17 of the *Australian Citizenship Act 1948*, thereby enabling Australians who travel abroad and who take out the citizenship of another country to keep their Australian citizenship. And thereby formally allowing dual citizenship in Australia—except for elected representatives in Parliament.

An issue of dual citizenship of particular interest to parliamentarians is section 44 of the Australian Constitution, which provides for the disqualification of intending Members of Parliament or Senators who hold the citizenship of another country. This issue was explored by the House of Representatives Standing Committee on Legal And Constitutional Affairs in 1997,¹ and most recently by the High Court of Australia in the Heather Hill case.² This issue is not addressed in this paper, except to note that the Australian Citizenship Council has argued that dual citizenship should be allowed for parliamentarians as well as for other Australian citizens, and that another measure of their loyalty to Australia—besides single citizenship—should be found.³

This Current Issues Brief sets out the arguments in favour of dual citizenship, and looks how arguments for and against dual citizenship have changed in their weight and focus over time.

The international situation

It is for each State to determine under its own law who are its nationals, and there are no firm or comprehensive rules concerning dual citizenship.⁴ National laws have varied widely, e.g. from requiring nationals to relinquish their citizenship on taking out another (e.g. Australia) to making it impossible for citizens to surrender their original citizenship (e.g. Greece).

The principal international instrument relevant to dual citizenship is the 1930 Hague Convention. A first point of principle in this Convention is that dual nationality is undesirable. However, it also acknowledges and sets out some general principles relating to dual citizenship, including that:

- A person having two or more nationalities may be regarded as its national by each of the States whose nationality he or she possesses.
- Any question as to whether a person possesses the nationality of a particular State shall be determined in accordance with the law of that State.
- Within a third State, a person having more than one nationality shall be treated as if he or she had only one, either the nationality of the country in which he is habitually and principally resident, or the nationality of the country with which in the circumstances he appears to be in fact most closely connected.
- A State may not afford diplomatic protection to one of its nationals against a State whose nationality such person also possesses.

Even though the Hague Convention was drafted at a time when the ideal was generally perceived as being that every person should have one citizenship only, dual citizenship thus has long been recognised in international law.

The world environment and attitudes have changed considerably since the Hague Convention was signed by Australia, and especially over the last 10 to 15 years. There is vastly greater mobility of people and increased incidence of people living and working in foreign countries for extended periods. Australians, like others, are often required to acquire citizenship overseas, e.g. in order to obtain employment or to reside with non-Australian citizen spouses. There is greater acceptance in the modern, internationalised world, that individuals may be citizens of more than one country and satisfactorily meet duties as citizens in relation to each. There is greater acceptance that having dual citizens hasn't done much harm to nations, and that the benefits of dual citizenship extend beyond the individuals concerned. Dual citizenship—and passports—makes it easier for individuals to move between countries for business, employment, social and cultural purposes. There is also general acceptance that war—at least between developed democracies—is unlikely.

Comparative data

Data on the numbers of dual citizens in other countries is not available, although the consensus among researchers is that these numbers are growing. Neither is there clear comparative data as to which States do and do not permit dual citizenship—conditions governing dual citizenship vary considerably.⁵ For example, in the US (whose government, like Australia's, has no clear policy on dual citizenship) the situation is the opposite from that in Australia. There is no legal impediment to US citizens taking out another citizenship (following a Supreme Court decision in 1967 that US citizenship was revokable only where people showed 'affirmative intention' to transfer their allegiance), but immigrants are still required to renounce their former allegiances on taking out US citizenship. (This renunciation in the US oath of allegiance is legally ineffectual. Like Australians abroad who lose their citizenship, immigrants and support groups are lobbying to dispense with it, portraying it as unreasonable, unrealistic, and outmoded).

An article in *The Bulletin* on 6 June this year listed countries allowing and prohibiting dual citizenship as follows:⁶

Table 1: Countries allowing or prohibiting dual citizenship

Countries that allow dual citizenship		
Bangladesh	Ireland	South Africa
Brazil	Israel	Spain
Canada	Italy	Switzerland
Colombia	Jordan	Syria
Egypt	Lebanon	Tonga
Fed. Rep. Yugoslavia	Malta	Turkey
France	Netherlands	United Kingdom
Hungary	New Zealand	United States
Macedonia	Portugal	Western Samoa
Countries that prohibit dual citizenship		
Austria	Indonesia	Pakistan
Belgium	Iran	Papua New Guinea
Brunei	Japan	Peru
Burma	Kenya	Philippines
Chile	Kiribati	Poland
China	Korea	Romania
Denmark	Latvia	Singapore
Ecuador	Lithuania	Solomon Islands
Fiji	Malaysia	Sweden
Finland	Mauritius	Thailand
Germany	Mexico	Vietnam
Iceland	Nepal	Venezuela
India	Norway	Zimbabwe

Such lists however are neither comprehensive nor definitive. For example Mexico is listed as not permitting dual citizenship. However while immigrants are still required to renounce former allegiances, Mexico legislated in 1998 to remove constitutional impediments to dual nationality for its nationals abroad.⁷ Countries which have enacted legislation similar to Mexico's over the last decade include Colombia, Ecuador and the Dominican Republic.

The US Center for Immigration Studies, in a July 2000 *Backgrounder*,⁸ listed the following 89 countries as allowing some form of dual or multiple citizenship.

Table 2: Countries/territories allowing dual citizenship in some form

Albania	Ghana	Northern Ireland
Antigua & Barbuda	Greece	Panama
Argentina	Grenada	Paraguay
Australia	Guatemala	Peru
Bahamas	Haiti	Pitcairn
Bangladesh	Hungary	Philippines
Barbados	India	Poland
Belize	Iran	Portugal
Benin	Ireland	Romania
Bolivia	Israel	Russia
Brazil	Italy	Saint Kitts & Nevis
Bulgaria	Jamaica	Saint Lucia
Burkina Faso	Jordan	Saint Vincent
Cambodia	Latvia	Serbia (Yugoslavia)
Canada	Lebanon	Slovenia
Cape Verde	Lesotho	South Africa
Chile	Liechtenstein	Sri Lanka
Colombia	Lithuania	Sweden
Costa Rica	Macao (with Portugal)	Switzerland
Croatia	Macedonia	Taiwan
Cyprus	Madagascar	Trinidad/Tobago
Cyprus (North)	Malta	Thailand
Dominica	Mexico	Tibet
Dominican Republic	Montenegro (Yugoslavia)	Turkey
Ecuador	Mongolia	United Kingdom
Egypt	Morocco	United States
El Salvador	Netherlands	Ukraine
Fiji	New Zealand	Uruguay
France	Nicaragua	Vietnam
Germany	Nigeria	

While comprehensive data is lacking, and the specific rights and responsibilities that accrue to such citizens vary, researchers and observers overseas as well as in Australia have noted that the trend internationally is toward increasing numbers of dual citizens, and

(rapidly) towards more liberal acceptance by governments of dual citizenship.⁹ (An estimated sixty per cent of Swiss nationals living abroad in 1998 were dual citizens). US researchers in particular have noted that, in contrast with the past, States increasingly **want** their own nationals to acquire e.g. US citizenship.¹⁰ (Perhaps understandably—an estimated USD 8 billion each year is remitted each year to Mexico alone).

With increased tolerance of dual citizenship internationally, many countries have relaxed conditions regarding the resumption of citizenship. Countries which have relaxed resumption criteria and requirements over the last decade include the USA, Italy, countries of the former USSR, and Australia. (Since 1995, grounds for resumption of citizenship by former Australian citizens who have lost their citizenship on taking out that of another country include that they would have suffered 'detriment'—examples include difficulties with travel, tax, employment or study—if they had not. Current rules also provide for citizenship to be reissued if a person 'intends' to reside in Australia within three years or has maintained 'a close and continuing association with Australia'.)¹¹

The situation in Australia

Section 17 of the *Australian Citizenship Act 1948* provides that any Australian citizen 18 years or over, who does 'any act or thing', (apart from marriage) 'the sole or dominant purpose of which, and the effect of which, is to acquire the citizenship of a foreign country', on that acquisition ceases to be an Australian citizen. That is, if an Australian citizen applies to become a citizen of another country, the act of making that application will, once approved, lead to the loss of Australian citizenship.

Australian governments have in the past resisted dual citizenship, because of the notion that citizenship reflects a person's allegiance and commitment to the nation, and perhaps to allay concerns regarding the incorporation of large numbers of immigrants from increasingly diverse sources. Australian governments have however had no power to affect citizenship laws, or their administration, in other countries. Australian governments have not, in particular, had the power to require immigrants from countries that do not allow it (such as Greece) to divest themselves of former citizenships when taking out Australian citizenship. The renunciation of former allegiances in the oath of allegiance sworn during Australian citizenship ceremonies was largely symbolic—it was legally unenforceable. Since 1986, reflecting public policies based on recognition of the multicultural nature of Australia, new citizens have not been required to renounce all other allegiances. Since 1986, successive governments have therefore not only tolerated, but even encouraged, dual citizenship for migrants.

Statistics do not exist as to the number of Australians who currently hold dual citizenship, or their other citizenships. (The Department of Immigration and Multicultural Affairs was not successful in its bid to have the ABS include a question or questions on dual citizenship in the Census). Estimates have ranged from 4 to 5 million in recent years. DIMA has suggested that the 4 million figure is at the 'cautious' end of the range, while 5

million might be an 'over-exaggeration'. The Australian Citizenship Council (see later section, page 8) in its February 2000 report *Australian Citizenship for a New Century*¹² has put the number of dual citizens at 4.4 million, based on DIMA surveys undertaken in late 1999.

The major current issue to do with citizenship legislation in Australia is whether or not section 17 of the *Australian Citizenship Act 1948* should be repealed.¹³ Section 17 affects Australian citizens overseas who take out the citizenship of their new countries of residence—often an employment or business requirement, or a requirement of inheriting a spouse's estate. It is widely perceived as discriminatory, in that it denies only to Australian-born and bred citizens the benefits and privileges that come from holding two citizenships. It is also widely perceived as outmoded and lagging in international practice. The Australian Citizenship Council has noted that the law and practice of most countries with which Australia likes to compare itself permit citizens of those countries to obtain another citizenship without losing their original citizenship:

New Zealand, and the UK have allowed this for over 50 years; Ireland, for over 40 years; Canada and France for over 20 years; and the USA and Italy, among others, have changed their practices within the last decade to allow this.¹⁴

Seventy-five per cent of submissions to the Council's 1999 citizenship inquiry addressed the loss of Australian citizenship on acquisition of another; 86 per cent of these were in favour of repealing section 17.¹⁵ Despite the fact that requirements for the resumption of Australian citizenship have been relaxed to the point where the process is relatively straightforward, section 17 clearly remains a source of anxiety and resentment for those affected.

Arguments for and against dual citizenship

While the arguments for and against dual citizenship have remained basically the same, developments over the last 25 years, and particularly over the last 10 to 15 years, both internationally and domestically, have changed the focus of and attitudes towards the issue. Arguments in favour of dual citizenship have become stronger, while arguments against have become less compelling. The change in the weight and focus of these arguments in Australia can be traced through Parliamentary and public inquiries, and through media debate surrounding these inquiries.

1976 parliamentary inquiry into dual nationality

The reference of the 1976 Joint Committee on Foreign Affairs and Defence inquiry into dual nationality was 'the international legal and diplomatic aspects of the situation of Australians possessing dual or plural nationality'. The Committee identified in its report¹⁶ the arguments in favour of dual citizenship as:

- the benefit to individuals from the right to obtain passports from either country
- simpler procedures for individuals revisiting former homelands for extended periods of time
- capacity to pursue employment opportunities in either country of nationality
- improved rights to social benefits, to own land or property and to inherit assets from either country
- entitlement to convey nationality rights to offspring
- caters for those who feel equal alliance to both country of origin and to Australia
- avoids disadvantages for residents such as paying taxes but not being able to vote
- 'on the UN world stage', would enable Australia to appear a less insular member of the international community.

It identified the disadvantages of dual nationality as:

- exposing citizens with dual nationality to expectations that they should contribute, for example through national service, or taxation, to their former countries
- possibly complicating some domestic legal issues, such as custody disputes
- requiring the impossible or unreasonable—that people should owe allegiance to more than one country
- being counter to notions of national identity, loyalty and cohesion.

The focus of the Committee was the needs and concerns of immigrants. Many of those most concerned had come as refugees from war-torn and communist countries (Czechoslovakia, Hungary, Poland, Yugoslavia, Estonia, Latvia, Lithuania, Italy or Greece). They were keen to divest themselves of previous citizenships. The Committee ended up supporting the principle of single citizenship for Australia.

The changed environment

By the 1990s, the environment in which the issue of dual citizenship was being considered had changed considerably.

- Australia's ethnic communities more strongly and more uniformly supported the concept of dual citizenship. Source countries had changed. And political changes overseas had made the concept more acceptable for those Australians, for example those from former

communist countries, or their children, who were formerly less enthusiastic about retaining or regaining former citizenships. Expectations and requirements on immigrants who were nationals of countries such as Greece were no longer considered to be too onerous. (In any event, Australia's position on dual citizenship did not affect laws in countries that do not permit their citizens to divest themselves of citizenship and its obligations). Issues of respective governments' protection rights and citizens' obligations and entitlements were considered more appropriately addressed through bilateral arrangements and treaties.

By the 1990s, dual citizenship was viewed by immigrants and their children as an advantage to be enjoyed, rather than as a risk or imposition. The 1994 parliamentary inquiry into citizenship noted that ethnic communities no longer opposed the notion.¹⁷ By the time of the Australian Citizenship Council's inquiry in 1999, the desire of immigrants to divest themselves of former allegiances was simply not an issue. The 14 per cent of submissions on the issue of section 17 which opposed its repeal would appear to have done so for symbolic reasons: none of the samples provided in the Council's report expressed ethnic community concerns.¹⁸

- There was broader acceptance in the general community of dual allegiances as reflecting the reality of multicultural Australia (and multicultural other countries), that is that there are people who are productive and established members of the community whose identities demand dual loyalties.
- As Australia developed a more export oriented economy, the argument for dual citizenship as being in the national interest had strengthened. And the driving force for change was no longer immigrants, but Australians who were joining the new internationally mobile workforce.
- In an international environment of vastly increased people movements, the nature and notions of migration, and particularly high skilled, professional or business migration were changing, from exclusively permanent settlement in the new homeland, to increased temporary international movements. Australia was now competing with other countries not only for 'permanent' (but more mobile) migrants, but for the economic and other benefits to be obtained from temporary high-skilled international movements—departures as well as arrivals. Dual citizenship facilitates such movements.

The 1994 parliamentary inquiry

The terms of reference of the 1994 Joint Standing Committee on Migration inquiry into citizenship specifically included:

- section 17 of the *Australian Citizenship Act 1948* in relation to dual citizenship, any inconsistencies in the operation of this section and how such inconsistencies can be overcome.

The Committee, chaired by Labor Senator Jim McKiernan, recommended the repeal of section 17, on the grounds that it was both outmoded and discriminatory. The Committee rejected the 'allegiance' argument on the grounds that there was little evidence to suggest a lack of loyalty amongst those Australians who hadn't relinquished their former nationalities. While acknowledging that economic benefits should not be the deciding factor, the Committee considered that it was inappropriate to ignore international trends towards dual citizenship, and its implications for trade and travel. It also recommended that entitlement to dual citizenship should not be extended to holders of public office, on the grounds that Australia's elected representatives should owe individual loyalty only to Australia.¹⁹

Political party positions

Despite the changes in the environment by the 1990s, and strong support by the Department of Foreign Affairs and Trade for dual citizenship, the issue has continued to be seen by political leaders as a politically sensitive one in the broader community. The position of the major political parties on dual citizenship over the last decade has been that it is a matter that should be reviewed as part of an updating of citizenship legislation.

As already indicated, the previous Labor Government removed the renunciation of former allegiances in the oath of allegiance in 1986, and relaxed requirements for resumption of citizenship relinquished under section 17 in 1995. It is possible that Parliamentary support would have been secured for legislation to repeal section 17 at this time: then opposition spokesman Philip Ruddock MP had argued in the House of Representatives in 1993 that the 'double standard' of section 17 needed to be urgently addressed.²⁰ The Keating Labor government however declined, in a pre-election environment, to respond to the Committee's recommendation on dual citizenship, referring it as a matter of priority for a forthcoming review and redrafting of citizenship legislation scheduled to be completed by 1999.²¹ The Coalition Government established the Australian Citizenship Council in August 1998, to report to the Government by the end of 1999 on 'contemporary issues in Australian citizenship policy and law to be addressed as Australia moves into the next millennium'.²²

Pauline Hanson's One Nation Party does not directly address the issue of dual citizenship in its July 1998 policy statement, but states that:

Much current 'politically correct' philosophy pays superficial respect to the concept of citizenship while, at the same time, devaluing and undermining its importance. In the new globalized world the concept of nation, and of citizenship, is being eroded. Pauline Hanson's One Nation believes that Australia should be a sovereign nation, not merely a geographical area populated by 'world citizens'.²³

The Labor Party in April this year indicated its 'strong support' for the recommendation of the Australian Citizenship Council to repeal section 17.²⁴ The Australian Democrats have yet to develop a position on the issue.²⁵

Against dual citizenship

One of the most coherent critics in recent times of the notion of dual or multiple citizenship has been Dr Katherine Betts of Monash University. She has summarised the arguments against dual citizenship as follows:

- With rapid changes brought about by economic globalisation, there is a good deal of community anxiety and a renewed interest and sense of urgency around notions of national identity and citizenship and social cohesion.
- While dual (or multiple) citizenship may pay off for awhile in the global marketplace, and at the individual level, it continues to add to a sense in the broader community of erosion of social values and political and legal structures.
- At the symbolic level, dual citizenship could legitimize the activity of special interest groups, including strident ethnic or nationalistic interests.
- Despite the aspirations of some academics of the left to an age of weakened nation states and 'multicultural citizenship', the nation state is still an important political unit. Communities that work have boundaries. Blurred membership leads to blurred loyalty.
- While the (1994) Parliamentary inquiry in Australia was supporting the notion, a similar inquiry in Canada in the mid-1990s was re-appraising dual citizenship. (Canada has had dual citizenship since 1977. The Canadian Standing Committee on Citizenship and Immigration recommended in 1994 that the issue be revisited, expressing concern that the unifying power of Canadian citizenship was being eroded, and that dual citizens might bring foreign quarrels into Canada.)²⁶
- While the vast majority of submissions to Parliamentary and government-commissioned inquiries may argue the need for dual citizenship, the Australian people may not agree.²⁷

The Australian Citizenship Council

The Australian Citizenship Council²⁸ was established on 7 August 1998, and required to report to the Minister for Immigration and Multicultural Affairs by end 1999, on:

- contemporary issues in Australian citizenship policy and law to be addressed as Australia moves into the new millennium, and

- how to promote increased community awareness of the significance of Australian citizenship for all Australians, including its role as a unifying symbol.

The issue of dual citizenship was canvassed in its Issues Paper,²⁹ distributed to stimulate discussion in the broader community, February 1999. The Council suggested that Australia could have a single citizenship in the expectation that this would give 'strength and cohesion' to the nation, but cautioned that there could be a high price to pay. This could be 'unnecessarily restrictive for individuals who wish to pursue wider experience in business and other spheres', as such limits are not imposed on the citizens of many competitor countries, and 'may thus unfairly disadvantage our own citizens in their legitimate pursuits'.³⁰

The Issues Paper put forward the arguments against dual citizenship as:

- the notion that a person cannot owe allegiance to more than one country
- a person should be totally committed in a legal and emotional sense to one country
- having more than one citizenship conflicts with notions of national identity and cohesion.

It put forward the arguments in favour of dual citizenship as:

- The current restrictions can be arbitrary or discriminatory in their practical application, impacting most heavily on the Australian-born (as compared with the up to 5 million mostly foreign-born national Australian citizens).
- There is no evidence to suggest that those Australians who currently possess dual citizenship are disloyal or lack commitment to Australia.
- There is an international trend towards dual citizenship: the UK, Canada, NZ, France, USA and Italy all allow their citizens to acquire (or retain) the citizenship of another country without this affecting their existing citizenship status.

The Council's report to the Minister in February 2000 'strongly' recommended that section 17 of the *Australian Citizenship Act 1948* be repealed 'so that Australian citizens over the age of 18 do not lose their Australian citizenship on the acquisition of another citizenship'.³¹

It noted the administrative difficulty of monitoring and enforcing single citizenship in the modern world. Reciprocal reporting arrangements have largely lapsed, due to privacy and resource consideration and changes to laws in a number of countries. It suggested that for Australia to seek to reactivate routine citizenship information exchanges 'would impact significantly on resource and privacy issues, with little reciprocal benefit', and recommended such reciprocal arrangements be terminated. It also recommended that repeal of section 17 be accompanied by reassertion and clarification of areas where single citizenship should be required, e.g. in the case of parliamentarians or high public office

holders, or where dual citizenship should be required to be relinquished, e.g. in a time of war.

Media comment

Media comment surrounding the current debate, as in the mid-1990s, has been supportive of the repeal of section 17 of the Citizenship Act. Some examples:

- Robin Fitzsimons argued in the *Sydney Morning Herald* in 1994 that 'whatever argument there may be against dual nationality (and it is pretty flimsy), there can be no argument in favour of a punitive law that applies to only one group of Australians (the—quite literally—Australian-born-and-bred).³²
- Karen Middleton, in *The Age* in 1997 described Australia as being seen by business leaders overseas as 'out of step' with other countries, including the US, Canada, Britain and NZ.³³
- Fred Brenchley, in *The Bulletin* in June and November this year, noted the fact that dual citizenship was 'accepted practice' in advanced economies, the lobbying efforts of Australians overseas, and the recommendation of the Citizenship Council. He suggested that the 'winds of change are blowing towards dual citizenship'.

Conclusion

Fred Brenchley suggested also that the political winds may also be favourable.³⁴ As indicated above, the Labor Party has indicated its strong support for the Australian Citizenship Council's recommendation on dual citizenship.³⁵ As noted by Fred Brenchley, however, the previous Government deferred the issue. The notion of dual citizenship may still be a sensitive one amongst segments of the population—RSL State president Bruce Ruxton has vowed that veterans would campaign against the Federal Government if it tried to change the current law.³⁶ Acceptance of the recommendation this time is thus no foregone conclusion. However there would appear to be growing expectation that the current Government will support the Council's recommendation to repeal section 17 of the *Australian Citizenship Act 1948*, with an announcement perhaps in conjunction with Year 2001 Centenary of Federation initiatives to promote Australian civic and citizenship values.³⁷

Endnotes

1. Report of the House of Representatives Standing Committee on Legal and Constitutional Affairs, *Aspects of Section 44 of the Australian Constitution*, tabled July 1997.
2. *Sue v Hill* (1999) 163 ALR 648.
3. Australian Citizenship Council, *Australian Citizenship for a New Century*, Commonwealth of Australia, 2000, pp. 75–79.
4. See discussion in report of the Joint Standing Committee on Migration, *Australians All: Enhancing Australian Citizenship*, tabled September 1994, p. 178.
5. See Peter Schuck, 'Plural Citizenship', and Michael Jones-Correa, 'Why Immigrants Want Dual Citizenship', in Noah Pickus, ed., *Immigration and Citizenship in the 21st Century*, Rowman & Littlefield, Maryland, USA, 1998.
6. Fred Brenchley, 'Subject to change', *The Bulletin*, 6 June 2000.
7. Mexico has allowed retention of property and such rights as the right to hold a passport. However dual nationals wishing to vote in Mexico have to return to the home country to do so. See Peter Schuck, in Noah Pickus, ed., *op. cit.*
8. Stanley Renshon, 'Dual Citizens in America: An Issue of Vast Proportions and Broad Significance', *Backgrounders*, Center for Immigration Studies, Washington, USA, July 2000.
9. See especially Stanley Renshon, *ibid.*
10. Michael Jones-Correa, 'Why Immigrants Want Dual Citizenship', in Noah Pickus, *op. cit.*
11. See DIMA form 132, 'Loss and resumption of Australian citizenship', <http://www.immi.gov.au/allforms/pdf/132.pdf>
12. Australian Citizenship Council, *Australian Citizenship for a New Century*, Commonwealth of Australia, 2000.
13. The issue of dual citizenship attracted the most attention through both the 1994 JSCM inquiry and the Australian Citizenship Council's 1999 inquiry into Australian citizenship.
14. *ibid.*, p. 64.
15. *ibid.*, p. 61.
16. Joint Department of Foreign Affairs and Defence, *Dual Nationality*, PP No. 255/1976.
17. Joint Standing Committee on Migration, *op. cit.*
18. Australian Citizenship Council, *op. cit.*, pp. 62–64.
19. See report of the Joint Standing Committee on Migration, *Australians All: Enhancing Australian Citizenship*, tabled 12 October 1994.
20. House of Representatives, Hansard, pp. 2903–2908.

21. Government response to the report by the Joint Standing Committee on Migration: 'Australians All—Enhancing Australian Citizenship', *The Ties that Bind*, tabled 5 September 1995.
22. Minister for Immigration and Multicultural Affairs, Hon. Philip Ruddock, 'Australian Citizenship Council Announced', Migration Media Release 104/98.
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