

Dear Anne,

Thank you so much for your phone call. A pleasant surprise on a Sunday afternoon, opening a window which I felt was really closed as you will see from the enclosed letters.

As I mentioned the early 60's did not have the restrictions of visas etc. and unless one was in contact with fellow Australians living overseas the changes occurring in relationships between 'home' and 'the old country' passed you by. How I missed the weekly Newsletter that Australia House issued, when I first arrived in the U.K., as a source of information and which may have highlighted these changes.

1974 and the necessity of a new passport prior to a family visit to Australia, brought home to me that I should have recorded Catherine and Ian as my adopted children for Australian purposes. This had arisen during conversation with the passport office when I collected my new document and hence no written record. I was told that unfortunately it was now a little late due to further incoming changes between the two countries regarding the freedom of travel.


The question of any descendant rights either Catherine or Ian might have with regard to entering Australia did not arise again until 1984/5 when Catherine wished to pursue her ambition to go to Australia. Again conversation with the passport office revealed that such children had to be under 21 years old and she had passed that benchmark in June 1984. Her application for a working visa was successful but I knew Ian would fall short of the requirements and wrote immediately - the brief reply is with the enclosed. Sadly I have not a copy of my correspondence.

The other letters are self explanatory.

The tireless efforts of Southern Cross Group are absolutely tremendous and any contribution my case may make in the quest to broaden a way of life for overseas adopted children and their link with Australia is willingly given, mundane though the story may be.

With my best wishes.

Beryl.



Mrs. Beryl Spalding,

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July 27th, 2004.



AUSTRALIAN HIGH COMMISSION LONDON

Migration Branch  
Australia House  
Strand  
London WC2B 4LU

7 June, 1985

Mrs B Spalding

Dear Mrs Spalding,

I refer to your letter of 12 May 1985 regarding Australian citizenship for your adopted son.

I regret to advise you that it is not possible to grant citizenship by adoption to a person who has attained the age of 18 years.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'D Osborne', written over a circular stamp or mark.

(D Osborne)

for DIRECTOR - SOUTHERN AREA

August 9th, 1994.

Mrs. McMahon,  
Citizenship Department,  
Australian High Commission,  
Australia House,  
The Stand,  
LONDON.WC2.

Dear Mrs. McMahon,

As I have been unsuccessful contacting you by telephone it was recommended that I write.

I am an Australian citizen and seek your advice as to whether there is a possibility of registering my adopted son for residency in Australia.

Ian is now 29 years old and through sheer naivete or simply not thinking, neither he nor this sister, also adopted, were registered at Australia House on adoption. Over the years the qualifications have also changed.

I have lived in the U.K. since marrying 34 years ago but am now faced with the possibility of returning home. My husband, John (English) has taken an early retirement and as our daughter is now married and has in fact lived in Sydney for the past 9½ years it would be appropriate to move there. John really has no family ties here in the U.K. I on the other hand have all of mine in Australia including two grandchildren.

Ian on whose behalf I make the inquiry is borderline disabled and to a degree dependent on us. Since leaving school at 17 he has had little success in the job market despite constantly applying for various jobs. He has been on several Government related schemes but I have to be honest and say his record is not very impressive.

Any advice you may be able to give would be welcome although I fully realise that it may all be a pipe-dream.

Yours faithfully,

Mrs. Beryl Spalding.



AUSTRALIAN HIGH COMMISSION LONDON

AUSTRALIA HOUSE  
STRAND  
LONDON WC2B 4LA  
TEL: (071) 887 5166  
24 August 1994

Mrs B Spalding

letter of 9 August 1994 inquiring about the  
grant of Australian citizenship for your son, Ian.

Unfortunately it is not possible now that Ian is over eighteen  
years of age to make an application on his behalf for  
citizenship.

Children adopted overseas by an Australian citizen cannot  
apply for registration as Australian citizens. An application  
for the grant of Australian citizenship can be submitted.  
However, I have already stated this must be done prior to  
their eighteenth birthday.

I have enclosed an information sheet which outlines migration  
to Australia, which may be of interest.

I am sorry I do not have more positive news regarding  
Australian citizenship for Ian.

Should you require further information regarding this matter,  
please do not hesitate to contact me on the above number  
between 2pm - 4pm.

Yours sincerely

A handwritten signature in cursive script that reads "M. McMahon".

Margaret McMahon  
Citizenship Section

The Hon. Gary Hardgrave MP,  
Minister for Citizenship and Multicultural Affairs,  
House of Representatives  
Parliament House  
Canberra. A.C.T. 2600  
Australia.

27th March 2003

Dear Mr. Hardgrave,

On the evening of the Affirmation of Australian Citizenship ceremony during your recent visit to London, I managed to speak to you regarding Australian Citizenship for adopted children as applicable to my son Ian. You very generously indicated that you would be happy to look further into the matter if I would write to you.

I was born in Australia and came to England in 1959 on a working holiday where I met my husband and we subsequently adopted two children.

I first enquired about Citizenship for them at Australia House in 1984 when Ian's sister planned to settle in Australia. At that time she was 21 and Ian was 19 and I was told that the age limit for registration had just been lowered to 18 and they no longer qualified.

I was encouraged to make a further enquiry in 1994 when I became a committee member of the Australian Women's Club in London and subsequently served as its President. The attached copy letter from Australia House confirms that the age limit remained at 18.

I understand that the age limit is now 25 and had this been the case when I first made the enquiry there would have been no problem.

My parents and grandparents were all born in Australia and so the roots tug strongly especially as I now have three grandchildren living with their parents, our daughter and her husband, in Sydney. I take deep pride in being Australian, a sentiment which has never nor will ever change no matter what! This feeling is shared by Ian, who always joins us on our annual visits to Australia, and I bitterly regret not having registered him at the time of his adoption as a child.

I do hope that there is some way to remedy my oversight and look forward to a reply from your Department in due course.

Yours sincerely,

Beryl Spalding (Mrs).

**The Hon. Gary Hardgrave MP**  
Minister for Citizenship and Multicultural Affairs



Parliament House, Canberra ACT 2600  
Telephone: (02) 6277 7890  
Facsimile: (02) 6273 0434

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Mrs Beryl Spalding

30 APR 2003

Thank you for your letter of 27 March 2003 concerning Australian citizenship.

First of all, I would like to thank you for participating in the Citizenship Affirmation Ceremony at Australia House in London. It was a privilege for me to meet the Australian community and I am grateful for your warm welcome.

You mention in your letter that you adopted two children in the 1970s and ask whether it would be possible for your son Ian to become an Australian citizen. You also mention that following your inquiries at Australia House in 1984, you were advised that the age limit for registration was 18 years of age and therefore, your children did not meet the requirements.

I would like to clarify the difference between a child born overseas to an Australian citizen parent and a child adopted overseas by an Australian citizen.

A child born overseas to an Australian citizen parent may be registered as an Australian citizen by descent provided all requirements are met, including the legal requirement that the child must have one natural parent who was an Australian citizen at the time of the child's birth. The registration must be made before the child is 25 years of age. Before the amendments introduced by the Australian Government in 2002 to the *Australian Citizenship Act 1948*, the age limit for registration was 18 years of age.

An Australian citizen who adopts a child overseas needs to apply for Australian citizenship on behalf of that child, provided the adoptive parents have been resident overseas for at least 12 months at the time of the adoption and at least one parent is an Australian citizen. In addition, the child must be under 18 years of age. This age limit has not been changed.

I sympathise with your situation but regret that currently I have no discretion under the *Australian Citizenship Act 1948* (the Act) to waive eligibility requirements for applications for Australian citizenship.

I can however assure you your situation is one which I have firmly in my gaze should there be a change in the Act.

May I suggest your son Ian explore migration options at the Australian High Commission in London.

In the meantime, I regret I am unable to be of more assistance to you on this occasion. I enjoyed meeting you in London and thank you for raising this matter with me.

Yours sincerely



Gary Hardgrave

Gary Hardgrave