

Immigration and Nationality

AUSTRALIA – New Citizenship Act

On April 4, 2007, Australia introduced a new citizenship act, the Australian Citizenship Act 2007 (the 2007 Act), replacing the Citizenship Act 1948 (Cth) (the 1948 Act). It is likely that the new legislation will become effective on July 1, 2007. The 2007 Act restructures the 1948 Act and introduces new provisions, including:

- An increase in the residence requirement from two years to four immediately prior to making an application for Australian citizenship;
- Removal of age and time limitations for registration of citizenship by descent;
- Ability to register as Australian citizens children adopted overseas by Australian citizens in accordance with the Hague Convention on Intercountry Adoption;
- Permissibility of resumption of Australian citizenship by former Australian citizens who ceased to be citizens in order to acquire or retain another citizenship or to avoid significant hardship or disadvantage;
- Revocation of Australian citizenship by conferral if a person commits a serious crime and is sentenced to 12 months or more of imprisonment at any time prior to becoming an Australian citizen, or if the approval to become an Australian citizen was gained as a result of third-party fraud;
- Prohibition of the approval of a citizenship application during any period in which the applicant has been released on bail by a court, is considered a security risk by the Australian Security Intelligence Organization, or in which his or her identity cannot be verified; and
- Legislative provisions on the collection and use of personal identifiers (such as DNA or iris scans).

([AUSTRALIAN CITIZENSHIP ACT 2007](#) (CTH), ComLaw Web site.)

(Lisa White)

ISRAEL – Suspension of Reunification of Relatives from “Hostile” Areas and Countries

On March 21, 2007, the Knesset (Israel’s Parliament) extended the application of a temporary provision in the Citizenship and Entry into Israel (Temporary Provision) 5763-2003. The temporary provision was first enacted on May 12, 2002, because of increased involvement of Palestinians possessing Israeli identification certificates in violent confrontations with Israelis. Such IDs were obtained through the reunification of families’ process. The new provision not only extends to July 31, 2008, the period in which permanent residence or citizenship will not be granted, but also expands the scope of persons to which it applies to include, in addition to residents of the West Bank and Gaza, residents or citizens of “hostile countries,” specified as Iran, Lebanon, Syria, and Iraq. (The Nationality and Entry into Israel (Temporary Provision), (Amendment No. 2) 5767-2007, the Knesset Web site.)

(Ruth Levush)



NETHERLANDS – Domestic Agreement on Handling Immigration Cases

The Netherlands State Secretary of Justice, Nebahat Albayrak, and the Association of Netherlands Municipalities (VNG) have reached agreement on the settlement of immigration cases under the old Dutch Aliens Act (1994) and implementation of the new Act (2000). The agreement stipulates how the settlement of old cases will be carried out and how persons in the target group will integrate into Dutch society, the division of roles between the Immigration and Naturalisation Service (IND) and mayors, and the funding and implementation of the arrangement.

The IND assesses whether a residence permit can be issued, based on contra-indications. It will automatically do so for foreign nationals whom it can directly locate in a state reception facility or who are part of an admission procedure. The mayor will report to the IND those foreign nationals who cannot be located immediately but who are known to the municipality, whereupon the IND will make a decision on granting a permit on the basis of any contra-indications. This is only permissible for asylum applications submitted before April 1, 2001, and where foreign nationals can prove they resided in the Netherlands for the whole of 2006. The VNG will be consulted on ways to improve the admissions procedure as well as on supplementary measures aimed at making the return-migration policy more effective.

The VNG is to submit the agreement to the municipalities for their opinions and indicate not later than May 25, on the basis of the feedback it receives, whether it accepts the agreement. (Press Release, Netherlands Ministry of Justice, [State and VNG Agree on Implementation of Old & New Aliens Act](#) (Apr. 27, 2007).)

It may also be noted that as of January 1, 2007, a new Integration Act is in force in the Netherlands. It states that persons who come to the Netherlands to live must learn the Dutch language and also know how Dutch society functions. Those who must integrate are called “integration subjects” and must pass an exam. The Integration Act is distinct from the Integration Abroad Act, which came into force on March 15, 2006. ([“Integration” tab](#), VROM [Netherlands Ministry of Housing, Spatial Planning and the Environment] International Web site.)

(Wendy Zeldin)

