

IMMIGRATION (AMENDMENT) BILL 2014

IMAGRIESHAN (CHIENJEN) BIL 2014

EXPLANATORY MEMORANDUM

The Bill seeks to amend the *Immigration Act 1980* (“the Act”) by amending the provision of the Act (subsection 28A(3)) that provides a sunset provision in respect of persons seeking a declaration of permanent residency of Norfolk Island and who are the holders of an unrestricted entry permit (ie are Australian or New Zealand citizens). The sunset provision applies in respect of the requirement that an applicant for permanent residency must satisfy the Minister (if they are over the age of 18 years) that they are of good character.

The Act at present applies a 10 year sunset provision to all applicants but it is intended by the Bill to apply the sunset provision only to Australian citizens while removing the provision as regards New Zealand citizens who will as a consequence of the amendment be required to provide evidence of good character until such time, if any, as the requirement may be removed or amended.

It is intended that any persons holding dual citizenship one of which is Australian shall have the amended provision applied to them on the basis of their Australian citizenship being held at the time of their application and at the time of consideration of their application by the Minister. Evidence of such Australian citizenship will need to be provided with their application for residency by citizenship.

The Bill consists of four clauses as follows —

Clauses 1, 2 and 3 provide the usual short title, commencement and reference to the principal Act being amended.

Clause 4 amends subsection 28A(3) to make it clear that only with respect to Australian citizens is there the sunset provision of 10 years from 24 May 2013, the date of commencement of the subsection.

15 May 2014