

# Australian Citizenship and Passports for intercountry adoptees

## Overview

The requirement to provide evidence of Australian citizenship has only been applied to *new* passport applications. This administrative process has not yet been applied to passport *renewals*.

People may be *eligible to renew* their passport if aged 18 years or older, and they can present their most recent Australian passport that:

- was issued when 16 years of age or older, and
- was valid for at least two years when issued, and
- was issued in their current name, date of birth, place of birth and sex, and
- is current or expired less than three years ago.

For new passport applications (with a new name or other identity marker, or expired more than three years ago) people need to provide [citizenship](#) and [identity](#) evidence when applying for a new Australian passport, this is because an Australian birth certificate alone is no longer considered by the Australian Passport Office as sufficient evidence of Australian citizenship for people born overseas.

**From 22 November 1984**, children adopted in Australia under Australian law acquired Australian citizenship automatically by operation of law, provided at least one of their adoptive parents was an Australian citizen and they were residing permanently in Australia at the time of the adoption as the holder of a permanent visa. We recommend that all intercountry adoptees [apply for evidence of their Australian citizenship](#) if they do not have a certificate. This is an online application and there is a fee of \$190. [Australian state and territory adoption services](#) can assist people to access lost, damaged or misplaced documents, such as adoption court orders, to assist with evidence of their citizenship status.

People who were adopted in Australia under Australian law **before 22 November 1984**, whose adoptive parents did not complete an application for Australian citizenship on their behalf, need to apply for Australian Citizenship as their adoptions occurred before the citizenship by adoption provisions came into effect.

There is information on both [obtaining evidence of citizenship](#) or [applying for Australian citizenship](#) below.

## Evidence of Australian Citizenship:

[Form 119](#) online Application for Evidence of Australian Citizenship, for adoptions finalised in an Australian Court *after* 22 November 1984 (by an Australian parent and while in Australia on a permanent visa):

- Locate all original adoption papers and related identity and supporting paperwork - contact your [state or territory adoption service](#) to request a letter and/or supporting documents &/or submit an [FOI](#) request to the relevant supreme court for adoption certificate and/or adoption court orders

- Scan and submit certified copies of the above evidence with the application - do not certify originals. A list of persons who can certify your copies is at [page 9 of the Form 119](#)
- Include evidence of Australian parent's citizenship
- Include evidence of adoptee's permanent residence and adoptee's visa status at the time of adoption
- Ensure [identity documents](#) are complete and ensure evidence of any change to name, date of birth or other identity markers is clearly explained/demonstrated
- **Include** a letter with your application providing a brief overview of the adoption, when and where it occurred. Include the reasons why any paperwork requested is not provided with your application, include efforts you have made to locate this paperwork and/or why you were unable to provide it. Upload at "supporting documents".
- The online application can be saved while in progress and has prompts to upload files (scanned certified copies) as required. Record the online application reference number so that you can follow up with the Department of Home Affairs if for any reason your application is delayed.

## Application for Australian Citizenship:

Prior to 22 November 1984, children who were born overseas and who were adopted under Australian law did not automatically acquire Australian citizenship by operation of law when their adoption was finalised, and were required to apply for Australian citizenship. This means that if adoptive parents did not apply for Australian citizenship on their child's behalf the adopted person remains a permanent resident of Australia. As such, they may need to apply for Australian citizenship through the general eligibility pathway as a migrant with permanent residence. Information on how to undertake this process is available on the Department of Home Affairs' website at: <https://www.homeaffairs.gov.au/trav/citi/pathways-processes/application-options/migrant-with-permanent-residence>. You can also call the Department of Home Affairs Citizenship Info Line 131 880.