



Australian Government

Department of Foreign Affairs and Trade

# DUAL NATIONALS



[smartraveller.gov.au](http://smartraveller.gov.au)

**A must see destination.**



# CONTENTS

<b>WHAT IS DUAL NATIONALITY?</b>	<b>4</b>
<b>HOW DO PEOPLE BECOME DUAL NATIONALS?</b>	<b>5</b>
<b>BEFORE YOU GO – BE PREPARED</b>	<b>6</b>
REGISTRATION	6
LIABILITY FOR MILITARY SERVICE	7
<b>MARRIAGE, DIVORCE AND CHILD CUSTODY</b>	<b>8</b>
MARRIAGE	8
DIVORCE	8
CHILD CUSTODY	9
INTERNATIONAL CHILD ABDUCTION	9
<b>PASSPORTS AND VISAS</b>	<b>10</b>
ENTERING AND LEAVING AUSTRALIA	10
ENTERING AND LEAVING THE COUNTRY OF OTHER NATIONALITY	11
<b>CONSULAR SERVICES</b>	<b>12</b>
<b>COUNSELLING SERVICES</b>	<b>14</b>

This brochure is designed to provide travel information for dual nationals. It should be read in conjunction with the *Travel Smart: hints for Australian travellers* publication.

When you travel abroad, you leave behind Australia's support systems, emergency service capabilities and medical facilities. The Australian Government will do what it can to help Australians in difficulty overseas, but there are legal and practical limits to what can be done to assist travellers in other countries. You should have realistic expectations about this and read the Consular Services Charter, available on [smartraveller.gov.au](http://smartraveller.gov.au), before you go.

## WHAT IS DUAL NATIONALITY?

Many Australians are migrants, children of migrants or were born overseas. This means that many Australians are dual nationals or could be regarded as dual nationals by another country.

You may not even know  
that you are  
a dual national.

If you are a dual national, your dual nationality may have implications for you if you travel to the country of your other nationality. For example:

- you might be liable for military service
- you might be liable for prosecution for offences under the laws of that country, even if they were committed outside it
- if the government of that country does not recognise dual nationality, the ability of the Australian Government to provide consular assistance may be limited.

# HOW DO PEOPLE BECOME DUAL NATIONALS?

People can be dual nationals by:

- birth
- descent, because their parents are citizens of another country
- marriage to a citizen of another country
- naturalisation
- granting of citizenship
- state succession, which can occur when sovereignty over a state changes.

Whether you are a dual national depends on the laws of the country involved. You could be considered and treated as a national by another country even if you don't accept that nationality. In some countries, a woman may automatically acquire her husband's nationality on marriage.

Many countries have laws that prevent citizens giving up their nationality under any circumstances. A number of countries have laws that prevent citizens giving up their nationality except by a formal act of renunciation.

## BEFORE YOU GO – BE PREPARED

- If you are or think you may be a dual national, before leaving Australia check with the embassy or consulate of the other country. Contact details of foreign embassies and consulates in Australia are available at [www.dfat.gov.au/embassies.html](http://www.dfat.gov.au/embassies.html).
- Dual nationals who plan to visit the country of their other nationality are advised to check whether they will be required to perform military service. This should be done **before** leaving Australia, by checking with that country's embassy or consulate in Australia.
- A marriage in Australia between an Australian citizen and a person who is also a national of another country may not be recognised in that second country. Before leaving Australia check with that country's embassy or consulate in Australia.
- If you have previously been expelled from your country of birth we advise that you check with that country's embassy or consulate in Australia whether you will be allowed entry into that country.
- If you have any questions on Australian citizenship, call the Department of Immigration and Citizenship on 131 880 or go to their website at [www.immi.gov.au](http://www.immi.gov.au).

## REGISTRATION

Registering your personal and travel details on [smartraveller.gov.au](http://smartraveller.gov.au) before your travel is highly recommended. If you do not have access to the internet you should telephone **1300 555 135** to register. It will make it easier to contact you in an emergency, whether it is a natural disaster, civil disturbance or family issue. It may also allow us to provide you with other information such as updated travel advisories, notice of elections and information on other matters relevant to travellers and expatriates. The registration information you provide is protected by Australia's strict privacy laws.

## LIABILITY FOR MILITARY SERVICE

Dual nationals may be liable for military service in the country of their other nationality.

Countries where this is more likely include Egypt, Greece, Iran, Lebanon, Syria and most countries in central and eastern Europe.

If you plan to visit a country of which you may be considered a national, you should check your military service obligations before leaving Australia with that country's embassy or consulate in Australia. Seek this advice in writing before leaving Australia.

Some countries allow nationals who have been living abroad to enter and stay for a limited time before incurring obligations for military service. In others, there is no such period and the obligation is imposed immediately upon arrival.

In these countries, dual nationals may be 'called up' and, if they haven't reported for duty, may be regarded as defaulters whether they were aware of the call-up or not. They could then either be imprisoned, or inducted into the military forces when they next arrive in the country or attempt to leave the country. Even dual nationals who have passed the age for military service may be considered defaulters for failing to report at the required time.

Authorities in other countries may not accept ignorance of obligations as an excuse for failure to comply.

# MARRIAGE, DIVORCE AND CHILD CUSTODY

## MARRIAGE

Australia recognises marriages performed in other countries, however marriages performed in Australia may not always receive the same recognition in other countries. For example, a marriage performed in Australia between an Australian citizen and a person who is also a national of a second country may not be recognised in that country. An Australian in that country might therefore find the marriage not recognised and any children considered illegitimate. You are advised to check with that country's embassy or consulate before leaving Australia.

Some Australian families may arrange the marriage of a child with dual nationality to a person in the country of the other nationality. Under Australian law, subject to certain conditions, the marriage of a child under the age of 18 is illegal and will be void. If an Australian child under 18 who normally lives in Australia marries overseas, the marriage will not be recognised in Australia, even when that person reaches the age of 18.

## DIVORCE

The recognition by a foreign country of an Australian divorce is a matter which can only be addressed by that country. If you are concerned about the recognition of an Australian divorce by another country, you should raise the issue with the relevant authorities in that country.

If you have concerns about the recognition of an overseas divorce in Australia, you should seek legal advice on the operation of the Family Law Act which deals with overseas decrees.

## CHILD CUSTODY

Because some foreign governments do not recognise dual nationality, a child whose birth is registered either in a foreign country or at a non-Australian embassy or consulate may have foreign citizenship with no recognition by that country of their Australian citizenship. This can affect decisions relating to the future custody of the child, as they can be based on local law.

Parents travelling with children who may be considered nationals of a foreign country should seek legal advice to resolve child custody and other family law issues before travelling to that country.

## INTERNATIONAL CHILD ABDUCTION

The Hague Convention on the Civil Aspects of International Child Abduction operates to return wrongfully removed or detained children to their country of habitual residence so that issues of parental responsibility can be resolved by the authorities of that country. The Convention may also provide assistance to parents seeking to spend time or communicate with a child. Information on the countries for which the Convention is in force with Australia can be found on the website of The Hague Conference of Private International Law at **[www.hcch.net](http://www.hcch.net)**.

Before you leave Australia with your children, you should ensure that you have the consent to do so from any person, institution or other body that has a right of custody in relation to those children or a court order permitting their departure. Failure to do so may result in an application being made under the Convention and the children being ordered to return to Australia. You may wish to obtain the assistance of a lawyer or a legal aid body to help you make sure that you have done all that is required to lawfully remove the children from Australia.

## PASSPORTS AND VISAS

### ENTERING AND LEAVING AUSTRALIA

If you hold another country's passport, seek advice about using it.

Take your Australian passport and use it to depart from and return to Australia.

An Australian citizen cannot be granted a visa for Australia.

When entering Australia, all Australians, including those who hold dual nationality, must be able to prove that they are an Australian citizen. An Australian passport is conclusive evidence of a person's identity and citizenship and provides the holder with right of entry to Australia.

An Australian citizen who arrives without an Australian passport may be delayed until their identity and claims to enter Australia have been checked. If a foreign passport holder claims to be an Australian citizen, immigration officers must confirm and verify this through official databases, which will cause delays.

International airlines have an obligation to ensure that they only carry appropriately documented passengers to Australia. In the absence of an Australian passport, airlines are unable to verify a claim of Australian citizenship at the time of check-in and may refuse boarding. The airline may have to make inquiries with the Department of Immigration and Citizenship in Australia seeking approval to carry the passenger which takes time and may cause delays.

## **ENTERING AND LEAVING THE COUNTRY OF OTHER NATIONALITY**

Dual nationals may often find it easier to enter the country of their other nationality on that country's passport, but leaving can sometimes be more difficult.

You may need an exit visa if you entered on a passport of that country. Before leaving Australia, check with that country's embassy or consulate in Australia.

## CONSULAR SERVICES

The Department of Foreign Affairs and Trade (DFAT) provides assistance to Australians who find themselves in trouble overseas. This support is referred to as consular services. These services are provided through our headquarters in Canberra and through Australian embassies, high commissions and consulates established in many (though not all) countries.

The Australian Government will do what it can to help all Australians in difficulty overseas, including dual nationals, however there are legal and practical limits to what can be done to assist travellers in other countries.

The *Consular Services Charter* sets out the standards of service all Australians can expect to receive from consular staff, including what they can and cannot do, and is available on **[smartraveller.gov.au](https://www.smartraveller.gov.au)**.

Under international law, countries are not obliged to recognise dual nationality.

- A country may not permit Australian consular assistance to be given to Australian citizens who, according to its laws, it considers and treats as its own nationals.
- A person might not be regarded as being an Australian if that person is not travelling on their Australian passport, which may also limit the consular assistance available.

While we will always try to assist to the greatest extent possible, under particular circumstances the extent to which we are able to help you will typically be determined by the government of the other country.

If you have been arrested or detained in a country of which you are a dual national that does not recognise dual nationality, you should ask for access to consular officials from the nearest Australian embassy, high commission or consulate.

Not all countries have an Australian diplomatic or consular post but there is usually an Australian post in the region. Under a consular agreement with Canada there are a number of locations where Australians have access to consular services through embassies and high commissions managed by the Canadian Government. Informal arrangements also exist with other consular services including those of the United Kingdom and the United States to lend assistance to Australians in need.

Address and telephone numbers of Australian embassies, high commissions and consulates can be found at **[www.dfat.gov.au/missions](http://www.dfat.gov.au/missions)**.

A directory of Australian overseas missions also appears in the 'Getting Help Overseas' section of each edition of *Travel Smart: hints for Australian travellers*. This booklet is issued with your passport and available online at **[smartraveller.gov.au](http://smartraveller.gov.au)**. Canadian missions providing consular assistance to Australians are also listed in the *Travel Smart: hints for Australian travellers* publication.

The 24-hour Consular Emergency Centre (CEC) in Canberra can be contacted for assistance from anywhere in the world on +61 2 6261 3305 or 1300 555 135 (local cost within Australia).

## **COUNSELLING SERVICES**

Australians overseas in need of counselling services can contact our Consular Emergency Centre on +61 2 6261 3305 to be transferred to a Lifeline Telephone Counsellor.





## Australian Government

### Department of Foreign Affairs and Trade

- 1** Take out **travel insurance** to cover hospital treatment, medical evacuation and any activities in which you plan to participate.
- 2** Before travelling overseas **register** your travel and contact details online at ***smartraveller.gov.au*** or at the local Australian embassy, high commission or consulate once you arrive so we can contact you in an emergency.
- 3** Check the latest **travel advice** for your destination at ***smartraveller.gov.au*** before you go. **Subscribe** to receive free email notification each time the advice is updated.

While every care has been taken in preparing this brochure, neither the Australian Government nor its agents or employees, including any member of Australia's diplomatic and consular staff abroad, can accept liability for any injury, loss or damage arising in respect of any statement contained herein.

Consular Policy Branch  
Department of Foreign Affairs and Trade  
R.G. Casey Building  
John McEwen Crescent  
BARTON ACT 0221  
Tel (02) 6261 3305; 1300 555 135

Information for travellers and travel advisories are available from the Department of Foreign Affairs and Trade's smartraveller website: ***smartraveller.gov.au***.

December 2009