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LEGAL OPINION
TREVOR POULTON
(AUSTRALIAN LEGAL PRACTITIONER)

FrydenbergCase2019 (11.07.19)

Dual Citizenship Case
Re: Hon Joshua Anthony Frydenberg MP

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Ref: *FrydenbergCase2019*

11 July 2019

Prime Minister Scott Morrison
Leader of the Liberal Party of Australia
Parliament House Office
PO Box 6022
Canberra ACT 2600

Email: Scott.Morrison.MP@aph.gov.au

Hon Anthony Albanese MP
ALP Leader of the Opposition
Parliament House Office
PO Box 6022
Canberra ACT 2600

Email: A.Albanese.MP@aph.gov.au

Dear Prime Minister Morrison and The Honourable Anthony Albanese MP

HONOURABLE JOSHUA ANTHONY FRYDENBERG MP - DUAL CITIZENSHIP CASE FOR PETITION OR REFERRAL TO HIGH COURT

Treasurer Joshua Anthony Frydenberg MP's citizenship status is looming as a constitutional crisis for the federal government as a consequence of his re-election to the Australian Parliament in the 2019 Federal Election. There is a real prospect that Frydenberg is a Hungarian citizen, and therefore a dual citizen in breach of Section 44(i) of the *Commonwealth of Australia Constitution Act* 1900.

The public narrative perpetuated by Joshua Frydenberg may be summed up as follows:

> His mother is a Hungarian Jew born in 1943 in Budapest who arrived in Australia on 30 December 1950 as a stateless child from a refugee camp after escaping from the Holocaust, and therefore he is not a citizen of Hungary by descent.[1]

During the constitutional eligibility crisis of 2017/2018, the then Prime Minister Malcolm Turnbull became an exponent of the narrative. At a press conference[2] on 3 November 2017 he stated:

> "I just want to say something about Josh Frydenberg. Josh Frydenberg's Mother Erika Strausz was born in 1943 in the Budapest ghetto. That's where the fascists had pushed all of the Jews in together as a prelude to sending them to the gas chamber. **She wasn't a Hungarian citizen when she was born and neither were her parents.** You know why? The Hungarian fascist Government, allied with Hitler, stripped the Jews of all of their rights. The right to citizenship and the right to life.

[1] https://en.wikipedia.org/wiki/Josh_Frydenberg
[2] http://pmtranscripts.pmc.gov.au/release/transcript-41283

> Her family fled Hungary at the end of the war. It's a miracle they weren't killed, as so many of their relatives were. Three quarters of all the Jews in Hungary were murdered in the Holocaust and the prelude to murdering them was depriving them of their citizenship rendering them sub-humans in the eyes of the fascists and the Nazis."

My letter to you, which is written as a legal opinion, outlines the fallacies of Joshua Frydenberg's claims, and argues the likelihood that Frydenberg, who is also Deputy Leader of the Liberal Party, is a citizen of a foreign power being Hungary and is therefore a dual citizen and ineligible to sit in the parliament pursuant to Section 44(i) which states:

> *"Any person who is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives."*[3]

Petition

It is foreseeable that a candidate or an eligible person qualified to vote in the Kooyong electorate may file a petition in the High Court as the Court of Disputed Returns within 40 days from the Return of Writs on **28 June 2019** pursuant to Section 355(c) of the *Commonwealth Electoral Act* 1918. The last day to file the petition is **7 August 2019**. The procedural requirements for filing a petition in the High Court are detailed in **Schedule 1** annexed hereto.

The questions to be addressed to the Court to answer could typically be drafted as follows:

> ***Question (a)*** *Whether, by reason of s 44(i) of the Constitution, the place of the Member for Kooyong (Mr Frydenberg) has become vacant?*
>
> ***Question (b)*** *If the answer to Question (a) is "yes", by what means and in what manner that vacancy should be filled?*
>
> ***Question (c)*** *What directions and other orders, if any, should the Court make in order to hear and finally dispose of this reference?*
>
> ***Question (d)*** *What, if any, orders should be made as to the costs of these proceedings?*

If Frydenberg was found by the High Court to be a dual citizen, the answers to (a) and (b) would be:

> ***Answer (a)*** *- By reason of s 44(i) of the Constitution, the place of the Member for Kooyong, the Hon Frydenberg Joshua Anthony Joyce MP, is vacant.*
>
> ***Answer (b)*** *- There should be a re-election for the election of the Member for Kooyong.*

A re-election would need to be held if Joshua Frydenberg were to be deemed by the court not eligible to stand as a candidate as at the time of the 2019 federal election.

Issues to be addressed in the case

1. Was Frydenberg's Mother ever deprived of her Hungarian Citizenship?
2. What laws and facts can be relied upon to satisfy the claim?
3. If Frydenberg's Mother has retained her Hungarian citizenship, was Frydenberg a citizen of Hungary by descent under Hungarian citizenship law?
4. If Frydenberg was ever a citizen of Hungary, has he since been deprived or lost his citizenship, and if so, when and under what law or circumstances?
5. If Frydenberg is found to be a dual citizen, what reasonable inquires, as would be expected under the *Constitution of Australia Act* 1900, did Frydenberg make with the Hungarian government to ascertain his citizenship status?

[3] Commonwealth of Australia Constitution Act - https://www.legislation.gov.au/Details/C2013Q00005

6. Has Frydenberg made sufficient inquires in all the circumstances to avoid a breach of Section 44(i)?

The **alternative processes** to filing a petition, which are dealt with at the conclusion of this letter, are a **Motion of the House of Representatives** referring Frydenberg to the High Court, or Frydenberg committing to the parliament to apply for a **Certificate of Citizenship** from the Office of Immigration and Nationality Budapest Hungary verifying whether he was never a Hungarian citizen, has lost his Hungarian citizenship or is a Hungarian citizen.

Summary of case

Joshua Frydenberg's Mother, **Erika Strausz**, arrived with her parents and siblings in Australia on 30 December 1950. She was born a Hungarian citizen, and based on all disclosures to date no evidence has been produced to show that in all likelihood she had been expatriated or deprived of her citizenship under Hungarian law or a Ministerial decree. Hungarian citizenship law always follows as a fundamental rule the principle of *jus sanguinis* – that is the right of blood which means that Hungarian citizenship is, by operation of law, automatically conferred from the Hungarian parent to the child irrespective of where the child was born. Based on what is known, Joshua Frydenberg would have to be a Hungarian citizen by descent.

It could be the case that Frydenberg's Mother had lost her citizenship, but that would certainly not be for the reasons given publicly by Frydenberg which do not 'stack up'. Despite the political imbroglio, there may in fact be a past law yet to be discovered or disclosed by any interested parties or experts in the field who have inquired into the matter that would discount Frydenberg as a Hungarian citizen.

According to the Australian Electoral Commission AEC Qualification Checklist signed by Frydenberg on 14 April 2019 for the 2019 federal election, his Mother and maternal grandparents lost their Hungarian citizenship some time in 1948. Frydenberg has maintained to the parliament that his Mother was made 'stateless' prior to coming to Australia, and **has now dated the alleged 'stateless' event as occurring in 1948**. The date of the claimed loss of citizenship had throughout the crisis, until the recent completion of the AEC checklist, strangely never been clarified. In fact, ***The Australian Jewish News*** reported on 9 November 2017 that "*Frydenberg's mother Erica Strauss was born in Hungary in 1943, at which point in time she was denied Hungarian citizenship because she was Jewish.*"[4]

The 'stateless' proposition is dealt with at length further into this article, but in summary the expression was one of several categorisations exploited by the International Refugee Organisation (IRO)[5] and other human rights authorities and welfare societies, for classifying Displaced Persons (DPs) located predominantly in National Socialist Germany as at the end of WW2. DPs comprised of foreign workers including ethnic Jews, and refugees who had fled en masse from the advancing Soviet Russians. DPs was later to include the waves of post-WW2 political and economic migrants and refugees and infiltrees entering into Allied-occupied West Germany, Austria and Italy. The categories were predominantly required for processing voluntary and forced repatriation of persons to Eastern-bloc countries, and for re-settlement and migration purposes in the West.

Jewish refugees and migrants who entered Displaced Persons camps after WW2 seeking to migrate would automatically be classed as 'stateless' regardless of their actual national dispositions and reasons for entering the DP camps. In fact, 'stateless' was a nominal classification of convenience at the time, not having any recognition under international law until the United Nations in 1954 adopted the *Convention relating to the Status of Stateless Persons*.

Further, applying a customary significance to the categorisation, a true 'stateless' person could not simply be a 'refugee' or 'displaced person' or a 'migrant', but theoretically could only be a person who

[4] https://www.jewishnews.net.au/frydenberg-citizenship-saga-absurd/70949
[5] International Refugee Organisation (IRO) - an intergovernmental organization founded on 20 April 1946

was not considered as a national or citizen by any state under the operation of its law.

Joshua Frydenberg has produced no evidence that the post-War Hungarian government operating within the Soviet orbit of influence had stripped Jewish people of their citizenships in 1948 or at any time. The persistent claim by the family itself of having been 'stateless' is basically a form of self-identification having no bearing on determining Frydenberg's true citizenship status.

In articulating the account of his citizenship status, Joshua Frydenberg identified his family's sojourn to Australia directly with the catastrophic historical event of WW2 to elude being referred to the High Court with other federal members of parliament who were required to answer questions about their foreign citizenship status. In doing so, he conflated events of WW2 and the Holocaust which **ended in May 1945** with the experiences of his maternal grandparents, his Mother and her siblings ('**the family Strausz**') residing in a civil society in their homeland country of Hungary in 1948 before leaving Hungary to migrate to another country.

Frydenberg made a declaration in the Parliamentary Citizenship Register on 4 November 2017 that he has obtained legal advices that he is not a Hungarian citizen but has refused to publicly disclose the advices, including in response to a legitimate request from the Shadow Attorney-General Mark Dreyfus.

Section 44(i) of the Australian Constitution was promulgated for reasons of national security. Frydenberg has a duty as a member of parliament to be transparent and publish his advices to help settle the matter. However, the value of the advices would very much depend on what questions had been asked of his legal advisers, noting that Frydenberg is a lawyer himself.

Regardless, this has now become a matter that can only be resolved by the High Court, or a formal verification of Frydenberg's status through an application for a Certificate of Citizenship lodged by him with the Hungarian Office of Immigration and Nationality that would incontestably determine his status.

THE FRYDENBERG CASE

Over the last two years, federal politics in Australia has experienced:

(1) A total of 34 members of parliament under scrutiny during the dual citizenship crisis in 2017/2018, with 15 members being found by the High Court to be ineligible to sit in the parliament and/or pre-emptively resigning their seats. Two members, Cavanan and Xenophon were found by the High Court not to have breached Section 44(i). **Schedule 2** herein contains the list of MPs found to be ineligible.

(2) The resignation of Prime Minister Turnbull on 31 August 2018 whose general political judgment had come under serious scrutiny, and who had also shown flawed judgment in dealing with Frydenberg's citizenship status.

(3) During the 2019 election campaign a number of candidates from various parties resigning for reasons of past politically incorrect musings/views/indiscretions or being found ineligible to stand for election.

The federal political landscape has been littered with an extraordinary number of male and female casualties. The fact that Frydenberg was treated as an exception and not referred to the High Court during the 2017/2018 eligibility crisis illustrates that not just society but even the parliament itself has become infected with '***Correctspeak'*** *– language used to manipulate political and social dialogue by engendering feelings of guilt and a need for public atonement*[6].

[6] *Correctspeak* – Neologism of Trevor Poulton (2008)

The Hon Tanya Plibersek, Deputy Leader of the Australian Labor Party at the time, stated to *The Australian Jewish News* on 9 November 2017:

> *"These people [Frydenberg's family], like many millions, fled the Holocaust and I really do think that we're going a bridge too far when we start to pursue people in these circumstances"*[7]

Seventy to eighty-five million people of many races, ethnicities, religions and creeds perished during the catastrophe of World War 2, but for the millions (just like the family Strausz) who survived, the fact of the experience does not place such people, or their ascendants, above the law. It is difficult to conceive how a highly experienced politician such as Tanya Plibersek MP, a law maker of our nation, could have so willingly joined the political correct chorus of guilt-trippers. However, Ms Plibersek was only one of many members of parliament to indulge in the narrative.

It is not vexatious to seek the truth of Frydenberg's citizenship. The obstruction of questioning his status, with implied inferences of anti-Semitism, is a stark illustration of how political correctness, and its legislative incarnation Section 18(c) of the *Racial Discrimination Act* (1975)[8], operate as a sword in our society, in this case to strike at the very heart of our Constitution's pivotal prohibition on dual citizens governing our nation. Section 18(c) is not simply an anodyne shield to give comfort to various minorities who may feel offended by some of the products of free speech. ***Without the right to question, what remains is indoctrination.***[9] Questioning the details of someone's personal family history can be a sensitive matter, but it is certainly proper and in order to do so when viewed directly through the Section 44(i) lens of the Constitution of Australia, as in the current circumstances.

FACT CHECK - STRAUSZ/FRYDENBERG NARRATIVE

1. During the constitutional eligibility crisis, in November 2017 mainstream media downloaded National Australian Archive Commonwealth (NAA) migration documents relating to the migration from Europe to Australia by Frydenberg's Mother (Erika Strausz), her siblings and parents ('**the family Strausz'**). The set of documents are the only personal documents of the family that are publicly available and clarify the family's sojourn. Five of the documents have been reproduced further below for easy access, being Images 1-5. The complete set of documents may be located on - https://recordsearch.naa.gov.au/SearchNRetrieve/NAAMedia/ShowImage.aspx?B=7296917&T=PDF

2. The documents reveal:

(1) Frydenberg's Mother's family, who were Hungarian nationals, comprised of the following members:

- Father - Samuel Strausz born in Mako, Hungary on 30 November 1908
- Mother - Etelka Strausz born in Budapest, Hungary on 3 December 1912

The couple produced three children, the siblings being:

- Juditha born in Budapest, Hungary on 20 January 1941
- **Joshua Frydenberg's Mother Erika** born in Budapest, Hungary on 3 October 1943
- Agnes also born in Budapest, Hungary on 13 May 1948

See Image 1 - Form 16 below

(2) Form 16 - The family departed from Europe boarding the S.S. Suriento at the Port of

[7] https://www.jewishnews.net.au/frydenberg-citizenship-saga-absurd/70949
[8] Section 18(c) was added to the *Racial Discrimination Act* (1975) by the Keating Labor Government in 1995.
[9] Aphorism of Trevor Poulton (2014)

Genoa, Italy, and arrived in Sydney on 30 December 1950, five and a half years after the end of World War Two. (See **Schedule 3** – S.S. Suriento passenger list of migrants who disembarked the migrant ship at Freemantle WA. The list does not include all of those who disembarked at Sydney including the Strausz family.)

(3) Upon arrival in Sydney, Mr and Mrs Strausz completed and signed the Form 16s which is formatted as a letter addressed to The Immigration Officer, applying for an individual *'Certificate of Exemption from the provisions of the Migration Act 1901 – 1949 for a period of 24 months'*.[10] The Certificate of Exemption was later replaced by the class called '**temporary visa**' under the *Migration Act 1958* (Cth).

(4) The parents described the family's nationality as **'Stateless'** on the Certificate of Exemption application forms. (In fact, the requirement for entry into Australia was a passport, health examination and landing permit. The label of 'stateless would not have had any significance to the Boarding Officer for the purpose of migrants entering Australia.)

See Image 2 - NSW Boarding Officer's report below

(5) The NSW Boarding Officer's report forwarded to the Commonwealth Migration Officer Sydney dated 11 January 1951 in fact identified the family's nationality as Hungarian **(contrary to the family's own declarations on the Form 16)** and noted that the family were **in possession** of **valid passports** and **Landing Permit No. 017602**.

(6) The Landing Permit was noted as being endorsed, '*Bearer will be admitted to Australia under exemption from the provisions of the Immigration Act 1901-1940 for a period of two years.*'

(7) There is no reference in the report to the family having entered into an International Refugee Organisation (IRO) scheme/work contract. This may suggest that the family was sponsored by friends or relatives in Australia and assisted by a non-government Jewish organisation to get to Australia.

(8) Although likely not relevant to the family Strausz, on arrival in Australia many IRO refugees and migrants were sent to migrant reception and training centres where they learned some English and practical skills in readiness to satisfy their migration contracts. The Department of Immigration was responsible for the camps and kept records on camp administration and residents.[11]

(9) The report notes that their address was to be 46 Benelong Crescent, Bellevue Hill, Sydney, New South Wales. This address near Bondi would appear to be a residential property.[12]

(10) The Form 16s, Form 47A, and an X-ray film are noted as attached to the report.

See Images 3 to 4 - Form 47A Medical Declaration below

(11) The Form 47A *Medical Examination (for Persons seeking Permanent Admission to Australia) - Declaration by Intending Migrant* (Commonwealth of Australia) was completed by a physician in Paris on 28 February 1950.

(12) The Form 47A reveals that Frydenberg's Mother's youngest sister Agnes Strausz was born in Budapest, Hungary on 13 May 1948. This signifies that the family Strausz did not

[10] https://www.legislation.gov.au/Details/C1901A00017/Download - *Section 3

[11] Post-war immigration to Australia - https://en.wikipedia.org/wiki/Post-war_immigration_to_Australia#cite_note-accom-25

[12] Migrant hostels in New South Wales, 1946–78 – Fact sheet 170 http://www.naa.gov.au/collection/fact-sheets/fs170.aspx Migrant hostels, also known as immigration dependents' holding centres, migrant accommodation, migrant reception or training centres or migrant workers' hostels, were established after World War 2 to accommodate displaced persons and assisted migrants. (The scheme possibly did not apply to the Strausz family)

migrate from Hungary until after 13 May 1948.

(13) Therefore, sometime between the birth of Agnes Strausz in **May 1948** in Hungary and the medical examination in **February 1950** in Paris, the family managed to relocate from Budapest, Hungary to Paris, France.

(14) The Medical Examination form also records the residential address of the Strausz family on 28 February 1950 as 11 Rue des Deux Gares, Paris, France (presently the *Hotel d'Amiens*).

See Images 5 - Letter enclosing Certificates below

(15) The letter, which is dated 20 February 1951, is from the Commonwealth Migration Officer addressed to the family at their the Bellevue Hill address, advising that the Certificates of Exemption had been granted dating back to 20 December 1950 (when the ship docked at Port Freemantle), and enclosing the certificates. Copies of the family's certificates are not accessible on the NAA website, and unless lost might possibly be located in an unopened box.

3. Frydenberg's Mother became an Australian citizen in 1957 and gave birth to Joshua Anthony Frydenberg on 17 July 1971.

4. In 2017 Frydenberg was drawn into the Constitutional eligibility crisis and denied that he was a Hungarian citizen by descent.

5. On 4 December 2017 Frydenberg signed the Parliamentary Citizenship Register[13] declaring that on the date he nominated for election in 45th Parliament (sitting prior to the 2019 federal election) he was not a citizen of any country other than Australia. At the time, he was Minister for the Environment and Energy in the Second Turnbull Ministry. Below is an extract from Frydenberg's declaration.

> ***Statement in relation to citizenship - 45th Parliament of Frydenberg, The Hon Joshua, Member for Kooyong, VIC***
>
> *I declare that at the time I nominated for election in this 45th Parliament I was an Australian citizen.*
>
> ***Section 3(d)***
>
> **Please list the steps you have taken to assure yourself you have not acquired citizenship of another country by descent, marriage or other means.**
>
> *I have retrieved documentation regarding the citizenship of my parents and grandparents from available family sources. Searches have been made of archival material available in Australia regarding my parents' and grandparents' citizenship.*
>
> *I have sought and received Hungarian legal advice from Hungarian citizenship law experts.*
>
> *I have sought and received Polish legal advice from Polish citizenship law experts.*
>
> *I have sought and received Australian legal advice*
>
> **(**See **Schedule 4** herein - Parliamentary Citizenship Register)

6. On 24 August 2018 Prime Minister Malcolm Turnbull was ousted as leader of the Liberal Party by his own party and consequently as the Prime Minister of Australia, and was replaced by Scott Morrison. Joshua Frydenberg was elevated to the position of Treasurer.

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[13] https://www.aph.gov.au/Senators_and_Members/Members/Citizenship

See Images 6 to 8 - AEC Qualification Checklist below

7. On 17 April 2019 Frydenberg completed the ***AEC Qualification Checklist – Relating to your eligibility under Section 44 of the Australian Constitution***. It is information in this document that directly relates to Frydenberg's candidature eligibility to be voted for as a Member for Kooyong in the current 46th Parliament. Frydenberg declares:

- ***Country of foreign citizenship*** of his Mother and his Maternal Grandparents was Hungary, and
- ***Period of foreign citizenship held*** by the family was **from their respective birth dates to 1948** (inclusive, as no day or month disclosed).

8. On 18 May 2019 Prime Minister Scott Morrison was re-elected, with Joshua Frydenberg continuing his role as Federal Treasurer.

See following images:

Image 1 Form 46

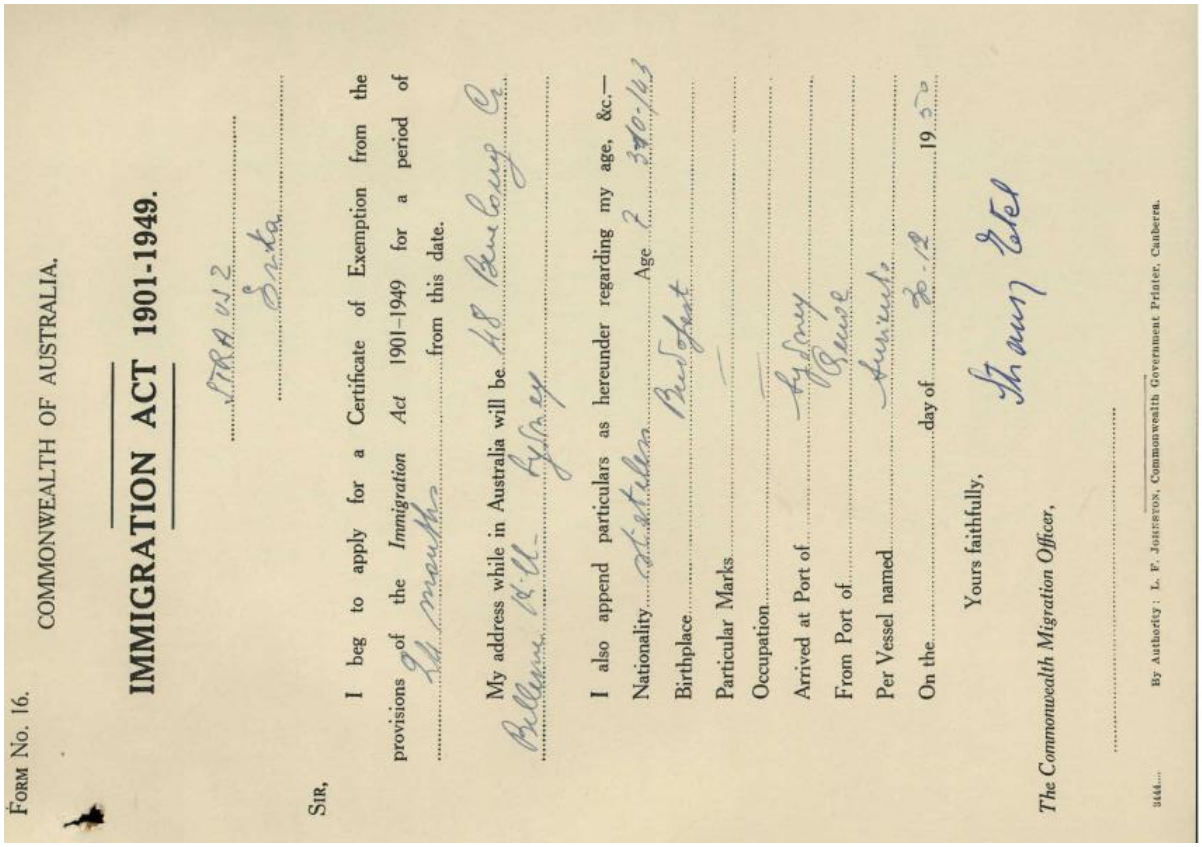
Image 2 NSW Boarding Officer's report

Images 3 to 4 Form 47A Medical Declaration

Image 5 Letter from Commonwealth Migration Office

Images 6 to 8 AEC Qualification Checklist for 2019 Federal Election

Image 1 –Form 46



FORM No. 16. COMMONWEALTH OF AUSTRALIA.

IMMIGRATION ACT 1901-1949.

SIR,

I beg to apply for a Certificate of Exemption from the provisions of the *Immigration Act* 1901–1949 for a period of ..... from this date.

My address while in Australia will be .....

I also append particulars as hereunder regarding my age, &c.—

Nationality ..... Age .....

Birthplace .....

Particular Marks .....

Occupation .....

Arrived at Port of .....

From Port of .....

Per Vessel named .....

On the ..... day of ..... 19 ..

Yours faithfully,

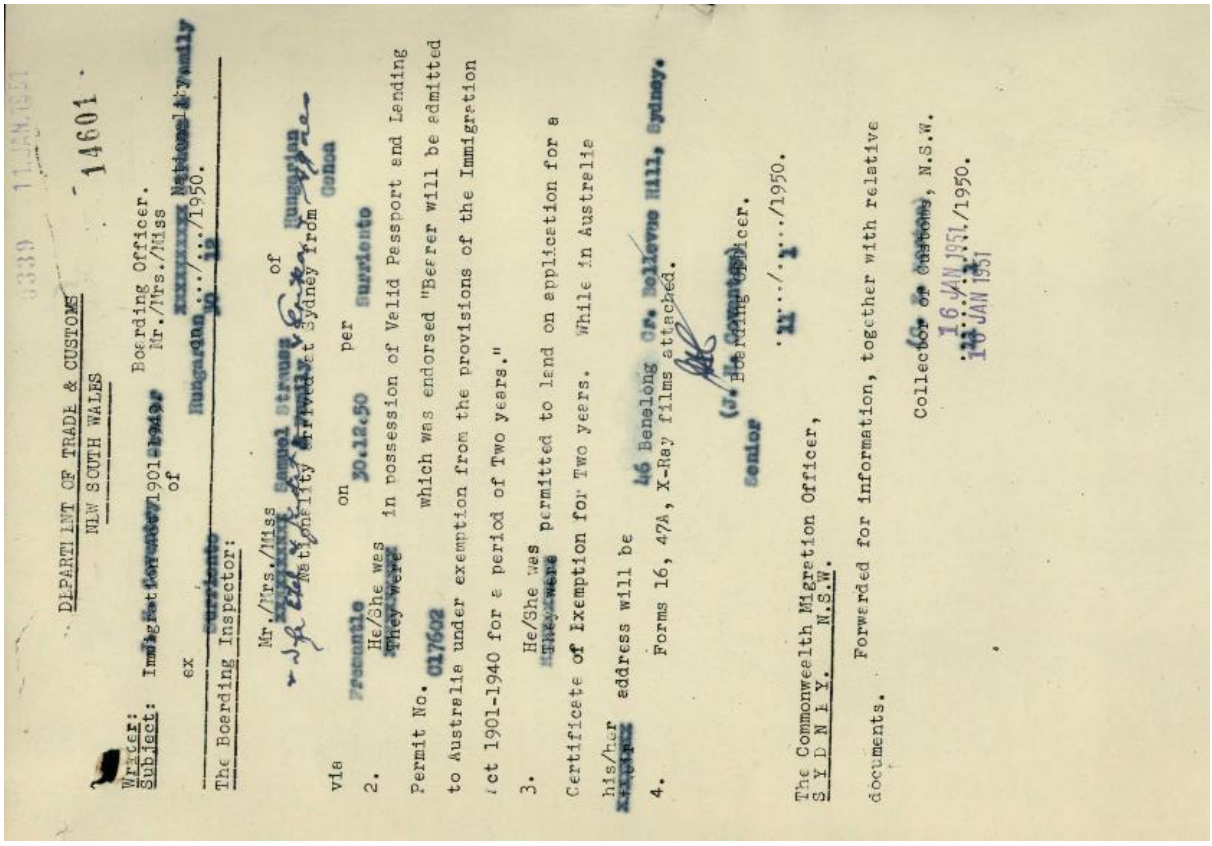
.....

The Commonwealth Migration Officer,

.....

3444.... By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.

Image 2 - NSW Boarding Officer's report



DEPARTMENT OF TRADE & CUSTOMS
NEW SOUTH WALES

14601

Writer: Boarding Officer.
Subject: Immigrant ... 1901 ... Mr./Mrs./Miss ... of ... ex ... Hungarian ... National ... family per ... 30.12.50 ... The Boarding Inspector:

Mr./Mrs./Miss ... Nationality ... Sydney from ... Canada ... via ... Fremantle ... on ... 30.12.50 ... per ... Burrumbo

2. He/She was / They were in possession of Valid Passport and Landing Permit No. 017602 which was endorsed "Bearer will be admitted to Australia under exemption from the provisions of the Immigration Act 1901-1940 for a period of Two years."

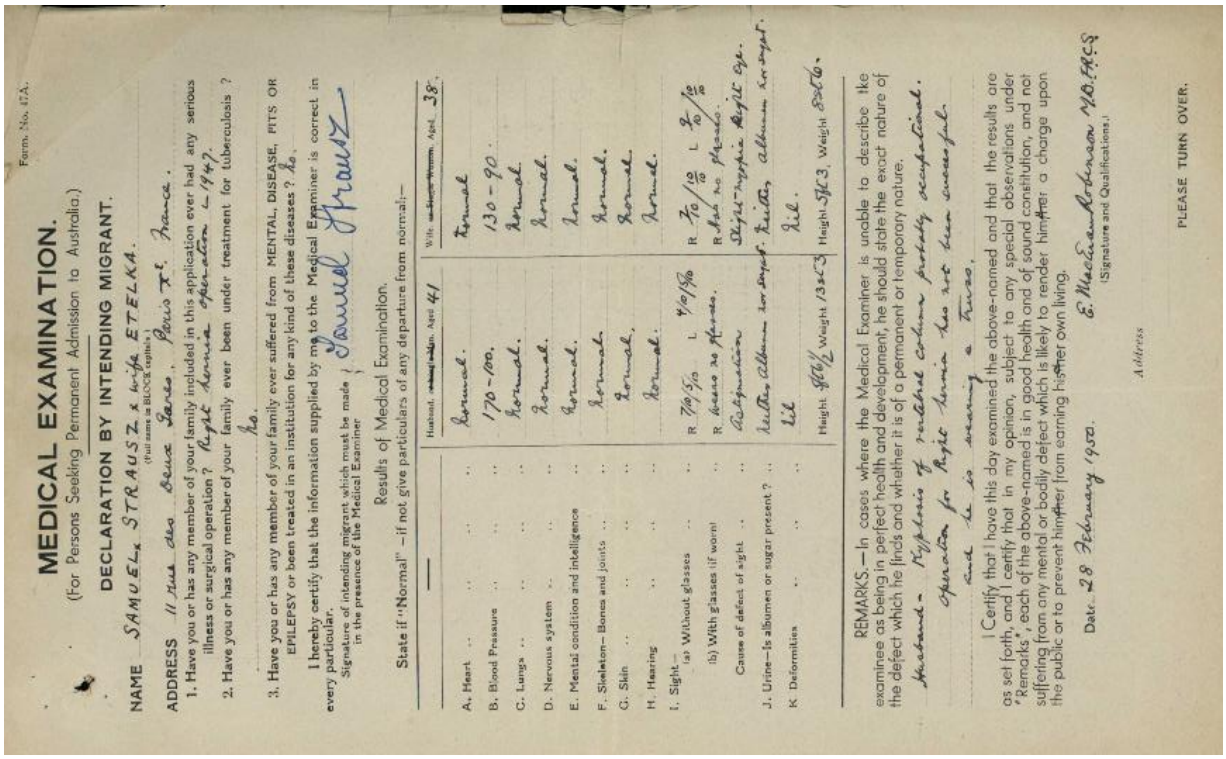
3. He/She was / They were permitted to land on application for a Certificate of Exemption for Two years. While in Australia his/her address will be ... 46 Benelong ... Forms 16, 47A, X-Ray films attached.

4. The Commonwealth Migration Officer, SYDNEY. N.S.W.

Forwarded for information, together with relative documents.

Collector of Customs, N.S.W.
16 JAN 1951
16 JAN 1951

Image 3 - Form 47A Medical Declaration p. 1/2



Form No. 47A.

MEDICAL EXAMINATION.
(For Persons Seeking Permanent Admission to Australia.)

DECLARATION BY INTENDING MIGRANT.

NAME SAMUEL STRAUSZ x wife ETELKA.
(Full name in BLOCK capitals.)

ADDRESS 11 rue des Beaux Sarts, Paris VI. France.

1. Have you or has any member of your family included in this application ever had any serious illness or surgical operation? Right hernia operation c.1942.

2. Have you or has any member of your family ever been under treatment for tuberculosis? No

3. Have you or has any member of your family ever suffered from MENTAL DISEASE, FITS OR EPILEPSY or been treated in an institution for any kind of these diseases? No.

I hereby certify that the information supplied by me to the Medical Examiner is correct in every particular.

Signature of intending migrant which must be made in the presence of the Medical Examiner: Samuel Strausz

Results of Medical Examination.

State if "Normal" – if not give particulars of any departure from normal:—

	Husband, [illegible] Age 41	Wife [illegible] Age 38
A. Heart	Normal.	Normal
B. Blood Pressure	170-100.	130-90
C. Lungs	Normal.	Normal
D. Nervous system	Normal.	Normal.
E. Mental condition and intelligence	Normal.	Normal.
F. Skeleton—Bones and joints	Normal.	Normal.
G. Skin	Normal.	Normal.
H. Hearing	Normal.	Normal.
I. Sight— (a) Without glasses	R 20/50 L 4/60	R 20/40 L 20/20
(b) With glasses (if worn)	R Nil No Glasses.	R Nil No Glasses.
Cause of defect of sight	Amputation	Slight hypermetropic Astigmatic eye.
J. Urine—Is albumen or sugar present?	Nil. No albumen or sugar present.	Nil.
K. Deformities	Nil	Nil.
	Height 5ft 6½ Weight 13st 3	Height 5ft 3 Weight 8st 6.

REMARKS.—In cases where the Medical Examiner is unable to describe the examinee as being in perfect health and development, he should state the exact nature of the defect which he finds and whether it is of a permanent or temporary nature.

Husband - Hysterectomy for malignant carcinoma probably completed. Operation for Right hernia has not been successful and he is wearing a truss.

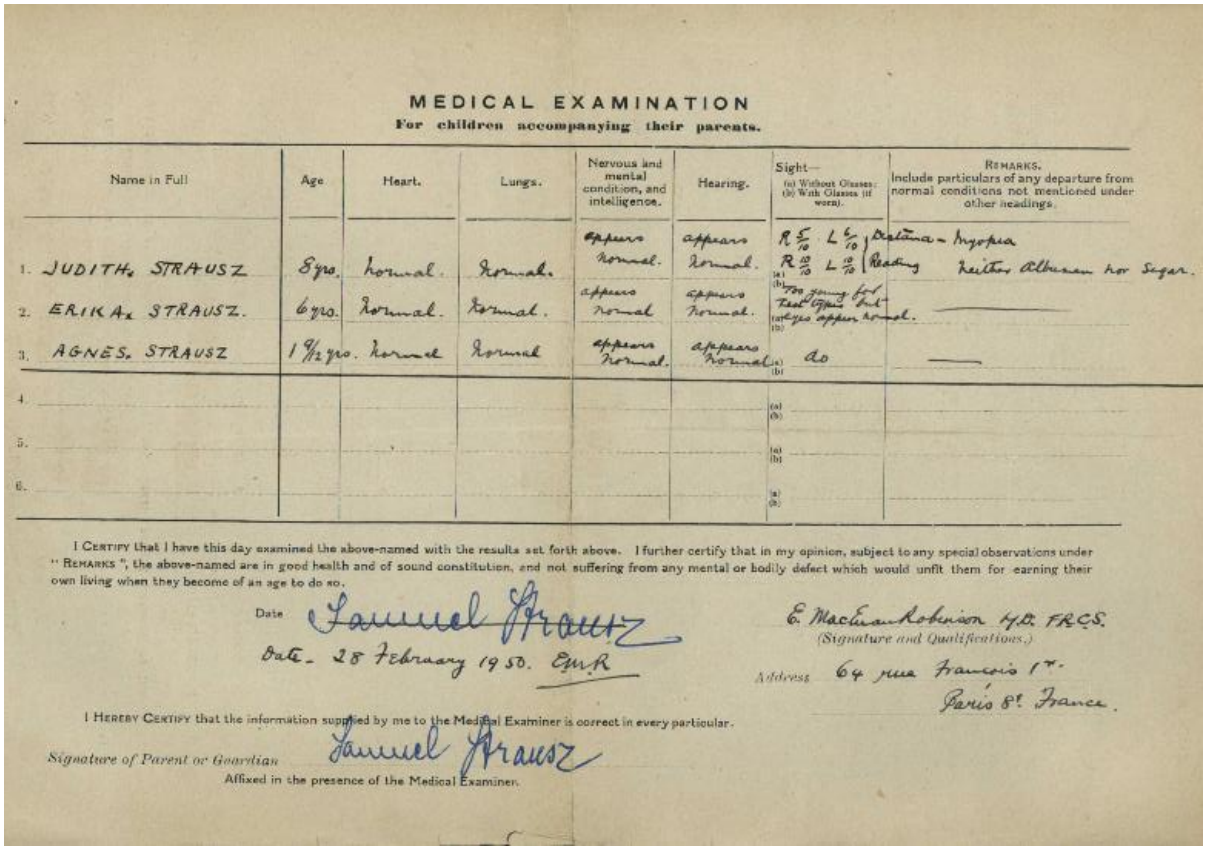
I Certify that I have this day examined the above-named and that the results are as set forth, and I certify that in my opinion, subject to any special observations under "Remarks", each of the above-named is in good health and of sound constitution, and not suffering from any mental or bodily defect which is likely to render him/her a charge upon the public or to prevent him/her from earning his/her own living.

Date 28 February 1950. E. MacLean Robinson M.D. F.R.C.S.
(Signature and Qualifications.)

Address

PLEASE TURN OVER.

Image 4 – Form 47A Medical Declaration p. 2/2



MEDICAL EXAMINATION

For children accompanying their parents.

Name in Full	Age	Heart.	Lungs.	Nervous and mental condition, and intelligence.	Hearing.	Sight— (a) Without Glasses: (b) With Glasses (if worn).	Remarks. Include particulars of any departure from normal conditions not mentioned under other headings.
1. JUDITH. STRAUSZ	8 yrs.	Normal.	Normal.	appears Normal.	appears Normal.	(a) R 5/6 L 6/6 (b) R 12/6 L 12/6	Distance - Myopia Reading Hereditary Albumen nor Sugar.
2. ERIKA. STRAUSZ.	6 yrs.	Normal.	Normal.	appears Normal	appears Normal.	Too young for Test Types but (a) & (b) appear Normal.	
3. AGNES. STRAUSZ	1 9/12 yrs.	Normal	Normal	appears Normal.	appears Normal.	(a) do (b)	
4.						(a) (b)	
5.						(a) (b)	
6.						(a) (b)	

I Certify that I have this day examined the above-named with the results set forth above. I further certify that in my opinion, subject to any special observations under "Remarks", the above-named are in good health and of sound constitution, and not suffering from any mental or bodily defect which would unfit them for earning their own living when they become of an age to do so.

Date Samuel Strausz

Date 28 February 1950. Cyn R

E. MacEwan Robinson M.D. F.R.C.S.
(Signature and Qualifications.)

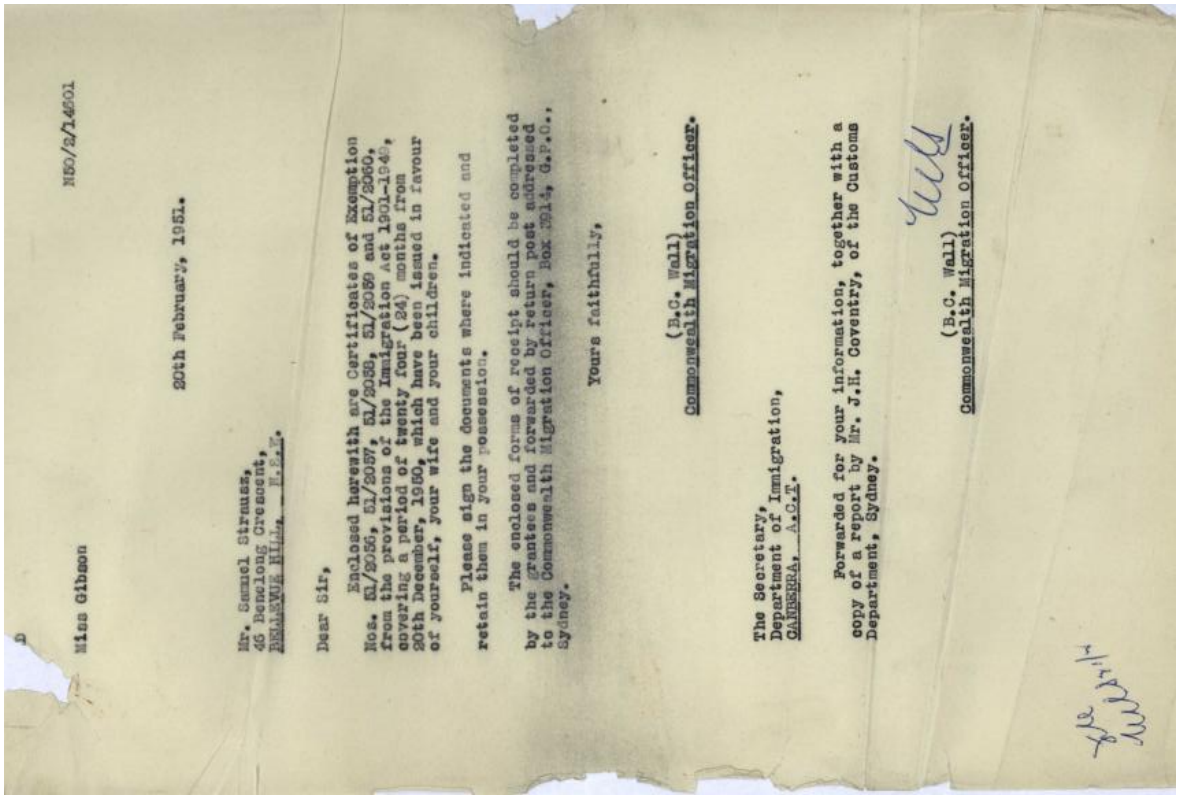
Address 64 rue François 1er. Paris 8e. France.

I Hereby Certify that the information supplied by me to the Medical Examiner is correct in every particular.

Signature of Parent or Guardian Samuel Strausz

Affixed in the presence of the Medical Examiner.

Image 5 – Letter from Commonwealth Migration Office



M50/2/14501

20th February, 1951.

Miss Gibson

Mr. Samuel Strauss,
46 Bencleug Crescent,
BELLEVUE HILL. N.S.W.

Dear Sir,

Enclosed herewith are Certificates of Exemption Nos. 51/2056, 51/2057, 51/2058, 51/2059 and 51/2060, from the provisions of the Immigration Act 1901-1949, covering a period of twenty four (24) months from 20th December, 1950, which have been issued in favour of yourself, your wife and your children.

Please sign the documents where indicated and retain them in your possession.

The enclosed form of receipt should be completed by the grantees and forwarded by return post addressed to the Commonwealth Migration Officer, Box 3914, G.P.O., Sydney.

Yours faithfully,

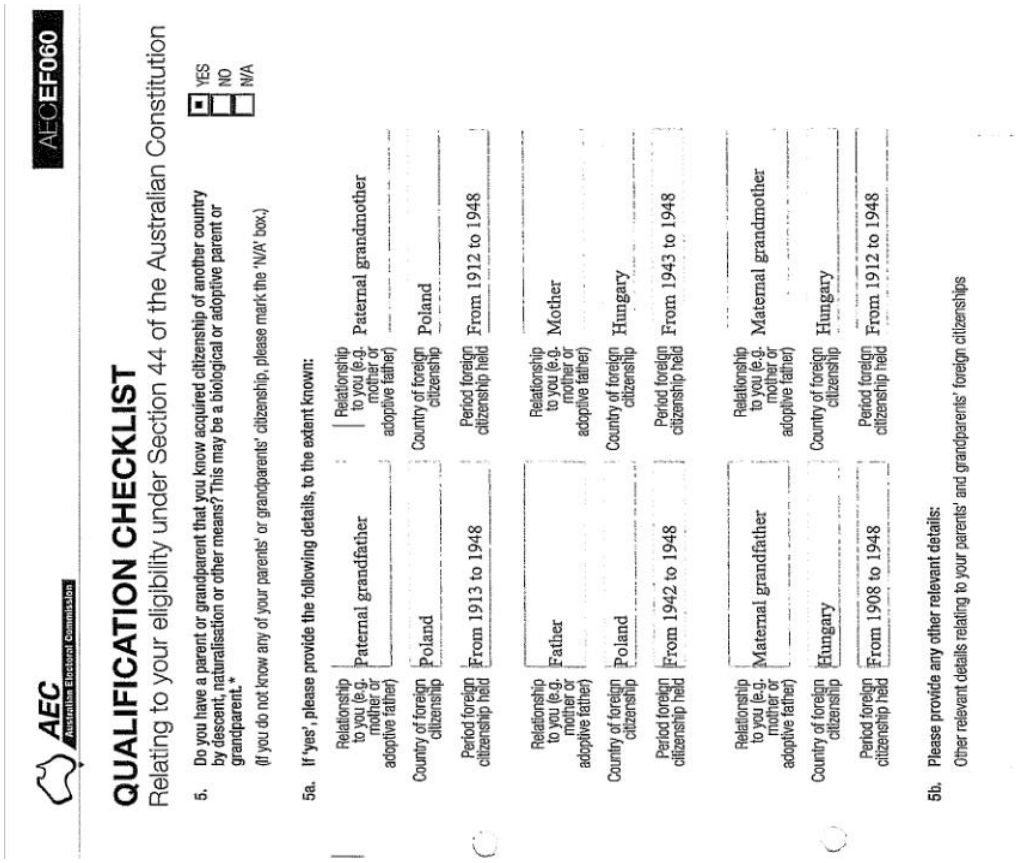
(B.C. Wall)
Commonwealth Migration Officer.

The Secretary,
Department of Immigration,
CANBERRA, A.C.T.

Forwarded for your information, together with a copy of a report by Mr. J.H. Coventry, of the Customs Department, Sydney.

(B.C. Wall)
Commonwealth Migration Officer.

Image 6 – AEC Qualification Checklist signed by Joshua Frydenberg 17/4/2019



AEC Australian Electoral Commission — AEC EF060

QUALIFICATION CHECKLIST

Relating to your eligibility under Section 44 of the Australian Constitution

5. Do you have a parent or grandparent that you know acquired citizenship of another country by descent, naturalisation or other means? This may be a biological or adoptive parent or grandparent.*
(If you do not know any of your parents' or grandparents' citizenship, please mark the 'N/A' box.)
☑ YES ☐ NO ☐ N/A

5a. If 'yes', please provide the following details, to the extent known:

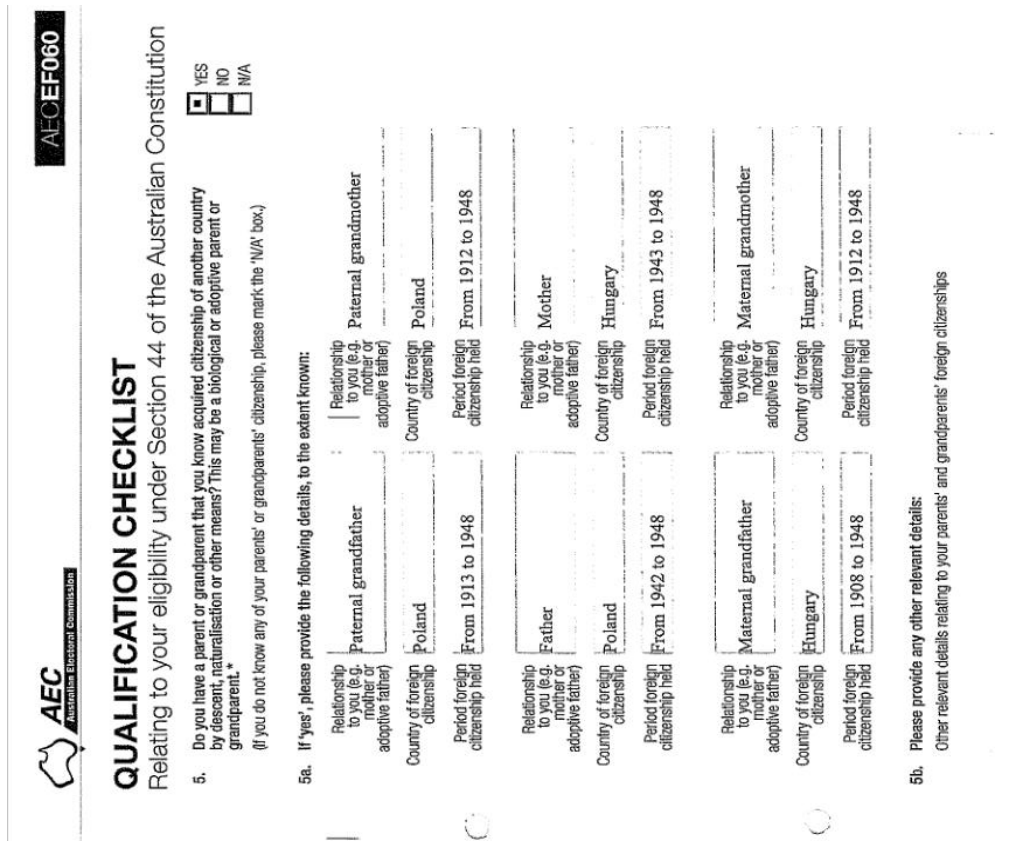
Relationship to you (e.g. mother or adoptive father)	Paternal grandfather	Paternal grandmother
Country of foreign citizenship	Poland	Poland
Period foreign citizenship held	From 1913 to 1948	From 1912 to 1948

Relationship to you (e.g. mother or adoptive father)	Father	Mother
Country of foreign citizenship	Poland	Hungary
Period foreign citizenship held	From 1942 to 1948	From 1943 to 1948

Relationship to you (e.g. mother or adoptive father)	Maternal grandfather	Maternal grandmother
Country of foreign citizenship	Hungary	Hungary
Period foreign citizenship held	From 1908 to 1948	From 1912 to 1948

5b. Please provide any other relevant details:
Other relevant details relating to your parents' and grandparents' foreign citizenships

Image 7



AEC Australian Electoral Commission — AEC EF060

QUALIFICATION CHECKLIST

Relating to your eligibility under Section 44 of the Australian Constitution

5. Do you have a parent or grandparent that you know acquired citizenship of another country by descent, naturalisation or other means? This may be a biological or adoptive parent or grandparent.*
(If you do not know any of your parents' or grandparents' citizenship, please mark the 'N/A' box.)
☑ YES ☐ NO ☐ N/A

5a. If 'yes', please provide the following details, to the extent known:

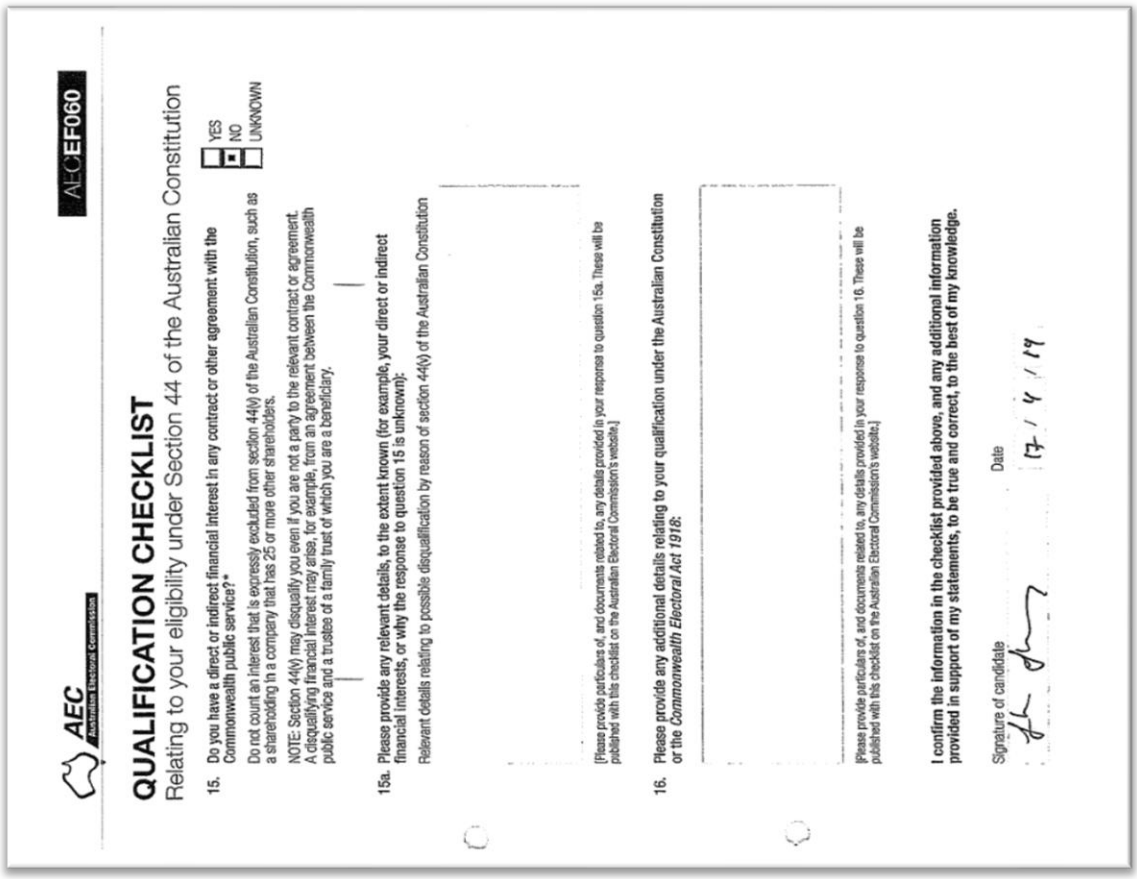
Relationship to you (e.g. mother or adoptive father)	Paternal grandfather	Paternal grandmother
Country of foreign citizenship	Poland	Poland
Period foreign citizenship held	From 1913 to 1948	From 1912 to 1948

Relationship to you (e.g. mother or adoptive father)	Father	Mother
Country of foreign citizenship	Poland	Hungary
Period foreign citizenship held	From 1942 to 1948	From 1943 to 1948

Relationship to you (e.g. mother or adoptive father)	Maternal grandfather	Maternal grandmother
Country of foreign citizenship	Hungary	Hungary
Period foreign citizenship held	From 1908 to 1948	From 1912 to 1948

5b. Please provide any other relevant details:
Other relevant details relating to your parents' and grandparents' foreign citizenships

Image 8



AEC Australian Electoral Commission

AEC EF060

QUALIFICATION CHECKLIST

Relating to your eligibility under Section 44 of the Australian Constitution

15. Do you have a direct or indirect financial interest in any contract or other agreement with the Commonwealth public service?*
Do not count an interest that is expressly excluded from section 44(v) of the Australian Constitution, such as a shareholding in a company that has 25 or more other shareholders.
NOTE: Section 44(v) may disqualify you even if you are not a party to the relevant contract or agreement. A disqualifying financial interest may arise, for example, from an agreement between the Commonwealth public service and a trustee of a family trust of which you are a beneficiary.
☐ YES ☒ NO ☐ UNKNOWN

15a. Please provide any relevant details, to the extent known (for example, your direct or indirect financial interests, or why the response to question 15 is unknown):
Relevant details relating to possible disqualification by reason of section 44(v) of the Australian Constitution
[Please provide particulars of, and documents related to, any details provided in your response to question 15a. These will be published with this checklist on the Australian Electoral Commission's website.]

16. Please provide any additional details relating to your qualification under the Australian Constitution or the *Commonwealth Electoral Act 1918*:
[Please provide particulars of, and documents related to, any details provided in your response to question 16. These will be published with this checklist on the Australian Electoral Commission's website.]

I confirm the information in the checklist provided above, and any additional information provided in support of my statements, to be true and correct, to the best of my knowledge.

Signature of candidate

Date 17 / 4 / 19

HUNGARIAN CITIZENSHIP LAW

On 3 November 2017 ABC News published an article titled ***Josh Frydenberg denies Hungarian-born mother implicates him in dual citizenship saga***[14]**.** Senator Penny Wong, Shadow Foreign Minister, perhaps underpinning an internationalist political perspective, expressed opposition to proposed citizenship audits for federal members of parliament, embarrassingly arguing that '*no Australian lawyer or retired judge would be able to comprehensively understand Hungarian citizenship law*.' She was reported as follows:

> *Labor's leader in the Senate Penny Wong said she accepted Mr Frydenberg's version of events and said his case showed the complexity of the problem.*
>
> *Senator Wong said no Australian lawyer or retired judge would be able to comprehensively understand Hungarian citizenship law, casting doubt on whether an audit would provide the certainty politicians are searching for.*
>
> *"This is why it isn't a simple solution to say 'we will find someone to do an audit of everyone'," she said.*

As with Australian citizenship laws, Hungarian citizenship laws have been amended in response to the times. Major amendments to the laws were applied after WW1 and soon after WW2 to address changing borders of Hungary due to wartime events. In particular, after WW2 Hungary entered into bi-lateral agreements on citizenship with various Eastern-Bloc nations. There is much material on the internet written in the English language that informs on the historical changes to the laws. Below deals with principal changes to Hungarian citizenship law.

[14] https://www.abc.net.au/news/2017-11-03/minister-Joshua-frydenberg-faces-possibility-of-dual-citizenship/9113982 ABC report by by political reporters Tom Iggulden and Henry Belot

The Austro-Hungarian Empire was dissolved after World War 1. As a consequence, many ethnic Hungarians found themselves living in the seven adjacent states of Hungary after 1920 with the exception of the short period of annexation by Hungary of trans-border areas during World War 2.[15]

Hungarian citizenship law always follows as a fundamental rule the principle of jus sanguinis, being the right of blood, which means that Hungarian citizenship is, by operation of law, automatically conferred from the Hungarian parent to the child **irrespective of where the child was born**.

Further, a child born before 1 October 1957 only became a Hungarian citizen if their father, following the paternal line, was a Hungarian citizen. In response to the *New York Convention on the Nationality of Married Women of 1957*, principles for emancipating women were inserted by the Hungarian government into the third Act on Nationality adopted in 1957 such that **citizenship by descent followed both the paternal and maternal lines**.

When the Strausz family arrived in Australia on 30 December 1950, Frydenberg's Mother Erika Strausz, who was 7 years old at the time, was a Hungarian citizen by descent from her Father.

Addressing the question of whether Frydenberg's Mother would have lost her Hungarian citizenship **upon becoming an Australian citizen in 1957**, according to the Country Report: Hungary,[16] Hungary tolerated multiple citizenships with the exception of ethnic Hungarians residing in various other post-WW2 Eastern-Bloc countries. The article states:

> Although from 1879 onwards Hungary tolerated multiple citizenship, between 1946 and 1989 the main rule was the **exclusion of dual citizenship through bilateral agreements with socialist states**. Mixed couples had to choose one citizenship for their child. After 1989, the modified Constitution abolished the arbitrary deprivation of citizenship.

As children born after 1 October 1957 became Hungarian citizens on the right of the Hungarian citizen mother as well, and the fact that Hungary permitted dual citizenships (other than under the said bi-lateral agreements with socialist countries), following the maternal line, Joshua Frydenberg was born a Hungarian citizen by descent from his Mother.

With regards to Australia, Australians could hold dual citizenship in circumstances where those born in Australia automatically acquired another citizenship at birth; or migrants naturalising in Australia, provided their former country did not revoke their citizenship.[17]

Although Frydenberg's grandparents and Mother acquired Australian citizenship in 1957 they would have not forfeited their Hungarian citizenships under Australian law, and as such became dual citizens.

The current *Act LV of 1993 on Hungarian Citizenship*[18] is designed to strengthen the attachment of citizens to the Republic of Hungary, and taking into account the traditions of Hungarian citizenship law and the provisions of international treaties, establishes the rules of conception, acquisition and termination of Hungarian citizenship. By changes made in January 2011, every person who was a Hungarian citizen or a descendant of a person who was a Hungarian citizen before 1920 or between 1941 and 1945 and speaks Hungarian may apply to become a Hungarian citizen, even if they do not live in Hungary. The Act gives entitlement to former citizens and eligible ethnic Hungarians to apply for Hungarian citizenship.

---

[15] http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=2013-18-Hungary.pdf

[16] EUDO Citizenship Observatory – Country Report: Hungary (p.7), 2013, Maria M Kovacs, Judi Toth - http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=2013-18-Hungary.pdf

[17] https://en.wikipedia.org/wiki/Australian_nationality_law#Certificate_of_Evidence_of_Australian_Citizenship

[18] *Act LV of 1993 on Hungarian Citizenship* - https://ec.europa.eu/migrant-integration/librarydoc/act-lv-of-1993-on-hungarian-citizenship

The recent legislative entitlement would apply to Joshua Frydenberg if he had in fact lost his citizenship. However, the evidence suggests that he in fact has never lost his citizenship to reclaim, and is currently a citizen of Hungary until he formally renounces his citizenship.

Section 5/A of *Act LV of 1993 on Hungarian Citizenship* provides for cases where a person can acquire or reacquire Hungarian Citizenship by Declaration. The section enables one to clarify the basis on which a Hungarian citizen could have lost their citizenship. The section states:

> **Declaration**[19]
>
> (1) By declaration addressed to the President of the Republic, the declarant shall be granted Hungarian citizenship as of the day on which it is filed:
>
> a) if having been deprived of Hungarian citizenship by virtue of Act X of 1947 and Act XXVI of 1948 on the Deprivation of Hungarian Citizenship of Certain Persons Residing Abroad,
>
> or under Act LX of 1948 on Hungarian Citizenship or Act V of 1957 on Citizenship,
>
> or if having lost his/her citizenship by virtue of Decree No. 7970/1946 ME, Government Decree 10.515/1947 Korm. or Government Decree 12.200/1947 Korm.,
>
> furthermore, whose Hungarian citizenship was terminated by expatriation between 15 September 1947 and 2 May 1990;
>
> b) if born in the territory of Hungary and was not awarded his/her parents' foreign citizenship as a birthright, under the law of the State where the parents hold citizenship, provided that the declarant's parents resided in Hungary on the day of his/her birth and has been residing continuously in the territory of Hungary for at least five years prior to the submission of the petition;
>
> c) if the person was born before 1 October 1957 to a mother who was a Hungarian citizen and a father who was a foreign national and if no Hungarian citizenship was granted at birth.
>
> (2) If the declaration is approved the body in charge of naturalization and nationality matters shall issue a citizenship certificate.

The meaning of 'expatriation' in section 5/1(1)(a) relates to expatriation of ethnic Germans and also individuals who had left Hungary and were deprived of their citizenship by Ministerial decrees for specific political or criminal reasons.

For the purpose of interpreting the legislative grounds, I have also copied a paraphrased list published on the Embassy of Hungary, Canberra website[20]:

- Any person **who lost his citizenship by any of the below circumstances** may reacquire his/her Hungarian citizenship regardless of his/her place of residence:
  - (1) If he/she was deprived of his/her Hungarian citizenship by virtue of Act X of 1947 and Act XXVI of 1948, of Act LX of 1948 on Hungarian Citizenship or of Act V of 1957 on Citizenship;
  - (2) if his/her Hungarian citizenship ceased between 15 September 1947 and 2 May 1990 by expatriation;
  - (3) if he/she was a person obligatory resettled in Germany.
- Any person who was born to a Hungarian citizen mother and a foreign citizen father before

[19] Enacted by Section 3 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well.
[20] https://canberra.mfa.gov.hu/eng/page/allampolgarsag-meg-es-visszaszerzese-nyilatkozattetellel

1 October 1957 and did not become a Hungarian citizen by birth by virtue of the legal rules in effect at the time, may acquire Hungarian citizenship regardless of his/her place of residence.

- Any **stateless person may acquire Hungarian citizenship** by declaration if he/she was born in Hungary to foreign citizen parents living in Hungary, and he/she has not acquired the foreign citizenship of his parents by birth, provided that at his/her date of birth the parents had a residence in Hungary. The declaration may be submitted by the applicant before reaching the age of 19, provided that he/she has been residing in Hungary for at least five consecutive years prior to the submission of the declaration.

The reference '**stateless**' in the 1993 Act relates solely to persons who were born in Hungary to foreign citizens.

The Hungarian Consulate website http://hungarianconsulate.com/hungarian-citizenship/ provides the following examples which would cause loss of citizenship:

> "The Hungarian Citizenship Act [1993] is not of retroactive force, consequently, the provisions of the Citizenship Act being in force at the time when the event influencing Hungarian citizenship took place are to be considered. For example:
>
> (1) Children born before 1 October 1957 inherit their citizenship from their lawful father. Children could inherit Hungarian citizenship from their mother only if they were born out of wedlock.
>
> (2) A Hungarian female citizen married to a foreign citizen before 1 October 1957, may have lost her Hungarian citizenship. These cases will warrant for special examination in every case.
>
> (3) Bilateral agreements regarding dual citizenship were in force between Hungary and the former socialist countries. The provisions of these agreements apply at the time when these agreements were in force, regardless of the applicant's place of birth. ***[Note - this did not apply to non-communist countries including Australia]***
>
> (4) Hungarian citizenship could be lost because of ten years of residence abroad. However, this title of lost citizenship affects those citizens who left Hungary before September 1st of 1929. Ten-year terms started after the expiry of the citizen's Hungarian passport."

None of the above apply to Frydenberg's Mother.

The following are extracts of an article by Károly Kisteleki titled *Changes in the Hungarian Regulation of Citizenship and the Hungarian Concept of Nation* (2011)[21] that addresses causes of loss of citizenship by deprivation.

> After World War 2, the statutes regulating the legal institution of citizenship proliferated and besides three new supplementary laws, these were exclusively discriminative or indemnificatory. The scope of **discriminative statutes primarily encompasses decrees that expatriated ethnic Germans and deprived them of Hungarian citizenship**, as well as those acts of 1947 and 1948 which confirmed strengthening political discrimination, which were adopted to deprive certain individuals residing abroad of their Hungarian citizenship.
>
> **Act 15 of 1946** on the Exchange of the Population between Hungary and Czechoslovakia qualifies as a discriminative act on citizenship because of the relocation of ethnic groups. According to the agreement, every Slovak and Bohemian person with permanent residence in

[21] Akadémiai Kiadó, Budapest 4.2.2011, Károly Kisteleki, *Changes in the Hungarian Regulation of Citizenship and the Hungarian Concept of Nation* https://akademiai.com/doi/pdf/10.1556/AJur.52.2011.2.4

Hungary who declared the intention of relocation shall be relocated and on the day of relocation the person shall forfeit Hungarian citizenship and shall become a Czechoslovak citizen on the basis of the fact of relocation. In a similar manner, ethnic Hungarians with permanent residence in Czechoslovakia were relocated to Hungary in the same number as Slovaks and Bohemians were relocated from Hungary to Czechoslovakia.

Under Act 10 of 1947 Government could **deprive** anybody of Hungarian citizenship who was staying abroad and an investigation was ongoing against him because of a crime defined under Act 7 of 1946 on the Criminal Legal Protection of the Democratic Political System and the Republic, if he failed to return to the territory of Hungary upon the call of Government within 30 days (within 60 days in case of residing beyond Europe) as of notification and failed to appear before Hungarian authorities.

Under Act 26 of 1948 Government could **deprive** anybody of Hungarian citizenship who failed to return to the territory of Hungary **upon the call of Government within 30 days from the publication of the call in the Hungarian Bulletin** (within 60 days in case of residing beyond Europe) and failed to appear before Hungarian authorities. In this case, the law-maker ignored any reference to the facts of the case of conduct, thereby, the scope of discretion of the authority completely dissolved. The deprivation of citizenship came into force via the failure to return upon a call with whatever content.

(See **Schedule 5** herein which elaborates further on the changing laws)

Distinction between 'Entitled To Apply For Citizenship' and 'Already A Citizen'

If Frydenberg is a Hungarian citizen by descent, as is being argued in this letter, he would merely need to apply to the Office of Immigration and Nationality for a **Certificate of Citizenship** to verify his citizenship.

In the alternate, if Frydenberg was to apply to reacquire or acquire citizenship under the 1993 *Hungarian Citizenship Act*, he would have to satisfy the Office of Immigration and Nationality of the criteria, that includes being able to speak Hungarian, and accounting for his connection to Hungary. If he was successful in proving an entitlement under the Act to be acknowledged as a citizen he would then receive a **Citizenship Certificate**. This is distinguished from the aforementioned Certificate of Citizenship process through which one seeks to verify one's current citizenship or verify when the citizenship was lost, or verify if the person was never a citizen.

On 3 November 2017 ABC News reported Frydenberg making the following statements in an article ***Minister Joshua Frydenberg faces possibility of dual citizenship.***[22]

"It is absolutely absurd to think that I could involuntarily acquire Hungarian citizenship by rule of a country that rendered my mother stateless," he said.

"My citizenship is clear, I am an Australian and an Australian only.

"I was born in Australia to two Australian citizens."

Mr Frydenberg said even if his mother had been a Hungarian citizen, he was still in the clear.

*"I have **never sought to be a citizen of another country** and neither has anyone sought to do that on my behalf," he said.*

The suggestion Mr Frydenberg could have citizenship issues was first published in The Australian newspaper.

[22] abc.net.au/news/2017-11-03/minister-Joshua-frydenberg-faces-possibility-of-dual-citizenship

> *"It's a very sad situation where these sort of allegations are flying around making absurd propositions that people can be citizens of another country based on their parents coming to Australia as stateless persons," he told AM.*

Frydenberg blurs, as if by way of deflection, the two issues of:

(1) his actual citizenship status by descent under Hungarian citizenship laws; and,

(2) his entitlement to apply to be granted Hungarian citizen under *Act LV of 1993 on Hungarian Citizenship.*

And it may well be that the legal advices he received prior to making his declaration on the Parliamentary Citizenship Register are framed simply in the context of an entitlement to apply for citizenship under the Act, as opposed to tackling the actuality of his citizenship status. However, we will not know the contents of his legal advices and whether they are merely self-serving until Frydenberg volunteers to release them publicly.

FLAWED **STATELESS CLAIM**

According to the authoritative '*American Jewish Year Book* (1940-41)', restrictive Jewish laws had been passed by a right-wing Hungarian government in 1939 in the lead up to WW2 removing various rights from Jewish citizens.

However, the laws in fact had no impact on the citizenship status of Frydenberg's grandparents, **Samuel and Etelka Strausz** or their children as both parents were born before WW1 when Hungary was part of the Austro-Hungarian Empire. Unlike the racist 1935 Nuremberg Laws of National Socialist Germany, the Hungarian laws did not strip them of their citizenships, and the oppressive laws were promptly revoked by the Hungarian government elected to power at the end of World War Two.

It is also noted that Frydenberg in completing the AEC Candidate Checklist on 17 April 2019, identifies his maternal grandparents and Mother losing their citizenship in 1948 and not earlier. He has therefore now conceded that the Jewish laws of 1939 are not relevant to the case.

A study by Tamás Stark[23], ***The Migration of Holocaust Survivors From Hungary and Romania***[24], (1999), states that "the Jewish population in Hungary post-WW2 in late 1945 is estimated to be 230,000 people."

Tamás Stark suggests that **for Jewish Hungarian people during the aftermath of the war, the choice was either to re-integrate or emigrate**. His observations include the following extracts:

> After the World War 2, the difficulties the Hungarian and the Romanian Jewish communities had to face were very similar. Despite the purification (of official government policy) the world has never been the same as before the Holocaust. The survivors faced the dilemma of choosing between their re-integration to the society or their emigration. Their decisions were determined by the desire to liberate themselves from the depressing burden of the so-called Jewish question. Four different solutions - total assimilation, Communism, Zionism, and American type civil society- equally offered possible ways out.
>
> **Re-integrate?**

[23] Tamás Stark - In 1995-96 he was a scholar of the Research Institute of the Washington Holocaust Memorial Museum in the USA. Since 1983, he has been a member of the Institute of History at the Institute of History of the Hungarian Academy of Sciences.

[24] https://www.yadvashem.org/download/education/conf/Stark.pdf
The Migration of Holocaust Survivors From Hungary and Romania (Integration or Emigration?) by Tamás Stark (1999)

> The communists promised the solution of the "Jewish question" by eliminating the ideological and economic basis of anti-Semitism. They declared that in their society there would not be any platform for prejudices or racial hatred. [However,] the Zionists offered a new community for people who considered themselves Jewish nationals as part of the Jewish state.
>
> **Emigrate?**
>
> The occupational structure of the Hungarian Jews was not to their advantage in the post-war world. In 1946, the survey of the Statistical Department of the Hungarian Section of the WJC [World Jewish Congress] showed that the 45 percent of the Jewish employees were independent businessmen in industry and commerce or belonged to the liberal professions. In Romania 40 percent of the Jewish employees was engaged in the private sector. This relatively high engagement in the private sector in both countries did not fit within the Communist utopia. The classic Jewish role as a dominant portion of the middle class group was over. Between 1945 and 1947 through financial crisis - inflation and currency devaluation - the Communists influenced government squeezed out the private businesses, traders and even shopkeepers. The nationalization of the private sector proclaimed in 1948 was the last stage of that process. Although state administration and armed forces, fields which had been virtually barred from Jews in the interwar period, opened for them, many among the Jewish community found themselves eliminated from their traditional occupation. The post-war economic recession and later the nationalization of the private sector inevitably increased the desire to leave.

With regards to who chose to emigrate from Hungary rather than re-integrate, Tamás Stark states:

> "…. the records of the State Security Office indicate that in the period between 1945 and 1949 altogether, **legally and illegally about 40,000 Jews left Hungary**. In May 1948 the iron curtain fell and only a semi-legal path through Slovakia to Vienna remained open, and then only until June 1949. By the fall of 1949 the physical isolation of the country was complete. Between 1949 and 1956 fewer than 2,000 Jews received permission to leave under the Hungarian Israeli emigration agreement which was concluded in 1949."

Frydenberg has publicly indicated that he relies in particular on the Form 16 *Application for Certificates of Exemption* completed by his maternal grandparents on 30 December 1950 whilst aboard the S.S. Suriento docked in Sydney, in which they stated under 'Nationality' that the family was 'Stateless'. As discussed, there are no Hungarian citizenship laws that have been identified that would have deemed the family to be stateless. Further, whilst the Strausz family had utilized the appellation at the time they migrated from Europe to Australia, the story as presented by Frydenberg and also former Prime Minister Turnbull entwining a 'stateless' identity with events of WW2 and escaping the Holocaust is totally flawed if not ridiculous.

On 3 November 2017 a revisionist Prime Minister Malcolm Turnbull, upon returning from a visit to Israel, was quoted in The Sydney Morning Herald stating, *"I wish that those who make these allegations could think a little deeper about the history of the Holocaust."* He was further quoted as stating that:

> "*The family fled the Holocaust at the end of the war.*"

The misleading claim was made by Prime Minister Turnbull coincidentally at a time when his government was at risk of becoming a minority government due to the eligibility crises. And in fact the government did lose its parliamentary majority on 10 November 2017 after Liberal MP John Alexander became the latest casualty of the dual citizenship saga and resigned his seat.

The following report by political correspondent Louise Yaxley was published on ABC News on 4 November 2017 - **Malcolm Turnbull Rules Out Citizenship Audit Of MPs, Says It Would 'Not Solve Anything'**

On Friday The Australian newspaper raised questions about whether Energy Minister Joshua Frydenberg has Hungarian citizenship inherited from his Jewish mother who left as a small child after World War Two.

"We are not going to have politicians, members and senators tried by innuendo and smear," Mr Turnbull said.

Clearly furious, Mr Turnbull pointed out that Mr Frydenberg's mother was born in a Budapest ghetto in 1943.

"That is where the fascists had pushed all the Jews in together as a prelude to sending them to the gas chamber. She wasn't a Hungarian citizen when she was born, neither were her parents," Mr Turnbull said.

"The Hungarian fascist government, allied with Hitler, stripped Jews of all of their rights, the right to citizenship and the right to life."

Despite the emotive claims of the Prime Minister, in fact:

- Frydenberg's Mother was not born in the Budapest Ghetto as she was born in 1943, and the Nazi ghetto where Jews were forced to relocate was set up during the final stages of World War 2 from 29 November 1944 to 17 January 1945. (The Nazi occupation of Budapest began on 19 March 1944 due to the prospect that Hungarian leaders were secretly negotiating a peace treaty with the Soviet Union.)

- the Hungarian government, as stated earlier, did not strip Jews of their citizenship. There is a legal and jurisprudential distinction between loss of human rights, property rights and so on, and loss of citizenship and one's nationality.

We do know for a fact, the family Strausz were amongst those who emigrated either legally or illegally from Hungary after May 1948.

The claim to have been 'stateless' is not plausible for the following reasons:-

To clarify Joshua Frydenberg's citizenship status, the starting point is to understand the actual significance of the expression or label '*stateless*'. A 'Stateless' person was not simply a 'Refugee' or 'Displaced Person', but technically and theoretically could only be a person who was not considered as a national or citizen by any state under the operation of its law.

(1) Regardless of how the family Strausz viewed their citizenship status upon arriving in Australia, or to any extent that a Migration Officer noted the appellation **'Stateless'** on the Form 16 completed by the family, the requirement for entry into Australia was a passport, health examination declaration and landing permit. The label of 'stateless would not have had any significance for the purpose of entering Australia as a migrant, or as a refugee on an IRO work contract scheme.

(2) Most significantly, the NSW Boarding Officer's report forwarded to the Commonwealth Migration Officer Sydney dated 11 January 1951 identified the family's nationality as Hungarian **(contrary to the family's own statements made in Sydney on the Form 16s of being 'Stateless')** and noted that the family were **in possession** of **valid passports** and **Landing Permit No. 017602**. (The Landing Permit itself was possibly issued to the family by an Australian immigration official or representative in Europe prior to their departure.)

(3) The applicable Australian legislation at the time was the Immigration Act No. 31 of 1949 (being

an Act to amend the **Principal Act -** Immigration Act 1901–1948). It amended section (4) of the Principal Act to provide:

(a) The Minister or an authorized officer may issue a **certificate of exemption** in the prescribed form authorizing the person named in the certificate (being a prohibited immigrant or an immigrant who may be required to pass the dictation test) to enter or remain in the Commonwealth, and the person **named in the certificate shall not**, while the certificate is in force, **be subject to any of the provisions of this Act restricting entry into or stay in the Commonwealth**.

(b) Upon the **expiration or cancellation** of any such certificate, the **Minister may declare the person named in the certificate to be a prohibited immigrant** and that person may thereupon be deported from the Commonwealth in pursuance of an order of the Minister.

(4) Notably the Migration Act No. 62 of 1958 (An Act relating to Immigration, Deportation and Emigration) that repealed the earlier Act, clarifies, that notwithstanding the repeals effected by the section, under Section 3(4):

> **A certificate of exemption** in force under the *Immigration Act 1901-1949* immediately before the date of commencement of this Part shall, for all purposes of this Act, be deemed to be a **temporary visa granted under this Act** to the person specified in the certificate and authorizing that person to remain in Australia for a period ending on the date on which the certificate would have expired if this Act had not been passed.

This clarifies that a Certificate of Exemption operated similar to a *Temporary Visa* (which is to be distinguished from the unrelated 'Temporary Protection Visa' introduced by the Howard government in 1999).

(5) It would appear that not until 1994 was their statutory provision made for 'refugees' per se. The amended Migration Act 1958 (Cth) contains the overarching provisions relating to the grant of visas to noncitizens of Australia. The **Migration Regulations 1994 (Cth)** set out further rules for different "classes" and "subclasses" of visas. The four classes of "**Protection, Refugee and Humanitarian**" visas are listed in part 4 of schedule 1 of the Regulations: protection (class XA), **refugee and humanitarian** (class XB), **temporary protection** (class XD), and **safe haven enterprise** (class XE). The first two visa classes involve permanent residence, while the remaining two are temporary visas.

(6) Even under the contemporary Australia immigration statutes there is no legislative provision per se for 'stateless' persons.

(7) The **Universal Declaration of Human Rights** was adopted by the United Nations General Assembly on 10 December 1948. Article 15 provides that "everyone has the right to a nationality" and that no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

(8) Despite the declaration, there was **no international convention addressing 'statelessness' until in 1954** when the UN adopted the **Convention relating to the Status of Stateless Persons**.

(9) The 1954 Convention[25] was designed to ensure that stateless people enjoy a minimum set of human rights. It establishes the legal definition of a stateless person:

> *"A stateless person: as someone who is not recognized as a national by any state under the operation of its law."*

[25] https://www.unhcr.org/en-au/un-conventions-on-statelessness.html

This means that a stateless person is someone who does not have the nationality of any country. The 1954 Convention also establishes minimum standards of treatment for stateless people in respect to a number of rights. These include, but are not limited to, the right to education, employment and housing. The 1954 Convention also guarantees stateless people a right to identity, travel documents and administrative assistance. (The rights ascribed to stateless persons has since 1954 become part of customary international law according to the International Law Commission.)

(10) **The 1954 convention therefore became the basis for an international protection regime for stateless persons.** However, in order to ensure that the rights enumerated in the convention are protected, states need to be able to identify stateless individuals.[26] **While refugees and stateless persons are similarly situated, 'statelessness and refugee status are by no means identical phenomena.'**

(11) 'Stateless' was not a status recognised by the Australian government under its laws on 30 December 1950 when the **family Strausz** arrived in Sydney Harbour.

(12) **In fact, even in contemporary Australia 'statelessness' is not itself a ground for grant of a visa and the person must instead rely upon other grounds, such as being a refugee.** Further, Australia still does not have a procedure within its legislative framework for defining stateless persons.

(13) The mechanism through which Australia seeks to implement certain of its international protection obligations is section 36 of the Migration Act 1958. Since 2011, it has provided protection not only to those who qualify for refugee status (pursuant to the Refugee Convention) but also to people to whom Australia owes non-refoulement obligations - the practice of not forcing refugees or asylum seekers to return to a country in which they are liable to be subjected to persecution - under the Convention against Torture ('CAT') and the International Covenant on Civil and Political Rights ICCPR ((known as complementary protection).

(14) According to *Part one: the protection of stateless persons in Australian Law — the rationale for a statelessness determination procedure* (2016):[27]

> As a traditionally overlooked and radically under-explored phenomenon, there is very little information about the numbers of stateless persons who have arrived in Australia, and little by way of academic research or scholarship exploring their plight.
>
> **The article concludes:**
>
> As the former UN High Commissioner for Refugees, António Guterres, has observed, '[s]tatelessness is a profound violation of an individual's human rights.' In this article, we have highlighted the importance of greater understanding and awareness of stateless persons in Australia, especially as a human rights issue, and have identified the need for a comprehensive mapping exercise. Most importantly, however, we have explained why Australia should adopt a **dedicated procedure for the identification and conferral of legal status on stateless persons in Australia**. As Guterres has also said, it is 'deeply unethical to perpetuate the pain [statelessness] causes when solutions are so clearly within reach.' **The creation of a statelessness status determination procedure to provide**

[26] https://en.wikipedia.org/wiki/Statelessness

[27] For more on this read https://law.unimelb.edu.au/__data/assets/pdf_file/0008/2369582/01-Foster,-McAdam-and-Wadley-Part-One-402-Post-Press.pdf The essay *Part one: the protection of stateless persons in Australian Law — the rationale for a statelessness determination procedure* by Michelle Foster, Jane Mcadam and Davina Wadley - Melbourne University Law Review [Vol 40:401] (2016)

stateless persons in Australia with a legal status is one such solution.

(15) The Refugee Council of Australia (RCOA) commentary dated 2015, provides a **contemporary elaboration of the meaning of 'statelessness'** is as follow:

> "Those who do not have a nationality are referred to as stateless people. Stateless people are generally unable to exercise the rights associated with citizenship or face serious difficulties in doing so. They are typically excluded from political processes, cannot travel freely and lack access to publicly-funded services such as education, health care and social security. They often face difficulty in obtaining identity documents and securing employment and may be detained due to their lack of status. Stateless people are also vulnerable to exploitation and abuse due to their lack of status."

(16) In 2015 the RCOA recommended that the Australian Government introduce a statelessness status determination procedure, and that the procedure provide that:

- people who are found not to be in need of Australia's protection but are determined to be stateless be eligible for the grant of a permanent Protection Visa.
- Australia's statelessness status determination procedure allow for consideration of both de jure and de facto statelessness.
- both de jure and de facto stateless people be entitled to be eligible for the grant of a permanent Protection Visa.
- the Australian Government expeditiously grant citizenship to all children born in Australia who would otherwise be stateless.

'Stateless' and the Strausz experience

(17) The following quote illumines the political environment of Hungary in 1948, being the earliest year that the family Strausz departed from the country:

> "*Jews were overrepresented among the new cadres, especially in the propaganda sector, in the cultural and economic sphere, in the press, and notably also in the political police.*" (See Cambridge University Press - *Late 1940 political climate in Hungary* – **see Schedule 6**)

(18) By the late 1940s the nation's top government leadership was predominantly Jewish, including Mátyás Rákosi, leader of Hungary's Communist Party from **1945 to 1956**.

> For example, see bio of Mátyás Rákosi (born Mátyás Rosenfeld) - https://en.wikipedia.org/wiki/M%C3%A1ty%C3%A1s_R%C3%A1kosi
>
> and, Ernő Gerő (born Ernő Singer) - https://en.wikipedia.org/wiki/Ern%C5%91_Ger%C5%91

(19) According to *History of Jews in Hungary*:

> "Between 1945 and 1949, 40,000–50,000 **Jews left Hungary for Israel (30,000–35,000)** and **Western countries (15,000–20,000)**. **People of Jewish origin dominated the post-war Communist regime** until 1952–53 when many were removed in a series of purges. During its first years, the **regime's top membership and secret police** were almost entirely Jewish, albeit naturally anti-religious. **Leaders like** Mátyás, Rákosi, Ernő Gerő and Peter Gabor [born Benjámin Eisenberger, and leader of the *Hungarian State Police State Protection Department*] repudiated Judaism and were strict atheists per Communist doctrine." https://en.wikipedia.org/wiki/History_of_the_Jews_in_Hungary

(20) On 14 May 1948 David Ben-Gurion, the head of the Jewish Agency, declared "the establishment of a Jewish state in Eretz-Israel, to be known as the State of Israel."[28] In response, the Hungarian government gave de facto recognition of the State of Israel on 24 May 1948 and de jure recognition on 1 June 1948. In fact, Hungary was one of eight countries to first recognise Israel as a state, with a number of other nations soon following suit.

(21) Further, with the 'Cold War' brewing by 1948 between the Western-Bloc nations and Eastern-Bloc nations a wave of **political and economic post-war migrants and refugees** were surging out of Poland and other countries into the diminishing Displaced Persons camps of Occupied Germany, Austria and Italy, **as well as to privately-run migration hostels in France** which had become a departure hub for Jews preparing to travel to the newly formed state of Israel, and to other destinations such as Australia. It was in Paris where the Strausz family ended up and undertook the Form 47A Medical Examination in preparation for migrating to Australia.

(22) The **Paris Peace Treaties**[29] were signed on 10 February 1947, as the outcome of the **Paris Peace Conference**, held from 29 July to 15 October 1946. The victorious wartime Allied powers (principally the United Kingdom, Soviet Union, United States, and France) negotiated the details of peace treaties with Italy, the minor Axis powers (Romania, **Hungary**, Bulgaria), and Finland, following the end of World War 2 in 1945.

The treaties allowed Italy, Romania, **Hungary**, Bulgaria, and Finland to resume their responsibilities as sovereign states in international affairs and to qualify for membership in the United Nations.

Hungary was restored to its borders before 1938. This meant restoring the southern border with Yugoslavia, as well as declaring the First and Second Vienna Awards null and void, cancelling Hungary's gains from Czechoslovakia and Romania.

Displaced Persons Camps and the "Voting Feet"

(23) **Joshua Frydenberg** maintains that his family had resided in DP camps, although no details have been provided about the camps. He stated in his 'First Speech' to the federal parliament on 25 October 2010:

> *The experience was different for my maternal grandparents, Sam and Ethel Strausz, and their young daughters, including my mother, who were interned in the Budapest ghetto by the Hungarian fascists. They survived and eventually made their way through **displaced persons camps** to Australia.*[30]

In fact, the family did not depart from Hungary until sometime after May 1948 when the youngest daughter Agnes was born. Frydenberg refers to a number of camps in his First Speech, and this would suggest that the family stayed at more than one DP camp before arriving in Paris where they were residing at least by early 1950.

(24) According to Australian historian Jayne Persian, in her essay *Displaced persons and the politics of international categorisation(s) (2012)*,[31] the term '**Displaced Persons**', or 'DPs', became the generic name for those groups of people resettled by the International Refugee Organisation

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[28] In 1898, Theodore Herzl's treatise, Der Judenstaat, advocated Zionism as a **"*modern solution for the Jewish question*"** by creating an independent Jewish state, preferably in Palestine.[3]

[29] https://en.wikipedia.org/wiki/Paris_Peace_Treaties,_1947#Hungary

[30] *https://joshfrydenberg.com.au/latest-news/first-speech/*

[31] Jayne Persian, *Displaced persons and the politics of international categorisation(s) (2012)* University of Wollongong (2012) https://ro.uow.edu.au/cgi/viewcontent.cgi?article=1109&context=lhapapers

(IRO) following the Second World War, including those technically classified as 'Displaced Persons', and the later 'refugees' from Soviet-occupied countries.

(25) In distinguishing persons who had actually become displaced predominantly in Germany, Austria and Italy as a consequence of WW2, Jayne Persian makes the point that after WW2, 'Soviet citizens were **joined by Jews and 'border- hoppers' (or 'infiltrees')** fleeing the East. More than 160,000 Jews **left Poland** between 1945 and 1947 due to the very real danger of pogrom actions, while in 1947 the majority of those leaving the Soviet bloc were Romanian **Jews fleeing via Hungary** and Austria. Border-hoppers, usually young, single males from Czechoslovakia and Hungary, were attempting to escape the encroaching Iron Curtain – "Communism-in-the-making" - in what has been termed the phenomenon of '***the Voting Feet***'.'

The expression distinguishes wartime Displaced Persons and refugees from the later arrival of political and economic migrants and refugees into the Displaced Persons Camps.

(26) Jayne Persian further clarifies that "**Contrary to contemporary representations** as an "anonymous mass", the DPs were a heterogeneous grouping politically, culturally and socially," and **many were never part of the original post-war cohort of 'Displaced Persons'** and **only officially became 'refugees' in 1948 in the context of the Cold War**, when they became 'political refugees'."

The DPs were then viewed as "potential 'workers' and/or 'migrants' available to make up the post-war labour shortfall in the West and assist in national economic regeneration. The shortfall can presumably be accounted for in part by the millions of Western Europeans dead.

(27) She states that:

> 'Those who refused repatriation expressed, in 'a more or less violent form, disagreements and dissatisfaction with the Soviet regime'. **Ukrainians kept insisting on referring to themselves as 'stateless'**.

(28) Jayne Persian states that even though 'Displaced Person' remained the official IRO term for all groups under its mandate, and eventuated as the historical signifier of the disparate groups in Europe, a subtle change had taken place regarding both terminology and eligibility for refugee status. A DP could become a 'refugee' if, on refusing repatriation, he or she demonstrated a "valid objection" to such repatriation.

(29) Jayne Persian states: "However, the United Nations Relief and Rehabilitation Administration (UNRRA)[32] soon came up against problematic DPs who either had nowhere to return to, or refused repatriation, citing "persecution": **all Jews, who were formally classified as 'stateless'**, and those (old and new) Soviet citizens who refused to return to communist rule in their homelands."

(30) A further account as to why **'all Jews' were categorised as stateless** regardless of where or how they came to enter the DP camps is contained in the journal *Catastrophes: Views from Natural and Human Sciences* (2015):[33]

- During the first months after liberation Jewish people had been – as well as all other DPs – distributed in camps by (former) nationality, for example together with non-Jewish Poles or Balts. In 1945 the US Army issued a directive for the establishment

[32] The **UNRRA** was an international relief agency that played a major role in helping Displaced Persons return to their home countries in Europe in 1945-46. Many of its functions were transferred in 1947 to several UN agencies, including the International Refugee Organization and the World Health Organization.
[33] https://www.amazon.co.uk/Catastrophes-Views-Natural-Human-Sciences/dp/3319208454

of separate Jewish DP camps.

- Americans were quick to distinguish Jews from others with President Truman keen to see Jews migrate to Palestine in order to establish the State of Israel.

As such the DP camps discriminated in favour of Jewish people by not identifying them by their nationality, and released pressure on the IRO to return them to their homeland countries viz-a-viz those who were identified by nationality.

(31) Tamás Stark remarks on the changing label for Jewish people within the DP population that has made it difficult to analyse the movements of those people based on their nationalities. He states:

> 'We have no figures from the early months. Originally **Jews were actually registered according to their country of origin**. This practice was changed only in 1946 due to intervention of President Truman.
>
> I succeeded finding only one source on the number of, the Jewish DPs of Hungarian origin. This is a survey of the International Refugee Organization dated in September 1947. **About 14,000 Hungarian Jews were registered by IRO officials.** As to the grand total for the whole post-war period we can rely only on the scientific literature. The numbers that the few scholars who deal with the issue give ranges between **40 and 50 thousand**, a total that corroborates our estimate based of the Hungarian sources.'

(32) Jayne Persian states that 'After June 1948, in the context of increasing anti-Soviet sentiment, the IRO's eligibility **focus changed from "genuine" victims of Nazism to anti-communist "dissidents**". In this way, and with the stroke of a pen, all Soviet citizen DPs and other unrepatriables became 'refugees' from communism, and indeed by the end of the 1940s the two categories of 'displaced persons' and 'refugees' merged into the official appellations 'political refugees' and 'stateless refugees'.'

(33) In referencing various researchers and accounting for the change of character of Displaced Persons, Jayne Persian states:

- It can be argued that the IRO's pressure on individuals to present themselves as 'political refugees' obviated any of the age-old economic motives those from Eastern Europe may have had for refusing repatriation and aspiring to resettlement in the West. According to one IRO officer, motives of adventure and a tradition of economic migration applied to "most" of the DPs; **others estimated that only 25% of the DPs in August 1948 were "genuine refugees" as set out by the IRO**. In such cases, IRO policy was to reject only the few who were "naïve enough to admit that they are economic migrants".[34]

- Internationally recognized DPs, made up of 636,000 DPs under the care of UNRRA, 60,000 from camps under military rule, and 16,000 who had been under the mandate of the Intergovernmental Committee for Refugees, as well as around 900,000 refugees who made their way to the West from the encroaching Soviet bloc in the years to 1951. The solution came as the **IRO re-branded the DPs as 'workers' and 'migrants'**. As one UNRRA relief worker observed in 1947: "Fortunately, the present manpower shortage in Western countries has **revolutionized** the outlook for DPs".

- With the formation of the International Refugee Organisation, and more than one million

[34] Jayne Persian references the following re '**others estimated that only 25% of the DPs in August 1948 were "genuine refugees" as set out by the IRO' -** Cohen, 'The West and the Displaced', pp. 112, 158; Salomon, Refugees in the Cold War, pp. 65, 85; see also Hilton, 'Cultural Nationalism in Exile', p. 306

DPs, now renamed 'workers' and 'migrants', were re-settled by the end of 1951. This vision of success was nowhere more apparent than in Australia, where DPs were re-branded as 'migrant workers', who were to rapidly become 'New Australians'.

(34) On 20 May 2019 the writer received the following '**Testimony**' from a person in England who had become aware of an article on the Frydenberg case on the www.teamlaw.net.au website.

Email from Sophie Johnson (ethnic Hungarian now residing in U.K.)

Dear Mr Poulton

I read your article, 'Parliament chooses "Political Correctness" over the Constitution – Frydenberg case' with much interest, and a high level of consternation. I have not lived in Australia for some ten years now, so it was your article that treated me to my first view of the current dual-nationality issue concerning Joshua Frydenberg.

My first astonishment was to read ex-PM Turnbull's, and other MP's, annoying burbling about Frydenberg's mother's and her parents' fleeing from persecution in Hungary – in 1948! By that time, Hungary's General Secretary of the Communist Party Matyas Rakosi (born Roth) had consolidated his reign in Hungary. Hungarian Jews had become the political elite. Hungarian state borders were hermetically sealed. How did Frydenberg's grandparents and his then-infant mother get to Paris? The only possibility is that they were given safe passage out. For that, they would have been supplied with passports. (Some people close to the government were allowed the privilege of foreign travel. One such person is the well-socio-political commentator Paul Lendvai.)

The next thing to make me gasp was the 'persecution' nonsense about Joshua Frydenberg's grandparents. This must be knocked out of the embarrassingly ignorant political prattle in defence of Frydenberg. By the time his grandparents and mother left Hungary, Mathyas Rakosi and his fellow Jewish communists ran Hungary.

Hungarian citizenship laws after WWII were devised by the communist government to ensure that ethnic Hungarians in the territories severed by the Treaty of Trianon do not have Hungarian citizenship rights. (This was modified by the present government after it finally ousted the post-Communist government in 2010.)

Frydenberg's grandparents were born in Mako and Budapest. These two cities remained inside Hungarian territory, regardless of the Trianon-changed borders. His mother was born in Budapest, so her Hungarian nationality must be on record in Hungary as a birth certificate. She is the direct source of Joshua Frydenberg's Hungarian nationality.

The point I want to make is that Frydenberg is a Hungarian national in Hungarian law. My status in regard of Hungarian nationality is quite unlike his status: I was not entitled even to apply for Hungarian nationality until 2010, because my ethnic Hungarian mother was born in Ujvidek (after Trianon: Novisad, Serbia), and my ethnic Hungarian Father was born in Pozsony, the former Hungarian Coronation City (after Trianon: Bratislava, Slovakia). That my Father had lived in post-Trianon Hungary since his tenth year in 1929, and had been a career Hungarian military officer (Lieutenant First Class by the War's end) who served between 1941-1945, cut no ice after WWII with the communist government in Hungary, even after the country became a Republic in 1989. On the contrary: the firm legal points with regard to me were that neither my father nor my mother had been born within the borders defined by the Treaty of Trianon in 1920, so I have no right to Hungarian nationality by birth. The birth place of parents was everything; nothing else counted. It is only if Joshua Frydenberg were in my position that he would not be a Hungarian national according to Hungarian law.

People in my position, the children and grandchildren of Hungarians born in the 'severed territories' (two-thirds of pre-Trianon Hungary!) can now, since the communists were finally toppled in 2010, apply for Hungarian citizenship. But we still have to undergo a language test,

supply originals of our parents' birth certificates, and satisfy a host of other criteria in the application procedure. Joshua Frydenberg does not have to do any of this. In my opinion he is already a Hungarian citizen, thanks to his Hungarian-born mother.

Kind regards,

Sophie Johnson
UK
20th May 2019

Migration to Australia

(35) By 1950 the Strausz family was residing in Paris. A number of independent Jewish welfare organisation invested in helping the **growing number of refugees who came to France either to start new life there or considered it a stopping point in transit from France for Palestine (also called Eretz Israël) or another place.**

(36) Following its liberation of Paris in August 1944, the American Jewish Joint Distribution Committee (JDC) reopened its central **office in Paris**. Working together with the Jewish Agency for Palestine, the **Hebrew Immigrant Aid Society (HIAS)**, and other organizations—became the central Jewish agency providing support and financial assistance to Jewish survivors of the Holocaust residing in the displaced persons (DP) camps in Germany, Austria, and Italy.

(37) From 1945 to 1951, the Hebrew Immigrant Aid Society sponsored and assisted a total 167,450 emigrants: 79,675 of these immigrated to the U.S.; 24,049 to the British Commonwealth; 24,806 to Latin America; and 38,920 to Israel and other countries.

(38) In December 1946 the United Nations General Assembly ratified the establishment of the International Refugee Organisation (IRO) to deal with the problem of displaced persons (DPs) in Europe. According to National Archives Australia (NAA) **only 500 of the 190,000 displaced persons brought to Australia under the IRO work scheme were Jews.**[35] **The scheme provides for a two-year work contract.**

(39) It is argued in various articles that resentment against Jewish newcomers to Australia was reinforced by the turbulent final years of the British mandate in Palestine, including the bombing of the King David Hotel and other anti-British demonstrations by Jewish nationalists.

(40) In addition to the Mass Movement co-ordinated by the IRO between 1947 and 1951, there were thousands of other refugees **who came to Australia who were either able to pay for their own tickets and initial settlement or had relatives in Australia who could support them. The same applied to some Jews, while other Jews were supported by organizations like the *Hebrew Immigrant Aid Society* and the *Australian Jewish Welfare Society***.

(41) The most ambitious part of Australia's migration program followed the end of World War 2 driven by the slogan '***populate or perish'***. For Australia to achieve it upward migration targets it negotiated agreements with other European governments and international organisations, such as the UN International Refugee Organisation (IRO).

The agreements, which are no longer in force, included:

- United Kingdom - free or assisted passages. Immigrants under this scheme became known as Ten Pound Poms.

[35] http://guides.naa.gov.au/safe-haven/chapter2/post-45-policy.aspx - Recorded 500 IRO registered Jewish Refugees entered Australia

- Assisted passages for ex-servicemen of the British Empire and the United States. This scheme later covered ex-servicemen or resistance fighters from the Netherlands, Norway, France, Belgium and Denmark.
- **An agreement with the International Refugee Organization (IRO) to settle at least 12,000 displaced people a year from camps in Europe. Australia accepted a disproportionate share of refugees sponsored by IRO in the late 1940s and early 1950s.**[36]
- Formal migration agreements, often involving the grant of assisted passage, with the United Kingdom, Malta, the Netherlands, Italy, West Germany, Turkey and Yugoslavia.
- Informal migration agreements with Austria, Greece, Spain, Belgium and other countries.

(42) In 1948 Australia, having signed peace treaties with Italy, Romania, Bulgaria and **Hungary,** had no resistance in accepting immigrants from these countries.[37]

(43) Australian citizenship was created through the *Nationality and Citizenship Act 1948*, and came into effect on 26 January 1949, soon after the post-war mass migration program was launched in 1945. Prior to 1949, Australians could only hold the status of British subjects.

(44) Up to that point in time, Australian borders were protected by the *Immigration Restriction Act 1901-1948* which was superseded by the *Migration Act 1958*. The *Alien Act* also applied with "Alien" meaning a person who was not a British subject, an Irish citizen or a protected person. A protected person was defined in the *Nationality and Citizenship Act 1948* as a person who is included in such prescribed classes of persons as are under the protection of the Government of any part of His Majesty's dominions.

(45) The relevant Act applicable to the Strausz family was the *Immigration Restriction Act 1901-1948*, and later when the family applied for their citizenships in 1957 the *Nationality and Citizenship Act 1948*. The Act makes no reference to refugees or 'stateless' persons, or permitting entry to Australia of persons based on those or any such similar categories.

Summary

The reality is that on 20 February 1951 Australia accepted the family Strausz as migrants under Australia's post-WW2 migration plan in order for them **to join the workforce** and **to procreate**.

Given that only a small number of Jewish people (who generally had to be young and unmarried) participated in the IRO work scheme agreements with Australia, it is highly likely that the family Strausz did not arrive in Australia on an IRO work scheme, but were sponsored by friends or relatives to come from Paris to Sydney, and were assisted by the **Hebrew Immigrant Aid Society or similar group** with arranging their overseas journey.

Regardless of the 'stateless' representation on the Certificate of Exemption form, there is no historical evidence to support the proposition that Frydenberg's family had been deprived of their Hungarian citizenship or it had been revoked because they were Jewish or otherwise. To date no Hungarian legislation or records of a Ministerial decree have been produced that would evidence that the family's citizenship had been revoked or that their circumstances in 1948 and thereafter were so dire such that they had been deprived of a bundle of human rights that could even possibly have signified statelessness

[36] https://en.wikipedia.org/wiki/Post-war_immigration_to_Australia#cite_note-ImmiFactSht4-12
[37] *Department of Immigration and Citizenship (Australia). 2001* - "Immigration to Australia During the 20th Century – Historical Impacts on Immigration Intake, Population Size and Population Composition – A Timeline"

or that they qualified as actual refugees.

On that basis, Frydenberg is a Hungarian citizen by descent, and therefore a dual citizen.

The onus is now on Joshua Anthony Frydenberg MP to prove otherwise.

ACCOUNTABILITY: MARK DREYFUS MP -V- JOSHUA FRDYENBERG MP

Politics overshadowed what should have been a sober line of inquiry. Even the Treasurer at the time and now **Prime Minister Scott Morrison** rose to the occasion in turning his back on the constitution. He was reported on ABC News on 3 November 2017 stating:

> *Treasurer Scott Morrison said the reports were offensive and that some of the commentary and politics around citizenship had become hysterical and distracting.*
>
> *"I mean frankly, the suggestion is pretty offensive in regards to Joshua and his family history," Mr Frydenberg said.* (sic – should read "*Mr Morrisons said*")
>
> *"I mean seriously, how much farther are you going to go with this?"*[38]

Ironically, Scott Morrison was the former Immigration Minister and launched *Operation Sovereign Borders*, the Australian government's strategy aimed at stopping unauthorised boats from entering Australian waters. The UNHCR expressed concerns that the practice may violate the Refugee Convention. Scott Morrison, given his character and insight into immigration matters, ought to have been at least a little skeptical about the 'stateless' claim.

Labor Party Senator Ed Husic, who is a Muslim and had renounced his Bosnian citizenship before entering parliament, also contributed to the debate. He was reported by *The Sydney Morning Herald* on 16 August 2018 that when others in the Labor Party back in 2017 suggested Frydenberg had questions to answer regarding his citizenship he admonished them publicly, telling the members of parliament "*to pull their heads in*."

In an act of collective atonement, around December 2017, Mark Butler MP fronted the media on behalf of the Australian Labor Party declaring that it was not the party's official position to pursue Joshua Frydenberg.

However, the Shadow Attorney-General, Mark Dreyfus MP was determined to draw Frydenberg directly back into the drama despite various Labor MPs purportedly requesting he desist. Mark Dreyfus MP is an Ashkenazi Jew, same as Frydenberg, and as such would have felt 'qualified' to speak out without the risk of being accused of anti-Semitism.

On **10 December 2017** he appeared on **ABC *Insiders*** to be interviewed by Barrie Cassidy. The following is an extract of that interview:

Cassidy: "If it's not a partisan debate, **why did you throw Joshua Frydenberg's name into the mix? Because his Mother fled persecution in Europe? He was the son of a stateless Holocaust survivor.**"

Dreyfus: "Take it from me, Barrie, I have exactly the same horror of the Holocaust in my family too, and I understand as well as anyone what that horror was. We didn't single out anybody here. I referred to some, a group of Liberal MPs, Nola Marino, Mr Falinski, Julia Banks, Alex Hawke, also Joshua Frydenberg, who have not made, to our mind, adequate disclosure. If a member of the public was..."

Cassidy: "Why did you put him on that list in that context? **Why not a bit of generosity and just leave him alone?"**

[38] https://www.abc.net.au/news/2017-11-03/minister-josh-frydenberg-faces-possibility-of-dual-citizenship/9113982

> **Dreyfus:** "It's about the way that the constitution operates and it's not for me to say because I'm deeply sympathetic to Joshua's circumstances that the constitution shouldn't apply to him. I'm very much hoping that he can demonstrate, by just giving some of the material facts, or releasing the legal advice, that he's got nothing to be concerned about. But at the moment, his disclosure statement says nothing. It says that his Mother, who escaped the Holocaust, was born in 1943 in Hungary and that's all it says. It says that he's got legal advice but he doesn't say what it says."
>
> **During a roundup after the interview,** Barrie Cassidy relocated to the couch, and the ABC's political editor **Andrew Probyn remarked:**
>
> "If you look at the spectrum of guilt, if you want to call it like that, you've got the four Labor MPs probably over this side so are most likely to go down. Joshua Frydenberg as you pointed out he's not on the list. Now, why wasn't he? He wasn't on the list because they were embarrassed by it. That was embarrassing. The first name they raised when Mark Dreyfus did his press conference was Joshua Frydenberg!"
>
> **Barrie Cassidy added: "The law is the law, and then there's common sense and just a bit of respect."**

The *Insiders*' response of elevating Frydenberg above scrutiny, above the *Commonwealth Electoral Act (1918)*, above the Australian Constitution, revealed a complete lack of journalistic objectivity. In contrast, the Shadow Attorney-General Mark Dreyfus was respectful and accountable in his approach, and it was clear that his perspective was in the public interest.

ABC News reported on 11 December 2017 under the heading '*Mark Dreyfus Draws Joshua Frydenberg Back Into Citizenship Saga, Divides Labor Party*'[39] that Frydenberg was unwilling to produce the advices sought by Dreyfus. The article quotes Frydenberg's response:

> *Mr Frydenberg resisted Mr Dreyfus' demand for more information and said he complied with the declarations of interests.*
>
> *"The reality is a number **of Labor members have either rung me or said publicly that they feel that Mark Dreyfus' approach** has been pure political tactics and they've asked him to desist," he said.*
>
> ***"He should look himself in the mirror and ask him whether he thinks he was doing the right thing."***

Other mainstream media, possibly intimidated by the ABC's strident 'political correct defence' of Frydenberg, embarrassingly followed suit by abandoning further questioning of his citizenship status whilst continuing to report on other MPs citizenship plights.

Such was the level of intimidation or oppressiveness.

[39] https://www.abc.net.au/news/2017-12-10/Joshua-frydenbergs-citizenship-dividing-labor/9244440

HIGH COURT (SITTING AS COURT OF RETURNS) OR VERIFICATION BY WAY OF A CERTIFICATE

The onus is now on him to satisfy the parliament beyond reasonable doubt that he is not a Hungarian citizen.

Motion from the House of Representatives

The current bench of the High Court now has much experience in dealing with citizenship law after ruling on the '*Citizenship Seven Cases*' which are referred to in **Schedule 2** herein.

Given the weight of evidence contained herein contesting Frydenberg's signed declaration on the Parliamentary Citizenship Register dated 4 December 2017 that he had not '*acquired citizenship of another country by descent, marriage or other means*', and his declaration to the Australian Electoral Commission on 17 April 2019 that he is not a dual citizen, it behoves the House of Representatives itself to refer Joshua Frydenberg to the High Court by way of a House motion before a **petition** is filed by a candidate or eligible voter in the Kooyong electorate within the 40 days or if the matter is not dealt by way of a petition, with the potential of a new election being called for the seat. (See **Schedule 7** for Kooyong electorate results in the 2019 federal election)

Application for Verification of Citizenship

An efficient alternative is for Joshua Frydenberg to make a formal application to the Hungarian government for verification of his citizenship with the issuance of a certificate certifying if or if not he is a Hungarian citizen.

Hungarian civil registration began as early as 1895 and continues to the present. Apart from the advices, the Hungarian government in fact through its records provides a formal and practical means for determining if a person is a citizen of Hungary or not. Joshua Frydenberg can make an **Application for Verification of Citizenship to disprove that he is a citizen of Hungary**. (See **Schedule 8 -** Application Form)

The website for the Hungarian Embassy in Canada states:

> 'Many of the second, third etc. generation descendants of the classic emigrants do not know that they can be Hungarian citizens because the major destination countries in terms of migration (The Americas, **Australia**) apply the principle of jus soli (i.e. citizenship is determined by the place of birth) when determining the citizenship of a person.'
> http://hungarianconsulate.com/hungarian-citizenship/

The consulate advises that the Hungarian Ministry of Interior Affairs can prove the **existence** or **loss of Hungarian citizenship** or **the fact the applicant has never been a Hungarian citizen by virtue of issuing a 'Certificate of Citizenship'.** The application for the **verification certificate** must be submitted to an accredited Hungarian Consul.

Whilst Frydenberg can request the Ministry to establish whether he is a Hungarian citizen or not, he has the choice on the application form "to request or not request" the issuance of a certificate about this fact. Given the circumstances, Frydenberg would **need to request** the issuance of the certificate.

A link to the application form in English is -
https://ottawa.mfa.gov.hu/assets/02/06/20/a71ca7ec324061a2716e404711e88bb797063f50.pdf

It provides detailed **Explanatory Notes** regarding documentation required, and legal information clarifying the citizenship laws prior to and since WW2 in relation to the applicants and their ascendant's leaving of Hungary and foreign citizenship. A copy of the form, including the Explanatory Notes, is

reproduced in **Schedule 9**. The completed form and attachments would need to be personally lodged by Joshua Frydenberg at the Embassy of Hungary located at 17 Beale Crescent, Deakin ACT 2600.

A practical and transparent process for resolving the political imbroglio

Many MPs who were questioned about potential dual citizenship made diligent inquiries with relevant overseas governments resulting in a number of MPs receiving unfavourable news. In Frydenberg's case the only full-proof process for now resolving the imbroglio, which has been of his own making, is to not just make inquiries with the embassy but formally apply for the certificate of verification of Hungarian citizenship. This would save much expense and inconvenience to candidates or constituents in the Kooyong Electorate who may be considering filing a petition to the Court of Returns. It would also alleviate the responsibility of the parliament to re-determine whether to refer Frydenberg to the High Court pursuant to Section 44(i).

Joshua Frydenberg is requested herein to make a formal application to the Hungarian Ministry of Interior Affairs for verification of his Hungarian citizenship status. If he is deemed a citizen of Hungary he must resign as a Member of Parliament. If he is deemed not a citizen, he must account to the parliament and the public, the factual reason for loss of the family's citizenship.

Recommendation:

> THAT there be a statutory requirement for Members of Parliament whose citizenship eligibility is in doubt under Section 44(i) of the *Commonwealth of Australia Constitution Act 1900* to apply for the issuance of a verification certificate of citizenship status through the relevant embassy. This will simplify a parliamentary dual citizenship audit process, which must now be introduced by the Parliament of Australia.

CONCLUSION

The Australian public is alert to the fact that with increasing loss of privacy there is less room for free speech. Emerging 'hard-wing' political groups are readily capitalising on government demonization of free speech as was applied by politicians in this case.

Guilt Trip + Public Atonement = Political Correctness.[40]

The Frydenberg case illustrates the danger for Australian society and our constitutional democracy with parliamentarians engaging in tactics of political correctness.

The case is not resolved, and the parliament knows this to be true. The parliament has a duty under the Constitution of Australia, and a duty to the public of Australia, to pursue the matter.

Yours faithfully

Trevor Poulton

Trevor Poulton
Solicitor

[40] Political Correct formula created by Trevor Poulton (2018)

Schedule 1

Commonwealth Electoral Act 1918

355 Requisites of Petition

Subject to section 357, every petition disputing an election or return in this Part called the petition shall:

(a) set out the facts relied on to invalidate the election or return;

(aa) subject to subsection 358(2), set out those facts with sufficient particularity to identify the specific matter or matters on which the petitioner relies as justifying the grant of relief;

(b) contain a prayer asking for the relief the petitioner claims to be entitled to;

(c) be signed by a candidate at the election in dispute or by a person who was qualified to vote thereat, or, in the case of the choice or the appointment of a person to hold the place of a Senator under section 15 of the Constitution or section 44 of this Act, by a person qualified to vote at Senate elections in the relevant State or Territory at the date of the choice or appointment;

(d) be attested by 2 witnesses whose occupations and addresses are stated;

(e) be **filed in the Registry of the High Court within 40 days after:**

(i) if the polling day for the election in dispute is not the polling day for any other election—the return of the writ for the election; or

(ii) if the polling day for the election in dispute is also the polling day for another election or other elections—the return of whichever of the writs for the election in dispute and that other election or those other elections is returned last; or

(iii) if the choice or the appointment of a person to hold the place of a Senator under section 15 of the Constitution is in dispute—the notification of that choice or appointment.

356 Deposit as security for costs

When filing the petition, the petitioner must deposit with the Chief Executive and Principal Registrar, the Senior Registrar, or a Deputy Registrar, of the High Court $500 as security for costs.

http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cea1918233/index.html#p22

RETURN OF THE WRITS

The key dates the Prime Minister nominated (and consequential dates that follow from those) are:

Issue of the writs	Thursday 11 April 2019
Close of the rolls	Thursday 18 April 2019
Close of nominations	Tuesday 23 April 2019
Declaration of nominations	Wednesday 24 April 2019
Early voting commences	Monday 29 April 2019
Election advertising blackout commences	Wednesday 15 May 2019
Polling day	Saturday 18 May 2019
Return of the writs	**Friday 28 June 2019**
Latest date to file a Petition	**Wednesday 7 August 2019**

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2019/April/2019_federal_election_key_dates

Schedule 2

LIST OF MEMBERS OF PARLIAMENT WHOM THE HIGH COURT RULED AS INELIGIBLE AND WHOM RESIGNED PREEMPTIVELY

Parliamentarian	Party	Dual citizenship		Resignation date	Referral date	Date ruled	Replacement			
		Nation	Source				Method	Name	Party	Date
Senator Scott Ludlam	Greens	New Zealand	Birth	14 July 2017[49]	8 August 2017	27 October 2017	Countback	Jordon Steele-John	Greens	10 November 2017
Senator Larissa Waters	Greens	Canada	Birth	18 July 2017[51]			Countback	Andrew Bartlett	Greens	10 November 2017
Senator Malcolm Roberts	One Nation	United Kingdom	Birth	N/A	9 August 2017		Countback	Fraser Anning	One Nation[b]	10 November 2017
Barnaby Joyce MP	National	New Zealand	Descent	N/A	14 August 2017		By-election	Barnaby Joyce (re-elected)	National	2 December 2017
Senator Fiona Nash	National	United Kingdom	Descent	N/A	4 September 2017		Countback	Jim Molan	Liberal	22 December 2017
Senator Stephen Parry	Liberal	United Kingdom	Descent	2 November 2017[67]	15 November 2017	8 December 2017[112]	Countback	Richard Colbeck	Liberal	9 February 2018
John Alexander MP	Liberal	United Kingdom	Descent	13 November 2017[74]	N/A		By-election	John Alexander (re-elected)	Liberal	16 December 2017
Senator Jacqui Lambie	JLN	United Kingdom	Descent	14 November 2017[79]	15 November 2017	8 December 2017[112]	Countback	Steve Martin	Independent[c]	9 February 2018
Senator Skye Kakoschke-Moore	NXT[d]	United Kingdom	Descent	22 November 2017[113]	28 November 2017	24 January 2018[114]	Countback	Tim Storer	Independent[e]	16 February 2018
Senator Katy Gallagher	Labor	United Kingdom	Descent	N/A	6 December 2017	9 May 2018[115][105]	Countback	David Smith	Labor	23 May 2018
David Feeney MP	Labor	United Kingdom	Descent	1 February 2018[11]		23 February 2018[116]	By-election	Ged Kearney	Labor	17 March 2018
Justine Keay MP	Labor	United Kingdom	Descent	10 May 2018[117][118]	N/A	N/A	By-election	Justine Keay (re-elected)	Labor	28 July 2018
Susan Lamb MP	Labor	United Kingdom	Descent		N/A	N/A	By-election	Susan Lamb (re-elected)	Labor	28 July 2018
Josh Wilson MP	Labor	United Kingdom	Birth		N/A	N/A	By-election	Josh Wilson (re-elected)	Labor	28 July 2018
Rebekha Sharkie MP	Centre Alliance[d]	United Kingdom	Birth	11 May 2018[119]	N/A	N/A	By-election	Rebekha Sharkie (re-elected)	Centre Alliance[d]	28 July 2018

https://en.wikipedia.org/wiki/2017%E2%80%9318_Australian_parliamentary_eligibility_crisis

'Citizenship Seven' cases referred to the High Court

During 2017 several cases of possible breach of s 44(i) came to light, and in two cases (Ludlam and Waters) the member had resigned from the Parliament. All cases but one (Joyce) arose in the Senate. The cases involving Ludlam, Waters, Canavan, Roberts and Joyce were referred in August to the High Court as the Court of Disputed Returns, followed the next month by those of Nash and Xenophon; each reference, both those by the Senate and that by the House of Representatives, had all-party support.

At the hearing, the Attorney-General for Australia had argued that five of the seven parliamentarians should be exempt from disqualification, excluding Ludlam and Roberts, since they were entirely unaware of their dual citizenship. This argument was not accepted by the High Court, meaning the five parliamentarians found to have held a foreign citizenship were ineligible for election. Canavan and Xenophon were the only two of the seven not found to have held a foreign citizenship.

Schedule 3

Immigrant Ships Transcribers Guild

SS SURIENTO

Departure Port: Unknown
Departure Date: Unknown
Arrival Port: **Fremantle, Australia**
Arrival Date: 21 December 1950

International Refugee Organisation
Group Resettlement to Australia
This passenger list contains individuals and families that migrated to Australia after World War 2 from various European Countries including Germany, Hungary, Russia, Ukraine, Latvia, Poland, Czechoslovakia, Romania, etc. **Most passengers** are World War 2 refugees or displaced persons. Columns represent*: Sequence number, surname, forename, nationality, and look-up reference number.

[LIST OF THOSE WHO DISEMBARKED AT FREEMANTLE]

1	ANZA Rosario	Italian	3222465
2	BELOTTI Maddalena Carolina	Italian	3276744
3	BRESCACIN Antonietta	Italian	3213322
4	CARUSO Nicola	Italian	3216527
5	CATANIA Antonio	Italian	3104625
6	COCI Carmelo	Italian	3230031
7	CORICA Angela	Italian	3217209
8	CORICA Giacinto Carmelo	Italian	3217216
9	CORICA Giuseppe	Italian	3217220
10	DE NARDI Bruno	Italian	3217669
11	GANGEMI Arcangelo	Italian	3224343
12	GATANI Antonio	Italian	3337727
13	MASELLA Antonio	Italian	3237039
14	MATASSA Pietro	Italian	3257492
15	MONACO Ernesto	Italian	3161937
16	MONACO Filiberto	Italian	3251411
17	MORABITO Saverio	Italian	3260733
18	MUSCA Carmelo	Italian	3251665
19	OLIVIERI Alessio	Italian	4208166
20	PAPALIA Domenico Antonio	Italian	3120584
21	PAPICCIO Felice	Italian	3253274
22	POMPONIO Rosa	Italian	3256883
23	SANTINI Michele	Italian	3264888
24	SARTORELLI Antonio	Italian	3268013
25	SCACCINO Michelangelo	Italian	3167221
26	SCENINI Rizzi Carlo	Italian	3121028
27	SCHERINI Giovanni	Italian	3265136
28	SPICCIA Sebastiano	Italian	3270310
29	TOBIOLO Giuseppe	Italian	3268997
30	VALERIO Francesco Antonio	Italian	4389180
31	ZAR Joseph	Yugoslavian	3274981
32	ZAR Lilliana	Yugoslavian	3274995
33	ZAR Ofelia	Yugoslavian	3122667
34	ZINETTI Francesco	Italian	3276739
35	ZINETTI Maddalena Carolina	Italian	3276744

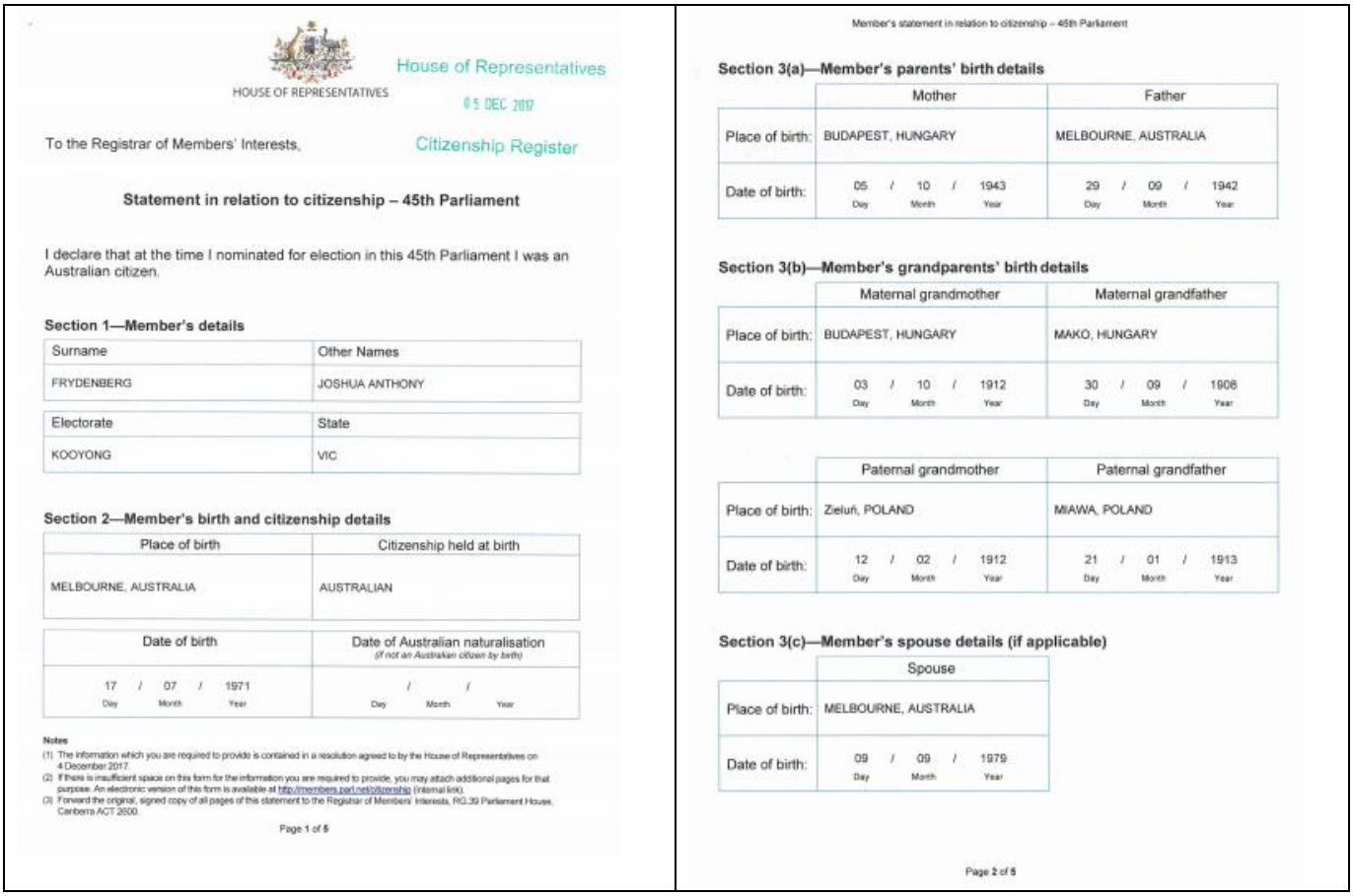
Transcriber's Notes:

* An asterisk is used to call your attention to additional information in the transcriber's notes.
* Sample of Other Details Available in the original manuscript:

Passenger #	45 EX Augsburg U.S. Zone Germany
Surname	Grabia
Forenames	Josef
CM/L #	831088
IRO Status	S
Nationality	Polish
Religion	Roman Catholic
Marital Status	Married
Sex	Male
Date of Birth	02 July 1910
Age	40
Country/Place of Birth	Poland / Godeniza
Passport Number	045482
Date Passport Issued	28 October 1949
Place Passport Issued	Augsburg
Occupation	Farmer

Transcribed by Tom Stiglmayer
and Donated to the
Immigrant Ships Transcribers Guild
It is believed that this transcription only lists those who disembarked in Fremantle, since the ship carried hundreds more passengers.
The source was most likely the records in the National Archives of Australia's Perth collection.
Formatted by Sharon Krisko a member of the
Immigrant Ships Transcribers Guild
5 February 2002

Schedule 4



HOUSE OF REPRESENTATIVES

House of Representatives

05 DEC 2017

To the Registrar of Members' Interests,

Citizenship Register

Statement in relation to citizenship – 45th Parliament

I declare that at the time I nominated for election in this 45th Parliament I was an Australian citizen.

Section 1—Member's details

Surname	Other Names
FRYDENBERG	JOSHUA ANTHONY

Electorate	State
KOOYONG	VIC

Section 2—Member's birth and citizenship details

Place of birth	Citizenship held at birth
MELBOURNE, AUSTRALIA	AUSTRALIAN

Date of birth	Date of Australian naturalisation (If not an Australian citizen by birth)
17 / 07 / 1971 (Day / Month / Year)	/ / (Day / Month / Year)

Notes

(1) The information which you are required to provide is contained in a resolution agreed to by the House of Representatives on 4 December 2017.

(2) If there is insufficient space on this form for the information you are required to provide, you may attach additional pages for that purpose. An electronic version of this form is available at http://members.parl.net/citizenship (internal link).

(3) Forward the original, signed copy of all pages of this statement to the Registrar of Members' Interests, RG.39 Parliament House, Canberra ACT 2600.

Page 1 of 5

Member's statement in relation to citizenship – 45th Parliament

Section 3(a)—Member's parents' birth details

	Mother	Father
Place of birth:	BUDAPEST, HUNGARY	MELBOURNE, AUSTRALIA
Date of birth:	05 / 10 / 1943 (Day / Month / Year)	29 / 09 / 1942 (Day / Month / Year)

Section 3(b)—Member's grandparents' birth details

	Maternal grandmother	Maternal grandfather
Place of birth:	BUDAPEST, HUNGARY	MAKO, HUNGARY
Date of birth:	03 / 10 / 1912 (Day / Month / Year)	30 / 09 / 1908 (Day / Month / Year)

	Paternal grandmother	Paternal grandfather
Place of birth:	Zieluń, POLAND	MIAWA, POLAND
Date of birth:	12 / 02 / 1912 (Day / Month / Year)	21 / 01 / 1913 (Day / Month / Year)

Section 3(c)—Member's spouse details (if applicable)

	Spouse
Place of birth:	MELBOURNE, AUSTRALIA
Date of birth:	09 / 09 / 1979 (Day / Month / Year)

Page 2 of 5

Section 3(d)

Please list the steps you have taken to assure yourself you have not acquired citizenship of another country by descent, marriage or other means.

I have retrieved documentation regarding the citizenship of my parents and grandparents from available family sources. Searches have been made of archival material available in Australia regarding my parents' and grandparents' citizenship.

I have sought and received Hungarian legal advice from Hungarian citizenship law experts.

I have sought and received Polish legal advice from Polish citizenship law experts.

I have sought and received Australian legal advice.

Section 4(a)—Foreign citizenship

Have you ever been a citizen of any country other than Australia?

☒ **NO** — *Proceed to Section 6*

☐ **YES** — *List the countries that you have been a citizen of, and evidence of the date and manner in which your citizenship of any other country was renounced or otherwise came to an end in accordance with the laws of the relevant country.*

Country	Manner of renunciation or other manner in which the foreign citizenship came to an end	Date	Evidence attached

NB: *Evidence of the date and manner in which your citizenship was renounced or otherwise came to an end* ***should*** *be attached to this form. Please date and initial each page of any attachment.*

Section 4(b)—Foreign citizenship at time of nomination

On the date you nominated for election in this 45th Parliament were you a citizen of any country other than Australia?

☒ **NO**

☐ **YES** — *Provide details and evidence of any steps you have taken to renounce the citizenship of the other country prior to the date of nomination.*

Country	Action	Date	Evidence attached

NB: *Evidence of the steps taken to renounce the citizenship of the other country prior to the date of nomination* ***should*** *be attached to this form. Please date and initial each page of any attachment.*

Section 4(c) —Foreign citizenship now

Are you now a citizen of any country other than Australia?

☒ **NO**

☐ **YES** — *Provide details and evidence of any steps taken to renounce the citizenship of the other country.*

Country	Action	Date	Evidence attached

NB: *Evidence of the steps taken to renounce the citizenship of the other country* ***should*** *be attached to this form. Please date and initial each page of any attachment.*

Section 5—Member with foreign citizenship at nomination or now

Complete this section if you answered YES in section 4(b) or 4(c)

Basis on which you contend you are not disqualified under s 44(i) of the Constitution	Evidence attached

NB: *Please date and initial each page of any attachment.*

Section 6—General declaration

I declare that I have completed this statement to the best of my knowledge and have attached all evidence relevant to my declarations.

Signed

Date: 4 / 12 / 2017 (Day / Month / Year)

Schedule 5

Further reading re changes to Hungarian Citizenship Law

Eudo Citizenship Observatory -Country Reports: Hungary
by Mária M. Kovács, Judit Tóth (2013)

http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=2013-18-Hungary.pdf

(P4) - Although from 1879 onwards **Hungary tolerated multiple citizenship**, between 1946 and 1989 the main rule was the exclusion of dual citizenship through bilateral agreements with socialist states.

(Pp 5-7) - Although the first Act on Hungarian Nationality (1879) became increasingly restrictive through amendments adopted during the two World Wars, its *ius sanguinis* principle has remained dominant up to the present day. This Act was in force until 1948. The history of Hungarian policies on citizenship since 1945 can be divided into the following periods:

- **1945-1948:** The Armistice Agreement concluded in Moscow (1945) annulled all the modifications to citizenship that had come about as a result of territorial changes to the Hungarian state between 1939 and 1945. Millions of former Hungarian citizens who ended up under the jurisdiction of neighbouring states lost their Hungarian citizenship. The Peace Agreement fixed the borders of the Hungarian state as they had existed on the last day before the war began. Between 1945 and 1948 temporary regulations on citizenship considered all those residing in Hungary in 1945 to be citizens except for those holding citizenship of another state. Bilateral agreements on population exchange initiated by Czechoslovakia and the expulsion of Germans resulted in the deprivation of citizenship for those falling under these measures. **Individuals who had not returned to Hungary following the conclusion of the war were deprived of their citizenship and, between 1946 and 1948**, their property was confiscated. Finally, the citizenship status of communists who had fled Hungary during the interwar years was settled.

- **1948-1956:** In 1946 a reform of the legal status and civil rights of children born out of wedlock established their full equality, but only the new Act on Hungarian Nationality (1948) provided a coherent legal framework for the acquisition of citizenship through changes in family and personal status. The Act provided for the equal treatment of children born out of wedlock and stipulated that all nationals residing abroad should be registered, without, however, creating techniques for registration in the absence of consular relations. The Act recognised the pending Hungarian citizenship of undocumented persons who had been residing in Hungary for a given number of years.

- **1956-1989:** This period witnessed the **emancipation of spouses** on the basis of the New York Convention on the Nationality of Married Women of 1957, the principles of which were inserted into the third Act on Nationality adopted in 1957. The executive rules of the Act were published only in part and were implemented by confidential order, such as the one requiring emigrants to renounce their citizenship and social insurance rights. Following the 1956 revolution and the mass emigration it triggered, a broad amnesty was proclaimed for returnees and a registry of nationals permanently abroad was established.

- **1989-1993:** After 1989, Hungary started reforms to establish the rule of law and constitutionalism. In 1989 the prohibition of deprivation of citizenship was regulated in the reformed Constitution. **At the same time the citizenship of expatriate nationals who had been deprived of citizenship arbitrarily was restored upon request.** The Geneva Convention of 195117 inspired the preferential naturalisation of refugees that was inserted

into the citizenship law. The fourth Act on Nationality, passed in 1993, made preconditions for naturalisation more restrictive, but preferences based on ethnic and family ties were intended to compensate for this. Between 1989 and 1993 Hungary terminated bilateral agreements with former socialist states that excluded dual citizenship.

- **1994-2009:** This period is marked by Hungary's accession efforts to international conventions, cooperation and to the EU and by political debates on the status of ethnic Hungarians living outside Hungary's borders. During this time the Act on Hungarian Nationality was amended three times, due to the ratification of the European Convention on Nationality of 1997 (ratified in 2001), the UN Convention on the Legal Status of Stateless Persons of 1954 (2001), the UN Convention on the Reduction of Statelessness of 1961 (2009), and recently the European Convention on the Avoidance of Statelessness in relation to State Succession of 2006 (2009). Eligibility for preferential naturalisation was extended to EU citizens and a super-preference and a specific status was adopted in favour of ethnic Hungarians in the shadow of the Schengen restrictions.

  Since 2010 Hungary has had an accelerated naturalisation for ethnic Hungarians with a shorter preparatory procedure due to the amendment of the Act on Nationality together with executive provisions23. It has been implemented since 1 January 2011 for applicants without any residence requirement in Hungary; thus the most preferential naturalisation is based on the 'cultural/linguistic tie' principle of nation building. The overture of this new epoch was the hasty adoption of the Basic Law that replaced the Constitution. It extends the policy of ethnic preference (Article D) beyond the citizenship law, for instance to voting rights (Article XXIII). In the period under discussion there were three major breaks with basic principles in citizenship law. **Although from 1879 onwards Hungary tolerated multiple citizenship, between 1946 and 1989 the main rule was the exclusion of dual citizenship through bilateral agreements with socialist states.** Mixed couples had to choose one citizenship for their child. Decades of arbitrary deprivation of citizenship (1939-1989) were terminated when the modified Constitution abolished this possibility. International principles of human rights relevant to citizenship were inserted into the law, while a governing circle of ethnic preferences was defined as a core element of domestic legislation after 1989, raising the issue of discrimination towards non-ethnic applicants.

Schedule 6

SOVIETIZATION AND NATIONALISM IN HUNGARY

Hungary from the Nazis to the Soviets: the establishment of the communist regime in Hungary, 1944–1948. By Peter Kenez. Cambridge: **Cambridge University Press, 2006**.

communists in ethnic terms: they were hostile to national claims and reluctant to think in terms of national interest because of their Jewish background. After the communist takeover and until the late Kádár era the complex relationship between Jews and non-Jews in the social body and within the communist party itself became a rigid taboo. Historians, sociologists, and social anthropologists simply eluded this highly sensitive issue. Moreover, official statistics helped the political effort to make the issue disappear, since Jews were removed from national censuses as a separate ethnic group or religious denomination and amalgamated to the Hungarian majority. Thanks to extensive research in the Hungarian archives, Mevius and Kenez can elaborate a multi-factorial analysis on the re-emergence of a 'Jewish question' after the end of the war, a key issue for the most recent Hungarian scholarship, too.[8] According to Kenez, 'A decisively important fact was that in Hungary, unlike anywhere else in Eastern Europe, the top leadership was entirely Jewish' (p. 292).

For most survivors of the Holocaust, the recent past had taught one single but clear lesson: the perspective of bourgeois type integration into the Hungarian nation failed. Discrimination and later persecution enjoyed genuine, if not massive, popular support among the non-Jewish population, and solidarity with dispossessed Jews was sporadic and rarely effective. As a consequence, the Jewish perception of the Soviet invasion was very different from that of the Christian population. The Soviet Army occupied Hungary, but also returned personal freedom to tens of thousands of people. Although leftist Jews had always formed a minority of Jewry as a whole, in the first months following the end of the war a statistically significant number of Jews joined the MKP (one party member out of seven in 1945, according to Kenez, p. 156). In the late 1940s Jews were overrepresented among the new cadres, especially in the propaganda sector, in the cultural and economic sphere, in the press, and notably also in the political police. One might add that remarkable Jewish involvement in the early communist system was not a Hungarian peculiarity: in Poland and especially in Romania, Jewish-born activists played a distinguished role in the formation of the new state, before becoming victims of ethnic purges in the early 1950s.

The new regime seemed to guarantee young Jews unprecedented opportunities for upward social mobility, and gave them self-confidence by ensuring physical protection against further harassment. As Charles Gati's most recent book demonstrates, it was precisely these young but already disillusioned former party intellectuals who gathered after 1953 around Imre Nagy in the attempt to reform

[8] Róbert Győri Szabó, *A kommunista párt és a zsidóság Magyarországon, 1945–1956* (Budapest, 1997); János Gyurgyák, *A zsidókérdés Magyarországon* (Budapest, 2001) and *Ezzé lett magyar hazátok. A magyar nemzetiségpolitika és nacionalizmus története* (Budapest, 2007). On the post-war anti-Semitism see Éva Standeisky, *Antiszemitizmusok* (Budapest, 2007); and András Kovács, *A mások szenvedése: zsidók és antiszemiták a háború utáni Magyarországon* (Budapest, 2008). On Jewish victims of the early communist regime see Ágnes Szalai, 'A magyarországi kommunista diktatúra zsidó áldozatai (1949–1954)', in Randolph L. Braham, ed., *Tanulmányok a Holokausztról IV* (Budapest, 2006), pp. 217–68.

Schedule 7

Electoral Division of Kooyong - Melbourne Inner Eastern Suburbs
https://www.abc.net.au/news/elections/federal/2019/guide/kooy

Results as at 11/6/2019

94.1% counted. Updated 3d ago

Preference count		Vote	Swing
Liberal Party Josh Frydenberg (MP)	**55.7%**	55,159	-7.1%
Greens Julian Burnside	**44.3%**	43,870	+7.1%

- Previously held by LIB with margin of 12.8%.
- Josh Frydenberg Treasurer wins seat held since 2010.

First preference		Vote	Swing
Liberal Party Josh Frydenberg	**49.4%**	48,928	-8.2%
Greens Julian Burnside	**21.2%**	21,035	+2.6%
Labor Party Jana Stewart	**16.8%**	16,666	-3.7%
Independent Oliver Yates	**9.0%**	8,890	+9.0%
United Australia Steven D'Elia	**1.2%**	1,185	+1.2%
Animal Justice Party Davina Hinkley	**1.1%**	1,117	+1.0%
Independent Bill Chandler	**0.7%**	669	+0.7%
Independent Angelina Zubac	**0.5%**	539	-2.3%
Family First -	**0.0%**	0	-0.1%
Rise Up Australia -	**0.0%**	0	-0.1%
Informal Votes		**3,033**	
Total Votes		**102,062**	

Schedule 8

Office of Immigration and Nationality - Budapest
https://ottawa.mfa.gov.hu/assets/02/06/20/a71ca7ec324061a2716e404711e88bb797063f50.pdf

APPLICATION FOR CERTIFICATE OF CITIZENSHIP [VERFICIATION FORM ONLY]

I request the Office to establish that I am a Hungarian citizen
I request / do not request the issuance of a certificate about this fact.
(Please underline as appropriate)

I. Applicant's personal data:

1. Family name after marriage:_____given name(s): _____
Family name at birth:_____given name(s): _____
Previous family and given name(s) (after marriage or prior to name change): _____
Family and given name(s) at the time of leaving Hungary: _____
Sex: male☐ female ☐
Place of birth:_____(country)_____(city, town),
(district, if the city is Budapest: _____
Date of birth:_____Year_____Month_____Day

II. Data concerning the applicant's ascendants

2. Father's name: _____
Father's place of birth:_____date:_____
Father's citizenship(s): _____
Paternal grandfather's family and given name: _____
Place of birth:_____date: _____
Paternal grandmother's family and given name at birth: _____
Place of birth:_____date: _____
Paternal grandparents' place and date of marriage: _____

3. Mother's family and given name at birth: _____
Mother's place of birth:_____date: _____
Mother's citizenship(s): _____
Maternal grandfather's family and given name: _____
Place of birth:_____date: _____
Maternal grandmother's family and given name at birth: _____
Place of birth:_____date: _____
Maternal grandparents' place and date of marriage: _____

4. Parents' place and date of marriage: _____
(district, if the city is Budapest:_____)

III. Data concerning the applicant's family status

5. Family status: single (never married) ☐
married ☐ widow/widower ☐ divorced ☐
Place of marriage:_____(country)_____(city, town)
(district, if the city is Budapest____)
date: Year Month___Day
Spouse's (ex spouse's) family and given name at birth: _____
Name after marriage: _____
Place and date of birth: _____
Citizenship at the time of marriage: _____
Current citizenship:

IV. Applicant's residence or other contact data:

6. Residence:_____(country)_____(city, town)
Former residence:_____(street, number etc.)
Phone number: _____
E-mail address: _____
I request the certificate to be served to the following address: _____
If the applicant lives abroad and requests the certificate to be served to a Hungarian address (please attach power of attorney granted to the person who receives documents served)
Name of attorney-in-fact: _____
Address of attorney-in-fact: _____

V. Data relating to the applicant's and his ascendant's leaving of Hungary and foreign citizenship:

7. Start and end dates of your living in Hungary: _____
Residences in Hungary: _____
Last residence in Hungary: _____
What country did you move from Hungary and what countries have you lived in? _____
Start and end dates of your parents' (grandparents') living in Hungary: _____
Parents' (grandparents') last residence in Hungary: _____
What country did your parents' (grandparents') move from Hungary and what countries have they lived in? _____
Have you ever had a Hungarian passport? Yes ☐ No ☐
(private passport, tourist passport, consular passport, passport for Hungarians living abroad, other:_____)

8. Foreign citizenship(s): _____
Date of acquisition of such citizenship: _____
Legal title: _____

Have you or your relative received a citizenship certificate or any other document or certificate relating to naturalisation, re-naturalisation, expatriation or citizenship?

yes ☐ *no* ☐

If yes, name of the person concerned: _____
*Number of document:*_____, *dated:* _____

Other data necessary for the establishment of citizenship: _____

I confirm that the above information is true and correct.

Birth and marriages certificates issued abroad shall be provided with appropriate authentication, together with their certified Hungarian translation.
The data of Hungarian civil registers are verified ex officio.

Dated: .....

…….. ……..
Applicant's signature Legal representative's signature
(also if applicant has reduced capacity to act)

Authentication of the signature:
I certify the authenticity of the signature of the applicant and/or legal representative.
The applicant and/or legal representative has proven his/her personal identity with a valid document

containing a photo, number: ....., type: ....., valid until .....

……
Signature of person taking over the application

L. S.

……
Name of office

OFFICE OF IMMIGRATION AND NATIONALITY

Explanatory Notes for the Application for Certificate of Citizenship

The citizenship has to be examined if a person is unable to support his/her Hungarian citizenship with any valid document when applying for passport, registration ("address card"), civil registration, or initiating other procedures. The proceeding authorities ex officio contact the Office of Immigration and Nationality, but the applicant has to contribute to the procedure by providing data and submitting documents.

In general, a **certificate of citizenship** is needed if the foreign authority requires the presentation of such document in procedures relating to employment, studies, compensation, marriage or probate. The certificate is subject to an administration fee of HUF 3000.

For more information on how to submit the application and for accessing the statutory form, please visit the "Rules of procedure" menu item at the following website:

www.bevandorlas.hu.

Explanatory notes

I. Applicant's personal data

According to the Hungarian rules of using names, the family name comes before the given name. If the married name is included in the marriage certificate, it must be indicated as it appears on such certificate. If the marriage solemnised abroad has not been registered in Hungary, an application must be submitted for the registration of the marriage. If the marriage certificate does not include the married name, it is recommended to chose the form of name used abroad, with due respect to the rules of Hungarian family law.

In respect of the name at birth, please consider that the name change authorised by a foreign authority may not be recognised; the name change procedure must be conducted according to Hungarian law as well. (The relevant form must be completed, if the applicant wishes to use his/her name used abroad in his/her Hungarian documents as well.) Furthermore, the name at birth is also influenced by the family status. As a principal rule, the mother's husband must be considered as the child's father. If the applicant was born out of marriage, the statement on the recognition of fatherhood made before a foreign authority may be recognised, provided that it conforms to Hungarian family law. If such conformity is not found, a fully effective statement on the recognition of fatherhood must be made before the consul, Hungarian civil registrar, guardianship authority or notary public. The parties concerned are not required to be present together. The mother and the child, who has reached the age of 14, may make their statement of consent before an honorary consul as well.

If the birth abroad has not been registered in Hungary, it must also be requested. Please indicate your sex by putting an x mark in the appropriate field.

Under Hungarian law, a city or town must be named as the birth place. Birth certificates in many countries specify only the county, state or the district of a larger locality. In Hungary please always write the city/town as the place of birth.

If the place of birth is Budapest, please specify the district. If none of your documents indicate or you do not know it, please specify the contemporary name of the part of the city, the name of the hospital, or the parents' residence at the time of the birth. (In Hungary civil registration is not centralised. Data in the civil register may only be checked if the place and approximate time of the birth/marriage is known.)

II. Data concerning the applicant's ascendants

Hungarian citizenship law always follows as a fundamental rule the principle of jus

sanguinis, that is the right of blood which means that Hungarian citizenship is, by operation of law, automatically conferred from the Hungarian parent to the child irrespective of where the child was born. It is important to know, however, that a child born before 01 October 1957 became Hungarian citizen only if its father was a Hungarian citizen. Any child who was born out of marriage from a Hungarian citizen mother became a Hungarian citizen. (Legitimation, the settlement of family status had and still has an effect on the child's citizenship.) Children born after 01 October 1957 became Hungarian citizens on the right of the Hungarian citizen mother as well.

The acquisition of citizenship through descent or the heredity of Hungarian citizenship is examined by setting up the chain of descent (a "family tree") based on the civil registration documents. This is why the birth and marriage data of the parent, grandparent, great grand parent who emigrated from Hungary is essential. (No separate citizenship examination procedure must be requested in respect of the ascendants.) The Office of Immigration and Nationality ex officio collects the certificate about any birth and marriage registered in Hungary, but the birth/marriage certificates issue by a foreign authority must be submitted by the applicant.

Many of the second, third etc. generation descendants of the classic emigrants do not know that they can be Hungarian citizens because the major destination countries in terms of migration (The Americas, Australia) apply the principle of jus soli (i.e. citizenship is determined by the place of birth) when determining the citizenship of a person.

As far as the name and the place of birth (marriage) are concerned, the notes in **Point I** are also applicable to the ascendants.

III. Data concerning the applicant's family status

Please indicate your current family status by putting an **x** mark in the appropriate field. If the last marriage was annulled by a court, please specify this in a separate row. (The decision of a foreign court on the annulment of marriage may only be recognised if it was made by the court of another EU member state – except for Denmark – after 01 May 2004.)

Act LV of 1993 on Hungarian Citizenship stipulates that in addition to the birth certificate applications for citizenship shall also include documents certifying family status.

Marriage may have an effect on using names – as referred to in Point I – but it could also influence the citizenship of women based on former legal regulations. A foreign woman who married a Hungarian citizen before 01 October 1957 automatically obtained Hungarian citizenship and a Hungarian woman automatically lost her Hungarian citizenship if she obtained her husband's foreign citizenship through marrying him. Thus, in the case of such marriages the husband's citizenship must be examined. The principle of descent / the right of blood shall be applied in the case of the husband as well: if the husband's parents originated from Hungary, he may be a Hungarian citizen or a stateless person, and in such case he Hungarian citizen women could not have lost her Hungarian citizenship through marriage. If the applicant's husband originates from Hungary, please indicate this among the data necessary for the establishment of citizenship.

IV. Applicant's residence or other contact data

It is compulsory to provide residence data. If the applicant does not appear in the personal and residential data of citizens (i.e. he/she does not have an "address card"), his/her data shall be entered into the register of Hungarian citizens living abroad. Subsequently, there is no need to request a separate citizenship certificate, if the applicant fails to replace his/her documents certifying Hungarian citizenship in time. If the applicant wishes to register a Hungarian residence, he/she must fill in a separate form as well.

By providing other contact data the applicant can speed of the procedure as certain issues can be clarified more quickly by the Office.

V. Data relating to the applicant's and his ascendant's leaving of Hungary and

foreign citizenship

The significance of the date of leaving Hungary

Under the Citizenship Act of 1879, if a person was staying abroad for ten years (called absence) he/she automatically lost his/her Hungarian citizenship. The legal title of "lost citizenship" may only apply to persons who left the country before 01 September 1929. (The period of war must be disregarded.) The ten-year period was calculated from the date of expiry of the Hungarian passport. No register of residential data has survived from this era. If the last residence is known, data about and copies of issued passports can be obtained from county archives. (Until 1945 passports had been issued by the sub-prefect of the county. Archives in many states can certify the date when a person entered the country's territory and the country where he/she arrived from.

The significance of the period of the permanent residence

- After 1945 masses of former Hungarian citizens from the detached parts of Hungary lived in Hungary in an unsettled citizenship status. Their citizenship status was settled by the Citizenship Act of 1948. One of the provisions of the Act related to persons who lost their Hungarian citizenship in consequence of the rescission of the Vienna Awards decisions on 20 January 1945. From 20 January 1945 they could be recognised as Hungarian citizens, if their **permanent residence** was in Hungary both on 01 January 1948 and on 01 February 1949. Another provision of the Act related to persons who or whose ascendants lost their Hungarian citizenship in the wake of the Treaty of Trianon: they could be recognised as Hungarian citizens, if they had no foreign citizenship and their permanent residence was in Hungary on 01 January 1948. The register of residential data from this era is incomplete, so in some cases the contemporary residence has to be proven by other documents.
- The citizenship of children born from "mixed marriages" was shaped by seven bilateral conventions aimed at reducing the cases of dual citizenships which made the choice of the parents and the family's residence equally important. If the parents did not make a statement on their child's citizenship, the child kept the citizenship of the state party where their residence was located when the period of time set for making statements expired. Hungary entered into such convention with the Soviet Union, Bulgaria, Czechoslovakia, Poland, GDR, Mongolia and Romania). The conventions were repealed in the beginning of the 1990s but their provisions still have to be considered if a person is concerned. (The conventions regulated deadline differently but also differed on other issues.)

Resettlement of German nationals: As a result of the decision of the Potsdam Conference in August 1945, we have all the list of names of all persons resettled to Germany. The list of names was compiled by localities, so the last residence in Hungary is needed to check whether the person was resettled. The persons affected by the resettlement lost their Hungarian citizenship and may become Hungarian citizens again by making a statement or through re-naturalisation.

On the basis of the date and manner of acquisition of foreign citizenship, we can draw conclusion from, for example, when a person could have arrived in the given country with respect to the waiting period preceding the naturalisation.

Other information

The Office of Immigration and Nationality keeps record of citizenship documents generated after 1933. There is a better chance to prove citizenship if you provide the siblings' data in addition to the ascendant's particulars. If any sibling of the applicant or of the applicant's parents had a case before, the documents relating to the common ascendants need not be searched for and collected again. The index of citizenship documents can be searched by name and date of birth. (So the registration number of the citizenship document is not a

requisite.)

If you had more than one marriage, please specify the place, date, manner of termination of each marriage, as well as the name, place and date of birth of the former spouses among *the other data necessary for the establishment of citizenship* or on a separate sheet. The significance of marriage data is described in detail in **Point III**.

Pursuant to the Act on Hungarian Citizenship, the following may be requested:

- the establishment of the date of termination of Hungarian citizenship,
- the establishment of the fact that the applicant has never been a Hungarian citizen.

You may also certify when and under what legal title the applicant acquired Hungarian citizenship, and whether the applicant was a Hungarian citizen on a specific date or in a specific period. If you request for the issuance of a citizenship certificate with the above content, please indicate this in the introductory part of the form.

Budapest, July 2013

_____

Press Conference – Malcolm Turnbull

https://www.abc.net.au/news/2017-11-03/malcolm-turnbull-rules-out-cizitenship-audit-national-witch-hunt/9116728?sf139285960=1

Press Conference – Perth

Turnbull, Malcolm

http://pmtranscripts.pmc.gov.au/release/transcript-41283

Release Date: 03/11/2017
Release Type: Transcript
Transcript ID: 41283
Subject(s): Citizenship
Location: Perth

PRIME MINISTER:

Good morning. It's great to be home in the land of my birth, Australia. It's now time to return to the land of common sense. The land of the rule of law. The land where the burden of proof is on those who accuse.

Let me address very clearly this issue of citizenship and eligibility to sit in the Parliament.

Every member of the House, every Senator, has a duty to comply with the Constitution. If they believe they are not in compliance with the Constitution, by reason of being a citizen of another country, then they should say so and ensure that the matter is referred to the High Court, so that it can determine the matter and make arrangements for the election of a new Member or a new Senator.

That is the law. The responsibility is on every Member and every Senator.

Those who allege that Members or Senators are not eligible to sit in the Parliament, they should make their case. They should set out what they allege and if a Member of the House or a Senator believes that one of their colleagues is not eligible to sit in the Parliament then they can stand up. They can stand up and seek leave to move a motion that their colleagues be referred to the High Court.

Because the only body in our Constitution that can determine whether somebody is eligible to sit in the Parliament or not, is the High Court of Australia. Nobody else can do that.

We have no place in Australia for witch-hunts. That is not our way. That is not part of the Australian way, it is not part of the rule of law. It is not consistent with our values or our principles.

The Parliament has the power to refer any member or Senator to the High Court on this question of eligibility and the High Court alone has the ability to determine it.

I just want to say something about Josh Frydenberg. Josh Frydenberg's mother Erica Strauss was born in 1943 in the Budapest ghetto. That's where the fascists had pushed all of the Jews in together as a prelude to sending them to the gas chamber. She wasn't a Hungarian citizen when she was born and neither were her parents. You know why? The Hungarian fascist Government, allied with Hitler, stripped the Jews of all of their rights. The right to citizenship and the right to life.

Her family fled Hungary at the end of the war. It's a miracle they weren't killed, as so many of their relatives were. Three quarters of all the Jews in in Hungary were murdered in the Holocaust and the

prelude to murdering them was depriving them of their citizenship rendering them sub-humans in the eyes of the fascists and the Nazis.

I wish that those who make these allegations about Josh Frydenberg could think a little deeper about the history of the Holocaust. So, Erica Strauss came to Australia as a stateless person. She had no citizenship.

She came to Australia, she became an Australian citizen and she is Josh's mother.

Has this witch-hunt become so absurd that people are seriously claiming that Josh Frydenberg is the citizen of a country that stripped his mother and her family of their citizenship and would have pushed them into the gas chambers, had it not been that the War was ended before they had time to do so?

It's time we returned to the land of common sense and the rule of law.

JOURNALIST:

Prime Minister the High Court seems to give credence to foreign citizenship law, so why wouldn't Hungarian citizenship law apply in this case?

PRIME MINISTER:

The proposition that Josh Frydenberg is a Hungarian citizen is ridiculous and he has - as you know - spoken about it, dealt with it. **Look, if any member of the House of Representatives wants to stand up and say, -and move - that Josh Frydenberg is a citizen of Hungary, the country that were it not for the end of the war, would have killed his mother and his grandparents, if somebody wants to stand up and allege that, fine. Let them do that. They can do that. We'll see if they persuade the House to refer the matter to the High Court, but that is the forum.**

We are not going to have politicians, Members and Senators tried by innuendo and smear. Any member of the House is able to stand up and move to refer one of their colleagues to the High Court. If they want to do that they can stand up and make their case.

JOURNALIST:

What about Mitch Fifield? Is he going to maintain, why should he maintain his position in Cabinet if he admits that he knew about Stephen Parry?

PRIME MINISTER:

I wasn't party to any conversation so I can't speak about it, other than to say that the responsibility for complying with the Constitution is on each Member and Senator.

So it was Senator Parry's responsibility. Again, I can't get into a conversation, I can't comment on a conversation I wasn't party to or present at. I think Mitch Fifield has addressed it.

JOURNALIST:

Surely given the level of crisis that this has become, Mitch Fifield had a responsibility to go to someone and say: “Stephen Parry has just told me he think’s he’s a British citizen?”

PRIME MINISTER:

Again, you’re speculating. I don't know what was said between the two, but the responsibility lies squarely with the senator concerned, in this case Senator Parry.

JOURNALIST:

If others know shouldn't they come forward with that information?

PRIME MINISTER:

It's a personal responsibility on every Member and every Senator full stop. If a Senator or a Member believes that one of their colleagues is not eligible to sit on the House or the Senate, they can stand

up and they can seek leave to move a motion to refer them to the High Court and they can state the case and present the facts.

We are not going to engage in some kind of national witch-hunt. We are nation governed by the rule of law. The burden of proof is on the accusers and if anybody believes there are members of the House or the Senate that are not eligible to sit there, let them state their case. Let them state their case and there will be a response and of course, as I said, Members and Senators have an obligation to comply with the Constitution and if they believe that others are not doing so they can stand up and state the case against their colleague.

JOURNALIST:

Given the way it's going, why not just do an audit? Have you given any more thought to that?

PRIME MINISTER:

Well you've asked me about an audit, people have talked about 'an audit'. What is an audit? I know what an audit is from an accounting point of view… so are we saying that we would propose, it is proposed to have somebody interrogate each and every Member and Senator, examine their genealogy, seek to uncover facts about their parentage that may not even be known to the Member or Senator? Then put them to the obligation of establishing what foreign laws may be, in some cases of enormous complexity.

We saw a little glimpse of that in the High Court's recent decision, where it concluded in respect of Senator Canavan that you could not, he could not become an Italian citizen by descent, other than by making an application himself, which he hadn't, that's why they concluded that he is not a dual citizen. But these are matters of great complexity, are we really saying that burden of proof is now going to be imposed on every single Member and Senator for that type of interrogation?

The fact is the Constitution is very clear. Every Member and every Senator has an obligation to comply with it. The High Court has clarified the meaning of section 44 in respect of dual citizenship and it is up to Senators and Members to satisfy themselves that they are in compliance.

If they feel they are not, then they have an obligation to say so and ensure that their case is referred to the High Court.

As I said, if other Members and Senators believe one of their colleagues is not conforming or complying with the Constitution, then they have the ability to stand up and move that somebody be referred to the High Court.

The reality is that an audit, as you describe, would not resolve anything. Because all it would do, the most it can do, is end up by referring or recommending that matters be referred to the High Court. The fact is the only place that these issues can be dealt with authoritatively is the High Court of Australia.

Each house has the ability to refer people to the High Court and of course that has happened. It can happen in the future, if people conclude that they are not in compliance of the Constitution or others allege that colleagues are not in compliance, but that is the law.

We must not allow ourselves to be dragged into a sort of lynch mob, witch-hunt, trial by innuendo and denunciation.

There is an established process here. There is a court, the highest in the land, that has the constitutional authority to deal with it and the Parliament has the ability to make references to it.

So it's good to be back, it's good to be home in Australia, the land of my birth. It's about time we all returned to the land of common sense and the rule of law.

Thank you very much.

Doorstop interview – Scott Morrison

Doorstop interview, Melbourne

Scott Morrison

Release Date: 03/11/2017
Release Type: Transcript
Subject(s): Citizenship

http://sjm.ministers.treasury.gov.au/transcript/214-2017/

The Hon Scott Morrison
Treasurer (21 September 2015 - 23 August 2018)

SUBJECTS: Turnbull Government's Enterprise Tax Plan to drive economic growth; strongest full-time jobs growth in recorded labour market history; Address to the Australian British Chamber of Commerce; citizenship

TREASURER:

Last night we saw the Trump administration working with Republicans in the House through the Ways and Means Committee confirming their intention to move to a 20 per cent corporate tax rate in the United States as I have just said to the business address here this morning, it is important that Australia does not get stranded on a corporate tax island. Bill Shorten's plan is to see Australia stranded while major competitor countries, whether it's the United States, or indeed the United Kingdom or anyone else, any other country that is following this global consensus of reducing company taxes, he wants to move in the other direction. He wants to leave jobs and business and investments stranded and he wants to see those jobs, businesses and investments go offshore. This is not something the Australian economy can afford. This is not something that Paul Keating would have done, it's not something that Bob Hawke would have done and it's important that the Labor party now puts aside the politics and does what's right in Australia's economic interests and supports the Enterprise Tax Plan which is good for jobs. The Turnbull Government has presided over the strongest full-time jobs growth in recorded labour market history in Australia. We want to see more jobs, we want to see more and better paid jobs and our Enterprise Tax Plan is part of that. It is one part of a broad-based agenda, whether it's on trade, dealing with energy, defence procurement, expanding our defence supply chain, investment in public infrastructure here in Victoria and everywhere else around the country. This is driving investment but ensuring we have a competitive tax system is absolutely critical and the Americans, once again, have laid out that challenge, that challenge has already been laid down by the British, the French and others and it is time for Bill Shorten to put aside the politics and put Australia first rather than the Labor party first.

QUESTION:

Just on some other matters this morning...

TREASURER:

Are there any questions on that or anything I said in the speech this morning. I'm happy to go to other matters. I'm sure you listened very carefully.

QUESTION:

How do you resolve the question of Josh Frydenberg's citizenship that is not through an audit then?

TREASURER:

Well, there is nothing to be resolved. This hyperventilated accusation against Josh Frydenberg, I think, just demonstrates once again we've spent enough time, energy, cost on this issue. **We're now getting to, I think, the rather disappointing level where stateless refugees to Australia actually coming here after the Second World War are being drawn into this.** The Australian public, I think, have had a gutful of this. It's hard enough to understand how this situation arrived in the first place, it came out of absolute nowhere, the High Court has made its decision and we need to get back to what the Australian people expect everyone to focus on. The Government is certainly doing that. I would encourage others to do the same. The way that these allegations have been set against **Minister Frydenberg**, I think, just highlights the hysteria which has now gripped some of the ways that these matters have been dealt with, and I think it demonstrates that frankly enough is enough. It's time to move on. **If individual members have issues, then they can raise them, but we're not getting into these Salem Witch Trials on citizenship through the media.** We will be moving on as a government and focussing on things important to Australia.

QUESTION:

But this **isn't about citizenship though, it's about complying with the laws.** You require every Australian to comply with the law, why aren't we requiring our federal representatives?

TREASURER:

Well, we are.

QUESTION:

Clearly they are not, we've got five…

TREASURER:

No, I'm sorry. **We had this discussion at yesterday's press conference. Members of the Australian Parliament have self-identified, put themselves before the High Court or since then have self-identified and resigned from the Parliament.** So Australian parliamentarians have been ensuring and been very open and on their own initiative have been ensuring their compliance and where they haven't been compliant, have taken the necessary steps. Now, that's how it should happen, that's exactly how it should happen. But enough time, money and energy has been wasted on the endless discussion of these issues, and I think Australians are fed up with it. It's one of the reasons why Australians are turning down the sound on Canberra, and it's not just on politicians, it's on the media as well, because this issue is not something that Australians are concerned about. They are concerned about Bill Shorten's tax policies, not his genealogy. They are concerned about the fact that Bill Shorten would restart the people smuggling trade, not who his parents are. These are issues that are of concern to Australians. They are worried about their energy prices and the fact that Bill Shorten's 45 per cent emissions reduction target would mean that power prices would be astronomical under a Shorten government. They are not worried about who people's parents are. That is an internal discussion that has been happening in Canberra that the rest of the country just doesn't get and they want all of us to focus on the things that matter to them.

QUESTION:

What would Mitch Fifield have done when Stephen Parry approached him about his citizenship dilemma?

TREASURER:

I think Mitch explained those things yesterday.

QUESTION:

Do you think that Senator Fifield is appearing to be contributing to a cover-up in terms of a citizenship...

TREASURER:

No, I don't.

QUESTION:

I know you are saying these are allegations that have been raised but if other senators have come before the High Court, they have been found to have been dual citizens, this has now been raised with **Josh Frydenberg**. Doesn't it need to be resolved as the others have?

TREASURER:

No.

QUESTION:

Why not? **Why is Josh Frydenberg different?**

TREASURER:

Because **I don't believe people are guilty until they're proved innocent in this country and that's frankly how some of these issues are now being raised. There are no issues with Josh, there are none, absolutely none, and, I think, frankly the suggestion has been pretty offensive with regard to Josh's family and his family history.** I mean, how far are they going to go with this? Seriously, how much further are you going to go with this? Here is an Australian, **whose family came here out of the horrors of the Second World War** and apparently that's the reason why energy prices are too high. No, they're not. That's rubbish, and it's time for everybody to focus on what matters to Australians and it isn't who Josh Frydenberg's parents are. Josh Frydenberg's parents are great Australians. Josh is a great Australian. They are a family that has demonstrated, frankly, what the great joy of Australia is all about. Let's celebrate that. Let's celebrate that about Josh and let's get back to work.

Thanks very much for your time.

Article – ABC News

Josh Frydenberg denies Hungarian-born mother implicates him in dual citizenship saga

By political reporters Tom Iggulden and Henry Belot
Updated 3 Nov 2017, 2:46pm

PHOTO: The Minister for Environment and Energy denies he could be a Hungarian citizen by descent. (ABC News: Nick Haggarty)
RELATED STORY: Parry told senior colleagues about citizenship concerns months ago
RELATED STORY: Labor softens stance on citizenship audit, accuses Government of cover-up

Energy Minister Josh Frydenberg has flatly denied suggestions he may be a Hungarian dual citizen and says the assertion is inhumane and irrational.
Key points:

- Josh Frydenberg has engaged an investigator in Budapest, made inquiries to the embassy
- Hungary has rules that can confer citizenship by descent
- "I was born in Australia to two Australian citizens," he says

In a cruel twist of fate, Mr Frydenberg has faced questions about the possibility of being a dual national in the country that persecuted his Jewish mother.

Erica Strausz was born in Hungary and escaped the Holocaust to Australia, arriving as a child via a refugee camp in 1950.

Hungary has rules that can confer citizenship by descent, creating a potential problem for Mr Frydenberg, who has engaged an investigator in Budapest and made inquiries to the Hungarian embassy.

Mr Frydenberg has produced immigration entry documents from 1950 that describe his mother as stateless.

He insists that means she was not a Hungarian citizen and that he cannot be by descent.

"It is absolutely absurd to think that I could involuntarily acquire Hungarian citizenship by rule of a country that rendered my mother stateless," he said.

"I was born in Australia to two Australian citizens."

Mr Frydenberg said even if his mother had been a Hungarian citizen, he was still in the clear.

"I have never sought to be a citizen of another country and neither has anyone sought to do that on my behalf," he said.

The suggestion Mr Frydenberg could have citizenship issues was first published in The Australian newspaper.

"It's a very sad situation where these sort of allegations are flying around making absurd propositions that people can be citizens of another country based on their parents coming to Australia as stateless persons," he told AM.

Treasurer Scott Morrison said the reports were offensive and that some of the commentary and politics around citizenship had become hysterical and distracting.

"I mean frankly, the suggestion is pretty offensive in regards to Josh and his family history," Mr Frydenberg said.

"I mean seriously, how much farther are you going to go with this?"

Labor's leader in the Senate Penny Wong said she accepted Mr Frydenberg's version of events and said his case showed the complexity of the problem.

Senator Wong said no Australian lawyer or retired judge would be able to comprehensively understand Hungarian citizenship law, casting doubt on whether an audit would provide the certainty politicians are searching for.

"This is why it isn't a simple solution to say 'we will find someone to do an audit of everyone'," she said.