

**Model Submission to the
Senate Inquiry into Australian Expatriates**

*for use by Australian-born Maltese Citizens
who had to renounce their Australian Citizenship before 10 February 2000*

Many Australian-born Maltese citizens had to renounce their Australian citizenship between their 18th and 19th birthdays. At present, Australian law does not allow these people to resume their lost Australian citizenship and thereby become dual Maltese/Australian citizens.

The Australian Senate's Legislative and Constitutional References Committee is currently conducting an Inquiry into Australian Expatriates. For further details about the Inquiry, see:

http://www.aph.gov.au/senate/committee/legcon_ctte/expats03/index.htm

The Southern Cross Group believes that this Inquiry presents a new opportunity to stress the plight of Australian-born Maltese in Canberra again and to lobby for appropriate change in Australian citizenship law to allow this group to regain their Australian citizenship.

If you are one of the people affected, you can help our advocacy efforts by making a submission to the Inquiry along the lines suggested below.

NB: This three-page document is intended as a reference for your information only. Don't send these pages to the Senate Committee.

THIS IS NOT A FORM TO SIMPLY FILL IN AND SEND OFF. We suggest you refer to the model text below using it as a basis ***BUT*** retype or hand write your own submission on a fresh piece of paper, using your own letterhead if available, filling in the blanks and tailoring your submission to make it as personal as possible. It's very important to adapt our suggested text below so that it properly details your individual story. You'll see our suggestions for how you can personalise your submission in brackets in italics in bold. Take care however that our italicised bold suggestions are not part of your final submission.

An electronic version of this document in pdf format can be downloaded from ***www.southern-cross-group.org*** or you can obtain the file by e-mail from ***norman@southern-cross-group.org***, tel 79-468329. Norman can also help with any questions you may have.

Don't forget - submissions are due in Canberra by Friday 27 February 2004. Send your submission by airmail, fax or e-mail directly to the Australian address below.

Your full name.....
Street.....
City/Town.....
Country.....
Telephone.....
Fax.....
E-mail.....

To: The Secretary
Senate Legal and Constitutional References Committee
Parliament House
Canberra ACT 2600
AUSTRALIA
Fax: +61 2 6277 5794
E-mail: legcon.sen@aph.gov.au

Date:.....

Submission to Inquiry into Australian Expatriates

Dear Sir/Madam,

I was born in **(city/town)** in Australia on **(date of birth)**.
My mother and/or father migrated to Australia from Malta in **(year/s - adapt as necessary)**.

As a child I enjoyed dual citizenship: I was Australian by birth under Australian law and Maltese by descent under Maltese law.

In **(year)**, when I was years old, my family moved back to Malta.

Under Maltese citizenship law I was required to decide between Maltese and Australian citizenship between my 18th and 19th birthdays. Prior to amendments which took effect on 10 February 2000, Maltese citizenship law did not allow dual citizenship in adulthood.

I was required by the Maltese citizenship authorities to present documentary evidence that I had formally renounced my Australian citizenship under Australian law using Section 18 of the *Australian Citizenship Act 1948*, in order to keep my Maltese citizenship beyond my 19th birthday.

I opted to keep Maltese citizenship in adulthood due to the fact that life in Malta for me without Maltese citizenship would have been extremely difficult. In particular..... **(elaborate on the practical and financial reasons behind your choice - e.g. access to free tertiary education only with Maltese citizenship; access to employment in the public service, armed forces etc; ability to purchase property in Malta; ability to qualify for subsidised housing; access to social security benefits etc)**

At the time that I renounced my Australian citizenship I did so only because I felt compelled and essentially had no choice in the circumstances. I was extremely unhappy about forfeiting my Australian citizenship, because I was born in Australia, spent my formative years there and still consider myself to be "Australian" today, even if I am not legally an Australian citizen. **(elaborate and adapt as appropriate)**

Australian citizenship is my birth right because I was born in Australia. I still maintain close ties with Australia in the following ways. **(Insert information about family members still living in Australia; details of your trips to Australia in adulthood; business and other cultural links you may have with Australia, ways you contribute to Australia from abroad etc)**

The *Australian Citizenship Act 1948* contains a provision whereby those who lost their Australian citizenship under the now repealed Section 17 may resume their lost citizenship, as long as they are able to state an intention to return to Australia to live within three years.

I feel it is inequitable to deny those who lost their Australian citizenship under Section 18 the same resumption right, when the 2002 repeal of Section 17 signals that Australia as a country now accepts dual citizenship as sound policy for the 21st century.

Not only should the current resumption provision apply to Section 18 victims such as myself, but it should be broadened so that former Australians overseas are not required to make a declaration that they intend to return to Australia to live within three years. It is submitted that living in Australia should not be one of the tests of worthiness to resume Australian citizenship. Overseas Australians make valuable contributions in a multitude of ways to Australia.

Many Section 17 victims acquired other citizenships before 4 April 2002 because they felt compelled to do so at the time for financial or practical reasons affecting life in their country of residence. Australian-born Maltese are being discriminated against under Australian law simply because Maltese law at the time required a Section 18 renunciation when the citizenship laws of other countries did not.

I note that Australian law changed with effect from 1 July 2002 to allow people who renounced their Australian citizenship in order to retain another citizenship to apply to resume their Australian citizenship up to the age of 25 years. However, this provision does not assist me, because I was over the age of 25 on 1 July 2002.

(Include any final additional thoughts or material for the Senate Committee to consider here.)

Regardless of the fact that I am not formally an Australian citizen, I consider myself to be an integral part of Australia's now significant diaspora. Many thanks for the opportunity to contribute to the work of your Committee in this inquiry.

Yours faithfully

(Your Name)