



**MEDIA RELEASE**

**Senate Committee Recommends Australian Citizenship for Children of Australian-born Maltese – but Government's Final Position Still Unclear**

The Southern Cross Group (SCG) welcomes the tabling in Canberra on 8 March 2005 of the Senate Legal and Constitutional References Committee's Report in the Inquiry into Australian Expatriates. The 168-page report can be accessed at:

[http://www.aph.gov.au/senate/committee/legcon\\_ctte/expats03/report/report.pdf](http://www.aph.gov.au/senate/committee/legcon_ctte/expats03/report/report.pdf)

The Report is an important development for Australian-born Maltese citizens living in Malta and their children.

Approximately 2,000 Maltese citizens living in Malta today were born in Australia in the post-war period. They enjoyed Australian citizenship by birth under Australian law and Maltese citizenship by descent under Maltese law, i.e. dual citizenship, while they were minors. But when their parents decided to return with them to Malta to live, almost all of these people were forced to formally renounce their Australian citizenship by their 19<sup>th</sup> birthdays in order to keep Maltese citizenship in adulthood, due to requirements, which existed in Maltese law until 2000.

It is a continuing matter of great regret and sadness to many that they could not remain Australian citizens.

No mechanism currently exists under Australian citizenship law for these individuals to resume their renounced Australian citizenship. However, on 7 July 2004, the then Minister for Citizenship and Multicultural Affairs announced that the Government will shortly be amending the *Australian Citizenship Act 1948* so that these individuals can resume Australian citizenship simply by showing that they are persons of good character. No legislation has yet been introduced.

The situation concerning the children of these Australian-born Maltese has not been so clear-cut.

Normally children born outside Australia can only be registered as Australian citizens by descent if they have at least one Australian-citizen parent at the time of their birth. In the case of children born to Australian-born Maltese living in Malta, in almost all cases, the parent born in Australia had already been forced to formally renounce their Australian citizenship before the births of their children.

If Australian-born Maltese citizens had not been forced to renounce their citizenship as teenagers, their children born in Malta would have been able to have been registered as Australian citizens by descent.

The Government's 7 July 2004 pledge to amend the *Australian Citizenship Act 1948* was silent on whether these children would also be given access to Australian citizenship along with their Australian-born parents.

The Southern Cross Group has lobbied extensively for children to be included in the amendments, particularly within the context of the Senate's Inquiry into Australian Expatriates. Several hundred Australian-born Maltese citizens in Malta, most of them with children born after their own renunciation of citizenship, have sent e-mails and letters to the Inquiry and to the current Minister for Citizenship and Multicultural Affairs, the Hon Peter McGauran MP, urging him to include children in the bill that will eventually be tabled to implement the 7 July 2004 announcement.

The 8 March 2005 Report in the Inquiry into Australian Expatriates unequivocally recommends that these children be given access to Australian citizenship by descent.

However, it is far from clear whether the Government intends take up the Senate Committee's recommendation and include these children in the forthcoming legislation.

In a separate chapter at the end of the Senate Committee's 8 March 2005 Report, Government Senators do not endorse the recommendation of the majority of the Committee concerning children wholesale or for immediate action. Instead, they state that they support the matter "being taken into consideration in any further review of the *Australian Citizenship Act 1948*."

The SCG again calls upon the Australian Government to include the children of Australian-born Maltese in the legislation to amend the *Australian Citizenship Act 1948* which it is currently preparing. To continue to exclude these children from formal membership of the Australian family would be a significant injustice, and would sit poorly with numerous other efforts underway in Australia and abroad to achieve the recognition of Australia's diaspora as an integral part of the Australian nation.

8 March 2005

Background Information:

[www.southern-cross-group.org](http://www.southern-cross-group.org)

[http://www.aph.gov.au/senate/committee/legcon\\_ctte/expats03/report/report.pdf](http://www.aph.gov.au/senate/committee/legcon_ctte/expats03/report/report.pdf)

<http://www.southern-cross-group.org/malta/overview.html>

<http://www.southern-cross-group.org/mediareleases/overview.html>

<http://www.citizenship.gov.au/info/changes.htm>

Media Inquiries:

Norman Bonello, Southern Cross Group Co-ordinator in Malta, [norman@southern-cross-group.org](mailto:norman@southern-cross-group.org), mobile +356 79 468 329.

John MacGregor, Southern Cross Group Co-ordinator in Australia, [sid@southern-cross-group.org](mailto:sid@southern-cross-group.org), tel/fax + 61 2 6247 6952, mobile +61 (418) 621 918.

Anne MacGregor, Southern Cross Group Co-founder in Belgium, [anne@southern-cross-group.org](mailto:anne@southern-cross-group.org), mobile +32 474 950 131.