

The Southern Cross Group

Promoting Mobility in the Global Community



25 August 2004

Dear Australian-born friends in Malta,

Update on Australian Citizenship Resumption Campaign

We thought it timely to write to everyone we have in our database whom we have identified as directly affected by this issue. Many of you took the time earlier in the year to make submissions to the ongoing Senate Inquiry in Canberra into Australian Expatriates, and we are pleased to report that progress is most certainly being made. But some work remains to be done, as you will see from our report to you below.

1. Good News - Resumption of Citizenship to be Allowed

Those for whom we have e-mail addresses will have received an e-bulletin from the Southern Cross Group on 9 July 2004. Many will have seen media coverage of this matter in Malta over the last few weeks. Some people however are still not entirely clear as to what is happening.

On 7 July 2004, in a speech given in Sydney, the Australian Minister for Citizenship and Multicultural Affairs, the Hon Mr Gary Hardgrave MP, announced that the Australian Government plans to amend the *Australian Citizenship Act 1948* ("the Act") to bring about a number of reforms which will positively impact many in the Australian diaspora. Most of these planned reforms have been lobbied for by the Southern Cross Group over a number of years. You can read the Minister's media release and full speech at:

<http://www.minister.immi.gov.au/cam/media/media04/h04128.htm>

One of the forthcoming changes directly concerns Australian-born people who moved to Malta as children or teenagers and formally renounced their Australian citizenship under Section 18 of the Act in order to retain Maltese citizenship in adulthood, before Maltese citizenship law changed on 10 February 2000 so that renunciation was no longer necessary. Under Australian law, as it presently stands, this group of people cannot resume their lost Australian citizenship.

The Minister has now said that resumption of Australian citizenship will become possible for these people. Specifically, once the Act is amended and the changes come into force, former Australian citizens who renounced their Australian citizenship to retain Maltese citizenship will be given the opportunity to resume their Australian citizenship. The only condition will be that you will have to show that you are of good character.

We would like to thank everyone who has participated in our campaign to date for their efforts. Over 300 Australian-born Maltese made submissions specifically on the resumption issue to the Senate's Inquiry into Australian Expatriates in late February 2004. This impressive volume of representations, coupled with the advocacy work that the Southern Cross Group has consistently been engaging in on behalf of Australian-born Maltese since late 2001, has finally won the day.

1.1 Timing

It is very important to understand that the law has not changed yet. The Government has said that the law is going to change to allow resumption, but in order to amend the Act, a bill needs to first be drafted and then introduced into Parliament. It then has to be passed by the House of Representatives and the Senate. Finally, it has to be assented to by the Governor-General and enter into force.

Only then will you be able to make an application to resume your lost Australian citizenship.

At this stage, our understanding is that the bill to amend the Act is still on the drawing board. With an Australian federal election to take place very shortly, we do not expect the bill to be introduced into Parliament until some time in 2005. We will keep everyone apprised of legislative developments, and would encourage you to make sure that we have your full postal address, telephone and e-mail contact details for this purpose. We know that most of you will understandably want to apply to resume your Australian citizenship as soon as the changes are in force.

1.2 Dual Citizenship

A number of people have asked us whether, on resuming their Australian citizenship, they might lose their Maltese citizenship. We confirm that you will not lose your Maltese citizenship if you choose to resume your Australian citizenship once the law changes in Australia. Your life as a Maltese citizen in Malta will not be affected in any way, but you will also enjoy all the privileges of Australian citizenship. Most importantly, you will be able to enter Australia at any time, for a holiday or to live and work, without a visa. You will simply have two citizenships, i.e. Maltese and Australian. You will become a dual citizen.

2. Not So Good News - Children

Many people who renounced their Australian citizenship in Malta before 10 February 2000 have children.

In most cases, these children were born in Malta **after** their Australian-born parent renounced their Australian citizenship. Such children do not presently qualify to be registered as Australian citizens by descent because they did not have an Australian-citizen parent at the time of their birth.

Now that their Australian-born parents will soon have an opportunity to resume their lost citizenship, will these children also have access to Australian citizenship as part of the reforms?

The answer, at present, is that it is not clear.

2.1 Reforms as Announced Do Not Include Children of Section 18 Victims

The reforms as detailed in the Minister's 7 July 2004 announcement do not extend to these children. This was immediately apparent to us when we analysed the Minister's 7 July 2004 speech and media release. We questioned the Department of Immigration (DIMIA) in Canberra by telephone on 9 July 2004 as to whether the exclusion of these children from the reforms was deliberate or simply an oversight, and e-mailed the Minister's office. We were told that the specific issue of Section 18 children had not been addressed because it had not yet been brought to the Minister's or the Department's attention.

2.2 Further Lobbying Efforts re Children Since the Minister's Announcement

On 23 July 2004, therefore, the Southern Cross Group made an official submission on this matter, calling for the inclusion of Section 18 children in the reform package in the bill to be put before Parliament, to the Senate's Inquiry into Australian Expatriates. The submission was also sent to the Minister and DIMIA.

Hearings were held the following week in Sydney, Melbourne and Canberra as part of the same Inquiry. At the Sydney hearing, on 27 July 2004, Lawrence Dimech, President of Maltese Welfare (NSW) Inc, made clear to the Senate Committee that children of Section 18 people should be given access to Australian citizenship.

At the Canberra hearing, on 29 July 2004, John MacGregor, Australian Coordinator for the Southern Cross Group, again made the same point.

Finally, on 4 August 2004, the Southern Cross Group's Co-founder Anne MacGregor gave videolink evidence from London to the Inquiry in a further hearing. She told the Senate Committee that the Southern Cross Group was "disappointed that DIMIA had missed identifying this group of children in its work to date" and further stated:

Statements that there had not been correspondence about this matter are well and good but are nevertheless insufficient justification for why the minister failed to include this group of children in his 7 July reforms.

We would hope that DIMIA's role should not just be one of being reactive to submission and letters that it receives from people with particular problems. We should be able to rely on the department to work proactively at all times as well. It is a matter of simple commonsense that individuals who renounced their citizenship under Section 18 will in many cases have parented children since that renunciation. We submit that the situation of those children is no different, practically speaking, from the children born to Section 17 victims after their loss of citizenship.

We see it as being very important that this inquiry recommend that the announced changes be extended to include the children of Section 18 victims born after their parents' loss of citizenship.

There is no doubt that it would be illogical for a parent to be able to resume Australian citizenship while their children remained excluded from obtaining Australian citizenship. If Maltese children are not included in the forthcoming reforms, we will find in the future that many families will be "split", with a parent or parents holding dual Maltese/Australian citizenships and children only Maltese citizenship.

Note also that children born in Malta in the future to Maltese/Australian dual citizen parents will be able to be dual citizens, whereas their siblings born before their parent's resumption of Australian citizenship would just be Maltese if the Minister does not extend the reforms to children as we are advocating.

2.3 We Still Need Your Help

As we have said, the bill to amend the *Australian Citizenship Act 1948* is still being drafted. Exactly what it will eventually include beyond the reforms specifically enumerated by the Minister on 7 July 2004 is still open.

So we need your help to convince the Australian Government that these children should be given the right to acquire Australian citizenship. It is very important that they are included in the forthcoming bill.

It seems that the Minister and the Department are prepared to listen further. When questioned on the matter by Senator Bolkus during the Inquiry hearing in Canberra on 29 July 2004, Mary-Anne Ellis of the Citizenship Branch of DIMIA (Canberra) said that this "*is an issue that will be considered*". The more that the Minister and DIMIA in Canberra hear about this, the greater the chance that we will achieve the changes we want for the children of Australian-born Maltese.

What you can do to help is set out in the attached documents. Whether or not you have children, act quickly!

3. Children Born to Australian-born Maltese Before Australian Citizenship was Renounced

In a few cases, children may have been born in Malta **before** their parent renounced Australian citizenship. The citizenship status of these children is slightly different legally to those of children born **after** their parent renounced. If you or someone you know is in this situation, we would like to hear from you so that we can provide you with further information.

4. Please Spread the Word

You may know other individuals in Malta, who are not on our mailing list, who were also born in Australia and who had to renounce their Australian citizenship as teenagers under Section 18 of the Act. We know there are almost 2,000 of you out there, but we haven't found all of you yet!

If you know someone else, please pass on a copy of this material to them. We would like to make sure that everyone concerned is kept up to date with accurate and timely information. Those who don't know about the forthcoming changes might inadvertently miss out on resuming their lost Australian citizenship once the law changes.

5. Help us Keep You Informed

The Southern Cross Group is an independent, non-profit, entirely volunteer-run organisation that supports the Australian diaspora. Our financial overheads are met by small donations from those who appreciate our work, and out of the personal pockets of our volunteers. Because finances are limited, we prefer to communicate with our large mailing list via e-mail, to keep costs down.

People who are not on our e-mail bulletin list can sign themselves up using the button at:

www.southern-cross-group.org

Make sure you provide us with all your contact details, including your country of residence, when you fill in the sign-up form on our site. If you have trouble signing up, send an e-mail to:

info@southern-cross-group.org

We understand that not everyone has access to the internet. If you don't have e-mail, please write to us with your full contact details so that we can add you to our postal mail list:

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6. Make a Donation to Show Your Appreciation

If you would like to make a donation to the Southern Cross Group to support our work, you can do so online using the Amazon Honor System accessible through our website.

If you don't want to donate online and would prefer another method, then please get in touch with Norman Bonello, details above. Donations of postage stamps and other in-kind items may also be useful in our work and are very welcome!

We would like to extend our warmest thanks to the following individuals and companies who have already made donations to the Southern Cross Group in Malta to assist us with our campaign:

Edward Mifsud of Lowenbrau (Marsovin) agents for  *'The Famous Australian Beer'*



Joseph Azzopardi (Zener)



Anthony Borg (KUBEK)



Mario Schembri (AIS Environmental Ltd)

Kind regards,

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