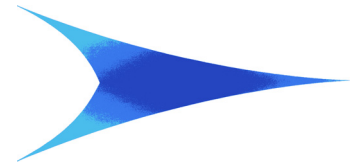


The Southern Cross Group

Promoting Mobility in the Global Community
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MEDIA RELEASE

Australian-Born Maltese Misled on Citizenship Changes

Up to 2 % of Maltese Population Would Gain Access to Australian Citizenship if Current Lobbying Efforts to Include Children are Successful

The Southern Cross Group emphasised today that information on Australian citizenship which has recently appeared in the *Times of Malta* was highly misleading for Australian-born Maltese people living in Malta.

On 15 September 2004, the *Times of Malta* stated that a new Australian "law also permits the children of these Maltese to apply for Australian citizenship though they must be under 18 and born after their parent or parents had renounced their Australian citizenship."

This statement is wrong in law.

In an attempt to correct the statement, on 16 September 2004 the *Times of Malta* stated that: "The Australian High Commission yesterday clarified that under a proposed new law, children under 18 would be able to apply for Australian citizenship if they were born after their parent or parents had lost Australian citizenship."

However, that statement is also incorrect.

It is already possible for minor children born to people who lost their citizenship under Section 17 of the *Australian Citizenship Act 1948* after the parent's loss of citizenship to apply for Australian citizenship by grant. A policy change (not a legislative change) to make this possible was announced in October 2003 by the Australian Minister for Citizenship:

<http://www.citizenship.gov.au/media/children.htm>

But it is essential that Australian-born Maltese understand that this 2003 policy change is irrelevant for them - their children are NOT covered by it.

Only a tiny number of Australian-born Maltese people in Malta today lost their citizenship under Section 17 of the Act - perhaps as few as two or three persons. The overwhelming majority (approximately 2,000 people) renounced their citizenship under Section 18 of the Act before their 19th birthday, in order to retain their Maltese citizenship in adulthood. Children born after a parent renounced Australian citizenship under Section 18 are NOT covered by the October 2003 policy change.

Neither are there presently any firm proposals from Canberra to allow the children of Australian-born Maltese citizens who renounced their citizenship under Section 18 to have access to Australian citizenship.

Although proposed citizenship law reforms were announced by the Australian Citizenship Minister Gary Hardgrave MP on 7 July 2004 (which have yet to become law), those measures inadvertently overlooked the children of Australian-born Maltese. The Australian Department of Immigration has since confirmed on the record as part of a Senate Inquiry in Canberra that such children are not covered by the 7 July 2004 reform package.

The 7 July 2004 announcement made clear that Australian-born Maltese themselves will be able to apply to resume their Australian citizenship when the reforms become law, probably some time in 2005. But the Minister was silent in that announcement about access to Australian citizenship for their children.

The Southern Cross Group (SCG) is presently campaigning to have the children of Australian-born Maltese people who renounced their Australian citizenship under Section 18 additionally included in the bill to be laid before Parliament which will encompass the proposed changes announced on 7 July 2004.

SCG Co-founder and lawyer Anne MacGregor said from Brussels: "While we welcome the Minister's July 2004 proposals to allow the resumption of Australian citizenship for Australian-born Maltese citizens who used Section 18, if their children (whether still minors or now 18 or over) are not provided with access to Australian citizenship as part of the same reform package, the job will only be half done. It would be discriminatory to allow children of

parents who lost citizenship under Section 17 access to Australian citizenship while children of parents who renounced citizenship under Section 18 are left out in the cold."

The SCG called on all Australian-born Maltese citizens in Malta, whether or not they have children, to e-mail the Australian Minister for Citizenship using the template on its website:

<http://www.southern-cross-group.org/minister.php>

Norman Bonello, the SCG's Coordinator in Malta, said: "Recent media reports in Malta may have lead people to believe that it is already a foregone conclusion that children of Australian-born Maltese who renounced their citizenship will soon have access to Australian citizenship. We stress that this is not the case. We are continuing to lobby Canberra on this matter, and we ask all those affected to add their voices to ours."

Mr Bonello continued: "If we estimate that each Australian-born person in Malta could on average have two children, then we are talking here about access to Australian citizenship for around 6,000 people in total: 2,000 persons born in Australia, and approximately 4,000 children born to them in Malta. If we can convince the Australian government to include Maltese children in the reforms, then we are looking at between one and two percent of the population in Malta gaining access to Australian citizenship once the legislation goes through in Canberra, a not insignificant number".

A federal election will be held in Australia on 9 October 2004. If the current Liberal/National coalition government is returned to power, it is expected to table a bill in Parliament during 2005 to amend the *Australian Citizenship Act 1948*.

If the current government loses office, it is understood that the Australian Labor Party, currently in Opposition, supports citizenship reforms concerning Australian-born Maltese and would be committed to seeing their safe passage through Parliament.

It should be noted that none of the changes announced on 7 July 2004 will come into force until amending legislation is passed by both the House of Representatives and the Senate, and assented to by the Australian Governor-General. Until the amendments are enacted and come into force, it will not be possible for Australian-born Maltese citizens who used Section 18 to apply for resumption of their Australian citizenship.

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Further Information

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

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

<http://www.southern-cross-group.org/minister.php>

Section 17 of the *Australian Citizenship Act 1948* was repealed with effect from 4 April 2002. It provided for the automatic loss of Australian citizenship on the acquisition, by an adult, of another citizenship. Until its repeal, it meant that Australians who were naturalised in other countries forfeited their Australian citizenship on the date they obtained their new citizenship. The SCG is to date only aware of one case of loss of citizenship under Section 17 by an Australian-born Maltese person in Malta.

Section 18 of the *Australian Citizenship Act 1948* is still in force and provides for the formal renunciation of Australian citizenship. Until Maltese law changed on 10 February 2000, Australian-born Maltese who enjoyed dual citizenship as children were forced to use Section 18 by their 19th birthdays in order to keep their Maltese citizenship in adulthood. Maltese law did not allow dual citizenship in adulthood, and Maltese authorities required evidence that a person had renounced their Australian citizenship formally under Australian law. Approximately 2,000 Australian-born Maltese citizens in Malta today used Section 18 before 10 February 2004. The full text of Section 18 is available at:

<http://scaleplus.law.gov.au/html/pasteact/0/381/0/PA000270.htm>

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