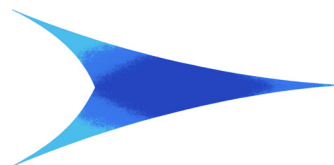


The Southern Cross Group

Promoting Mobility in the Global Community



Timing of the Australian Citizenship Bill 2005

Making Plans for the Future

We know that many of you in Malta are very anxious to resume your Australian citizenship. But it is important to understand that the *Australian Citizenship Bill 2005* has to be passed by both Houses of Parliament in Canberra and be assented to by the Governor-General, and that after that the relevant provisions in the new Act need to come into force, before you will be able to apply for resumption.

Parliament has now risen for the summer recess and will not sit again until 7 February 2006. Even if the House debates and votes on the *Citizenship Bill* in February 2006, the Senate will not debate it until the Senate Committee has delivered its Report in the new Inquiry, and that won't be before the end of February 2006.

At this stage we think that applications for resumption of citizenship will probably only become possible from around mid 2006 at the earliest. Once application forms become available, it will probably take most people at least a few weeks to fill in the application form and collect up the necessary supporting documentation before the application can be lodged. You will have to pay a filing fee to lodge your application. Then, even when you lodge your application for resumption, it will take several weeks or even months to be processed by the Australian authorities.

We stress that it is impossible to predict at this stage when the new law will be operational. Please understand that if you are planning on moving to Australia to live after you resume your citizenship, it is premature to start selling your house, furniture and car, or to give up your job in Malta at this stage. We point this out because a number of people seem to have unrealistic expectations as to the timing of these changes.

Note also that if you want to move to Australia to live after you resume your Australian citizenship, and you have immediate family members who are not Australian citizens who will be accompanying you (partner, spouse, dependent children), they will need special migration visas before they can live in Australia, and those visas can only be applied for after you have resumed your Australian citizenship. The Australian citizen spouse will have to sponsor the non-Australian citizen spouse and dependent children as part of this process. Applications for migration visas for other family members will incur a filing fee with the Australian authorities.

Some people have been telling us that they intend to go to Australia as tourists before the law changes and then just wait in the country until the changes are in force and then apply for resumption of their citizenship while in Australia. This is not a wise approach, as we can have no real idea at this stage when the changes will come into force. In your own interests, the safest plan is to apply for resumption from Malta. Migration visas for any non-Australian family members should also be applied for from Malta and should be granted before you move as a family to Australia.

People who are not Australian citizens and who are Maltese citizens can enter Australia as tourists or visitors on an Electronic Travel Authority (ETA) Visa which is simple to obtain. Note however that an ETA is only valid for three months, and that you cannot work in Australia while on an ETA Visa. These are intended as holiday visas only.

It is extremely unwise to enter Australia on an ETA and then to overstay beyond the three months or to work in Australia while on an ETA. Overstaying or working on an ETA would mean that you go on file with the Australian immigration authorities as a person who has breached the law, and it will prejudice any future dealings you have with the authorities. If you later want to apply to resume your Australian citizenship once the law changes, your application could be refused because you are not considered to be of good character. The same applies for applications for any other type of Australian visa which non-Australian citizen family members will need to migrate to Australia as part of an Australian citizen's family. You could also be refused future ETAs, making even short visits to Australia impossible, if you breach the conditions of an ETA.

The SCG will be providing everyone with basic pointers as to how to apply for resumption of citizenship and for migration visas for non-Australian family members when the law changes.

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