



Many Maltese born in Australia had to choose between Australian and Maltese citizenship when they were 18, though those who chose to remain Maltese are due to get a second chance to have both due to amendments to the Australian Citizenship Act. But their children are not likely to have the same opportunity. **ROSANNE ZAMMIT** reports.

# Heritage lost



Anne MacGregor

The Australian Senate is considering the Australian Citizenship Bill 2005, which will give people the chance to regain their lost Australian heritage.

If enacted, it will enable many Maltese who renounced their Australian citizenship on their 19th birthday – because dual citizenship was not available across the board in Malta until 2000 – the right to reclaim their Australian nationality.

But, under the Bill, about 3,000 offspring born after their parents renounced Australian citizenship will not be given the same opportunity. On November 30 last year, the Bill was referred to the Senate Legal and Constitutional Legislation Committee for inquiry and report. The report tabled last Monday does not recommend the inclusion of children – in contrast with the minority report by the Australian Labour Party (ALP).

The ALP has undertaken to move an amendment to the Bill which, if adopted, would solve this problem. The Greens have promised to support the amendment. But since the government in Australia controls both the House and the Senate, the proposed amendment is unlikely to be adopted unless there is a change of heart.

The public had the opportunity to make submissions to the inquiry and close to 400 Maltese sent their written submissions. About 20 children, who are too young to write, also sent in a submission in the form of a drawing. Another 163 people in Australia, most of them Maltese, wrote to support Maltese children on the issue. Eighty-five of them are Australians who do not have any direct link with an affected family in Malta, the rest are relatives or friends of those who are affected.

Another submission was from the Southern Cross Group, a global non-profit volunteer-run advocacy and support organisation for the Australian diaspora.

## Maltese have their say

The Southern Cross Group welcomed the Bill but called on the government not to deny children born overseas the opportunity to obtain Australian heritage.

Anne MacGregor, one of the founders of the SCG, said the Bill incorporated almost all the changes proposed by the group over the last few years on behalf of Australian expatriates. A key change was that members of the Australian community living overseas would be able to regain their citizenship as long as they are of good character.

However, the SCG was disappointed that the government decided to exclude children born overseas to individuals who were born in Australia and had to renounce Australian citizenship to continue with their life in Malta.

The children did not qualify for Australian citizenship by descent because technically their parents were not Australian citizens. But if they had not been forced to renounce it, the children would not be in such a predicament.

Ms MacGregor said that over 300 Australian-born Maltese living in Malta made submissions to a Senate inquiry in Canberra

looking into matters dealing with Australian expatriates.

In its report of this inquiry, published a year ago, the Senate's Legal and Constitutional References Committee unequivocally recommended that the children of Australian-born Maltese citizens be given access to Australian citizenship along with their Australian-born parents.

But the Australian government has yet to formally respond to that report.

Ms MacGregor said that according to the SCG's statistics on affected families in Malta, eight per cent of Australian-born people who had to renounce Australian citizenship were in their 20s, 57 per cent in their 30s, and 32 per cent in their 40s.

She said that demographically, Australia could only benefit by allowing these offspring to become its citizens since they were far more likely to spend some or all of their future in Australia if they were Australian citizens.

Once the inquiry report was published last Monday, the SCG expressed disappointment at the senate committee's failure to recommend the inclusion of children in the Bill.

Ms MacGregor said that the children could now only obtain citizenship through the backdoor – a less advantageous and complex route – by applying for spouse-dependent or child visas, provided they are sponsored by an Australian citizen.

The SCG will be holding workshops explaining how to go about applying to resume Australian citizenship as soon as it knows when the new legislation will come into force. Later, it will also hold clinics in Malta explaining visa options.

## Citizenship for the children

Siblings 15-year-old Darrel and 11-year-old Jasmin Schembri of St Julians both hope they will get Australian citizenship in order to be able to follow their dreams.

Darrel dreams of an opportunity to play football with the Australian international side, while Jasmin, who wants to be a dancer, would like to perform at the Sydney Opera House.

Darrel and Jasmin's father, Mario, lost his Australian citizenship when he was 19 when he had to choose. Being a student in Malta and having his family here, Mr Schembri opted to retain Maltese citizenship but his love for Australia, where he was born, never died.

So much so that he has managed to pass on this love to his children who are eager to venture out and try their luck there when there are more and better opportunities.

Darrel said that if he were given Australian citizenship, he would most probably settle in Australia when he gets a bit older. At least, he wants to try it out.

Jasmin said she would like an opportunity to go into higher education in Australia. She believes that since it is a bigger country, it will give her better opportunities.

Mr Schembri, his wife Odette, and Darrel and Jasmin went to Australia on a three-week holiday in 2001 and they will be going there again at the end of this year.



Kim and Jasmin Schembri

Photo: Jason Borg

The whole family, Darrel said, were impressed by the organisation and efficiency of the country, especially when it came to the environment. The people were also very approachable.

Both Darrel and Jasmin agree that although they have only been to Australia for three weeks, there has been a lot of Australian influence in their lives.

## Child visa possible

Following a recent ministerial reshuffle Down Under, the Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs, Andrew Robb is now responsible for citizenship.

Mr Robb told *The Times* the Australian government's position as set out in the Bill was that provision is not to be made for children born after a parent renounced his and her Australian citizenship.

"This matter has been given careful consideration on a number of occasions by three successive ministers for citizenship and multicultural affairs," Mr Robb said.

However, he added that the child of an Australian national may still obtain Australian citizenship.

Mr Robb said the Bill provided for former Australian citizens who renounced their citizenship to resume it. After doing so, they could sponsor family members for migration to Australia and a permanent child visa may be issued to any dependent child up to 24 years of age. The child would become eligible for Australian citizenship once he or she became a permanent resident in Australia.

## Labour Party to move amendment

The Australian Labour Party has undertaken to propose an amendment which, if adopted, would bring the children of those who were born after their parents renounced citizenship within the ambit of the new legislation.

The Lead Senator on the Senate's inquiry into the Citizenship Bill, Annette Hurley, who covers citizenship matters for the opposition, told *The Times* she was committed to trying to achieve citizenship for children of Australian-born Maltese people.

She promised that should the opposition's amendment not be adopted as the current

Bill goes through Parliament, she would impress upon the organisation and efficiency of the country, especially when it came to the environment. The people were also very approachable.

Asked if the ALP pledged to amend the legislation promptly should it gain office at the next election, Senator Hurley said that the party's policy was being developed this year and would be finalised at a convention next year.

However, the party's current commitment spoke about broadening citizenship, and she said she did not expect it to change.

And "if the Labour Party does not win the election, but has an opportunity to change the legislation along the lines of its current amendment, I will pursue that vigorously," Senator Hurley promised. *Alternativa Demokratika* said recently that Australian

Green Senator Kerry Nettle had confirmed that the Greens in the Australian Senate would be supporting the ALP's amendment.

Ms MacGregor, of the Southern Cross Group, said this meant another four votes but it still did not give the majority needed for the amendment to be adopted unless one or more coalition senators crossed the floor.



Drawings submitted by young Maltese children to the Senate legal and constitutional inquiry.