

The Southern Cross Group

Promoting Mobility in the Global Community



The Hon Kevin Andrews MP
Minister for Immigration and Citizenship
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House of Representatives
Parliament House
Canberra ACT 2600
AUSTRALIA

Via fax: 0061 2 6273 4144 and 0061 3 9848 2741

By e-mail to Kevin.Andrews.MP@aph.gov.au

13 June 2007

MALTA: Practical Arrangements for the Filing of Citizenship Resumption Applications under the *Australian Citizenship Act 2007*

Dear Minister

We note the Governor-General's proclamation dated 7 June which was published on ComLaw on 12 June and provides for the operative provisions of the *Australian Citizenship Act 2007* to commence on 1 July 2007.

We seek urgent clarification from you as to the detailed practical arrangements that your Department intends to put in place for individuals resident in Malta who will be applying for the resumption of citizenship under Section 29(3)(a)(ii) of the 2007 Act.

On Friday 8 June 2007 at approximately 6pm Canberra time, the SCG's volunteer co-ordinator in Malta received a call on his mobile phone from Ms Mary-Anne Ellis of your Department.

During that conversation, Ms Ellis verbally outlined various arrangements for Maltese applicants.

On the same day, the undersigned in Brussels e-mailed Ms Ellis and asked her to set out in writing what had been communicated to the SCG's Malta co-ordinator verbally that day. By e-mail of 12 June 2007, Ms Ellis refused to provide written confirmation. Those two e-mails are attached as **Annex 1**.

Various points concerning citizenship application procedures for Malta-based applicants have already been clarified by the Department for the SCG over the last few months in writing.

We write again at this time with the following specific additional queries.

Advice Previously Communicated in Writing

Does the Minister stand by all the information as to arrangements for Maltese applicants that the Department has previously provided to the SCG in Malta and in Brussels in written form?

Filing of Applications at the Australian High Commission in Malta

Will the Minister be insisting that individuals resident in Malta send their citizenship applications directly to Canberra? Or is it the case that applications cannot be filed at the Australian High Commission (AHC) in Malta?

The SCG submits that it should be possible for the Australian High Commission Malta to at least accept applications and payments, even if applications are then sent to Canberra by the AHC for further processing and decision-making. Acceptance of applications at the AHC in Malta would also avoid the need for people to entrust precious original documents in the mail to Australia.

Further, many individuals are not willing to send off their current Maltese passports to Australia for an indeterminate period as they will not be able to travel off the island of Malta for that period.

The SCG submits that officers at the AHC in Malta should be able to look at people's original documents, including passports (both old Australian passports and current Maltese passports) and compare them to the certified copies at the time an individual files in person at the AHC. Original documents can then be handed back to the applicant on the spot, as is already the case at other posts, such as London, and just the set of certified copies sent to Canberra with the original application form.

Endorsement of Photographs and Certified Copies

The Government's citizenship website presently states that

All documents must be originals, photocopies are not acceptable. Certified copies of the documents must also be provided with the application. The people that can certify documents are the same as those that can endorse photographs – see below. The original documents will be returned.¹

The same website also stipulates that

Where the applicant lives overseas and does not know an Australian citizen, the photograph may be signed by a citizen in the applicant's country of residence who is employed in one of the occupational groups listed above and who has known the applicant for at least 12 months if the applicant is over six years of age.²

Can the Minister confirm that this information applies equally for applicants in Malta?

Can the Minister specifically confirm that an applicant in Malta may have their photograph endorsed as well as copies of their original documents certified by a Maltese citizen in one of the listed professions?

The Department stipulates that the person who endorses the photograph and completes the proof of identity section of the citizenship application form must have known the applicant for at least 12 months (unless the applicant is less than 6 years old). The SCG understands that this is necessary for identity requirements concerning the photograph.

However, the SCG submits that the person who certifies documents as true copies of the originals should not need to fulfil the requirement of having known the applicant for 12 months. Lawyers in many jurisdictions for example are empowered by law to certify documents as true copies of the original given to them by people that they may not have met or known previously. All that is required is that the photocopy is a true copy of the original, and that the lawyer or other professional sees both the original and the photocopy of the document and attests to that fact in their written certification.

The SCG asks the Minister to confirm that certified copies for citizenship applications under the 2007 Act may be done by a non-Australian citizen or an Australian citizen who is a member of the listed professions and who may not have known the applicant for at least 12 months.

The SCG further asks the Minister to confirm that certified copies for citizenship applications under the 2007 Act will also be able to be done by a consular officer at the Australian High Commission in Malta, regardless of whether or not the AHC accepts citizenship applications.

Availability of Hard Copies of New Citizenship Application Forms

Will the Australian High Commission in Malta be making hard copies of the relevant citizenship application forms available to individuals resident in Malta on request, or is it the case that the AHC will not have hard copies of the forms, and that all applicants will be required to download application forms from the Government's citizenship website?

¹ <http://www.citizenship.gov.au/law-and-policy/new-act/na-resumption.htm>.

² <http://www.citizenship.gov.au/law-and-policy/new-act/photos.htm>. The full texts of both these pages as at 12 June 2007 are attached as **Annex 2**.

The SCG points out that a significant number of individuals in Malta and other countries do not have internet and printing access. Hard copies of the new citizenship application forms should be available at the Australian High Commission in Malta and other Australian consular posts globally at the latest from the morning of Monday 2 July 2007 local time.

We look forward to your prompt response on all of the above issues. Although you have tasked your Department to respond to all the recent letters we have sent you, in this instance, we would prefer a response signed by yourself.

Kind regards,

Anne MacGregor
Co-founder

Attachments: Annexes 1 and 2

Cc: Mr Tony Burke, MP
Shadow Minister for Immigration, Integration and Citizenship

Mr Jurek Juszczuk
Australian High Commissioner to Malta

Ms Mary–Anne Ellis, DIAC (via e-mail only)

Ms Nadine Clode, DIAC (via e-mail only)