



George Agius

The Secretary  
Senate Legal and Constitutional References Committee  
Parliament House  
Canberra ACT 2600  
Australia

21<sup>st</sup> January 2004

Submission to Inquiry into Australian Expatriates

Dear Sir/Madam

I was born Paramatta NSW in Australia on November 5<sup>th</sup> 1966. My parents migrated to Australia from Malta in 1965.

I was Australian by birth under Australian Law and Maltese by descent under Maltese Law, therefore as a child I enjoyed dual citizenship.

In 1972, my family moved back to Malta. At that time I was six years old.

Prior to the amendments coming in effect on the 10<sup>th</sup> February 2000, Maltese citizenship laws did not allow dual citizenship in adulthood. Therefore, between my 18<sup>th</sup> and 19<sup>th</sup> birthdays I was required by Maltese Authorities to present documented evidence that I had formally renounced my Australian citizenship under Australian Law ( using Section 18 of the Australian Citizenship Act 1948 ) in order to keep my Maltese citizenship beyond my 19<sup>th</sup> birthday.

At that time I chose to keep Maltese citizenship. As things were then, it would have been very difficult for me. My immediate problem was tertiary education. I was attending Technical College to obtain a Full Technician's Certificate, sitting for the City and Guilds of London exams. I was also part of an apprentice scheme, where I put into practice what I learned at school.

It would have meant losing my place in the apprentice scheme and free college education. Consequently, this would have had an adverse effect on my career and future employment.

I am still proud that I was born in Australia, renouncing my Australian citizenship was a compelled decision for the main reason above. I feel that Australian citizenship is my right because I was born there. Circumstances have prevented me from returning there

even on holiday. I still have close family ties in New South Wales, an aunt and two cousins.

The Australian Citizenship Act 1948 contains a provision whereby those who lost their Australian citizenship under the now repealed section 17 may resume their lost citizenship as long as they are able to state an intention to return to live in Australia within three years. It seems inequitable to deny those who lost their Australian citizenship under section 18 the same resumption right when the 2002 repeal signals that Australia as a country now accepts dual citizenship as sound policy for the 21<sup>st</sup> Century.

Not only should the current resumption provision apply to section 18 victims like me, but it should be broadened so that former Australians overseas are not required to make a declaration that they intend to return to Australia to live within three years. It is submitted that living in Australia should not be one of the tests of worthiness to resume Australian citizenship. Overseas Australians make valuable contributions in a multitude of ways.

Many section 17 victims acquired other citizenships before April 4<sup>th</sup> 2002 because they felt compelled to do so at the time for financial or practical reasons affecting life in their country of residence. Australian –born Maltese are being discriminated against under Australian law simply because Maltese law at that time required a section 18 renunciation when citizenship laws of other countries did not.

I note that Australian law changed with effect from July 1<sup>st</sup> 2002 to allow people who renounced their Australian citizenship in order to retain another citizenship to apply to resume their Australian citizenship. This however was limited up to the age of 25, and since I was over the age of 25 on July 1<sup>st</sup> 2002, it does not assist me.

Regardless of the fact that I am not formally Australian, I consider myself to be an integral part of Australia's now significant diaspora. Many thanks for the opportunity to contribute to the work of your Committee in this inquiry.

Yours faithfully



George Agius.