



22 January 2004-01

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

Dear Sir/Madam,

I was born in Sydney, Australia, on the 21st October 1970. My parents migrated to Australia from Malta in 1970. We resided in Sydney for about 3 years, then moved up to Brisbane where we spent 9 years, until my parents decided to return back to Malta in March 1982.

At that time I was 11 years old. When I turned to the age of 18, I was required under the Maltese Citizenship Law to decide between Maltese and Australian citizenship between my 18th and 19th birthday. Consequently, at the same time, I applied for a job with the Public Service and one of the conditions was that the candidate must be a Maltese citizen. Prior to amendments which took effect on 10 February 2000, Maltese citizenship law did not allow dual citizenship in adulthood.

Therefore, I had to decide. Actually, I was forced to give up my Australian citizenship because of the laws imposed, thus impinging my freedom to choose and decisions about my future life. Hence I renounced my Australian citizenship. I opted for a Maltese citizenship in adulthood due to the fact that life in Malta for me, without a Maltese citizenship would have been extremely difficult.

As I stated already, I renounced my Australian citizenship because I felt compelled and had no choice in the circumstances. I was extremely unhappy about giving up my Australian citizenship. I was born in Australia, spent my childhood years there and therefore I still strongly consider myself to be Australian and I'm proud of it, even though I'm not in the eyes of the Australian Law.

Australian citizenship is my birth right and with all due respect, I can't accept the fact that I'm being denied this right. I still maintain close ties with Australia. My cousins live on the Gold Coast in Queensland and I correspond with them regularly. It's my dream that in the near future I'll visit my cousins, but most of all to see my homeland Australia once again.

I would like to comment on certain provisions that in my opinion discriminate Australian-born Maltese under Australian Law, simply because Maltese Law at the time required provisions, when other countries did not.

One provision states that those who lost their Australian citizenship may resume it as long as they are able to state an intention to return to Australia to live within 3 years. I find this unfair, that victims such

as myself have to make such a declaration. It is submitted that living in Australia should not be one of the tests of worthiness to resume Australian citizenship.

I also noted that the Australian law was amended with effect from 1st July 2002, stating that a person who renounced his or her Australian citizenship, can apply to resume it, but only up to the age of 25. Unfortunately, again, this was another stab in the back as i was already over the age of 25 on 1st July 2002.

I would like to conclude on this thought. My parents are pensioners of Australia. They were born in Malta, therefore they are Maltese. They migrated to Australia to start a new life. My father worked like a dog so that we could have a decent life. Unfortunately for health reasons my father couldn't work anymore. My parents after a few years after this incident returned back to Malta. Therefore, in one way or the other, in some way, with all due respect to my parents, are recognised by the Australian Government. I, born in Australia, lived my childhood years in Australia, attended school in Australia, etc, am being denied a right that once I used to have and because of laws that existed at that time, i'm not even recognised by the Australian Government.

Finally, I would like to thank you for your work of your Committee in this Inquiry, and for giving me the chance to express myself and to contribute personally.

Yours faithfully,

Josman Delmar.