
29 January 2004

To: The Secretary
Senate Legal and Constitutional References Committee
Parliament House
Canberra ACT 2600
AUSTRALIA
Fax: 00 61 2 6277 5794

Submission to Inquiry into Australian Expatriates

Dear Sir/Madam,

I was born in Sydney NSW in Australia on 01-06-1959 and I am now 44 years old. My Maltese parents migrated to Australia from Malta in 1954, so as a child I enjoyed dual citizenship: I was Australian by birth under Australian law and Maltese by descent under Maltese law, (see attachment 1).

In 1967, when I was 7 years old, my family moved back to Malta. In my family I have one elder sister and one elder brother who were also both born in Sydney NSW in Australia. Under Maltese citizenship law I was required to decide between Maltese and Australian citizenship between my 18th and 19th birthdays. Prior to amendments which took effect on 10 February 2000, Maltese citizenship law did not allow dual citizenship in adulthood, (see again attachment 1).

I was required by the Maltese citizenship authorities to present documentary 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 19th birthday, (see attachment 2).

At the age of 22 in 1982 I returned to Melbourne, Australia with my Maltese wife where we had 3 children, Christopher in 1988, Natalie in 1989 and Sharon in 1991, (see attached copy of their birth certificate). We actually returned to Malta as a family of 5 members in 1992 and we have lived here since. We had a fourth child Monique here in Malta in 1994, who is unable to obtain Australian citizenship through descent as a result of my renunciation detailed above. This is a classic case of a "split" family, which may cause unnecessary hardship in future especially for our youngest daughter Monique, who is unable to maintain dual Australian/ Maltese citizenship for life like her 3 elders.

Please note that I opted to keep Maltese citizenship in adulthood throughout due to the fact that life in Malta for me without Maltese citizenship would have been extremely difficult. In particular, restrictions do apply with regards to employment in the Maltese public service, with regards to the acquisition of property in Malta, with regards to access to social security benefits in Malta and also if I remained in Malta as an Australian citizen I would not have been allowed to vote in National or Local Council elections.

At the time that I renounced my Australian citizenship in 1978 I did so only because I felt compelled and essentially had no choice in the circumstances. I actually left it till the very last minute, only 12 days before I turned 19. I remember vividly that I was extremely unhappy about forfeiting my Australian citizenship, because I was born in Australia and spent my formative years there. I definitely still consider myself to be "Australian" today

even if I am not legally an Australian citizen. **Australian citizenship is my birth right because I was born in Australia.** For obvious reasons mainly so because of my 3 elder children who were born in Melbourne, Australia I consider myself to have very close ties with Australia, not to mention prominently my ongoing Australian retirement policy with Zurich Australia Limited of Sydney to which I am still contributing from Malta to this day.

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 Australia to live within 3 years.

I feel it is inequitable to deny those who lost their Australian citizenship under Section 18 the same resumption right, when the 2002 repeal of Section 17 signals that Australia as a country now accepts dual citizenship as sound policy for the 21st century.

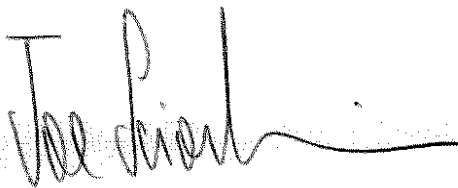
Not only should the current resumption provision apply to Section 18 victims such as myself, but it should be broadened so that former Australians overseas are not required to make a declaration that they intend to return to Australia to live within three years. It is submitted that living in Australia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

Many section 17 victims acquired other citizenships before 4 April 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 the time required a Section 18 renunciation when the citizenship laws of other countries did not.

I note that Australian law changed with effect from 01 July 2002 to allow people who renounced their Australian citizenship in order to retain another citizenship to apply to resume their Australian citizenship up to the age of 25 years. However, this provision does not assist me, because I was over the age of 25 on 01 July 2002.

Regardless of the fact that I am not formally an Australian citizen, 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, and apologies for having to write at length.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Joe Sciortino", with a long horizontal flourish extending to the right.

Joe Sciortino