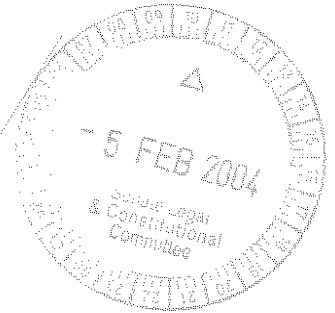


Mr Charles Steven Muscat

To: The Secretary  
Senate Legal and Constitutional References Committee  
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Date: 28-01-04



Dear Sir/Madam,

I was born in Parramatta in N.S.W Australia on 24-05-67. My mother and father migrated to Australia from Malta in about 1964. As a child I enjoyed dual citizenship as I was Australian by birth under Australian law and Maltese by descent under Maltese law. In about 1970 when I was about 3 years old, my family moved back to Malta. Under Maltese citizenship law I was required to decide between Maltese and Australian citizenship between my 18<sup>th</sup> and 19<sup>th</sup> birthdays. Prior to amendments which took effect on 10<sup>th</sup> February 2000 Maltese citizenship law did not allow dual citizenship in adulthood. 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 19<sup>th</sup> birthday. I chose to keep Maltese citizenship because life in Malta for me without Maltese citizenship would have been very difficult. I would not have been able to buy property, claim social security benefits or find a job in the public service.

I feel that I was forced to renounce my Australian citizenship and I have been extremely unhappy ever since because since I was born in Australia and spent my childhood there, I still consider myself to be Australian even I am not legally so. Australian citizenship is my birth right and I do not consider it fair to lose it the way I did. I have all my relatives in Australia from both sides of my parents which include aunties, uncles and cousins. In 1986 I got married to my wife Yvette and came to live in Australia for 2 years. My daughter Melissa was born there in 1987. I keep in contact with my relatives by phone, email and internet-chatting regularly.

The Australian Citizenship Act 1948 contains a provision where those who lost their Australian citizenship under the now repealed Section 17 may resume their lost citizenship as long as they are able to state an intention to return to Australia to live within 3 years.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 unfair to deny those who lost their Australian citizenship under Section 18 the same resumption right, when the 2002 repeal of Section 17 states 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 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 3 years. It is submitted that living in Australia should not be one of the tests of worthiness to resume Australian citizenship. Australians who live abroad make valuable contributions in many ways to Australia. 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 1<sup>st</sup> July 2002 to allow people who renounced their Australian citizenship in order to retain another to apply to resume their Australian citizenship

up to the age of 25 years. However this does not help me because I was over the age of 25 on 1<sup>st</sup> July 2002.

My greatest wish to get back my Australian citizenship is so that if one day my daughter decides to go back to her native country, my family and I would be able to join her and be able to live as a family over there. I thank you for the opportunity to contribute to the work of your committee in this enquiry

Your faithfully

Mr Charles Steven Muscat

A handwritten signature in cursive script that reads "C. Muscat". The signature is written in dark ink and is positioned below the typed name.