

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

From: Joseph Caruana

Malta

5<sup>th</sup> February 2004

Re: Regaining Lost Australian Citizenship

Dear Sir/Madam,

In 1965 my Maltese parents migrated to Australia. I was born on the 5<sup>th</sup> of May 1967 in Footscray, Melbourne (Australia). (See documents attached)

I enjoyed dual citizenship since I was born in Australia (so under Australian law I was Australian) and of Maltese descent (therefore Maltese according to Maltese law). Sadly on the 18<sup>th</sup> of March 1978 my family moved back to Malta. Since I was only 11 years of age I had no choice but to move back with them. At the time, Maltese law did not allow dual citizenship (this law was amended on the 10<sup>th</sup> of February 2000). I was required by Maltese citizenship authorities to renounce my Australian citizenship before I attained nineteen years of age in accordance with section 28(1) of the Constitution or else I would have lost my Maltese citizenship.

I had to opt to keep my Maltese citizenship since life in Malta would have been much more difficult for me otherwise. I would have had problems finding a job and difficulty in buying property. I would also have had renounced to social security benefits and the ability to vote during elections. Reluctantly I renounced to my Australian citizenship even though at heart I still felt Australian since I had spent my childhood there. This feeling has carried on all through adulthood and is still present today.

I learnt that the Australian Citizenship Act 1948 contains a provision by which those who renounced to their citizenship under the now withdrawn section 17 may gain back their lost citizenship as long as they have an intention to return and live in Australia within three years. I feel it is improper for me to be denied of such an opportunity since now Australia accepts dual citizenship as sound policy. I also feel it is unfair that while citizens from other countries did not have to renounce to section 18, I, as a Maltese individual at the time, had to renounce to what was rightfully mine.

With effect from the 1<sup>st</sup> of July 2002 Australian law allows those who renounced to Australian citizenship in order to hold on to another citizenship and were under 25 years of age to apply to regain their Australian citizenship. Sadly this provision is of no help for me since I was already over 25 at the time.

I am really looking forward to return to Australia, the country that raised me and made me who I am today. I would like to thank you in advance for your assistance.

Yours truly,

Joseph Caruana