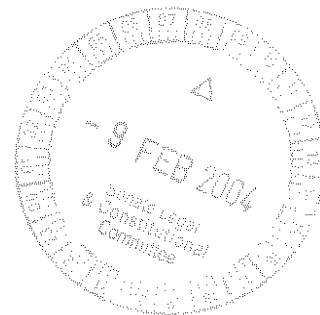


Dean Adam Mifsud



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

17 January, 2004

Submission to Inquiry into Australian Expatriates

Dear Sir/ Madam,

I was born in Blacktown, N.S.W. in Australia on 02/03/76.
My mother and father migrated to Australia from Malta in 1974 and 1955.

As a child I enjoyed dual citizenship: I was Australian by birth under Australian law and Maltese by descent under Maltese law.

In 1989, when I was 13-and-a-half years old, my family moved back to Malta.

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.

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.

I opted to keep my Maltese citizenship in adulthood due to the fact that life in Malta for me without Maltese citizenship would have been extremely difficult.

In particular:-

EMPLOYMENT: - If I remained an Australian citizen I would have been ineligible to apply for all types of employment. I would have been required to obtain a Work Licence from the Department of Citizenship and Expatriate affairs at an annual cost. My prospective employer in most instances would have had to justify my employment as a foreigner and complete documentation in relation to my Work Licence. Not being a Maltese citizen placed me at a distinct disadvantage in the job market and economically it placed a strain on my ability to find viable and rewarding employment. If I had remained an Australian citizen it would have presented me with significant difficulty or inability to obtain employment together with the requirement of applying regularly for work permits.

BANKING SYSTEM:- If I remained an Australian citizen I would have only been entitled to open an " external " account which requires the identification of the source of all funds being deposited, eg Wages. This can therefore, present problems with simple transactions such as direct debits or cash deposits.

If I remained an Australian citizen and wished to apply for a credit card, I would have been required to provide security by having to provide double the limit I sought, as my credit limit and these funds would have been "locked up " with the Bank in order to obtain a simple credit card. For example, if I obtained a credit card with a limit of LM 500.00 it meant that the Bank would have required LM1000.00 to be kept as security by them to enable the credit card to be operated by me.

In relation to personal loans, similar eligibility criteria differences and provision of security conditions exist on the basis of citizenship.

ELECTIONS: - If I remained in Malta as an Australian citizen, I would not have been allowed to vote in National or Local Council elections.

SOCIAL SECURITY BENEFITS: - Apart from conditions contained in reciprocal agreements between Australia and Malta, I was required to be a Maltese citizen in order to be eligible to obtain the common forms of social security benefits (eg. unemployment benefits). If I remained an Australian citizen it would have led to a denial of, or significant restrictions on access to social security benefits that I would otherwise have been ordinarily eligible to receive.

At the time that I renounced my Australian citizenship I did so only because I felt compelled and essentially had no choice in the circumstances. I was extremely unhappy about forfeiting my Australian citizenship, because I was born in Australia, spent my formative years there and 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. I still maintain close ties with Australia in the following ways.

In Australia, I have four aunties and four uncles. They emigrated, along with my father, on the 27th of April 1955. Most of their children are married and have their own children.

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 three 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 a 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 4th April 2002 because they felt compelled to do so at the time for financial or practical reasons affecting their 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 1 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 1 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 Diaspora. Many thanks for the opportunity to contribute to the work of your Committee in this inquiry.

Yours faithfully,

Dean Mifsud

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