



Mr. Stephen Buhagiar

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

27th January, 2004

Dear Sir/Madam,

I was born in **Sydney** in **Australia** on the 15th January, 1971. My mother and father migrated to Australia from Malta in 1970.

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

In 1979, when I was 8 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 10th 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 Maltese citizenship in adulthood due to the fact that life in Malta for me without the Maltese citizenship would have been extremely difficult. In particular, to obtain my father's work permit as a hawker on the market, I had to be a Maltese citizen. Since 1989 to date, I've always worked as a self-employed. Throughout the years I have always contributed to social benefits but never applied for any.

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.

In 1995 I visited my country (Australia) for six weeks. I stayed at my uncle's house. Whilst my stay in Sydney, I went to check if I could get my Australian Citizenship back, but the person I spoke to at the customer care desk answered me so: **YOU HAVE BETRAYED YOUR COUNTRY AND YOU WILL NEVER GET IT BACK!** Those words have been printed on my mind and heart since then. They hurt so much! It wasn't me who wanted to lose my Australian citizenship. Infact, when I was asked to renounce it, I asked the person in charge if I could leave a declaration saying that I was being forced to change it but the reply was a No. Years passed, but the hurt feelings are still there. I constantly hear the words echoing in my ears: **YOU HAVE BETRAYED YOUR COUNTRY!**

Australian citizenship is my birth right because I was born in Australia. I still maintain close ties with Australia in the following ways. My cousins who live in Sydney are constantly in touch with me. We call each other fortnightly and email and sms each other every other day. I am always asking what's new in Australia and how's life there. At least hearing about my country is some sort of minor consolation. We are so close that next July I'll be coming to Australia for a family occasion. My cousin who's getting married next July, asked me to be his witness. I can't wait to visit Australia again. I am so excited and really looking forward to spend some six to eight weeks in the place where I lived, played and spent my early childhood.

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 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 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 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 1st 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 1st 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.

Yours faithfully,

Stephen Buhagiar

