



Mr Antoine Buhagiar

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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 06th June, 1977. 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 2 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 by 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 Maltese citizenship would have been extremely difficult. In particular, to obtain by uncle's work permit as a hawker on the market, I had to be Maltese citizen. Since 1996 to date, I've always worked as a self-employed. I am now a professional hairdresser working with my wife, as she is a professional hairdresser too, and I own my own salon where I am working today. Throughout the years I have always contributed to social benefits but never applied for any.

At the time that I renounced by 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.

2 years ago in 2002 I was reading the local newspaper and my eye caught a title regarding the Australian citizenship, and when I read it I was overjoyed to know that I had the chance of getting the citizenship back again. There was written that from the 1st of July 2002, who was from 25 years and younger, they had the chance of getting back their citizenship. On 5th June 2002, I had had my 25th birthday, so I thought that as I was 25 years I had the chance of getting it back, so I went to the Australian embassy in Malta to check what I had to do. When I went there and they checked some papers, they told me "how unlucky you are", I was confused when they told me "unlucky", so I asked them why, and they told me that for 3 weeks you could not take your Australian citizenship back, as I had to be younger than 25 years of age before the 1st of July 2002. I was shocked to hear the bad news once again, as for **just 3 weeks I could not get it back**. I am always thinking of Australia and dream as if I was still living there, and I am always thinking of going there someday or another.

Australian citizenship is my birth right because I was born in Australia. I still maintain close ties with Australia in the following ways. I have cousins and uncles living in Sydney and I regularly contact them by sending sms and sending emails. In our salon, we have clients that come from Australia every now and then. When they tell us that they are Australians I start talking to them on Australia and that I am Australian too, but because of what happened I was forced to renounce my Australian citizenship. While talking with them I'll be very excited hearing about Australia, and I always wish of being one of them once again. Some clients give us their addresses or emails, and so we keep on contact with them too. To upgrade my hairdressing skills I often go on the internet to search for information regarding hairdressing, and while navigating and sometimes hear Australian radio stations, I always check on hairdressing in Australia. My wife has a friend who used to go to the hairdressing school in Malta with her, but she is now living in Melbourne, as her family emigrated to Australia about 4 years ago. My wife's friend is working in a salon there in Melbourne, and she is always in contact with her sharing experiences.

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 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 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,

Antoine Buhagiar

