



Anthony Borg



TO THE SECRETARY
SENATE LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE
PARLIAMENT HOUSE
CANBERRA ACT 2600
AUSTRALIA

8TH FEBUARY2004

SUBMISSION TO INQUIRY INTO AUSTRALIAN EXPATRIATES

DEAR SIR/MADAM,

I WAS BORN IN PENRITH SYDNEY IN AUSTRALIA ON 4 TH SEPTEMBER 1966.
MY FATHER MIGRATED TO AUSTRALIA FROM MALTA IN 1949 AND THEN RETURNED TO MALTA AND MARRIED
MY MOTHER ON THE 23 RD OCTOBER 1955 AND THEY BOTH MIGRATED TO AUSTRALIA IN JANUARY 1956.

AS A CHILD I ENJOYED DUAL CITIZENSHIP. I WAS AUSTRALIAN BY BIRTH UNDER AUSTRALIAN LAW AND MALTESE BY DUAL CITIZENSHIP ; I WAS AUSTRALIAN BY BIRTH UNDER AUSTRALIAN LAW AND MALTESE BY DESCENT UNDER MALTESE LAW.

UNDER MALTESE CITIZENSHIP LAW I WAS REQUIRED TO DECIDE BETWEEN MALTESE AND AUSTRALIAN CITIZENSHIP BETWEEN MY 18TH AND 19TH BIRTHDAYS. PIOR 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 MALTESE CITIZENSHIP IN ADULTHOOD DUE TO THE FACT THAT LIFE IN MALTA FOR ME WITH OUT MALTESE CITIZENSHIP WOULD HAVE BEEN EXTREMELY DIFFICULT. IN GETING YOUR DRIVING LICENSES ,TO OPEN A BANK ACCOUNT, TO GO TO A HOSPITAL, TO BY PROPERTY IN MOVEING IN AN OUT OF MALTA EXAMPLE GOING ON HOLIDAY OR BUSINEES, AND THE RESTRICTIONS NEVER ENDED.

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. AT THE TIME I HAD NO

2/20/04



CHIOCE BECAUSE MY FATHER FELL VERY ILL AND I AM THE ONLY SON AMONG FOUR WOMEN AND WE ALLREADY HAVE OUR TWO OLDER SISTERS WENT TO AUSTRALIA. AT THE TIME AND, I WAS THE ONLY ONE WHO COULD GET A DRIVING LICENSES TO TAKE HIM TO HOSPITAL. AND BECAUSE I WAS BORN IN AUSTRALIA, AND 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. I HAVE TWO SISTERS LIVING IN AUSTRALIA ONE LIVES IN SYDNEY AND THE OTHER IN MELBORN IN SYDNEY I HAVE MY SISTER AND HER NAME IS SILVIA AND HER TWO SONS DAVID AND MATTHEW WITH HER HUSBAND BILLY. AND IN MELBORN MY LATE SISTER CARMAN HAD TWO CHILDREN VICTORIA AND BEN AND THAY LIVE WITH THERE FATHER ROBERT. I VISIT AUSTRALIA EVERY YEAR AND I ALLSO TOOK PART IN THE SYDNEY FURNITURE SHOW OF 2003 AND WE ALL SO HAVE AN IMPORTER IN AUSTRALIA WHO IS MY AGENT FOR MY FURNITURE WHICH WE MAKE AND EXPORT TO ENGLAND, KUWAIT AND AUSTRALIA, I HAVE MANY FRIENDS WHICH I KEPT IN TOUCH FROM SCHOOL AND WHEN I VISIT AUSTRALIA IT IS A VERY GOOD FEELING LIKE I NEVER LEFT.

THE AUSTRALIAN CITIZENSHIP ACT 1948 CONTAINS A PROVISION WHERBY THOSE WHO LORT 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 MY SELF, 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 THETIME REQUIRED A SECTION 18 RENUNCIATION WHEN THECITIZENSHIP 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 25YEARS .HOWEVER, THIS PROVISION DOES NOT ASSIST ME , BECAUSE I WAS OVER THE AGE OF 25 ON 1ST JULY2002.

WE ARE ALL IN THIS POSSITION BECAUSE WE HAD BEEN FORCED TO RENOUNCE OUR CITIZENSHIP ON ALL BUT WHO EVER IS THE GOVERMENT OF THE TIME TO THEY THINK THAT WE WERE DOING SOME THING WRONG.

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 WORK OF YOUR COMMITTEE IN THIS INQUIRY.

2/20/04



YOURS FAITHFULLY

ANTHONY BORG

2/20/04