

15/02/04

Charlie Micallef

23 FEB 2004

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

Submission to Inquiry into Australian Expatriates

Dear Sir/Madam

I was born in Sydney in Australia on the 23rd of September 1958. My mother and father migrated to Australia from Malta in 1955, four years before I was born. My parents names were John and Rita Micallef. When they emigrated to Australia they had one son 12 months old and his name is Joseph Micallef. In the years to follow my parents had another three sons John, Charlie (me) and my younger brother Mark. My parents worked hard and achieved the great Austrian dream by owning their house car and some acreage.

As a child I enjoyed dual citizenship: I was Australian by birth under Australian law and Maltese by descent under Maltese law. In 1967 my fathers father passed away and with deepest regret because he was the only child to his parents and had to return back to Malta to look after his mother and his inheritance so obviously the whole family had to go back which none of us kids were happy about. I was nine years old when we emigrated to Malta and it was hard on us kids because we had to learn a new language and settle down to customs we were not accustomed to and learn to live a very different life.

As soon as I turned eighteen years old being Australian born I wasted no time in getting my Australian passport and got on the first plane back to my country of birth Australia. However my enthusiasm was short lived when I was told that 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. So at the tender age of eighteen I was put in a situation that if I did not renounce my Australian citizenship I would never be able to live with my family in Malta, or work and put my inheritance in jeopardy because I would have no rights in Malta as a Australian citizen, so with deepest regret and under pressure from my parents to renounce my citizenship so maybe one day they thought I would go back to Malta to live, which I never have.

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Since I renounced my Australian citizenship back in 1977 I have always lived in Australia. I am 46 years old this year and I have only lived in Malta for 9 years between my age of nine years to eighteen. I am happily married to a fourth generation Australian from English background and we have four children between the ages of seven years to sixteen years. My wife and I have achieved the Australian dream and love the Australian way of life.

As it stands today out of my whole family I am the only one without Australian citizenship. I have tried to retain my Australian citizenship but the only way I can do that is by renouncing my Maltese citizenship; I am not eligible for dual citizenship because I renounced my Australian citizenship, so I am in the same predicament I was put in when I was eighteen (by no choice of mine) by the Maltese government and now by the Australian government.

I have opted to keep my Maltese citizenship, one because of my inheritance holdings in Malta which I can not dispose of till my mother passes away and if I renounce my Maltese citizenship I will have no legal say in Malta. Another reason is that Malta is joining the European community this year and my children are Australians but because I have retained my Maltese passport they are entitled to a Maltese passport which as Australians is going to give them access to another 22 countries which will be immense help to any of their future careers they choose.

Another point is that Australia and Australian companies will benefit from their access to the European community countries and business so therefore some good has come from my predicament and my children and my country Australia will benefit but still I cannot have dual citizenship.

Australian citizenship is my birth right because I was born in Australia and if the senate inquiry into Australian Expatriates looks deep enough into what has happened to me and the Expatriates and sees how unjust we have been treated by previous governments regarding having dual citizenship by Maltese and Australian laws, the senate committee will realise and see what great opportunities and Australia as a whole will gain by me as a Expatriate having dual citizenship.

I hope the senate inquiry takes my submission and others into consideration and I would not hesitate to appear in front of the senate inquiry or of any other information was required. I feel I have been and others like me have been neglected and left in limbo in the past and hope that this inquiry does justice for us and Australia, so we can get on with our future's as Australians as our birth right entitles us.

Yours Sincerely
Charlie Micallef

