



Brian Joseph Borg

To: The Secretary
Senate Legal and Constitutional Reference Committee
Parliament House
Canberra ACT 2600
AUSTRALIA
Fax: +61 2 6277 5794
E-mail: legcon.sen@aph.gov.au

Date: 10th February 2004

Submission to Inquiry into Australian Expatriates

Dear Sir/Madam,

I was born in Balmain in Australia on 26/03/1961. My mother migrated to Australia from Malta in 1955 and my father migrated in 1954.

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

In 1971, when I was 10 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 Maltese citizenship in adulthood due to the fact that life in Malta for me without Maltese citizenship would have been extremely difficult. In particular due to the employment at the Malta Drydocks where I had entered in 1978 as a shipwright apprentice.

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. My grandmother who is 84 years old still lives in Ashfield N.S.W. I have several aunts and uncles from both my father's and mother's side along with loads of cousins living across Sydney and Melbourne.

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Citizenship Act 1948* contains a provision whereby those who lost their Australian citizenship under the now repealed Section 17 may resume their lost citizenship, as long as they are able to state an intention to return to Australia to live within three years.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 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 now significant diaspora. Many thanks for the opportunity to contribute to the work of your Committee in this inquiry.

Yours faithfully



Brian Joseph Borg.