

Steve Schembri



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

Submission to Inquiry into Australia Expatriates

Dear Sir/Madam,

I was born in Footscray Melbourne Australia on the 15/07/66. My mother and father migrated to Australia from Malta in April 1964.

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

When I was 17 years of age my parents decided to go back to Malta after living in Australia for over 20 years. They wanted to go to live close to their close relatives, including their parents

I felt I had no choice but to go with them. At the time I was working for my father's business. WESTSIDE ELECTRICAL SERVICES, as an apprentice electrician even though I was 18 when I left Australia and I was legally an adult I was not financial independent therefore I felt I had to go with them.

Regrettably I was advised by my father, even though he had my best interest at heart. to renounce my Australian citizenship just before we left to go and live in Malta. I was told that I'll would have to do it eventually if I wanted to work and stay permanently in Malta

Had I known the full consequences of renunciation I would have changed my mind about going to Malta. As I always had a desire to one day return to Australia where I was proudly born and happily raised.

Because of Maltese law in 1984 it was not enough for the Maltese government to simply loose your Australian citizenship. We had to go a step further and formally renounce it by our 19th birthday.

.Had I not renounced my Australian citizenship I would have suffered significant hardship of economic nature. I would not have been able to work legally in Malta and would have been deprived of free health care, social security, even the right to own immovable property such as a house.

Today thanks to reforms in the Maltese citizenship law taken by a newly elected conservative government. The Maltese are enjoying the vast advantages of dual citizenship. I also welcome reforms in Australian citizenship law introduced by the Howard government. It is defiantly a step in the right direction.

Unfortunately for me I can not resume my citizenship because I'm over the age of 25.

Because I renounced my citizenship does not necessarily make me an Australian. For example if you export a kangaroo to Malta it is still a kangaroo? I like so many others, 2,500 in fact was forced to give up my citizenship because of reasons of hardship. Now I am being discriminated because of my age. The age limit does not make any sense political or otherwise. There is no justification for this age limit to continue. I urge the senate inquiry involved to really look at this situation and think about if it were one of you that it were happening to. This age limit should be abolished once and for all because it has caused too much hardship and heartbreak to all those that are deprived of resuming their Australian citizenship. Believe me I speak from my own bitter and humiliating experience that my family and I are forced to go through day in day out because of this ridiculous age limit.

My family and I have suffered irreparable financial damage. The money we have lost over the last couple of years. Due to the bureaucratic nightmare we have had to endure and continue to endure could never be replaced. Because my wife and I who is also a former Australian citizen are both over the age of 25 we have to migrate back to our native soil and have spent an estimated \$10,000 in fees applying for visas, medicals, visa extensions and it will be at least another 12 months if our current application is successful before we become permanent residence, by which time it would have been 3 long hard years waiting just to come home.

I haven't been able to earn a living, because I am a tourist in my own back yard. Since coming back we have had to live off our savings and have gone through a staggering \$40,000. Bills have to be paid and mouths have to be fed. I'll be bankrupt by the time I once again proudly become an Australian citizen. All of this hardship, because I'm over 25 years of age.

It's ironic that the Howard government is practically trying to force the 900,000 permanent residents to take up Australian citizenship and at the same time deprive 2,500 Australian born Maltese citizens from resuming and claiming back Australian citizenship, which should be our birth right just because we are unfortunate enough to be over 25 years of age. What is the age limit for a permanent resident to take up Australian citizenship? There isn't one. What is good for the goose is good for the gander. So they say. If we are not too old to become Australian's citizens by grant then why are we too old to simply and justly resume it?

The Maltese government under previous citizenship law forced us to give up our citizenship and it was grossly unfair. Now we are being dealt a double blow by this government. I ask prime John Howard and the minister for citizenship Gary Hardgrave why we are being discriminated against in this manner. What have we done that is so bad that we are being treated as if we have committed an unspeakable crime against the state. Tell us why there is an age limit on our category (renounce in order to retain) Is it a flaw in the law? Or is it just a mistake? We need a good explanation; it's the least you owe us Mr. Howard and Mr. Hardgrave.

Mr. Hardgrave was quoted in the Maltese herald (vol 43 Tuesday 20th January 2004 page 6) in an article titled "33 Maltese take up dual citizenship". When confronted by the members of the Maltese council of N.S.W about 2,500 Australian born Maltese citizens who are ineligible to resume their citizenship. He replied, all they have to do is to go to the Australian high commission in Malta and fill in the application for desire to resume Australian citizenship (form 132). This is not a miss print or a miss quote, George Bartolo secretary for the Maltese council for N.S.W and also the author of the article confirmed to me over the phone on the morning of 2nd February 2004 that what was printed in black and white was definitely true. Mr. Hardgrave misled us to believe that we can apply knowing that we will be refused because of the age limit of 25. I have also information that the Australian high commission in Malta has been flooded with Maltese Australians inquiring about resuming their citizenship. George Bartolo can confirm what I've said about the article and he can be contacted on (02) 4271 181. Norman Bonello can confirm what I've said about the Australian high commission being flooded by Maltese Australians inquiring about their desire to resume their Australian

citizenship. He can be contacted on (356)21462207 he is the co-ordinator in Malta represented by the Southern Cross group.

I hope the senate inquiry will seek an explanation for the honorable Mr. Hardgrave for his misleading statement that has given false hope to many heart broken Maltese Australians if what is reported in the Maltese herald is proven to be true, which I'm sure it is. I hope that the honorable Mr. Hardgrave would give us a written apology to excuse his misleading comments.

Because my wife and I are over the age of 25, we were told quite bluntly by the AUSTRALIAN HIGH COMMISSION that if we wish to resettle in our native Australia we had to go through the bureaucratic and costly migration process.

When it comes to migration you have to choose a category which suits you accordingly. In our case a specifically designed category for those who renounced their Australian citizenship in order to retain the citizenship of another country is non existent.

We tried special migration in March 2002 (booklet no.8) Former resident category. After carefully reading the basic requirements we went ahead and applied. it was a category for former permanent residence, because my wife was a dual citizen till the age of 19 and she was the main applicant we came to the conclusion that she was indeed a former Permanent resident. We went ahead and paid the fees approximately \$2,000 including DIMIA & medical fees. To our astonishment it took DIMIA almost 10 months to inform us by mail that our application was refused because we once held Australian citizenship. Can you believe we were refused permanent residence in Australia because we were once Australians? Isn't that ironic? No were in the booklet did it say that if you were once an Australian citizen that you need not apply.

I complained at the AUSTRALIAN HIGH COMMISSION in Malta. I was advised to write to DIMIA and ask them if they would kindly refund the fees. I was told I could wait more than 7 years for an appeal to be heard.

I was determined not to accept defeat so I came to Australia along with my family on an E.T.A. visa valid for 3 months hoping to find a solution to our very heart broken experience. We were born, educated, and raised here. We've almost been here 12 months we extended our visa 3 times at the cost of around \$1,800. my visa includes no work condition's I couldn't earn a living. We've now applied for skilled migration at a further cost of almost another \$2,000. after being told and reassured many times that we would be put on an automatic bridging visa. After all that burocrisy they want us to go overseas and wait even though this is our home and my wife has all of her family here including her parents. We are now forced to seek other ways to stay here for next 12 months or so.

My wife can't even migrate as a sole remaining relative because as far as DIMIA is concerned my parents are now her parents, sounds ridiculous, it would be laughable if it wasn't so tragic.

I also feel the requirement that you show your intent to return to Australia within 3 years should also be abolished. If you were a citizen of Australia you should be allowed to resume Australian citizenship if you lost your citizen because of hardship. The 3 year requirement makes no sense. If you are an Australian citizen and decide you want to live abroad as an Australian citizen there is no time limit to stay abroad. The mentality in Australia is ridiculous. As far as I know Australia is all about freedom of choice. We have a right to chose as Australians living in a democratic and free society. If we want to live in Australia or abroad should be up to the individual concerned. If they want to return to their native soil they should be free to choose when it suits them. AUSTRALIA being our home, we should be allowed to go and come as we please. Am I not right in thinking so?

I would also like to bring to the attention of the senate inquiry. The cold reception that you get, from the AUSTRALIAN HIGH COMMISSION in Malta, when you go to inquire about matters, concerning migration and citizenship. They give you the impression that you are not welcome in Australia. When asking about citizenship matters they instantly say if you are unfortunate enough to be over the age of 25 years of age they tell you that you have to migrate and that is if you are lucky enough to fit in a category.

When you are inquiring about migration they tell you find what booklet you need then order it they don't even help you see were you fit best so that you don't chose the wrong one. Then the booklet takes about 4 to 6 weeks to arrive. They don't even stock them.

DIMIA here in Australia is not much better. On more then one occasion I asked if I could make an appointment so that someone could help me fill out the forms and help answer any questions and they would not even give me the time of day. I told them I just need some help I was born here after all. This government has immigration policy that doesn't make it easy on any one. I get the impression they want to deter migrants from AUSTRALIA.

In my case DIMIA cashed in my check almost immediately but took a staggering 10 months for them to refuse us a permanent visa because we were once Australian citizens.

My families lives have been seriously disrupted I'm now pushing 40 and Im almost broke. An illegal immigrant is probably better off then my family and I. At least they are being fed and have access to legal aid; also they have free health care. I'm forced to pay \$261.00 a month on private health insurance. I cannot come to terms with the way the Howard government is treating us. I urge the senate inquiry to waste no time in amending this law so know one else will be forced to go through the buroratic nightmare we are forced to endure. We just want to come back home. Is there anything wrong with that? The stress my wife and I are under is unbearable. Always waiting, for something else to go wrong. Please help us we are Australia's forgotten people. We are victims of this un just law. What is wrong with all these people getting back what was there birth right? I plead with you, this law must be amended, too many people are suffering, and the suffering must come to an end. There is no justification for these people to be deprived any longer the way this law is at present is totally un Australian and morally wrong.

I wish to be invited to a public hearing to give evidence of our hardship and my own personal suffering to the senate inquiry. I want to tell my story no one should suffer like my family and I have been suffering over the last 2 years or so. Please give me this opportunity to show you why this law should be amended. I ask that the age limit not be raised but abolished all together. This is my native country and no one shall convince me otherwise. Thank you for giving me this opportunity to contribute to the senate inquiry.

I trust that you will take seriously all I have told you in my submission and help all of us misfortunate enough to be over 25 a fair go. This change in this law will help so many people that just want what was there's in the first place. Once again thank you for your kind attention in dealing with this matter.

Yours faithfully



Steve Schembri.