



Migration & Citizenship Committee

Canberra ACT 2600
AUSTRALIA

30th January 2004

Submission to inquiry into Australian Expatriates

Dear Sir/Madam

I was born in Footscray, Melbourne in Australia on 19/06/1961. My parents migrated to Australia from Malta in 1960 and resided there for 15 years.

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

In 1975, when I was 14 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 the 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.

I chose to keep Maltese citizenship in adulthood due to the fact that life in Malta for me without Maltese citizenship would have been extremely difficult. I could not have been employed by any sector due to having an Australian citizenship. Other limitations would have been the ability to qualify for subsidised housing, from which I actually benefited from, after the renunciation of my Australian citizenship.

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 very much an "Australian" today, even if I am not legally an Australian citizen. Since signing the renunciation of my Australian citizenship, the documents have been put away no to be seen, because I feel hurt and angry for being forced to give up my Australian citizenship which is rightfully mine and which was precious to me.

Australian citizenship is my birth right because I was born in Australia. I still maintain close ties with Australia as I have relatives and close friends living there and with whom I still correspond.

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Citizenship Act 1948* contains a provision whereby those who lost their Australian citizenship under the now repealed Section 17 may resume their lost citizenship, as long as they are able to state an intention to return to Australia to live within three years.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, as this is, like in my case, many times impossible to do. Overseas Australians make valuable contributions in a multitude of ways to Australia.

Personally, I feel that Australian-born Maltese aged over 25 years prior 2002, are being discriminated, simply because at that time, Maltese law required a 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.

I feel that I have no lesser right to re-acquire my Australian citizenship than the Maltese Australian-born who are of a younger age, after all, as I already pointed out, I totally did not approve of the decision that was forced on to me at the tender age of 18 years, when most youngsters are not in a position to just pack up and leave their loved ones. I personally am not in a position to take up residence in Australia at the moment. I would very much appreciate it if I have the right to have back a very special right which was unjustly taken away from me.

Regardless of the fact that I am not officially 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

Carmen Muscat

