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Senate legal and constitutional  
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DATE 01-02-04

### **Submission to Inquiry into Australian Expatriates**

Dear sir/ madam

I was born in Sydney went Worth Ville in Australia on the 27<sup>th</sup> of June 1966. My mother and father migrated to Australia from Malta on March 1955.

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

In May 1967 when I was 1 year old my family moved back in Malta.

Under Maltese citizenship law, I was required to decide between Maltese and Australian citizenship between my 18<sup>th</sup> and 19<sup>th</sup> birthday.

Prior to amendments, which took effect on 10<sup>th</sup> 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 19<sup>th</sup> birthday.

I opted to keep Maltese citizenship in adulthood because really I had no choice due to the fact that life in Malta for me without Maltese citizenship would have been impossible and extremely difficult. In particular I would have to pay for a lot of things given to a Maltese citizen free by the government such as school, hospital, social security benefits and a whole lot of other things such as getting a job, acquiring property including family property and a whole lot of appropriative things a citizen should be entitled to as I'm sure everyone knows what I m trying to say.

Above all the legal matters of that time I had no choice, my father had health problems and I could not just leave matters that way. My older brothers had gone back to Australia and I had a sister, which was too young to do anything to help the family apart that my mother's health wasn't so good either. I had to take care of my father, which I am very proud to have done so. Unfortunately my father passed away after I had made an extremely important and difficult decision, which I had to face all this time. And maybe through your wise judgment and better opportunities that may be given by your work. Me and others like me would obtain dual citizenship which since my 15<sup>th</sup> birthday I have lost and been trying to obtain but with no success.

At the time that I renounced my Australian citizen 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 first year there and still consider myself to be "**Australian**". Today even if I am not legally an Australian citizen.

Australian citizenship is my birthright because I was born in Australia I still maintain close ties with Australia in the following ways. I have many relatives who I have visited three times in 1987, 1990 and 1995 which includes two uncles with numerous cousins living throughout Australia two brothers both with families which includes nine nephews and nieces both with good businesses and very good ties with them all. Plus numerous distant cousins both from my father and mother's side. I consider myself as a matured and educated busy person with a very good conduct and well being. My work includes hospitality business being a chef and part time farmer. I would be very willing to contribute in any way possible if given the opportunity to do so, which at present I am unable to do so.

The Australian citizenship act 1948 contains 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 21<sup>st</sup> 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 multiple of ways to Australia.

Many section 17 victim acquired ~~their~~ citizenships before 4t 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 Australian's now. Significant diasporas many thank for the opportunity to contribute to the work of your committee in this inquiry.

Yours faithfully  
MARK DOMNIC MICALLEF

