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21st January 2004

Submission to Inquiry into Australian Expatriates

Dear Sir/Madam,

I was born in Melbourne, Australia on the 14th January 1974. My parents migrated to Australia from Malta in 1955 (father) and 1961 (mother), where they met and got married on 28th December 1963.

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

In 1980, when I was 6½ years old, my parents moved back to Malta, together with my two elder sisters and myself, all with the same dual citizenship rights.

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.

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. I was just about to start university at the time, and if I didn't renounce my Australian citizenship, I would have had to pay for my tertiary education. It seemed extremely unfair and I only renounced my Australian citizenship because I had no choice in the circumstances. I will never forget the day I was made to renounce my birth right. It felt like I was being robbed of who I was. My nationality was Maltese/Australian, so I found it very unfair that I had to give it up and lose half my identity.

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Renouncing my Australian citizenship hasn't changed who I really am and my background – it is just a legal formality, imposed on me in a time where there was no option of keeping both my citizenships.

Australian citizenship is my birth right because I was born and spent my childhood in Australia. I still maintain close ties with family in Australia, since all my father's and a good part of my mother's siblings are still living in Australia. We are still very close as a family, with relatives coming and going on visits every year. We are still in very good contact with each other.

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.

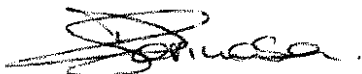
I feel it is inequitable to deny those who lost their Australian citizenship under Section 18 the same resumption right, when the 2002 repeal of Section 17 signals that Australia as a country now accepts dual citizenship as sound policy for the 21st century. Not only should the current resumption provision 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,



Ms Danielle Formosa