



MALTA

15th January 2004

Dear Sir,

I was born in Victoria, Melbourne in Australia on 11th October 1963. My mother and father migrated to Australia from Malta in the year 1961. As a child I enjoyed dual citizenship as I was Australian by birth under Australian law and Maltese by descent under Maltese law.

In 1976 when I was twelve (12) years old my family moved back to Malta. Under the 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 it would have been difficult for me without a Maltese citizenship. I continued my education and studied radiography, being now employed as a senior radiographer. Also I purchased a home but all this would not have been possible if I did not have a Maltese citizenship and hence I had to renounce my Australian citizenship.

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. I feel that I have been deprived of something which is naturally mine. Australian citizenship is my birth right because I was born in Australia. I have a brother who was more privileged than myself because he could retain his Australian citizenship and was able to live in Australia. Also I have uncles, eight cousins and many relatives living in Australia.

The Australian Citizenship Act 1948 states that those who lost their citizenship under the repealed Section 17 may resume their lost citizenship as long as they are able to state an intention to return to Australia to live within three years.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 unjust to those who lost their Australian citizenship under Section 18, when the 2002 repeal of Section 17 signals as Australia accepting dual citizenship. This should be broadened to former Australian overseas and should not be required to submit a declaration of intention to return to live in Australia within three years.

Many section 17 victims acquired other citizenship before 4th April 2002 because there was no other choice. Australian - born Maltese like myself are being discriminated against under Australian law because Maltese law at the time required a Section 18 renunciation. I note that Australian law changed with effect from 1st 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 1st July 2002.

Regardless of the fact that I am not formally an Australian citizen, I consider myself to be an integral part of Australian now significant diaspora.

Many thanks for the opportunity
to contribute to the work of your Committee in this inquiry
I would be most grateful if you acknowledge my letter.

Yours faithfully



RENO 2A0711