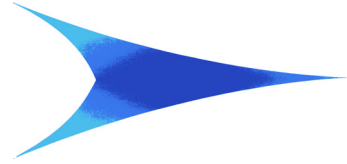


The Southern Cross Group

Promoting Mobility in the Global Community



The Hon Mr Gary Hardgrave, MP
Minister for Citizenship and Multicultural Affairs
Parliament House
Canberra ACT 2600
AUSTRALIA

**Via Fax: 0061 2 6273 0434 / 61 7 3217 1420
and via e-mail**

19 August 2004

Dear Minister,

**Alison Curmi: Application for Citizenship Resumption
Lodged Australian High Commission, Malta, 12 August 2004**

We are writing to you on behalf of Mrs Alison-Marie Curmi, a former Australian citizen who lives in Malta. We believe Mrs Curmi has recently been given incorrect advice by a member of staff at the Australian High Commission in Malta regarding the citizenship status of her small daughter. We are concerned that this error may prevent Mrs Curmi's four-year-old daughter from resuming Australian citizenship forfeited under Section 23 of the *Australian Citizenship Act 1948* ("the Act").

Mrs Curmi, born in Australia in 1979, lost her Australian citizenship under Section 17 of the Act on the acquisition of Maltese citizenship, on 15 February 2002, less than two months before Section 17 was repealed.

Unlike some 2000 Australian-born individuals in Malta, she did not formally renounce her Australian citizenship under Section 18 of the Act. She chose to keep her Australian citizenship beyond her 19th birthday and forfeited her Maltese citizenship under Maltese law as it then was. Consequently, when she became a Maltese citizen by registration under Maltese law after it changed to allow dual citizenship on 10 February 2000, this amounted to "doing of an act or thing to acquire" another citizenship under Section 17.

Mrs Curmi has a small daughter, Sara Ann Curmi, born on 22 July 2000 in Malta, who was registered by the Australian High Commission in Malta as an Australian citizen by descent on 17 January 2001, Certificate No. ROC-108530, Register No. 235, Entry No. 292.

Sara Ann's father, Thomas Curmi, is a Maltese citizen only and was not born in Australia and has never been an Australian citizen. Sara Ann therefore obtained Australian citizenship by descent exclusively through one responsible parent, her mother.

Mrs Curmi first contacted the Southern Cross Group earlier this year. Our initial assessment was that her registration as a Maltese citizen under Section 8 of the *Maltese Citizenship Act* on 15 February 2002 had resulted in her loss of Australian citizenship under Section 17. It was also our view that by virtue of Section 23 of the Act, Sara Ann ceased to be an Australian citizen on the date of her mother's loss under Section 17.

The case was put on a no-names/gender-changed basis to three officers in the Citizenship section of DIMIA in Canberra (Lyn Hearfield, Amalia Milman and Clare Egan) in an e-mail dated 11 February 2004. Lyn Hearfield confirmed by e-mail of 16 February 2004 that loss of citizenship had occurred under Section 17. She also noted that:

if the person did lose Australian citizenship under s 17 of the Australian Citizenship Act 1948 his child would also have lost under s 23 of the Act. He can apply to resume Australian citizenship and include his child in his application.

The Southern Cross Group gave Mr and Mrs Curmi comprehensive written advice to this effect.

Not long thereafter, Mr and Mrs Curmi went to the Australian High Commission in Malta to enquire further about the resumption process. They were served by a Ms Angela Mifsud. Ms Mifsud's initial and rather dismissive response was that Mrs Curmi did not qualify for resumption. Ms Mifsud simply assumed that Mrs Curmi was a Section 18 case. Mr and Mrs Curmi told her that they had received advice that Mrs Curmi was a rare but nevertheless genuine Section 17 loss case in Malta and that therefore she could apply for resumption as long as she satisfied the present legal criteria for resumption. The encounter was extremely unpleasant, and Mr Curmi thereafter contacted the Southern Cross Group again, quite upset after the event. This specific incident was detailed by the SCG in its primary submission to the current Senate Inquiry into Australian Expatriates dated 27 February 2004. It is unfortunately not the only report that the SCG has received from Australian diaspora members regarding inadequate, unfriendly and incompetent consular services in Malta.

On Thursday 12 August 2004, Mr and Mrs Curmi returned to the Australian High Commission in Malta at 8.30 am to lodge Mrs Curmi's Form 132 resumption application, on which Mrs Curmi had included Sara Ann at Question 15 on page 7. They were again served by Ms Mifsud.

Ms Mifsud told Mr and Mrs Curmi that Sara Ann should not have been included on Form 132. She whited out the information on the completed Form 132 concerning Sara Ann. Ms Mifsud was of the view that Sara Ann had not lost her Australian citizenship at the time of Mrs Curmi's loss and that Sara Ann was still an Australian citizen. Due to the advice that Mr and Mrs Curmi had previously received from the SCG, they were immediately suspicious that this was incorrect advice. However, rather than enter into what was fast developing into another very unpleasant encounter with Ms Mifsud, they did not press the matter and instead came away after having lodged a resumption application and paying the required fee solely for Mrs Curmi.

Mr and Mrs Curmi are now concerned that their daughter Sara Ann, who has in fact lost her Australian citizenship under Section 23, and who is entitled to be included on her mother's resumption application, may miss out on resuming her lost citizenship at the same time as her mother due to Ms Mifsud's incorrect advice. Alternatively, they are concerned that due to Ms Mifsud's actions, in order for Sara Ann to resume her citizenship, they may have to go through another stressful and separate application process, involving another encounter with Ms Mifsud, further form-filling, and an additional application fee.

We would ask that you look into this matter at your earliest convenience, with a view to ensuring that both Mrs Curmi and her daughter Sara Ann may resume Australian citizenship without unnecessary delay.

We would also take this opportunity to make the point to you that based on a number of independent reports coming in to the Southern Cross Group, current consular services concerning citizenship appear to be less than optimal at the High Commission in Malta, a situation in need of attention.

Further, once the Act is amended to bring about the changes announced by you on 7 July 2004, we can expect a large proportion of the almost 2,000 Australian-born Section 18 victims in Malta to make resumption applications within a short time frame. It will be incumbent upon you to make sure that adequate staff, with appropriate technical knowledge and people skills, are on hand to handle the reception of those applications in Malta. It would be unfortunate indeed if the first step in the process of rejoining the Australian family for these individuals were to be a negative one.

As the SCG has stated elsewhere, we welcome your recently-announced citizenship reforms. We trust that you and your Department are presently giving thorough consideration to the question of whether the children of Section 18 Maltese victims will be allowed to become Australian citizens as part of the forthcoming reforms, as well as the various other outstanding citizenship issues catalogued in our supplementary submission to the Senate Inquiry into Australian Expatriates dated 23 July 2004.

Kind regards,

Anne MacGregor
Co-founder

cc: **Angela & Thomas Curmi**
Senator the Hon Nick Bolkus (c/o Expats Inquiry Committee Secretariat)
Laurie Ferguson, MP, Shadow Minister for Citizenship & Multicultural Affairs
Peter Vardos, FAS, Citizenship and Multicultural Affairs Division, DIMIA, Canberra