

## **ECCV Submission to the National Consultation on Citizenship**

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**June 2015**

The Ethnic Communities' Council of Victoria Inc. (ECCV) is the voice of multicultural Victoria. As the peak body for ethnic and multicultural organisations in Victoria, we are proud to have been the key advocate for culturally diverse communities in the state since 1974. During this time, we have been the link between multicultural communities, government and the wider community.

The ECCV is a member driven organization that advocates and lobbies all levels of government on behalf of multicultural communities in areas such as human rights, access and equity, service improvement, addressing racism and discrimination, community harmony, employment, education and training, health and community services, disability, child protection, law and justice, and arts and culture. We advocate on the issues that are of most concern to our members.

The ECCV held a roundtable multicultural community consultation on Friday, June 19<sup>th</sup> 2015. The roundtable consultation was part of a two part series of ECCV consultations called 'Are We Really Living Safe Together?' which gave stakeholders the opportunity to voice their opinions on the proposed changes of the Australian Citizenship Act. The event was attended by representatives from ethnic and multi-faith community organisations including service providers, multicultural media, and peak bodies with an interest in the affairs of culturally diverse communities, academics and CEOs. The ECCV's submission drew on input and feedback from both the participants and community members.

### **Value of Australian citizenship**

The ECCV, through its work with individuals and community groups at the grassroots level, is in a well-informed position to confirm that Australian citizenship is highly valued by people from migrant and refugee backgrounds. Migrants consider the process of acquiring Australian citizenship as the culmination of achieving a sense of belonging, and value the rights and responsibilities that accompany it. The recent stakeholder and community consultation held by the ECCV overwhelmingly supports this view. Below are some of the observations made by the participants to demonstrate the value that migrants place on Australian citizenship:

- high uptake of citizenship among them;
- the perception that Australia is a land of opportunity where people have the possibility to achieve their dreams despite being aware of the challenges they experience as migrants;
- a country where they are granted a say in their government and citizenship is seen as an important step to exercise their democratic rights;
- the amount of effort that they invest in celebrating Australia Day;
- having Australian citizenship is perceived as having full membership in Australian society and a guarantor of rights available only to the citizens of Australia.

## Strengthening citizenship eligibility requirements

One of the current requirements to obtain Australian citizenship consists of being physically present for least four years in Australia as a permanent resident. Community feedback indicated that this has created a sense of migrants and refugees not being seen as full members of Australian society and instilled feelings of uncertainty in them despite knowing that their permanent resident status guarantees them almost the same rights as those who are Australian citizens. Today, the process of integration is much quicker for the majority of migrants and humanitarian entrants due to their access to a range of programs that facilitate their settlement in Australia. As such, the overwhelming view of participants in the roundtable discussion was that the waiting period should definitely not exceed four years.

The community roundtable also discussed the citizenship test and the challenges that some members of culturally diverse communities encounter when completing it. All participants stated that the citizenship test eliminates the possibility for some people, especially women and those with a low level of English language proficiency to become Australian citizens. Though it is true that applicants are required to undertake at least 400 hours of English language tuition under the Adult Migrant English Program (AMEP) to complete the test unassisted, evidence suggests that some may not be able to fulfil this criteria due to other pressing demands of settlement, such as finding employment to support their families back home, and looking after young children. Participants also expressed their concerns about the proposed idea of limiting the number of times a person can sit the citizenship test and clearly conveyed their opposition to it.

### **Recommendation 1**

That the waiting period for the Australian citizenship should not exceed four years.

### **Recommendation 2**

That there should not be a limit on the number of times that a person can sit the citizenship test.

## Citizenship Revocation process

There was a strong indication among participants that Australian citizens must be treated equally and with dignity, regardless of whether they have dual or non-dual citizenship. Many participants pointed out that not allowing those with dual citizenship to be subject to and held accountable under Australian law would be creating a category of second-class citizens. People from migrant and refugee backgrounds are very proud to call Australia their home, and as a result, would like to be treated the same way as those who are Australian citizens by birth should they be suspected of being involved in terrorism. Therefore, the revocation of citizenship should not be used as a form of punishment.

Based on the feedback from ECCV's stakeholders and responses collected in the most recent roundtable discussion, the change in citizenship policy and process has raised deep concern in culturally diverse communities. The government's Citizenship Revocation Bill recently debated in the House of Representatives leaves open as many questions as it answers about the judiciary system's role in the revocation process, what course of action one may take to challenge the Minister's decision, what will the Minister's prerogative powers will be, courses of action should the court agree with the challenger,

and any additional criminal offences promoting the revocation of citizenship. ECCV understands the difficulties that the Australian government faces in convicting someone for crimes committed in places such as Syria and Iraq. However, it still believes that judicial involvement in this process is crucial as bypassing it may risk an abuse of power by the Minister, particularly if he/she is given the power to initiate action to revoke citizenship without a court conviction, contrary to what is stated in the current Citizenship Act.

**Recommendation 3**

That the judiciary system be involved in the process of citizenship revocation, thus ensuring its transparency and fairness.

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