



ETHNIC COMMUNITIES' COUNCIL OF VICTORIA SUBMISSION TO THE CITIZENSHIP TEST REVIEW 2008

1. Ethnic Communities' Council of Victoria (ECCV) welcomes the review of the Australian Citizenship Test and is pleased to be invited to submit to the review. A person's citizenship is one of their most precious and important attributes. It is important that this review ensures that Australia's citizenship policy is fair and equitable and that no Australian permanent resident is being arbitrarily denied citizenship.
2. ECCV believes that citizenship is a core human right as expressed in Article 15 of the United Nations Universal Declaration of Human Rights which states that:

Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ECCV believes that denying lawful permanent residents their Australian citizenship on the grounds that they cannot pass a higher-level citizenship test could be found to be an arbitrary denial of the right to a nationality, particularly with regards to lawful refugees accepted as permanent residents who may effectively remain stateless if they are not granted Australian citizenship.

3. ECCV has previously submitted to both the Citizenship Taskforce in November 2007 around the discussion paper, *Citizenship Much More than a Ceremony*, and to the Senate Inquiry into the Australian Citizenship Testing Bill (2007). Our previous submissions are available at <http://eccv.org.au/doc/ECCVCITSUB.pdf> and <http://eccv.org.au/doc/ECCVSUBMISSIONTOSENATECITIZENSHIPINQUIRY2007.pdf>. This submission includes information as presented in the previous submissions where the issues covered remain much the same.
4. In our previous submissions we stated our opposition to the new higher level citizenship test and stated that some lawful migrants from non-English speaking backgrounds would either fail the test or not sit the test. ECCV said the new higher-level test would discriminate against such migrants, would create unnecessary barriers to people attaining Australian citizenship and could create a two-tiered society with a permanent class of non-citizens. Some of these predictions have now occurred as shown by recent statistics that indicate reduced pass rates for citizenship, particularly for refugee categories, and significantly reduced participation rates which may be due to people's apprehension to sit the new higher-level test due to fear of failure.
5. Humanitarian entrants have a failure rate of 18% according to the latest April 2008 report (DIAC). Sudanese migrants (who have lower English language proficiency and are almost all under the humanitarian and refugee stream) have a failure rate of 23%. If the failure rate were to include people not sitting the test due to fear of failure these figures would be considerably higher.



6. Refugees have reported that they are afraid to sit the test as they fear failure. Refugees have also been reported to have said they fear deportation if they fail the test. This is not as absurd as it sounds as citizenship guarantees you the right not to be deported unlike permanent residency.
7. Being denied citizenship means missing out on important rights and responsibilities like voting, jury service, public service employment, a smaller range of government benefits (which may increase over time), and the right to an Australian passport and consular assistance overseas. It also means that people do not feel they are truly part of the Australian community. The feeling of rejection associated with the new testing regime has been a regular and heartfelt concern of refugee and humanitarian entrants, particularly from the African community, when we have had consultations with them about the test.
8. The right to a passport and consular assistance can be particularly important to refugees who may be effectively stateless and not in a position to travel overseas to visit loved one or even dying loved ones due to having inadequate travel papers which may mean they cannot return home safely to Australia. We feel this is a particularly fundamental breach of the human right to freedom of movement, which is also a right associated with citizenship through access to valid passports. The potential loss of this right has also been a regular and particular concern of refugee communities in our consultation with them around the test.
9. ECCV has noted in its previous submissions that prior to the new arrangements last year, Australia had operated a non-discriminatory citizenship test over several decades. Under the previous regime lawful migrants had to display a basic knowledge of English and pledge their allegiance to Australia and its democracy and laws in order to become Australian citizens. People unable to display basic English could attend classes to demonstrate basic English. ECCV stated that this was an appropriate system that had served Australia well. We argued that the former Government had failed to justify the case for a higher level, more formalised citizenship test.
10. For new arrivals the settlement process of making a life in Australia presents challenges in areas like language, housing, employment and accessing services. Requiring humanitarian entrants to undertake a higher level formal citizenship test in order to become an Australian citizen creates an additional barrier to the process of making Australia 'home'. Refugee and humanitarian entrants face many barriers like language and cultural barriers, experiences of racism, not having their own culture respected, being separated from their place of birth and having difficulty accessing services. The new higher-level citizenship testing arrangements is a further, and enormously significant, barrier to their successful integration into the Australian community.
11. As such, for humanitarian migrants and migrants from non-English speaking backgrounds ECCV supports an inclusive citizenship conferral process that is not unnecessarily onerous.
12. ECCV recognises the need for English language training for new migrants to assist in their settlement process through programs like the Adult Migrant Education Program (AMEP). English is increasingly critical to workforce participation for those of working age. We are pleased the AMEP program is under review and hope it can be made more flexible so as to cater for the different levels of need of migrants and for migrants who may face barriers to AMEP programs due issues such as geographic location, gender, or their family or employment arrangements.



13. ECCV still does not understand the necessity to link higher-level English language skills to citizenship under the new citizenship testing regime. This seems both discriminatory and flawed from a policy perspective. While English language acquisition should remain a key policy focus and driver for effective settlement this should not be linked to citizenship in a potentially punitive manner which ends up being counterproductive to the effective settlement of migrants.
14. Citizenship is a basic human right that should be afforded to all Australian permanent residents willing to pass basic requirements and pledge allegiance to Australia's laws and democracy. The speed at which a migrant can acquire higher-level English language skills should not affect their citizenship status.
15. Many refugees may have spent long times in detention and may have inadequate education and even be illiterate in their own language. They may not be equipped to get their English up to the level required within the time frame allowed. It is also worth noting that many past migrants to Australia have made substantial contributions to our workforce and nation with low levels of English language proficiency and their contribution should not be denied.
16. The Australian Citizenship Bill (Citizenship Testing) Act legislation states that there will be a test requiring that a citizenship applicant understands their application, has a basic knowledge of English and has an adequate knowledge of Australia and Australian citizenship.
17. It has been argued that the level of English involved in responding to a computerised test around often complex information is above and beyond basic English. Some commentators have argued that the current test may be above and beyond the requirement for basic English as stipulated in the powers granted under the Act and therefore could be potentially unlawful if tested legally. It is also widely acknowledged that the *Becoming an Australian Citizen* booklet used as background material for the test is not in basic English and is pitched at a much higher level.
18. Requiring refugees and humanitarian entrants to complete a higher level computerised citizenship test has clearly caused unnecessary stress and mental anguish. Many people in these visa categories have had past experiences of torture and trauma. It is unfortunate that having accepted such people as refugees and humanitarian entrants through permanent residency arrangements we are then compounding their difficulties by presenting a further barrier to them achieving equal status as members of the Australian community through higher level citizenship test arrangements.
19. As expected, skilled migrants who make up the bulk of Australia's immigration program have had few problems with the test and have a pass rate of 99%. ECCV is not overly concerned with the effect of the test on skilled migrants as it is perfectly clear that the test is not presenting a barrier to them attaining citizenship. ECCV is not concerned if the government wishes to continue with the current test for skilled migrants who are passing the test easily and may learn information of value to them during this process.
20. It should also be noted that while skilled migrant principal applicants are having little trouble with the higher-level test the partners of skilled migrants from non-English speaking backgrounds may have trouble passing a citizenship test. Presenting higher barriers to citizenship for the partners of skilled migrants could act as a disincentive for skilled migrants to come to Australia. This may have counterproductive and negative effects on Australia's overall economic aspirations, in an



environment where the international competition for skilled migrants is significant.

21. ECCV's primary concern with the new testing arrangements is around immigrant categories who are failing the test, such as refugee, humanitarian and some family reunion entrants from non-English speaking backgrounds with low-level English language proficiency.
22. The higher-level computerised citizenship test is harder than the previous verbal English language test as people also have to read and respond to English as opposed to just speak English as was previously the case. As mentioned earlier some refugees, who may be illiterate in their own language let alone in English, are either failing the test or not sitting the test through fear of failure.
23. Many refugees from war-torn countries in areas like the Horn of Africa have little understanding or experience of computers, formal education or testing. Many will have spent long periods in refugee camps or detention and do not have the skills required to sit and pass formal tests within the necessary time frames, particularly in a language they are yet to master.
24. ECCV therefore believes that refugees and other migrants with literacy problems from non-English speaking backgrounds should be granted an alternative to the higher-level test in the form of a teaching regime.
25. It is important that citizenship applicants learn about Australia in order to better assist their successful integration to the wider Australian community. Many migrants themselves are extremely keen to learn about their adopted homeland and are craving the opportunity to do so. ECCV conducted a series of forums for newly arrived African communities on Australian civics called *The Australia Africa Democracy Project* over 2007-08. We found a high level of interest in these forums and for the materials produced through the project. Significantly the project used interpreters to communicate in community languages.
26. A teaching model whereby those with limited English language capacity can have a more conducive and less threatening educational environment may be preferable to a computerised testing regime. Many such applicants would cope better under a more supportive learning regime.
27. In terms of how such a regime would work in practice, applicants who qualified for this alternative teaching arrangement—that is those who are found to have lower-level English language proficiency—would be required to attend a compulsory course on Australian citizenship over say one week (or after hours over a longer period).
28. The Australian citizenship course could include information on citizenship, Australia and its people, our democracy and legal systems, the citizenship pledge and further assistance with basic English if necessary. Full attendance and participation in this course would ensure the applicant has passed this alternative 'test'. Applicants would pass the course provided they attended and participated in all the course's sessions. The courses could be run by migrant resource centres, ethno-specific service delivery agencies and/or larger multicultural and settlement organisations like AMES.



29. This arrangement would ensure the on-going integrity of the current citizenship test remains in place for the vast majority of applicants while ensuring an alternative pathway to Australian citizenship for the smaller number of disadvantaged applicants with low-level English language proficiency.
30. The Australian government has recently announced *social inclusion* as a key national agenda and policy framework. ECCV would argue that lawful Australian residents cannot be included in our society if they are denied citizenship through an unduly onerous testing regime. Citizenship is a critical component of social inclusion and making citizenship difficult to attain, as is presently the case for some applicants, is in direct contradiction to that important policy goal.
31. The decision of the Australian Parliament in 2007 to extend the waiting period for citizenship from two to four years for some migrants, through other amendments to the *Australian Citizenship Act 1948*, has also had serious negative effects for some migrants. This has caused serious distress among some refugees from new and emerging communities who have been denied citizenship for a longer period regardless of the new testing regime. This regressive policy decision should also be reviewed.
32. Granting less onerous testing requirements, in the form of classes for refugees (and potentially family reunion migrants and partners of skilled migrants) who have low-level English language proficiency is critical to ensure Australia's citizenship testing arrangements are again non-discriminatory.
33. In conclusion, ECCV recommends that a fair and equitable Australian citizenship testing regime be introduced with alternative educational pathways for the smaller number of refugees and other applicants who have low-level English language proficiency. This will not compromise the integrity of our existing citizenship arrangements but rather ensure equity for all. We want all of our citizenship applicants to be given the best chance to be able to truly call Australia home.