

Ethnic Communities' Council of Victoria

15 November 2006

To the Citizenship Task Force
Department of Immigration and Multicultural Affairs
PO Box 25
BELCONNEN ACT 2616

**ECCV Submission to the Discussion Paper,
*Australian Citizenship: Much more than a ceremony.***

1. ECCV remains deeply skeptical about the Discussion Paper, *Australian Citizenship: Much more than a ceremony* (the Discussion Paper) and believes the proposals within that paper may cause significant discrimination against new migrants, and in particular against refugees from non-English speaking backgrounds.
2. Overseas born Australians from non-English speaking backgrounds generally embrace Australian citizenship as evidenced by the very low levels of eligible non-citizenship in the larger Australian non-English speaking migrant communities. This is because most overseas born Australians value highly becoming an Australian citizen. They recognise the great benefits, rights and responsibilities associated with Australian citizenship and becoming a fully fledged member of the Australian community.
3. ECCV believes that national citizenship is a fundamental aspect of a person's identity. Common citizenship also forms the glue that holds a nation's people together. It is critical therefore that unnecessary and discriminatory barriers to citizenship, such as through stricter English language tests, are avoided.
4. ECCV believes that Australia is a highly successful multicultural society with 38% of Australians born overseas or having one or more parent born overseas, and 15% of Australians speaking a language other than English at home. In Victoria, these figures are higher still with 43.5% of Victorians either born overseas or with one or more parent born overseas and around 20% of Victorians speaking a language other than English at home. Within second generation Australians (and beyond) there is also significant cultural diversity, including of course indigenous Australians. The underlying premise of the Discussion Paper is that Australia is a mono-cultural society with 'one overriding culture'. ECCV disputes this claim and rather believes that Australia is a multicultural society where people unite as Australians around democracy, the rule of law and our shared homeland.
5. Australia has a successful immigration program that enjoys widespread community support. There has been no significant breakdown of community relationships and harmony in Australia. In Victoria in particular multiculturalism enjoys strong community support. Multiculturalism brings significant social, cultural and economic benefits to Australia. A key part of successful multiculturalism has been Australia's willingness to embrace new migrants from diverse backgrounds under a properly managed immigration program. This has included a welcoming citizenship process that is an inclusive process rather than a discriminatory one.

6. ECCV is of the view that the Discussion Paper does not demonstrate any evidence that our current citizenship arrangements are not working. For instance the title of the paper itself, *Australian Citizenship: Much more than a ceremony*, implies that citizenship is not taken seriously by those attending citizenship ceremonies. No evidence is presented to back up this implication whatsoever. Anyone who has attended a citizenship ceremony knows that the great majority of people who become Australian citizens regard the citizenship ceremony as one of the most important and emotional moments of their lives. It formalises a solemn commitment to a new nation and to a new personal identity.

7. As a society built on immigration with over five million migrants since World War II, Australia has demonstrated world's best practice in successfully integrating generations of migrants into our wider community. The current citizenship requirements of two years' permanent residence, Basic English and a public pledge to Australia and its laws and democracy have served our nation well. Unlike the European countries that the paper looks to, Australia has no widespread experience of discontent, sustained inter-generational disadvantage or social upheaval among the majority of our migrant communities.

8. Our post-war migrants have integrated so well that recent evidence shows their children often have higher levels of home ownership and income levels than children of Australian born parents, despite some overseas born parents not having good English skills. This success has been built around a properly managed migration program and the creation of a welcoming community. Inclusive citizenship laws have been a critical part of these arrangements. It seems flawed to look to some European countries that have been less successful than Australia in integrating new migrants as examples that Australia should follow. New Zealand which has similar citizenship laws to Australia is not mentioned in the Discussion Paper.

9. This submission will now consider the four key questions in the Discussion Paper.

9. (1) Should Australia introduce a formal citizenship test?

The Discussion Paper has not produced any evidence as to why Australia needs a more formal citizenship test. The current requirement for Basic English, a minimum period of residency, and a public commitment to Australia and its democracy and laws have not been demonstrated to be insufficient. ECCV is of the view that a more formal citizenship would discriminate against new migrants, particularly those from refugee and non-English speaking backgrounds. It would deny them the rights and responsibilities of Australian citizenship and at worst create a permanent class of non-citizens akin to those found in some European countries. This would create social exclusion, resentment and undermine community harmony in Australia. Many refugees who due to years of turmoil and displacement may be illiterate in their own language would be unlikely to be able to reach a sufficient standard to pass a formal citizenship test. Denying such people citizenship could be a breach of Australia's international human rights obligations.

9. (2) How important is knowledge of Australia for Australian citizenship?

Knowledge of Australia is important for all citizens, including those born here. Knowledge of Australia grows over time and often according to an individual's interest and aptitude. Putting a subjective and selective test as to what constitutes an adequate knowledge of Australia could do

more harm than good. For instance who determines what an adequate knowledge of Australia is? Does it also include knowledge of indigenous history and culture? Does it include knowledge of our current multicultural make up? Or would it be more focused on an exclusive Anglo-Australian history? While ECCV recognises knowledge of Australia as important for all citizens we feel it would be discriminatory that only new citizens be forced to pass a test in this area and have serious reservations about how a 'knowledge of Australia' test might be constructed. ECCV would prefer to see new citizens attend free and compulsory courses on Australia that offer a basic insight into the country, and that are not subject to pass or fail tests.

9. (3) What level of English is required to participate as an Australian citizen?

Many current Australian citizens do not have a high level of English. This includes new migrants, older migrants, some indigenous Australians in remote settlements, people with disabilities and so forth. While English is important to participate fully in Australian society, a lack of English skills should not be imposed as a barrier to citizenship through a high-level English citizenship test.

ECCV accepts that English proficiency is a goal all Australians should aspire to. There could also be more flexibility in the provision of English language training through the Adult Migrant English Program. Refugees with poor literacy levels could receive a larger number of free hours and other migrants with higher level English and learning skills could receive fewer hours, rather than the current situation of all migrants being placed on the standard 510 hours. This would allow more flexibility within the existing funding arrangements of the AMEP program to cater for differing levels of need. 510 hours seems like a significant amount to a layperson but the reality is that for people with low level literacy skills and no English this is largely inadequate.

The journey to English language proficiency is hugely important. But some migrants due to age, learning difficulties or disability may never reach a reasonable standard of English. Importantly their children almost always will. English language acquisition should be seen as a life long journey that sometimes spans generations, not as a punitive potential barrier to citizenship.

To encourage English language acquisition governments should also consider reintroducing subsidised English language training in the workplace. Having effective English skills is important in the workforce and in wider society. Many immigrants, however, cannot attend English classes due to onerous work commitments to support their families. Having subsidised on the job English training would help address this issue.

The Government should also reinstate the \$10 million in cuts to the Adult Migration English Program as identified in Senate Estimates in February 2006. It is hard to argue for the importance of English language for migrants while cutting programs.

Requiring a stricter English test will primarily disadvantage humanitarian migrants, and particularly those from Africa. Many African humanitarian migrants are illiterate in their own language and have not even had basic educational experiences after long periods in refugee camps or living in severe hardship. Some refugees may never have sat in a classroom or attended school. Simply holding a pen and writing may be a foreign experience to some refugees. To expect such people to achieve

a level of English higher than basic in a short period of time with no more than 510 hours (or 910 hours if they are under the age of 24) of government subsidised English language training is often unrealistic.

Skilled migrants who now represent the greatest component of Australia's immigration program will of course pass a stricter citizenship test easily. On the other hand, many members of the smaller humanitarian component of our immigration program will struggle to achieve a high level of English in a few years. A strict English test would discriminate against humanitarian migrants, particularly refugees from non-English speaking countries in Africa. It would confine many of them to permanent non-citizenship.

Following is one example of the discriminatory effects of non-citizenship. For many African refugees obtaining a passport is critical to being able to visit loved ones overseas. Traveling without an Australian passport is fraught with difficulty and potential danger, including the possibility that it may be difficult to either reenter Australia or to enter the country of destination. In a worse case scenario someone may not be able to visit a dying relative overseas because they do not have an Australian passport as they did not pass a high level English test as required under any new arrangements. This is a fundamental breach of human rights and an abrogation of Australia's responsibility to provide a decent life to legitimate refugees that we accept under our international refugee obligations. It is just one example of how non-citizenship can lead to real and significant disadvantage to individuals.

The Government should consider providing more disaggregated, flexible, and individually targeted English language training that caters for individual circumstances and need. It should not use English language proficiency as a potentially punitive measure through a stricter English language citizenship test.

9. (4) How important is a demonstrated commitment to Australia's way of life and values for those intending to settle permanently in Australia or spend a significant period of time in Australia?

This question is misplaced because Australian values and claims to an Australian way of life are both nebulous and highly contested.

The Discussion Paper states Australian values may include respect for the freedom and dignity of the individual, support for democracy, commitment to the rule of law, the equality of men and women, the spirit of a fair go and mutual respect and compassion for those in need.

Looking at those six value sets, democracy and the rule of law are already covered by our current citizenship pledge and are of course central Australian values, as well as being values practiced by many other nations, if not all.

'Respect for the individual' while not inherently contentious draws on Western liberal traditions. But the Discussion Paper doesn't recognise social democratic or communitarian values which are also part of Western liberal and democratic traditions.

The problem with trying to define 'Australian values' beyond democracy and the rule of law is that they are not necessarily agreed values. Pluralism, or the right to hold different values beyond the acceptance of democracy and the rule of law, becomes one of the most critical values and effectively rejects a detailed list of agreed values. Multiculturalism could also be considered a quintessential Australian value as recently argued by our former Governor General, Sir William Deane. As the Federation of Ethnic Communities' Councils of Australia (FECCA) has also noted values change over time.

The final two values listed in the Discussion Paper, of a fair go and mutual respect, are hardly Australian values but are actually universal values found in a vast array of nations and among different religious and secular belief systems. It is culturally naïve to claim these values are somehow peculiarly Australian and not practiced to the same extent elsewhere in the world.

It could be argued that beyond democracy and the rule of law, which are covered in our current citizenship pledge, some of the other values proposed are either particular to the government of the day or so universal as to be nonsensical to be described as Australian values (a fair go and mutual respect).

Taken together the six values listed in the Discussion Paper do not relate in a direct way either to Australia's democratically founded Constitution or to our current Citizenship Act. If a case can be demonstrated of the need to extend the commitment to democracy and the rule of law, as expressed in our current citizenship pledge, ECCV calls on the Federal Government to develop a more democratically determined set of Australian values, acceptable to a majority of the Australian people. These values should be universal and agreed values, rather than being divisive or party-political.

10. With regards to the announced proposals to extend the waiting period for eligibility to Australian citizenship from two to four years (which do not form part of this paper), ECCV also opposes these proposals. ECCV believes they are exclusionary, lack justification and create further barriers to full participation in Australian society by not allowing Australian permanent residents to become full citizens within two years. Again this will have real discriminatory impacts on new migrants by unnecessarily imposing: longer periods without an Australian passport to reunite with loved ones overseas; longer periods without voting rights; longer periods restricting federal public service employment; a reduction in potential family reunion points for a longer period of time; and extended restrictions on access to some higher education study assistance schemes.

11. The paper states that Canada, the United Kingdom, the United States of America and the Netherlands now have more formalised citizenship testing in place around language abilities and level of local knowledge. These countries all arguably have different pressures around their immigration programs when compared to Australia, which in many instances has been far more successful in this area. For instance in the Netherlands public support for immigration is under pressure due to circumstances that are entirely different to Australia's experience.

12. The Discussion Paper does not mention New Zealand's citizenship requirements which are very similar to Australia's current requirements with the exception that generally three rather than two years' residency is required. New Zealand requires 'sufficient' English and an understanding of the responsibilities and privileges of citizenship. There is no formal test on New Zealand or its values.

13. The paper states a formal citizenship test could assist people to fully participate in the Australian community by providing a real incentive to learn English. It claims a formal test will also ensure people understand 'Australian values'. The paper fails to provide any evidence that people are refusing to learn English and does not mention some of the barriers to effective English learning such as: the need to work long hours in low-paid employment to provide financial assistance to families overseas or to finance family reunion which effectively leaves little room for English language learning; the inadequacy of existing levels of subsidised English language training, which may be insufficient for migrants with existing low levels of language and learning skills and particularly some refugees; or insufficient childcare arrangements or flexibility for parents.

14. The Discussion Paper has also not addressed the significant issue that by far the largest number of eligible non-citizens in Australia are those from the United Kingdom at around 346,200 people or 36.9% of the UK born Australian population, closely followed by permanent residents from New Zealand representing 204,900 eligible non-citizens or 21.9% of the New Zealand born Australian population. This huge cohort of non-citizen permanent residents would have no difficulty passing the current citizenship requirements or an expanded citizenship test. The Discussion Paper does not address why these permanent residents are choosing not to become citizens and whether this represents a problem to government. This seems to be a blind spot in the Discussion Paper given the much lower levels of eligible non-citizenship among Australians from non-English speaking backgrounds. The Discussion Paper states citizenship is important to full participation in Australian life. If that is the case why does the Discussion Paper not address the issue of this large number of eligible non-citizens from the United Kingdom and New Zealand? For instance, what strategies might the Government introduce to encourage these people to become Australian citizens? It seems odd that the Discussion Paper proposes establishing further barriers against Australian residents who want to become citizens, but does not address issues around the very large number of people who do not wish to attain Australian citizenship but could easily do so.

15. The Discussion Paper also considers permanent residents and people living in Australia on long term temporary residence visas and asks whether they should be subject to increased English language and Australian knowledge requirements. As the Paper notes skilled migrants, our largest migrant category, already have good English language skills. Humanitarian migrants, particularly those from Africa, may have no English skills, let alone any knowledge of Australian values. To impose such requirements on permanent residents setting foot in Australia for the first time under our humanitarian program would be clearly discriminatory. English language skills are important to effective settlement but the implementation of an English language test on permanent residency should not be introduced as it would deter permanent resident holders from refugee and other backgrounds seeking residency and ultimately citizenship in Australia. This would undermine Australia's international human rights and refugee obligations.

16. The Discussion Paper has also failed to acknowledge language and cultural diversity as an emerging characteristic of Australia which brings significant benefits. Bilingualism is also of direct economic benefit to Australia as we trade and engage with an increasingly globalised world. As one of the most successful multicultural societies in the world today, Australia should be embracing our productive diversity rather than trying to inhibit it.

17. ECCV held a consultation forum on the Discussion Paper on Wednesday October 18, 2006, with our membership. The views presented at our forum were almost universally in opposition to

the new proposals. Several speakers at ECCV's citizenship forum felt the new citizenship proposals were politically motivated and would undermine the success of multiculturalism in Australia. One speaker felt that the Government was creating a situation of 'double jeopardy' in that people were already required to jump a huge hurdle to achieve permanent residency in Australia and now the Government is proposing a further second large hurdle through a stricter citizenship test. Several speakers questioned the adequacy of existing English language programs for new migrants and said if the Government was serious about improved English language acquisition they would increase funding and flexibility within its own program.

18. The Discussion Paper has failed to demonstrate the case for the need to overhaul Australia's citizenship requirements. While English language acquisition and an understanding of citizenship and Australian society should be encouraged these factors should not necessarily be used to make citizenship acquisition more onerous for established residents and members of the Australian community. Learning English should be seen as a life long journey for all Australians, not as a discriminatory barrier to citizenship. The Government should focus on providing more flexible and accessible English language training rather than using English language proficiency as a potentially punitive measure to deny Australian citizenship to certain people. A more restrictive citizenship test could create a two-tiered society in Australia which would undermine community cohesion and harmony, and damage our successful immigration program and multicultural society. The people who would be most discriminated against by a stricter citizenship test would be refugees from non-English speaking backgrounds, and particularly refugees from Africa. In many cases these people would be prevented from acquiring Australian citizenship. This would seriously undermine Australia's humanitarian credentials. ECCV opposes moves to fundamentally change our existing citizenship requirements which have served our nation well. The Discussion Paper has not demonstrated the case for change.