



Refugee Council
of Australia

Response to Australian Government discussion paper: *'Australian Citizenship: Much more than a ceremony'*

November 17, 2006

1. Introduction

The Refugee Council of Australia welcomes the opportunity to respond to the discussion paper "Australian Citizenship: Much more than a ceremony" and the proposed introduction of a formal citizenship test. While the discussion paper predominantly refers to migrants in a general sense, the Council wishes to respond in relation to the impact these proposals will have on refugees and humanitarian entrants, as a section of the Australian population with a very different and much more difficult migration experience.

In relation to impacts on non-humanitarian migrants, the Council would like to commend the submission made by the Federation of Ethnic Communities' Councils of Australia (FECCA).

The Refugee Council of Australia has 25 years experience in research, advocacy and policy analysis regarding international and domestic refugee issues. This submission also draws on consultations we have had with key organisations and individuals working in support of refugees and refugee settlement.

2. Summary

Australia is a successful multicultural country, with a strong record of social cohesion and minimal racial tension. The sense of inclusion that many refugees who have come to Australia feel can be partly attributed to their early opportunity to publicly declare their commitment to Australia through gaining citizenship. The introduction of a formal citizenship test would act as a significant barrier to many refugees attaining citizenship and thus fully participating in the Australian community. Instead of promoting Australian values, the proposed citizenship test fosters exclusion and runs contrary to the Australian values of a fair go and of mutual respect and compassion.

Australia's landmark achievements in terms of effective integration of people from diverse backgrounds is second to none in the world. Australia's track record in terms of integration, early commitment and active participation of its new citizens will be undermined by copying international systems based on a different context and different experiences. The nations which require formal testing for their prospective citizens have been far less successful than Australia in terms of integration and effective settlement. There is no demonstrated need to extend the qualification period for citizenship or introduce formal testing based on international experiences when the current Australian system has been outperforming those of other countries. Instead of copying the policies of other states with less successful records of

multiculturalism, Australia should be acknowledging and promoting the success of its existing policies.

Full participation in the society and commitment to Australia cannot be measured or even fostered through formal testing. Formal testing only assesses capacity to study rather than values, commitment or ability to participate effectively. Commitment and ability to contribute positively to the society comes from successful integration and a feeling of welcoming and belonging. The Refugee Council believes that extending the qualification period for citizenship to four years and introducing formal testing to become a citizen will not achieve the expected outcomes of enabling participation in the Australian life and fostering strong commitment from future citizens. On the contrary, these requirements might alienate those unable to comply with them and close the doors for effective integration of potentially exemplary citizens.

Refugee and humanitarian entrants are currently more likely to seek Australian citizenship than people from any other migration category. Those from English speaking countries are among those least likely to see Australian citizenship. The changes outlined in this discussion paper would greatly disadvantage those most interested in Australian citizenship, in favour of those least likely to be interested. The discussion paper fails to make a strong case for why this should occur.

How the Proposed Changes Will Affect Refugees

- Australia should not be limiting the opportunities for citizenship for those to whom it has recognised international protection obligations. Refugees are in a different situation from migrants, who can make an active choice between remaining in their country of origin or moving to Australia. Refugees have had the choice to remain in their country of origin taken away from them by the persecution they have faced. Many have, in effect, lost their initial citizenship as a result of the refugee experience. Denying these refugees access to citizenship or delaying its acquisition is not acknowledging their fundamental need to make a formal connection to the country which has provided them protection.
- For many refugees and humanitarian entrants, citizenship is closely connected to their sense of security and safety in a new country. Delaying citizenship will place yet another barrier to successful settlement and integration.
- While many refugees are bilingual or multilingual, for some refugees learning English can be a very long and difficult process. There are a number of barriers that many refugees face which distinguish them from other migrants, including:
 - a limited or interrupted educational background due to armed conflict, forced displacement, the experience of flight and many years in refugee camps and countries of asylum;
 - illiteracy or pre-literacy in their own language which means that, while they may acquire a level of spoken English over a period of time, they may take many years to attain a functional level of written English; and
 - learning difficulties resulting from prior torture and/or trauma.
- The English test will have the impact of excluding many refugee women who may have difficulties accessing English classes due to family responsibilities, especially those who come to Australia under the Women at Risk category and are the sole heads of households. This may result in an outcome where some members of the same family might be able to pass the test and become Australian citizens whereas others will be unable to do so.

- Refugees who are given a Temporary Protection Visa (TPV) are not eligible for federally-funded English language tuition and are unable to access settlement services or reunite with their families for three years. By denying TPV holders' access to English language tuition on the one hand and then promoting the attainment of English language skills as an essential pathway to citizenship and successful integration on the other, the Australian Government is contradicting its own policies. As a result, this will place additional barriers in the way of refugees seeking to settle and integrate into the Australian community.
- Until they are able to become an Australian citizen, refugees are unable to hold an Australian passport. While they may be issued with travel documents, their ability to travel and see family members overseas is restricted in many situations. This is a significant part of the settlement process and essential for the recovery from experiences of trauma. Under the proposed legislation, these refugees would have to wait four years and, for those with Temporary Humanitarian Visas (THVs), the wait could be up to five years.

3. Responses to Specific Questions

As previously mentioned, RCOA will only respond to the following questions as they relate specifically to refugees, humanitarian entrants and former asylum seekers.

Question 1

Should Australia introduce a formal citizenship test?

No. It is the Council's position that the introduction of a formal citizenship test would not enhance the ability of refugees to participate actively and integrate successfully in the Australian community. In fact, we assert that a formal test would act as a significant barrier to integration and would negatively impact on the ability of refugees to become successful Australian citizens. Many vulnerable refugees will be unlikely to pass the test, being among the most vulnerable members of our society and disproportionately disadvantaged by the introduction of formal testing.

The Refugee Council believes that the existing system is adequate. It requires future citizens to understand the nature of their application, to have a basic knowledge of English and adequate knowledge of the responsibilities and privileges of Australian citizenship. This system has been successful in attaining effective levels of integration and fruitful participation in Australian life by those who have become citizens. There is no evidence of the inadequacy of this system or the need to change it and, therefore, no justification for additional requirements for refugees who would otherwise become exemplary and committed citizens of Australia.

Question 2

How important is knowledge of Australia for Australian citizenship?

While the Council recognises that knowledge of Australia is beneficial for the settlement experience and acknowledges the importance of full participation in Australian life by prospective citizens, the Council believes that this knowledge is gained over a period of time through participation and involvement in the Australian community.

Passing a formal test does not mean that future citizens have the capacity to participate fully in Australian life. The test is assessing the ability to learn rather than values or commitment or readiness to participate actively as citizens. Commitment comes from successful integration and an effective settlement experience. Formal testing requirements may produce contrary

results as many individuals might be willing to commit and actively participate as citizens but fail the test while others may easily pass the test without commitment.

Question 3

What level of English is required to participate as an Australian citizen?

As mentioned previously, the Council does not believe that a particular level of English language skill should be a formal requirement of Australian citizenship. This would discriminate heavily against refugees, in particular:

- women (particularly those under the women at risk category, visa 204) ;
- refugees who have little or no formal educational background;
- refugees who are illiterate or pre-literate in their own language;
- those who have spent significant periods in refugee camps or displaced in asylum countries;
- those who have experienced torture and/or trauma;
- refugees who are current or previous holders of TPVs or THVs; and
- permanent resident refugees who may require more than 510 hours (provided through the Integrated Humanitarian Settlement Strategy - IHSS) of tuition to gain functional written and spoken English.

While the Council acknowledges that English language proficiency is an important component in the development of successful employment pathways and access to education for refugees, we do not believe this should be linked to citizenship. If the Australian Government is serious about enhancing integration, successful settlement and engaging refugees in employment, greater emphasis should be given to initiatives which improve the availability and access to English language tuition and educational and training opportunities for all refugees and humanitarian entrants. Linking this to citizenship is based on the false assumption that passing a formal test will signify an individual's capacity to participate in the Australian community and be a successful citizen. It does not acknowledge the current barriers that a majority of refugees face in accessing and benefiting from English language tuition under the existing system of settlement service delivery.

Question 4

How important is a commitment to Australia's way of life and values for prospective Australian citizens?

It is the Council's opinion that a commitment to Australia's way of life and values is essential for prospective Australian citizens. However, formal testing is an inadequate and misleading measure of this commitment for the reasons explained above. Moreover, compulsory testing for refugees and extended periods to apply for citizenship run contrary to some of Australia's basic and common values, particularly the spirit of a fair go and mutual respect and compassion for those in need.

The settlement experience of refugees is often characterised by an expression of deep gratitude towards the opportunities Australia offers in re-building a stable and safe environment for themselves and their families. Refugees will frequently refer to Australia's values of democracy, respect for freedom and dignity, respect for cultural and religious diversity and respect for the rule of law as an essential part of their successful settlement and feelings of stability and security as they begin their new lives. With a strong commitment to these values, refugees are also driven to "give something back" to the Australian community and possess a strong desire to be an active participant in society through employment, education, positive interaction and social inclusion. This is a process which occurs over a

period of time and is enhanced by policies and programs which are free from discrimination and exclusion.

It is the Council's position that, during the settlement experience, refugees naturally develop a strong link and commitment to Australia and Australian values as they establish a new home here for their families. We do not believe it is necessary to link this with attaining citizenship. It does not add any value to the citizenship process. In fact, it takes value from this process, by converting the positive connection that citizenship holds into a negative experience that is compulsory and contrary to some of Australia's proudly held values.

Question 5

What form should a commitment to Australian values take?

The Refugee Council believes that the current system involving a Citizenship Pledge as part of a public citizenship ceremony is adequate. It is a meaningful opportunity for refugees to be able to express their commitment and their gratitude to Australia in a public forum. This opportunity marks an important step for refugees in terms of achievement and effective settlement. The positive meaning of this process will be undermined by compulsory testing.

It is important to celebrate voluntary commitment to Australian values and Australian way of life rather than attempting to measure such commitment through a contrived formal test.

Questions 6, 7, 8, 9, 10 & 11.

What level of knowledge and understanding of the Australian way of life and English language skills should people have to be approved for permanent residence in Australia?

Should they be required to demonstrate this knowledge?

If so, how could they demonstrate their knowledge and understanding of Australia and their English language skills?

Should the same be required of people to be approved for long term temporary residence in Australia, such as for business or study?

How important is a commitment to Australia's way of life and values for permanent residents and long term temporary residents?

What form should a commitment to Australian values take?

Please see our responses to the questions above.

Question 12

What things do you think are important for prospective citizens to have an understanding of before taking up Australian citizenship?

The Council agrees that prospective Australian citizens need to be fully aware of the privileges and responsibilities that are conferred through citizenship. This understanding is essential for citizens to be informed so that they can live up to such responsibilities as accepting and complying with Australian law, voting, serving as a jury and defending Australia. It is also essential to enjoying the important privileges conferred through citizenship, including obtaining an Australian passport, the right to vote, the right to register children born overseas, the right to be elected to Parliament, access to financial assistance for education and access to employment in the Australian Public Service and the Defence Forces. However, the current system already provides for the understanding of such privileges and responsibilities as a requirement for obtaining citizenship. Therefore, the Council believes that the current system is adequate. Further testing is unnecessary for the reasons explained above.

Question 13

Should prospective Australian citizens be formally tested for their level of English? If so, would it be necessary to test oral, written, reading, and listening skills?

To reiterate our opposition to the introduction of a formal English language test, it is the Council's position that testing in any oral, written, reading or listening skills will discriminate heavily against refugees and humanitarian entrants for the reasons explained above.

The Council acknowledges the importance of English skills as a useful tool to enable full participation and interaction for prospective citizens as members of the Australian community. However, it is the Council's opinion that formal testing is not the most effective tool to promote learning and will discriminate against certain groups including refugees. Willingness to learn English and to participate cannot be directly related to successfully passing a citizenship test. The best way to encourage English learning is by providing additional support to refugees to access English language tuition through the Adult Migrant English Program (AMEP). Rather than testing, the Council believes that a sustainable and effective way to foster effective learning is compliance with the minimum hours at the AMEP and providing funding for increasing access and the numbers of hours where necessary.

Question 14

Should the requirement be expanded beyond needing a knowledge of the responsibilities and privileges of Australian citizenship and an understanding of the nature of the application? Should it instead encompass a broader knowledge of Australia?

No. Please see our response to Questions 2 and 12.

Under the current system, future citizens acquire an information booklet "What it means to be an Australian citizen". This booklet already contains useful information about a broader knowledge of Australia.

Question 15

If knowledge of Australia is considered important for Australian citizenship, what elements do you think are necessary? For example, should people choosing to become Australians know something about our history; our culture and traditions; our common values; national symbols; our laws; and our Australian system of democracy? What other things do you think are important?

The Council believes that a basic knowledge of Australia and the responsibilities and privileges of citizenship is important for new citizens. However, there are other ways of helping future citizens to learn about Australia and preparing them for their life as Australian citizens including the provision of an information booklet on citizenship and the development of targeted citizenship classes.

Attempting to create a demanding system of testing for prospective citizens to acquire citizenship will discriminate against them, particularly considering that most Australian born citizens are themselves likely to fail a very detailed test on Australia's history, culture, traditions and laws.

Provision of useful information about Australia should be a part of settlement services for refugees. The Refugee and Special Humanitarian Program already provides for refugees to access basic knowledge of Australia. For instance, the Australian Cultural Orientation program

and other orientation aspects of IHSS and post-IHSS services include good information about Australia's way of life, values, laws and culture. These programs have proved very useful for refugees and should be supported and enhanced. Again, the focus should be on successful settlement, not on passing a test.

Question 16

If a formal citizenship test were to be introduced, should certain groups (for example, older people or long term residents) be exempt?

The Council reiterates its opposition to a formal test. All refugees, humanitarian entrants and former asylum seekers should be exempt regardless of their visa type. If they are permanent residents, they should be eligible to apply for citizenship after two years.

The case is even more compelling for many refugees who have lost their citizenship as a result of the refugee experience. Denying prompt access to Australian citizenship to these refugees or delaying its acquisition would deny them natural justice.

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