



Refugee Council of Australia

DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION

RESPONSE TO PROPOSED CHANGES TO THE TEST FOR AUSTRALIAN CITIZENSHIP

The Refugee Council of Australia (RCOA) is the national umbrella body for refugees, people seeking asylum and the organisations and individuals who work with them, representing over 190 organisations and 1,000 individual members. RCOA promotes the adoption of humane, lawful and constructive policies by governments and communities in Australia and internationally towards refugees, people seeking asylum and humanitarian entrants. RCOA consults regularly with its members, community leaders and people from refugee backgrounds and this submission is informed by their views.

RCOA expresses its deep concern at the changes to the test and requirements for Australian citizenship proposed in the Discussion Paper. The inclusive nature of Australian citizenship is a crucial element in the success of our multicultural society. Gaining “citizenship should be an enabling, positive and welcoming process for applicants and one which is seen to contribute to building a cohesive and dynamic nation.”¹

For refugee and humanitarian entrants, Australian citizenship has a special significance. Gaining citizenship marks both their integration into their new country and the end of their displacement. For many, it will mark the first time they have experienced the protection of a State, rather than its persecution. Citizenship provides them with the safety they need to settle and to heal, and gives them the security to build and imagine their new lives. For this reason, most refugees and humanitarian entrants are eager to apply for citizenship as soon as they can, and prize it highly.

The Government has justified the proposed changes as ways to improve social cohesion and to ensure that citizenship is valued.² Yet by effectively excluding some people from citizenship, these proposals will undermine social cohesion, and deny citizenship to those who value it most highly. Indeed, the proposed changes are most likely to affect those who are most vulnerable.

Our submission sets out our key concerns about these proposals, including:

- The value of citizenship to people from a refugee background
- The disproportionate impact on people from a refugee background
- The proposed English language requirements and other measures limiting the accessibility of the citizenship test;
- The need for demonstrated ‘integration’, and
- The supposed ‘strengthening’ of ‘Australian values’.

¹ Australian Citizenship Test Review Committee, *Moving forward ... Improving pathways to citizenship* (August 2008) <https://www.border.gov.au/Citizenship/Documents/moving-forward-report.pdf>.

² Kylar Loussikian, ‘Malcolm Turnbull pledges to change citizenship program to “improve social cohesion” and “enhance security”’, *Daily Telegraph* (19 April 2017) <http://www.dailytelegraph.com.au/news/national/malcolm-turnbull-pledges-to-change-citizenship-program-to-improve-social-cohesion-and-enhance-security/news-story/94e7a3b717bef91da13b6b4d32d6afe6?nk=576d30c99d0510ba37958800761cfa5f-1496655849>.

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The submission also includes case studies to give examples of how the proposed changes would impact people who have experienced forced displacement. We are concerned that the proposed changes will exclude the very people that the Government wishes to see “integrate” into Australian society.

Finally, we continue to argue for evidence-based policy that will help people settle and contribute to Australian society, rather than political rhetoric that divides and excludes. If the Australian Government genuinely wants people to ‘integrate’ and contribute, supporting people to participate and be included within the wider community would be a productive way to build on the “most successful multicultural society in the world”.³

1. The value of Australian citizenship for refugee and humanitarian entrants

1.1. The right to a nationality is an essential human right. Article 15 of the 1948 Universal Declaration of Human Rights declares that everyone has the right to a nationality. Nationality creates rights and duties for both the State and the individual. These rights or duties are not available to a person without citizenship, resulting in a lack of opportunity, protection and participation. Citizenship is also essential in realising a number of other human rights, such as the right to take part in political affairs. While human rights apply globally, citizenship is the main way through which people can access these rights.

1.2. Citizenship has particular significance for refugee and humanitarian entrants. Refugees are, by definition, unable to return to their country of origin because of a well-founded fear of persecution or other forms of serious harm. Australian citizenship is therefore often the first effective and durable form of protection that many refugees receive, and is celebrated and cherished by them. For those who know what it is like to live without freedom and democracy, obtaining citizenship in a free and democratic country is particularly meaningful. As one former refugee noted in RCOA’s community consultations:

Having a citizenship is highly valued. It gives you equal rights and equal protection for the first time. Refugees are honoured to have an Australian citizenship and we appreciate the rights, protection and obligations that comes with it. If we didn’t have Australian citizenship, we would have nowhere to go.

1.3. Gaining citizenship plays a central role in resolving the situation of refugee and humanitarian entrants. This is recognised by the 1951 Refugee Convention, which requires its signatories to “as far as possible facilitate the assimilation and naturalisation of refugees” and “make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings”. Further, two of the three durable solutions for refugees promoted by the United Nations High Commissioner for Refugees (UNHCR) – local integration and resettlement – rely on refugees becoming citizens of another country.

1.4. For many refugee and humanitarian entrants, obtaining citizenship represents the culmination of their journey: the point at which they are no longer displaced; can rebuild their lives in safety and security; and feel the sense of belonging which was denied to them in their country of origin.

1.5. Citizenship has even greater significance for stateless people, who by definition are not recognised as nationals of any country. The status of stateless people can only be resolved by obtaining citizenship. Under the 1954 Convention Relating to the Status of Stateless Persons, Australia is required to “make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings.” This is similar to Australia’s obligations under the Refugee Convention.

³ Prime Minister Malcolm Turnbull and Peter Dutton (Minister of Immigration and Border Protection), ‘Strengthening the integrity of Australian citizenship’ (Media release, 20 April 2017) <http://www.minister.border.gov.au/peterdutton/Pages/Strengthening-the-integrity-of-Australian-citizenship.aspx>.

1.6. The significance of citizenship for refugees has been a focus of our work in the past two years. In October 2015, we published a report documenting the prolonged delays experienced by thousands of refugees and humanitarian entrants in gaining citizenship.⁴ In December 2016, RCOA, together with pro-bono lawyers, successfully challenged the Minister's delay in deciding these applications in the landmark case of *BMF16 v Minister for Immigration and Border Protection* [2016] FCA 1530. The Federal Court found that the Minister for Immigration had unreasonably delayed in deciding whether to grant citizenship to two of these former refugees who were waiting for over 14 months.

1.7. Despite this ruling, however, thousands of former refugees continue to face lengthy delays, with thousands of people waiting over one year. These delays deny people of refugee background in Australia their basic rights to stability, security and family reunion, leaving many families in war zones and unsafe environments while they wait to reunite with family in Australia.

1.8. In February 2017, as a follow up to our October 2015 report, RCOA conducted a second survey of nearly 980 people of refugee background. Of these, 928 were still awaiting a response to their citizenship application. The Federal Court decision found that a delay of over six months is unreasonable and unlawful – yet 92% of respondents have experienced delays greater than this length. The average waiting time was over 16 months. Two-thirds of those waiting have been waiting over a year, while 13% (120 people) have been waiting over two years.

2. Excluding the most vulnerable

2.1. While the Government's stated intention is to ensure that citizenship is valued, the proposed changes would effectively delay or deny citizenship to the people who value citizenship most. As we discuss below, the effects of the proposed changes are likely to be felt most by those from refugee and humanitarian backgrounds.

2.2. For decades, refugee and humanitarian entrants have been more eager than any other category of migrants to become Australian citizens. Yet they face many barriers in this quest. Persecution can affect their memory and capacity to learn and settle into society. Most will come from oppressive or dysfunctional States. Many of them will have lived for years in refugee camps or in precarious limbo. Most will learn English first in Australia, and some will not be literate in their own language. Many will also be still suffering from prolonged separation from families and distress about their safety.

Real-life example: delays and anxiety

Kamal is a 40-year-old Hazara man living in Victoria. Over 22 months have passed since Kamal applied for Australian citizenship. Kamal feels deeply anxious about the fact that his family are "not safe", living in a country where no safety is provided to the Hazara people from the threat of ISIL. Kamal has a medically diagnosed mental impairment that makes it difficult for him to retain information and pass the citizen test. Despite an application for special consideration, he still has not been informed if he is exempt from the test. Every time that Kamal has called the Department he is told that his application is being processed and he must continue to wait.

2.3. These factors will make it naturally more difficult for them to engage with the kind of formal testing that is familiar to most Australians, and to many skilled migrants. As discussed below, it will also make it difficult for them to achieve the level of 'competent English' required by the proposed changes. Statistics show that 8.8% of those who came as refugees or humanitarian entrants do not pass the current citizenship test, which is six times the average. Similarly, on average they needed

⁴ Refugee Council of Australia, *Delays in Citizenship Applications for Permanent Refugee Visa Holders* (October 2015) <http://www.refugeecouncil.org.au/wp-content/uploads/2015/10/1510-Citizenship-Delays-for-Permanent-Refugees.pdf>.

to repeat the test 2.4 times.⁵ What is unknown is how many former refugees have given up on seeking citizenship because of fear of failing the test.

3. Splitting families apart

3.1. Obtaining citizenship is especially important for people who wish to sponsor family members to come to Australia. While refugees on permanent visas can sponsor family members to come to Australia, Ministerial Directive 72 places the family members of boat arrivals at the lowest processing priority, which means that in practice it is impossible for these people to sponsor their family.⁶ Gaining citizenship is one way in which people hope to be able to sponsor their family, many of whom are at risk of persecution and death overseas.

3.2. In addition to not being able to sponsor family to come to Australia, the lack of citizenship makes it very difficult for people to visit their family overseas. RCOA heard from many refugee community members about how without Australian citizenship, their lives would still be in danger if they were to travel to their country of origin, as they are not afforded diplomatic protection as they would once they receive citizenship. While most people are eligible for an Australian travel document, many countries do not issue visas to those with such documents. For example, Indonesia does not provide a visa to a person with an Australian travel document. One young man shared his frustrations while waiting for citizenship, saying:

My mother is very sick in Indonesia. I want to go visit. I am worried it will be the last time I will see her. If something happens, I can't forgive myself.

3.3. Another man on a permanent refugee visa told RCOA:

I need my citizenship to bring my wife here. Without citizenship the application is just frozen. I don't know what the government wants from us. My depression and anxiety is increasing. I had been interpreter with US Army and I am worried about my wife's safety. Please let this ...government know about the terrible situation that we are suffering for nothing.

3.4. The harsher testing regime can also contribute to the perverse outcome of leaving families in Australia in limbo, with children becoming Australian citizens while their parent/s are not. The current testing regime has already contributed to this: a man and wife from a refugee background are both waiting (over 12 months) for their citizenship but their children are all Australian citizens. As the father put it:

I don't understand why the government has policies that cause families to be "divorced".

4. Impact on women and the stateless

4.1. Refugee community members have shared with RCOA their significant concerns about the effect of these proposed changes on women from a refugee background. Women who have made refugee journeys often shoulder additional caring responsibilities coupled with patchy access to ongoing education. Many refugee women and girls have faced sexual violence and other forms of torture and trauma. There is considerable evidence that this can impact memory, cognition and learning abilities. This has flow-on effects for learning English, sitting an important test, and being able to "demonstrate integration".

4.2. The impact of the proposed changes would be to isolate women further from the broader community, and render them even more vulnerable and potentially dependent on their male partners. This would be tragically ironic, given the inclusion of gender equality as a key 'Australian value' in the proposed test and the concerns about domestic violence reflected in the Discussion Paper.

⁵ Department of Immigration and Border Protection, *Australian Citizenship Test Snapshot* (30 June 2015) <https://www.border.gov.au/Citizenship/Documents/2014-15-snapshot-report.pdf>.

⁶ See <http://www.refugeecouncil.org.au/getfacts/settlement/family-reunion-ministerial-directives/>

Real-life example: English language tuition, caring responsibilities, isolation

Martha arrived in Australia with her husband and three young children. Her education was disrupted multiple times because of the conflict in her home country and her displacement. She spent over 18 years in precarious living situations as a refugee and was subject to sexual violence.

In Australia, she finds it difficult to attend AMEP without adequate childcare arrangements. She also has to drop off and pick up her children from school and take them to appointments. Martha has had to move to an area far from many services and her community, so she feels isolated. More flexible ways to learn English and engage in the local community would help her to feel like she belongs and can start her life again.

4.3. RCOA also expresses particular concern about the impact of these proposals on stateless people. These are people who do not have another nationality or citizenship, and are therefore especially vulnerable. These would include, for example, Rohingya refugees, one of the most persecuted minorities in the world, many of whom have not have formal education and are not literate. Under these proposals, they are likely to remain stateless in Australia indefinitely.

5. The new English language test

5.1. The proposed changes would see people sit a separate English language test with a minimum level of “competent” English — an IELTS score of at least six (6) in each category.⁷ The current approach is to require a “basic” level of English that is established in an indirect assessment of language via sitting the citizenship test.

5.2. This level of English is the required level for many postgraduate university places and does not reflect the level of English that is needed to navigate through daily life or contribute to Australian society. Indeed, there are likely to be many current citizens, including some Australian-born citizens, who could not meet this demanding test.

5.3. Many citizens who do not have ‘competent’ English contribute enormously to this country’s economy, culture and society. Projects such as the Snowy Mountain hydroelectric scheme were built by such people. There are people working on our farms and in our factories, creating enterprises, raising a new generation of citizens, and building our nation who have not and never will speak university-level English.

5.4. Excluding people from citizenship because they cannot write an essay with academic language proficiencies for university entry is both unfair, unnecessary and is discriminatory. As one person from a humanitarian background put it:

Passing this English Test is more a reflection of a person’s ethnic and academic background rather than an indication of their value as a member of society.

5.5. This aspect of the reforms is the most likely to disadvantage people from refugee backgrounds, who are the most likely not to speak English upon arrival of all the migrant streams. For many, achieving an academic level of English is impossible, effectively denying them citizenship no matter how much they contribute to Australian life or however long they live here. The proposed English test has caused enormous anxiety among refugee communities already, creating yet another barrier to the increasingly elusive dream of Australian citizenship.

5.6. Another group that would be disproportionately affected would be older refugees. While those over the age of 60 will be exempt from the citizenship, those who arrive later in life will typically find it more difficult to learn a higher level of English.

⁷ Simon Benson and Rachel Baxendale, ‘Citizenship changes revealed: Fluent English, four years of residency, Australian values’ *The Australian* (20 April 2017) <http://www.theaustralian.com.au/national-affairs/citizenship-changes-revealed-fluent-english-four-years-of-residency-australian-values/news-story/47a5be9d81ba98145673cfd65fa44c85>.

5.7. Another aspect that is unfair is that, while the citizenship test will require 'competent' English, the Adult Migrant English Program (AMEP) only supports people to achieve 'functional' English. Clients who have functional English or higher are not eligible to participate in AMEP.

5.8. As well, there are long-established difficulties with the existing AMEP program. RCOA has heard time and again that the initial 510 hours is simply not enough. We have therefore welcomed the Government's introduction of an additional 490 hours for people who require more tuition. However, the increased hours do not apply to anyone who has already completed their 510 hours. This means that there will be a sufficient gap between people exiting AMEP with a functional level of English yet not being able to meet the competent level for the citizenship test. RCOA is concerned that people who obtain a functional level of English after completing AMEP will risk not ever getting citizenship.

5.9. There remain, however, other issues that still need to be addressed. These include the expertise of instructors, the lack of use of bicultural workers, and the reduction in specialist pathway courses.⁸

5.10. Women are also more likely to be excluded by this requirement. Women often face additional barriers for learning. These can include pre-arrival torture and trauma, including as survivors of sexual violence. As well, caring responsibilities for the young and old particularly impact many women's ability to participate fully in the AMEP classes. Many AMEP classes still do not offer accessible childcare options. While there have been changes to roll these out later this year, these changes did not accurately reflect the cost of childcare needed to attend AMEP classes.

Recommendation 1:

People should not be tested separately on their English language ability as a requirement for citizenship.

Exemptions from English language test

5.11. RCOA welcomes the commitment in the Discussion Paper to retain the existing exemptions from the citizenship test for the English language test, for those under 16 or over 60, and those with an "enduring or permanent mental or physical incapacity".

5.12. However, there are difficulties with the current process for people that have an "enduring or permanent mental or physical incapacity" to seek an exemption. RCOA has heard of several cases in which the Department of Immigration refused exemptions even where complex medical and psychiatric reports had been submitted by qualified medical professionals to support an exemption. This troubling approach to the current process leaves little comfort that the exemptions will apply to people who need them most under the proposed changes.

English course option and cap on citizenship tests

5.13. In 2008, an independent review of the citizenship test led by retired ambassador Richard Woolcott "received overwhelming feedback calling for a range of pathways to citizenship which do not discriminate against migrants and refugee and humanitarian entrants with poor literacy or education levels, or who may have no knowledge or experience of computers and computer based testing".⁹ This led the committee to recommend the development of alternative pathways to citizenship to ensure citizenship remained accessible to the most vulnerable.

5.14. The result was the option of a citizenship course for those that are unable to pass the test. This has provided an alternative for people who have had difficulty acquiring English due to interrupted education, trauma-induced learning and memory difficulties and other barriers that often

⁸ See RCOA and FECCA's letter to the Minister for Education and Training, available at <http://www.refugeecouncil.org.au/wp-content/uploads/2017/02/FECCA-RCOA-Letter-re-AMEP.pdf>

⁹ Australian Citizenship Test Review Committee, *Moving forward ... Improving pathways to citizenship* (August 2008) 27 <https://www.border.gov.au/Citizenship/Documents/moving-forward-report.pdf>.

arise as a result of forced displacement. The removal of this option will further exclude many vulnerable people from citizenship.

5.15. RCOA also opposes the proposed change to bar people from applying for at least two years after they fail the citizenship test three times. As noted above, on average those from refugee and humanitarian backgrounds take the test 2.4 times, meaning that this cap would almost certainly disadvantage this stream of migrants most. Delaying the time taken to gain citizenship will only increase their sense of insecurity and undermine their sense of safety and belonging.

Real-life example: English-language difficulties, lack of recognition of activities

San, a Karen woman, arrived in Australia aged in her early 50s, having spent over thirty years in a refugee camp on the Thai-Burma border. San attended her 510 hours of English language tuition at AMEP but still struggles with English. She does not read or write in her native language so she finds it difficult to do the same in English. She speaks English well but lacks confidence and gets nervous about the idea of sitting a test.

San dedicates over 30 hours a week volunteering for a market garden and park rejuvenation program. She says that although she has received positive feedback about what does with the market garden, it does not count towards her Centrelink requirements, so she must do other work to fulfil this.

She continues to volunteer her time because, as she says “when I came here, I met with others. At first I stayed home but then I came here and it feels like we are brothers and sisters working together. Because we are not able to go back to our hometown, when we come here it feels like we’re in our hometown. We plant lots of vegetables here, lots of people come on tours, and we can talk to them and improve our language as well.”

Recommendation 2

The course-based citizenship test should be maintained for those who face difficulties completing a formal computerised test.

Recommendation 3

Those who fail the test more than three times should be encouraged to take up the course-based citizenship test, rather than being prevented from repeating the test.

6. Demonstrating ‘integration’

Supporting integration and inclusion

6.1. The Discussion Paper also proposes that citizenship applicants will now need to ‘demonstrate’ integration by providing proof that they are working, seeking work or studying; actively involved in community or voluntary organisations; paying taxes; ensuring their children are educated; and are not breaching criminal or social security laws. RCOA and its members are profoundly interested in helping people from refugee backgrounds settle into Australia, and to feel a sense of belonging here. Our members, and others in the sector, are actively supporting people into education and employment, and involved in the daily work of helping people to learn about and navigate through Australian laws and norms.

6.2. Even more so, refugees themselves are often desperate to achieve these things: work, study, a renewed sense of community and educating their children. Time and again, RCOA has heard refugees say that they are desperate to contribute and give back to the Australian community.

6.3. While we strongly endorse measures to support people in achieving these goals, in our view de facto exclusion from citizenship is not a path to integration. Indeed, it is fundamentally counterproductive to integration, because it makes people vulnerable and their situation precarious. For refugees, who already have had to cope with so much vulnerability and uncertainty, the denial

of citizenship will only undermine their efforts to rebuild their lives and to connect with the wider community.

6.4. Our successful multicultural society has been built in large part on citizenship as a tool to include and integrate people within our community, and on encouraging people to join our community fully as members. Making more people citizens, and ensuring that they feel invested and belong to the Australian community, improves social cohesion. It is this inclusive aspect of citizenship policy that has marked out not only Australia but other successful multicultural societies such as Canada and the US, and which has minimised the tensions apparent in other countries with large migrant populations.

Volunteering

6.5. In our view, these changes also tend to conflate being a citizen with being a 'model citizen'. If these are the proposed indicators of 'integration', there are many Australian-born citizens who are likely to fail these tests. For example, if volunteering is a marker of integration, Australian Bureau of Statistics figures suggest that more than 60% of Australians would fail on this score, with only 36% of Australian adults involved in formal volunteering as at 2010.¹⁰

6.6. Formal volunteering also fails to capture informal volunteering within communities. RCOA has heard often of community members taking phone calls for help at 2am, helping other community members to navigate Australia's complex health system, negotiating rental agreements and disputes, and providing care and support for people.

6.7. There are also cultural differences in the understanding of volunteering. As a group of Karen women advised:

A lot of communities don't understand what 'volunteers' mean. They think if you go volunteer you will get a job. In our country we don't have volunteer, except forced by military. Because we are from a different country and a different situation, if we are helping each other, we just do it – no one calls each other 'volunteer'.

Conduct 'inconsistent' with Australian values

6.8. We also oppose proposals that the applicant will also be assessed for any conduct "that is inconsistent with Australian values, such as domestic or family violence, criminality including procuring or facilitating female genital mutilation and involvement in gangs and organised crime".¹¹ These are already crimes that can be considered under the existing legislation, and more generally in terms of the very broad 'character' test. They are dealt with best under the criminal law, where a person will be accorded due process and where the gravity of such offences can be properly assessed.

6.9. In particular, referring to domestic violence within the citizenship test is likely to be deeply counterproductive. RCOA has already heard in its community consultations of the counterproductive effects of imposing a Code of Conduct on people seeking asylum. Social workers have reported to us that this has made women more reluctant to report concerns, because of the fear that their partners will be detained and their children left destitute. Fear of exclusion from a community, especially when such a community is a critical source of support for new arrivals, is also a powerful influence. Increasing sanctions for domestic violence, therefore, is likely to make people less likely to report their concerns and to seek help for them.

¹⁰ Australian Bureau of Statistics, *Voluntary Work 2010* (4441.0, 1 December 2011) <http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4441.0Main%20Features22010?opendocument&tabname=Summary&prodno=4441.0&issue=2010&num=&view=>

¹¹ Department of Immigration and Border Protection, *Strengthening the Test for Australian Citizenship* (2017) 15.

Recommendation 4

The proposal to demonstrate 'integration' to obtain citizenship should be rejected.

7. Extension of residence requirement

7.1. Another aspect of the proposals that is likely to be counterproductive to the protection of victims of domestic violence is the extension of the permanent residence requirement. People who enter Australia temporarily on some visas, for example, may need to apply for protection within Australia. As our members have reported to us, a common experience of victims of family violence in this situation is that they have not been allowed to apply for permanent residence during this time, so requiring them to obtain permanent residence for four years may result them in staying longer in violence relationships before they gain citizenship and feel safe to leave.

7.2. While there are provisions to protect victims of family violence in the *Migration Act 1958*, these apply only to people on partner visas and our members report that there are significant delays in using those provisions.

7.3. Another significant concern about this proposal is the effect of this change on people who have come by boat and who are now currently only given temporary protection. Current legislation and policy would allow only a small number of these people ever to become citizens, but this change would extend this time even further. Many of these people had to wait years even to have their claims for protection heard, and will have to complete a five-year visa before becoming eligible for any kind of permanent visa.

7.4. These visas have only started to be granted in significant numbers since late 2016. This means that, for people in this group, who may have arrived in Australia in 2012 who are granted protection in 2017 will not become eligible for permanent residence until 2022, and will now have to complete another four years of permanent residence after that before becoming eligible for citizenship in 2026. This means that these people could be living for 14 years in the country before they become eligible for citizenship, and for 10 of those years they cannot even visit their families overseas other than in exceptional circumstances, and under current law could not effectively reunite with them until they became citizens.

7.5. More broadly, this requirement is counterproductive to the goal of ensuring people's commitment to Australia. If people are already permanent residents and will spend the remainder of their life in Australia, they should be encouraged to seek citizenship as soon as practical. By demonstrating a commitment to Australia by seeking citizenship, both the individual and Australia as a nation benefits, as the aspiring citizen can truly settle into Australian society and life.

Recommendation 5

There should be no change to existing residence requirements for Australian citizenship.

If this recommendation is not accepted, concessions should be made for people from refugee backgrounds, stateless people and victims of family violence.

8. Strengthening 'Australian values'

8.1. The Discussion Paper also proposes that the citizenship test also test for 'Australian values' and that the existing Australian Values Statement should be 'strengthened'. A number of 'Australian values' are identified in the Discussion Paper, including democratic beliefs, freedoms, equality and integration.

8.2. These are, of course, not values particular to Australians, but rather universal values. For many refugees, these are the values they cherish most, having fled countries which have suppressed democracy and freedom, and which have divided rather than united communities. By singling out these values as Australian, however, a signal is clearly being sent that some of our newer communities do not accept these values.

8.3. At the same time, these proposals themselves are inconsistent with some of those stated values. For example, the fact that these proposals have not yet passed Parliament, but that

citizenship applications are no longer being accepted on the basis of existing law, is a clear breach of the fundamental principle of the rule of law, and misunderstands that this is a parliamentary democracy, in which Parliament must decide what the new rules are.

8.4. Similarly, the impacts of these proposals on women, and the counterproductive effects noted above in relation to domestic violence, are inconsistent with the stated Australian value of rejecting family violence. Most importantly, in their racially discriminatory impact these proposals do not reflect the Australian values of 'equality of opportunity for all', and 'respect of all individuals regardless of background'.

Recommendation 6

The proposal to demonstrate 'integration' to obtain citizenship should be rejected.

9. Unfair, unnecessary and divisive

Asking more from the most vulnerable

9.1. As we have outlined above, these proposals impose unfair barriers for citizenship for the most vulnerable. It requires much more of new migrants than it does for those born in Australia, demanding that they be not just citizens, but model citizens. In doing so, they disproportionately impact those who already face barriers to inclusion in Australia, further isolating and excluding them from the Australian community.

9.2. Yet so far there has been no evidence or justification for these proposed changes. There is no evidence to suggest that requiring university-level English testing will improve the quality of our citizens, for example. It is also unclear how a formal citizenship test makes any kind of "substantive difference to the civic behaviour of migrants".¹²

Reinforcing exclusion, undermining cohesion

9.3. Far from improving our social cohesion, these proposals actively undermine it by fostering a sense of exclusion. As former Deputy Secretary of the Department of Immigration Peter Hughes put it, "An 'over the top' testing regime may simply have the impact of shutting a growing pool of people out of Australian citizenship and alienating them from society."¹³

9.4. These proposals would reinforce the exclusion fostered by existing policies and political discourse, for example:

- The denial of permanent residency and access to key settlement services to refugees who arrived in Australia without a valid visa, which undermines their ability to settle successfully in Australia and contributes to poor mental health outcomes.
- Limited access to family reunion opportunities to people from refugee backgrounds (including restrictions on access to family reunion for refugees who arrived without valid visas), which is likely to make it more difficult for people to recover from pre-arrival trauma, move on with their lives and fully engage with the settlement process (such as through learning English and securing sustainable employment).
- The serious negative impacts of prolonged indefinite immigration detention on health and wellbeing, which in turn undermine positive settlement outcomes for people who were formerly detained (particularly children).
- Negative political rhetoric (such as labelling asylum seekers who arrive by boat as "illegal arrivals" and describing refugees as a "burden"), which can weaken community support for the Refugee and Humanitarian Program, fuel negative attitudes towards people from refugee

¹² Peter Hughes, 'Citizenship Test Mark II – How much juice can you squeeze out of an orange?', *Pearls and Irritations* (25 April 2017) <http://johnmenadue.com/peter-hughes-citizenship-test-mark-ii-how-much-juice-can-you-squeeze-out-of-an-orange/>

¹³ Peter Hughes, 'Citizenship Test Mark II – How much juice can you squeeze out of an orange?', *Pearls and Irritations* (25 April 2017) <http://johnmenadue.com/peter-hughes-citizenship-test-mark-ii-how-much-juice-can-you-squeeze-out-of-an-orange/>.

backgrounds, and contribute to feelings of isolation and exclusion among refugee and humanitarian entrants settling in Australia.

Respecting multiculturalism

9.5. RCOA has repeatedly expressed its increasing concern at the tenor of the public and political debate on refugees and, more recently, particular communities of new migrants. We have done so this year in respect of changes to section 18C of the *Racial Discrimination Act*, on an inquiry into migrant settlement outcomes, and on strengthening multiculturalism.

9.6. The current proposals can only be properly understood as part of this wider political context. Quite apart from the flaws in the proposed policies, these proposals clearly send a message both to migrant communities and to the wider Australian community. It is a message that comes at a critical time in our ongoing national debate about what it means to be Australian.

9.7. For the past four decades, Australia has transformed itself successfully and peacefully from an almost exclusively white society to one of the world's most diverse nations. It has done so in part through strong political leadership and a commitment to an inclusive multicultural agenda. Indeed, as our current Prime Minister said earlier this year at the release of the Multicultural Statement:

The glue that holds us together is mutual respect. A deep recognition that each of us is entitled to the same respect, the same dignity, the same opportunities. The mutuality of that respect is of critical importance.

Our achievement in creating this harmonious nation is not an accident. It has been carefully crafted and we must not take it for granted. You have to continue nurturing it.¹⁴

9.8. We strongly affirm this view. If people are made to feel unwelcome, if racism is not only tolerated but implicitly encouraged, and if the focus of government policies shifts to exclusion from inclusion, we are setting people up to fail. At the same time, we risk undermining the cohesive and largely harmonious nation we have fought so hard to build.

¹⁴ Prime Minister Malcolm Turnbull, 'Remarks at the release of the Multicultural Statement 2017' (20 March 2017), <https://www.pm.gov.au/media/2017-03-20/remarks-release-multicultural-statement-2017>.