



Ethnic Communities
Council of Queensland

21 July 2017

Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Submitted online: www.aph.gov.au

RE: Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017

Introduction

The Ethnic Communities Council of Queensland (ECCQ) is the peak body representing migrants and refugees across Queensland. ECCQ acts as a strategic mechanism for the empowerment of people from diverse ethnic and cultural backgrounds through advocacy, policy research and development, sector development, aged care, community education and training.

ECCQ welcomes the opportunity to make a submission to the Senate Legal and Constitutional Affairs Committee on the Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill.

ECCQ expresses grave concern about the proposed changes outlined in the Bill, and the potential of these changes to have a negative impact on multiculturalism in Australia. The so-called “strengthening” of citizenship testing outlined in this Bill will prolong the process for many individuals and deny them opportunities that many other individuals are entitled to in Australia. The changes aim to exclude and disadvantage a number of individuals contributing to Australian society, engendering inequality.

Citizenship remains a key milestone in the settlement journey and has both symbolic and practical implications for individuals. Nationality ensures there are rights and duties for both the State and the individual. For many migrants and refugees, citizenship means protection and their full participation in Australian life, including the right to participate in political affairs. There are also significant symbolic values associated with citizenship, particularly for refugees. Citizenship often represents acceptance, protection and the end of displacement. It is widely recognised that citizenship is crucial to creating a sense of belonging.

Of particular concern in the proposed changes, and highlighted in this submission, is the extension of the residence requirement, the tougher English language requirements and the need to demonstrate integration. Throughout this submission, ECCQ will also highlight the disproportionate impact these changes would have on some of our most vulnerable individuals.

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1. Increasing the general residency requirement

Those who are currently living in Australia as permanent residents have already undergone a lengthy application process and as such have shown their commitment to living in Australia. Making the path to citizenship more difficult may result in denying residents the role of citizenship and by extension, their civic duty and right to take part in their government.

ECCQ is concerned that the people who will be most affected are those who have been living in Australia on temporary or bridging visas for quite some time before obtaining permanent residency, for example asylum seekers and international students, and those who have come to Australia on humanitarian visas, or those who have been granted protection visas after their arrival. These individuals will no longer be able to count the years spent living in the country as temporary residents towards the resident requirement for citizenship. Those who have been granted refugee status include people who are stateless, they cannot return to their home country, and may have experienced trauma and persecution. For them, citizenship is an important part of their settlement, national identity and feeling of acceptance and commitment to their new country. Full integration in the community follows this rather than precedes it.

The Refugee Council of Australia has found that individuals granted temporary protection in 2017 will not become eligible for permanent residence until 2022, and will now be forced to complete another four years of permanent residence after that before they will be eligible for citizenship in 2026¹. Evidently, some individuals could be living for 14 years in Australia before they are able to apply for citizenship, ten of which they cannot visit their families overseas. It is difficult to understand how prolonging the process of citizenship and therefore, denying these individuals the rights that others exercise in Australia, would encourage their commitment to Australia. ECCQ strongly believes that these changes are counterproductive.

2. New English language test

Residents must already have a basic level of English proficiency to pass the citizenship test. While, for many, English proficiency allows for an easier settlement process and enhanced participation in all aspects of life, it's important to note that migrants with a basic level of English can and do integrate and participate in all aspects of Australian life.

The new English language test will require people to sit a separate test with a minimum level of "competent" English, which is more difficult than the current requirement of "basic" level of English. This new level of English is similar to that required by many postgraduate university places. ECCQ is concerned that the new test would be more likely to demonstrate an individual's academic or ethnic background as opposed to their ability to contribute to Australian society.

¹ Refugee Council of Australia, *Response to proposed changes to the test for Australian citizenship* (2017)
<https://www.refugeecouncil.org.au/publications/submissions/proposed-citizenship-changes/>



2.1. The new requirements for the English language test would also be at odds with what is currently provided in the Adult Migrant English Program (AMEP), which assists people to only reach a “functional” level of English. Individuals who have functional English are not able to participate in the program. Therefore, the current system does not support individuals to reach a “competent” level of English and additional resources have not been proposed.

2.2. Women are also likely to be negatively impacted by the changes to language requirements as they often have greater difficulty with accessing educational programs. Women who care for children and older family members find it difficult to access the AMEP program and may find English proficiency more difficult to achieve. These changes could unfairly disadvantage women, increasing their dependence on male partners. The new test would not be conducive to gender equality and have the potential to further isolate women.

3. Strengthening the test for Australian citizenship and Introducing a requirement for applicants to demonstrate their integration into the Australian community

The new proposed test questions developed to demonstrate understanding of Australian values, privileges and responsibilities of Australian citizenship does not represent a person’s level of integration and commitment to these values and responsibilities. These questions should center on Australian laws and rights.

ECCQ is also concerned that some of the activities considered a demonstration of integration are above and beyond what is expected from other Australian-born individuals. For example, volunteering is listed as an indicator of integration, yet in 2011 the ABS census revealed that only 36% of Australian adults were involved in formal volunteering². We must be careful not to create further inequality through these proposed changes, which many Australian born citizens would fall short of demonstrating.

Many residents from new and emerging communities may need extra support to seek out opportunities to get involved in their own community, particularly for mutual support, and in the wider community. ECCQ’s Community Leadership Program is a great example of this as participants undergo a training program to develop leadership skills, confidence in seeking out opportunities, connections to established and emerging community groups and to volunteer opportunities in the wider community and overall increased wellbeing.

As integration seems to be an important rationale for these proposed changes, ECCQ recommends the Government provide further support for programs that focus on supporting residents’ community involvement, particularly from CALD and refugee backgrounds, after they have received initial supports from settlement agencies.

² Australia Bureau of Statistics, *Voluntary Work 2010* (2011)

<http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4441.0Main%20Features22010?opendocument&tabname=Summary&prodno=4441.0&issue=2010&num=&view=>



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Conclusion

ECCQ believes strengthening Australia's multicultural society means assisting people to reach their full potential as active members of society and as Australian citizens. There is no evidence to suggest that the new measures, which will make citizenship more difficult, will improve integration or social cohesion. Speaking English fluently does not correlate with being a good citizen.

The proposed changes are another example of the growing political discourse which uses divisive rhetoric and exclusionary tactics to undermine multiculturalism. ECCQ strongly believes that policy should encourage inclusion rather than exclusion. In the current political climate, it is more important than ever that we reaffirm our commitment to multiculturalism.

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