Citizenship Task Force
Department of Immigration and Multicultural Affairs
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FECCA submission to discussion paper
Australian Citizenship: Much more than a ceremony

Executive Summary

FECCA welcomes this opportunity for consideration of the meaning of and necessary prerequisites for Australian Citizenship. We believe that the citizenship process as it works now is achieving its aims. We do not believe that there is clear evidence that a formal testing process will further raise the regard that people have for citizenship and not have unintended adverse outcomes. FECCA does not believe that English language testing should be linked to citizenship.

FECCA’s Submission outlines specific concerns raised by our members about some of the proposed changes raised in the discussion paper namely:

- unintended consequences which may arise from extending the minimum period of residency in Australia before people can apply for citizenship,
- the potential for diverse groups, particularly those from non English speaking backgrounds to be seriously disadvantaged by a citizenship test,
- what kind of measures and funding might be needed to make English language proficiency possible for all potential citizens,
- what kind of reasonable exemptions need to be available for those who do not fit mainstream programs but who would nevertheless make excellent citizens,
- whether tuition and testing will be available in flexible formats to make them really accessible and available to potential citizens,
- how orientation and community education programs could be further developed and implemented to encourage greater understanding of citizenship,
- fear of failure for people considering taking up citizenship,
- ethnic and racial stereotyping and polarization of certain communities
- barriers that the cost of any test may impose,
• the impact on Australia’s overseas interests and how to communicate with the diverse and geographically isolated stakeholders, and
• how to avoid further marginalizing women with a process which might ask more of them educationally than they have ever had to attempt previously in their lives.
• concerns that results of citizenship testing might be used to incite or inflame community tensions
• concerns about the transparency and objectivity in the structuring of any citizenship testing regimen

FECCA’s Submission concludes by fully endorsing the intention of the discussion paper to promote citizenship as much more than a ceremony; though we are of the opinion that this is already self evident to new and aspiring citizens. FECCA agrees it is vitally important that all migrants and humanitarian entrants have equal opportunities to participate fully in the life of our Australian community through meaningful Australian Citizenship.

Introduction

FECCA is the national peak body that promotes multiculturalism, community harmony and social justice. Our goal is to enrich and enhance Australian society through the fullest participation of all members of our community. We regard citizenship as a key to effective participation in community life. We have a strong commitment to the eradication of racism and bigotry and all forms of prejudice and discrimination.

Australian multiculturalism has been a strong shaping force in the development and maintenance of a cohesive Australian community. It has enjoyed bipartisan support over many years, with successive governments since the 1970s endorsing multiculturalism as a key positive policy framework. Indeed Australian multiculturalism has produced benefits which continue to be the envy of many countries around the world.

FECCA acknowledges significant levels of immigration to Australia with 143,000 people coming as migrants last year and 14,000 people arriving as humanitarian entrants. FECCA supports the Department of Immigration and Multicultural Affairs’ purpose of “enriching Australia through the well-managed entry and settlement of people”.

FECCA believes that a socially cohesive, inclusive community must be nurtured for the best interests of the whole society. This takes integrated policy approaches and a commitment to equity, fairness and social justice for all Australians. In the current global climate, once social cohesion is undermined, it is difficult to rebuild. FECCA therefore advocates strongly for a continuing commitment to multiculturalism and its myriad benefits as a cornerstone in Australian social policy and regards citizenship as an important part of our multicultural policy framework.
FECCA welcomes the Government’s long term focus on the importance of Australian Citizenship and notes the development of the discussion paper *Australian citizenship: much more than a ceremony - consideration of the merits of introducing a formal citizenship test*. The paper outlines a number of possibilities for changes to Australia’s citizenship laws. FECCA agrees that there is merit in debating issues associated with citizenship in a constructive and positive way. However we are concerned that the current debate has the potential to polarise opinion, allowing divisive voices to be heard in a way that undermines community harmony and cohesiveness.

Consultations
FECCA invited submissions from our members on the discussion paper and this submission is a compilation of that feedback.

Please find below specific comments on issues raised in the discussion paper.

1. Should Australia introduce a formal citizenship test?

FECCA believes that the citizenship process, as it works now without a formal test, is still achieving its aims of encouraging migrants and humanitarian entrants to fully participate in Australian society. While we welcome discussion of citizenship, and the benefits that citizenship brings, we do not believe that there are strong arguments for a major revision to Australian Citizenship legislation.

FECCA recommends the development of truly accessible, flexibly delivered community education programs to promote consideration and understanding of Australian citizenship. To effectively meet the needs of our diverse community, these programs need to be aimed at both new arrivals and more established permanent residents who have yet to take up the opportunity to become Australian citizens.

2. How important is a knowledge of Australia for Australian citizenship?

The discussion paper argues that new migrants and humanitarian entrants knowledge of Australia will be advanced by extending the minimum period of residency in Australia required for citizenship.

FECCA acknowledges the intention to raise the profile of citizenship and the argument that extending the period of residence in Australia before citizenship can be claimed will mean that people have a more complete understanding of life in Australia. FECCA is however concerned that there is a lack of strong evidence to support the proposition that extending the qualification period for citizenship from 2 to 4 years will have this positive effect, particularly for people who feel very committed to Australia and look forward to being able to participate fully in Australian life through citizenship. The increased qualification period would extend the length of
permanent resident and other visas, when the policy goal should be to encourage permanent residents to take up Australian citizenship sooner rather than later.

We believe there is little clear evidence that waiting 4 years will create benefits either for the Australian community as a whole, or for migrants and humanitarian entrants wishing to become citizens as soon as they are eligible. In fact extending this period will have some clear disadvantages. A major impact of this extension is that migrants and humanitarian entrants must wait 4 years before being able to work with the Australian Public Service. This will disadvantage prospective citizens by limiting their employment options and ability to make a positive contribution to the Australian community. It will also negatively impact on Australia’s ability to effectively utilise the skills of our talented multilingual and multicultural workforce.

We are also concerned that the increased waiting period could be exploited by some detractors of Australia’s commitment to cultural diversity to polarize public opinion on certain migrant communities and individuals by portraying and profiling them as ‘undesirables’ and therefore being made to wait longer.

FECCA welcomes the recognition of residence in Australia under any form of visa can now be included in the required qualifying period. FECCA also recognises the importance of the flexibility which has been incorporated into the proposed waiting period, allowing people to count limited time overseas as part of the qualifying time. These two measures reflect the increasingly globalised world which is the context of our migration program.

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

FECCA does not believe that English language testing should be linked to citizenship.

We welcome an increasing focus on English language acquisition, and look forward to greater funding to support English language tuition for migrants and humanitarian entrants as part of Australia’s Settlement programs. A working knowledge of English is important to being able to participate fully in Australian life. However, there are countless examples of people who despite their limited English language skills have made important economic and social contributions to Australia, provided valued services and become valued Australian citizens.

While FECCA welcomes and encourages initiatives for migrant Australians to acquire English language skills; it must be remembered that Australia’s multilingual workforce, for example, gives us a competitive edge in the global marketplace. It provides a window to the world, deepening our ability to engage with countries where languages other than English are spoken. Our multilingual workforce gives us additional insight and influence in our region. It also aids the protection of Australia’s security interests. Workers who speak languages other than English enrich our workplaces and ensure more effective and responsive service delivery to our culturally and
linguistically diverse Australian community. Besides, learning another language takes time and a supportive and flexible educational environment that allows regular practice of skills. We argue that the current proposal to link citizenship and English languages skills will potentially disadvantage and exclude some people who have much to offer Australian society, particularly:

- New migrants working long hours to support their families who cannot access English classes during working hours, and are ineligible for social welfare payments,
- Parents with young children or carers of other family members, who cannot access classes unless others can pick up their caring responsibilities,
- Refugees who have experienced torture, trauma and/or long periods of displacement due to war or civil unrest. For many, post traumatic stress makes learning another language very challenging, requiring an extended time period and flexible delivery of English language programs,
- People who have experienced a very disrupted education in their country of origin, are illiterate in their own language, or who speak a language which is an oral language only,
- Older people,
- People living with disabilities that making learning another language challenging, and
- People coming from countries of origin where English is not spoken or taught.

A greater investment in English language tuition programs that are flexible and meet differing needs and learning styles is essential if citizenship is to be linked to English language proficiency.

FECCA notes that the Adult Migrant English Program will become due for re-tender in 2008 and that a working group is to be established to oversee the development of this new tender. Given the importance of this program to the effective settlement of Australia’s immigrants and humanitarian entrants, FECCA calls for thorough community consultation as a part of this preparation of new tender arrangements. FECCA members advise that the existing program does have some shortfalls and resourcing issues. It is beyond the scope of this present Discussion paper or that of the Settlement Outcomes for Humanitarian Entrants to adequately canvass the strengths and shortfalls of the Adult Migrant English Program. Suffice to say that the current Adult Migrant English Program provides an excellent basis for further targeted investment in developing English language skills amongst those seeking to settle in Australia and should be continued and actively supported in the Department of Immigration and Multicultural Affairs by the Government. There is also scope for enhancing other English language programs including English as a Second Language, Workplace English

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1 See in particular: “Loyalty is a One Way Street: NESB Immigrants and Long Term Unemployment,” Toni O’Loughlin & Ian Watson, Australian Centre for Industrial Relations Research and Training
2 Senate Estimates 30 October 2006.
Language and Literacy, and Language Literacy and Numeracy as well as the broader Australian Cultural Orientation (AUSCO) Program.

Changing workplace expectations and increased pervasiveness of Information and Communications Technology means, at least in some contexts, the minimum English for functional participation in the workplace will have increased. We believe that the 510 hours of tuition provided under the Adult Migrant English Program is now not enough. We would therefore support a thorough investigation with Community input of the adequacy of current English language programs before any linking of English language skills and citizenship was introduced.

FECCA is concerned that English language testing would naturally favour migrants from English speaking countries or countries in which English is widely used including North America, Western Europe and South East Asia. We are concerned that migrants from outside these areas (such as South America, the Middle East and parts of Africa) would be naturally disadvantaged. FECCA’s constituency is concerned that the inevitable ease with which migrants from traditionally English speaking backgrounds would pass English language testing may lead to polarization and negative stereotyping of individuals from communities without English speaking backgrounds as it would take them longer to acquire the skills to pass. FECCA’s constituency have further voiced the concerns that statistics related to the performance of individuals or communities in any form of English testing, could be exploited to engender ethnic and racial stereotyping.

FECCA is advised that there are people for whom learning a second language is too difficult. Perhaps they are elderly, have a disability or have lived a life withdrawn from English language interaction. Creative ways are needed to assist these people to live meaningful, productive lives in Australia and to be able to feel a sense of real belonging to Australia. For many people, citizenship does provide the recognition that they “belong”. We would like to see reasonable exemptions that would allow people in these circumstances to still be able to successfully apply for citizenship.

FECCA calls for more research and consultation about how to boost the learning of English amongst people from diverse backgrounds and ensure that people from non English speaking backgrounds are not disadvantaged by proposed citizenship tests.

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?

FECCA agrees that it is vital that new migrants and humanitarian entrants have the opportunity to develop an understanding of life in Australia, through orientation programs that can be accessed both pre-embarkation and on arrival in Australia.
Current programs such as the *Let’s Participate* course provide orientation to life in Australia, including an overview of Australia’s history and institutions, and are an important resource for new migrants and humanitarian entrants settling in Australia.

In addition, Australia’s current multicultural policy specifically refers to four underpinning principles that all Australians, whatever their background, need to respect. These are:

- **Responsibilities for all** - a civic duty to respect the structures and principles of Australian society, including that Australia is a secular society, with individual rights protected by law under the Constitution.
- **Mutual respect for each person** - subject to the law, Australians have the right to express their own culture and beliefs, and an obligation to respect the rights of others to do the same.
- **Fairness for each person** - equality of treatment and opportunity - including the right to freedom from discrimination of any sort, and
- **Benefits for all** - all Australians benefit from productive diversity and the cultural, social and economic dividends of our diversity.

Australian citizenship includes both rights and responsibilities. Australian citizens must obey Australian laws, are compelled to enrol to vote and vote in elections, serve on a jury if asked to do so and defend Australia if the need arises.

Citizens have the right to access government services free of any form of discrimination irrespective of country of birth, language, ethnicity, culture, race, religion or sexual orientation. Citizens also have the right to vote, stand for public office, work in the Australian Public Service, serve in the armed forces, apply for an Australian passport, and to seek assistance from Australian diplomatic representatives while overseas.

The present pledge for citizenship underlines this, stating: *From this time forward (under God), I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I uphold and obey.*

We are convinced that this pledge is taken seriously by people who choose to become citizens, and clearly communicates the responsibilities of citizenship.

Becoming a citizen does provide a gateway to full participation in the life of the Australian community. It is therefore essential that people are able to access information about citizenship in a range of community languages other than English, and to develop a good understanding of the rights and responsibilities of Australian citizenship. It is also essential that Australian citizens are afforded the resources and opportunities to learn about, engage, appreciate, enjoy and embrace Australia’s migrant and refugee communities.
The discussion paper questions whether citizens should be required to demonstrate a commitment to Australian values which are, as yet, undefined. FECCA endorses shared values such as respect for the freedom and dignity of the individual, a ‘fair go’, commitment to the rule of law and democracy, tolerance, mutual respect, political equality, the equality of men and women, equal opportunity and non-discrimination, and compassion for those in need. FECCA argues that these values are not uniquely Australian. They are basic universal human values that help to create cohesive societies, able to acknowledge and celebrate diversity and difference.

Values are also not fixed in time. The contributions of Indigenous Australians, migrants and refugees of successive generations have enriched and changed our values throughout our history, positively shaping our Australian way of life.

Based on consultation with our constituency, FECCA has some additional concerns about a formal citizenship test. These include:

- the potential for the test to act as a disincentive towards applying for citizenship,
- concerns about how the test may differentially impact on new and emerging communities,
- community members fear of the consequences of failing the test,
- the potential barriers that may be created through people having to pay to take the test, and
- how the test may impact on Australia’s national interest and reputation internationally.

One of the arguments advanced for a formalised citizenship test is that it will help raise the regard people have for citizenship. Our consultations tell us that citizenship is already highly valued amongst immigrant groups and in particular amongst humanitarian refugees. FECCA members advise that overwhelmingly migrants and refugees already aspire to taking Australian citizenship. Groups which have seemed slowest to take up Australian Citizenship, as distinct from Australian residency, are from English speaking countries, including the United Kingdom and New Zealand. It is not clear that there is concern in the community about people from these countries who are resident in Australia but who are not taking up citizenship. What would be the likely effects of a citizenship test on these people? Any language component would be likely to have no effect at all and other cultural and historical aspects of the test would also be unlikely to be a barrier.

It is instead likely that people who have arrived in Australia under difficult circumstances, especially humanitarian entrants, may perceive that they have the most to lose from not passing any proposed citizenship test, and would fear this as a barrier. Unwittingly, the test could act as a disincentive for these people whom we most want to encourage to take up citizenship.
Potential citizens drawn from new and emerging communities face special challenges. Their circumstances invoke Australia’s obligations under United Nations Human Rights treaties. Article 15 of the Universal Declaration of Human Rights states that each person has the right to a nationality and no one shall arbitrarily be denied the right to change their nationality. FECCA shares the communities’ concern that migrants and humanitarian entrants coming to Australia continue to receive the highest consideration consistent with the desire to protect, respect and promote these people’s rights and wellbeing. This includes ensuring that no unwarranted barriers are inadvertently created in the path towards citizenship and successful integration in Australian society.

We note that currently, adult temporary protection visa holders are unable to access English language training under the Adult Migrant English Program (AMEP). This has the potential to create many long-term barriers to citizenship if they are eventually accepted as permanent residents, and then wish to consider becoming citizens.

The form that any citizenship test takes is a vital importance. Especially for community members whose first language is oral only, who have had interrupted or no schooling in their country of origin, or who are illiterate in their own language, a written test creates many barriers to citizenship as it demands not only a good knowledge of written English, but also a working knowledge of test formats and conditions. We would therefore urge consideration of any citizenship test being able to be delivered in different formats and settings, including in an oral only format, to meet a variety of different needs.

The Discussion Paper outlines similar testing in the US, Canada, the UK and The Netherlands. It should be noted that the US and Canadian Governments have acknowledged flaws in their testing systems and are re-structuring them; in that they could be inadvertently used as a tool for discrimination. We also encourage that the design and structure of any proposed test be transparent, objective and be open to public consultation and scrutiny. Our consultations have returned opinions that any proposed test, if implemented, should be limited to:

1. practical aspects of Australian life that will benefit all new citizens.
2. questions that existing Australian citizens would have a reasonable chance of answering correctly

suggested Examples of the above include:

a. Procedures for accessing Government services (eg. How to renew a driver’s licence or paying bills)
b. Recognition of uniforms and vehicles (eg. Police, fire-fighters, paramedics)
c. Recognition of Australian road signs, emergency phone numbers and messages, hospitals and police stations
d. Recognition of Australian currency and other documents (eg. Medicare card)
e. Situational scenarios (eg. What to do if you are involved in a road accident or see a house on fire)

f. Universal or generic questions or situations that people of CLDB would be in a position to answer

FECCA’s consultations also indicated that any proposed tests should EXCLUDE questions and scenarios that potential citizens:

1. Would hardly or never encounter
2. Would hardly or never need to know
3. Would struggle to answer due to specific cultural or religious considerations

The current discussion paper argues that there would be no implications for an individual’s existing visa status if a person was not able to successfully pass a citizenship test. However, there is some community concern about what may happen if a person was still unable to pass the test after several attempts. Especially for people who are seeking a more secure life in Australia, this fear may create a situation where people who may have sought citizenship, may hesitate to do so because of fear of failing the test.

The current discussion paper does not outline what the potential financial costs for a citizenship test might be. FECCA is however, concerned that new migrants and humanitarian entrants often face high costs in establishing themselves in Australia, particularly if they are supporting families. We are concerned that having to pay to take a citizenship test may inadvertently discriminate against some people. For example, the single mother of a large family may not be able to afford the fee and may delay progress towards citizenship for fear of the financial burden.

Even a really comprehensive, equitable scheme faces the hurdle of communicating with diverse groups of people who might be potential applicants, and of allaying their concerns about the process of applying for citizenship. Communication strategies would also need to address concerns about the process of applying for citizenship, which may have arisen as a result of difficult or traumatic experiences in a person’s country of origin.

During consultations, concerns were raised with FECCA about how a proposed citizenship test and particularly the language and values components of any test, would be interpreted in countries within our region of South East Asia and the South Pacific. The proposed test is already being discussed and given airtime on foreign media. We believe there is a risk that similarities will be drawn between any proposed citizenship test and the tests that were used in the past under the White Australia policy. There is concern that damage could be done to Australia’s political and economic interests especially in South East Asia and the South Pacific.

Great care would need to be applied in communicating the purpose and nature of the test to potential migrants to avoid perceptions of discrimination. We fear that this may occur if the manner, structure or results of any testing causes particular groups of migrants or humanitarian entrants to be profiled either directly or indirectly. This could result in inadvertent racial, cultural, religious and ethnic stereotyping and
polarization of particular communities and individuals. FECCA members report uneven and not yet adequate protection from this kind of stereotyping and vilification under the various racial, religions and cultural vilification statutes in place around Australia. These statutes may need to be strengthened as part of a strengthening of the meaning and context of Australian citizenship.

**Particular concerns raised by women**

Women who took part in our consultations argue that citizenship testing and increasing the qualifying time from 2-4 years will further marginalise women because:

- women, especially with younger children, cannot access English classes because they have to care for their children,
- in most households, the children become the interpreters for their mothers, especially when the children are going to school. This creates additional barriers to women being able to participate in the community and practice English language skills,
- the need to learn another language does not take priority in a household struggling to cope with changes in life style, another culture, and economic survival,
- in many cultures, women live in ‘the private sphere’, and men do the negotiation and are therefore more likely to become skilled in English and to build a more complete understanding of life in Australia,
- participation in political life can be daunting for women. It is the experience of older, more established communities that many women have not been aided to deal with issues outside their own extended families.

To summarize, our constituents are concerned that in light of the above, citizenship testing, may deter, not encourage women to become citizens.

**Conclusion**

FECCA welcomes this opportunity for consideration of the meaning of and necessary prerequisites for Australian Citizenship. Our submission outlines some strong concerns about some of the proposed changes raised in the discussion paper. We strongly endorse the development of truly accessible, flexibly delivered community education programs to promote consideration and understanding of Australian citizenship and that these are delivered according to Government best practices (eg. Multi language, access to interpreters and translators, provision of helplines and helpdesks). To effectively meet the needs of our diverse community, these programs need to be aimed at both new arrivals and more established residents who have yet to take up the opportunity to become Australian citizens.

FECCA fully endorses the intention of the discussion paper to promote citizenship as much more than a ceremony. FECCA agrees it is vitally important that all migrants and humanitarian entrants have equal opportunities to participate fully in the life of our Australian community through meaningful Australian Citizenship.
We would welcome the opportunity to discuss any of the issues raised in this submission. Please do not hesitate to contact the FECCA Director, Mark Kulasingham on (02) 6282 5755 or director@fecca.org.au or myself, via the FECCA office, if you would like to do so.

Yours sincerely

Voula Messimeri
FECCA Chair