



Refugee Communities  
Advocacy Network

# **SUBMISSION: Australian Citizenship Legislation Amendment (Strengthening the Commitments for Australian Citizenship and Other Measures) Bill 2018**

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## **INTRODUCTION**

The Refugee Communities Advocacy Network (RCAN) defines itself as a network led by refugee community members. The members of RCAN are people of refugee backgrounds including groups or individuals, former and current refugees, humanitarian entrants, and asylum seekers. RCAN has been initiated on a foundation of strength where the refugee communities come together and build an enduring relationship with each other as new Australians. In addition to joint advocacy, and policy input, the network also has the function of creating learning, knowledge, capacity sharing platforms as well as a problem-solving platform for the common benefit of all refugee communities in NSW and the wider Australian refugee communities.

RCAN welcomes the opportunity to contribute to this Inquiry as RCAN comprises purely of people from refugee backgrounds, In compiling this submission it takes its authorship from raw experiences.

### **1.1 The English Competency Test: Problematic for refugees**

#### **1.1.1 Disproportionate focus on the English language requirement**

The new Citizenship Test is available only in English and it has been estimated at the level of IELTS5 which is the English required to study at a tertiary institution. Refugee community leaders strongly opposed this requirement reasoning that it is almost impossible to pass this test and will indefinitely bar former refugees with permanent visas from ever becoming citizens. As one Karen community leader advised:

*“Many Karen refugees who have resettled here are from rural areas of Burma and they are illiterate. They may speak Karen but they are not able to read or write in their mother tongue. Some of them may even speak Burmese (the common language in Burma) but they are not able to read or write Burmese. As for English, they neither speak nor write in English.”*

Many expressed that expecting tertiary English language level is both unrealistic and unnecessary and is based on an assumption that English proficiency level is the benchmark for Australian-ness. Many disagreed that lack of IELTS 5 and above or any level of English language proficiency is a sign of detachment from Australian spirit and core values. As another community leader said,

*“Our community members have been forcibly displaced from their homes due to unrest and conflict; they desperately need a place to call home. Barring them from getting their citizenship by way of High level English testing is in fact alienating them and moving them further away from embracing Australia.”*

### 1.1.2 Challenges of attaining the required level of English

The community members further emphasised the importance of attaining a maximum level of English to their livelihoods. They however also expressed the challenges faced in attaining the level of English language required under the new proposal. Such measures fail to take into consideration the complex issues that prevent a large cohort of refugees from attaining that level of English. Thousands of refugees who have had a long period of missed education or have been stuck in a conflict situation, which has availed no opportunity to get primary education and have experienced torture and trauma, may consequently find learning a new language extremely difficult, especially for older adults.

As an RCAN member pointed out,

*“Majority of the men and women from my community are illiterate. They cannot read and write and will be subjected to unfair treatment in the proposed changes. How can you expect refugees who have been under coercive regimes with no education rights and have subsequently had to give up education all together or not be able to attain it to the standard currently proposed by the government, to pass such a rigorous test?”*

Furthermore, RCAN members also expressed the difficulty between managing their hard found employment in the Australian labour market despite many barriers; mainly in the construction industry and meat factories, and being compelled to choose between staying in employment or attending English language classes instead. A community leader from Wollongong expressed that people are now forced to endanger their livelihoods by way of leaving their jobs to attend the English classes at TAFE which may not guarantee attaining the level of English required under the proposed bill nonetheless,

*“He (a refugee community member) dropped out of TAFE and works full time to support his family, is now quitting his job in order to return to TAFE and learn more English to be on the safe side of becoming an Australian citizen despite hard financial difficulties for him and his family.”*

**Recommendation 1:** Exemptions from the requirement to take an English language test should be included in the Bill and these exemptions should be broad and flexible;

**Recommendation 2:** RCAN recommends that the English required should be lower than currently proposed standard;

**Recommendation 3:** Alternatives to English language testing should be implemented, such as the completion of an appropriate English language course which could satisfy the English requirement for citizenship certificate

**Recommendation 4:** The Government should withdraw the Tertiary English testing, IELTS system for refugees and consider other means of testing appropriate for this group.

**Recommendation 5:** Increase resources to effectively to increase English learning.

## **1.2 New proposals ignores the humanitarian element of Australia refugee program**

### **1.2.1 Prevention from rebuilding life after displacement**

RCAN is made up of mostly communities that have been welcomed and given protection by Australia on a humanitarian grounds. Citizenship for these communities have particular importance as it is the resolution and represents the end of displacement and a vital point where they can start to rebuild their lives in safety and security and feel the sense of belonging which was denied to them in their country of origin. Yet these are communities that will mostly be affected by these proposed changes to obtaining Citizenship if they go through. Most refugees are selected to come to Australia based on their vulnerability and humanitarian needs rather than their level of English competency. What this means is that refugees who come to Australia have little English language competency and likely to not speak English and struggle to learn English especially if they have arrived as adults. The proposed changes would mean that the majority of refugees who come to Australia will never become citizens.

Making it hard for them to attain Australian citizenship will have negative impact on their settlement in Australia as they will never quite make Australia home. They will never feel a sense of belonging to a country that denies them citizenship for the sole reason that they lack command of the English language. It robs them of the opportunity to give back to the society and contribute to the fullest extent possible as an Australian. It inevitably will increase the vulnerability of the most vulnerable.

#### **Recommendation 6:**

- *The requirements to become Australian citizen should give considerations to and offer exemptions to people who have come to Australia as refugees on the grounds of vulnerability.*

## **1.3 Exclusionary and discriminatory rather than incentivising integration**

As it is purported in the Explanatory Memorandum of the Bill, these changes are based on better integration into Australian community. The Bill requires that the applicant has integrated into the Australia community. There are several concerns regarding the proposed measurements as markers of integration.

### **1.3.1 Vague measurement of Integration**

As indicated by the Minister for Citizenship and Multicultural Affairs in his media statements, “there are very few formal requirements that encourage integration, adoption of Australian values and English proficiency”. Caution must be exercised in terms of correlating integration with employment. This test again disadvantages individuals with refugee or humanitarian backgrounds. It in fact may contradict the Department of Home Affairs’ own commissioned report that notes that humanitarian entrants ‘tend to spend their entire lives and raise their families in Australia... entrants thus demonstrate a greater commitment to life in Australia [than other settlers].<sup>1</sup> The same report

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<sup>1</sup> Department of Immigration and Citizenship, Australian Government, *A Significant Contribution: The Economic, Social and Civic Contributions of First and Second Generation Humanitarian Entrants – Summary of Findings* (2011).

also notes the barriers to employment for this cohort, including exposure to persecution, limited or disrupted education, lack of knowledge and networks, lack of documentation, and misinformation. Despite these barriers, the report shows a strong level of workforce and societal participation amongst these cohorts, particularly with the passing of time.

Moreover, RCAN's own membership and leadership are comprised of community leaders who work for various community organisations, who volunteer most of their time for their community activities. The fact that they are likely to understate their involvement, or not realise they are, in fact, able to demonstrate integration through their community activities, means they may be less likely to apply for, and advance evidence in support of, Australian citizenship.

Hence, there is a need for a more holistic consideration for the Refugee and Entrant applicants of Australian citizenship.

### **1.3.2 Undermining of other factors to being a good Australian citizens**

Specific to the refugee cohort, the new proposal to require integration maybe on the assumption that refugees are not willing to integrate. In fact, refugees themselves are primarily desperate to achieve things like meaningful work, livelihood and renewed sense of home and community. As such, these proposals are at their core counterproductive to integration, leading to isolated communities and individuals who are not able to meet the criteria. As one community member put it,

*“To feel Australian means to be included. The values of giving everyone a go and mateship are part of the fabric of what makes this country of ours ‘the best of all the lands’. Further, we boast that ‘for those who have come across the seas, we’ve got boundless place to share’. Yet we put a caveat that as long as you’re fully proficient in English and can comprehend it to the level required for you to enter university for a bachelor’s degree.”*

According to RCAN members, the sense in the community is that these proposals are about denying certain groups of people Australian citizenship. Australian citizenship is an allegiance to the country and is not determined by the level of English, but rather one's faithfulness to Australia and hard work to contribute to the country. Thus, RCAN believes the new Citizenship requirements are directly discriminatory to a large cohort of the community and acts as deterrence for social cohesion and community integration.

**Recommendation 7:** *The proposal to demonstrate ‘integration’ to obtain citizenship should be rejected.*

**Recommendation 8:** *Consideration should be given to the refugee or Humanitarian entrants’ whole circumstances when considering their ties to Australia in their Value Statement.*

**Recommendation 9:** *In addition to provision of English classes, there is a need to be much more proactive and creative about ‘bridge building’ activities within local communities to welcome and embrace newly-arrived people, and especially those from non-English speaking countries. A stronger emphasis on these activities would result in more rapid social integration, and improved language skills would naturally flow from these activities. There would be mutual benefit from these ‘community building’ activities, with better cross cultural understanding and celebration of diversity within our Australian community. In this way we can build strong, inclusive and cohesive community.*

## **1.4 8 years of residency requirement: Unnecessary, costly and detrimental**

Refugees, when given protection from conflict embrace the protection and safety of the host country and are desperate to restart and rebuild their lives. The requirement to wait for 8 years is an unnecessary delay in the process of truly starting a new life with full safeguards for refugees. The proposed residency requirement affects one group of refugees more than the others, specifically refugees who arrived in Australia using a different mode of arrival, namely by boat who nonetheless have engaged Australia's protection responsibilities under the Refugee Convention. Many had to wait for lengthy periods of time to have their asylum claims assessed. This would be in addition to the proposed 8 years. Majority have been separated from their families for years and following potential family reunion, adjustment difficulties would be commensurate to the time spent apart. Further, they have already lived in a prolonged state of limbo and insecurity and obtaining Australian Citizenship signifies the end to that painful existence.

### **1.4.1 Splitting families further apart for decades**

The aforementioned refugees, who are given permanent protection visas have arrived by boat to Australia now have to wait a further 8 years after years to gain their permanent residency. Currently an ineffective migration policy is barring them from reuniting with their family until they gain citizenship. Enforcing 8 years of being on a permanent visa in addition to many other challenges of passing the test, will mean they will either have to wait for more than a decade or will never reunite with their families who are often stuck in dangerous conflict situations. A Hazara Afghan community member provided,

*“Many in our community have waited years to gain their permanent residency before 2012. Some of those people have been arriving in the country in 2010 and received permanent protection visas who have barred from accessing citizenship (a pre requisite to reuniting with their immediate families) due to their mode of arrival even though they are recognised as refugees with proven risk of persecution. The implications of the proposed residency requirements will also mean thousands of refugees on temporary protection visas will need to wait 8 years more to sit the Australian citizenship test for arriving in 2012 and later who have been granted a protection visa in 2018. This group will not be eligible for permanent residence until 2022-2023. To add another 8 years of permanent residence after that, they will become eligible for citizenship in 2030. The consequence of this requirement is most brutal on a large proportion of my community members and the Rohingya and others who work very hard to rebuild their lives in this country. Most of these people have had their family units broken down and are falling prey to persecution in Pakistan and Afghanistan because of excessive and irrational processes while being separated from family for over 18 years.”*

**Recommendation 10:** *There should be no change to existing residence requirements for Australian citizenship.*

## 1.5 Psychological repercussions of the proposals

In concluding, the concerns outlined above allude to the significant emotional and psychological toll current refugee determination processes, post-migration settlement experiences and citizenship eligibility requirements are taking on individuals and communities of refugee background. But it is the latter in particular which presents as one of, if not the most, distressing for our communities, due to the gross violation of human rights perpetrated against civilian populations in our countries of origin (in many cases, because of our perceived 'difference')<sup>2</sup>, where governments failed to protect and guarantee our safety and security; instead causing us to flee our homelands in search of such essential life comforts elsewhere.<sup>3</sup> We believe we have found these in Australia<sup>4</sup> where our opportunity to be recognised fully before the law as citizens, with all of its corresponding rights and responsibilities, presents as a key milestone in our journey to recovery from these traumatic experiences. We ask that Australians and the Australian Parliament help us reach this aspiration with ease, not difficulty,<sup>5</sup> so that we can join your ranks quickly and contribute positively to our nation's social, economic, and political life as healthy and happy Australians<sup>6</sup>. We consider this integral to our sense of belonging here<sup>7</sup>, and to assisting us to become deeply rooted<sup>8</sup> in Australia's wonderfully rich and diverse social landscape.

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<sup>2</sup> Yuval-Davis, N., Kannabiran, K. & Vieten, U. (Eds.) (2006). *Sage Studies in International Sociology: The situated politics of belonging* London: SAGE Publications Ltd. DOI: [10.4135/9781446213490](https://doi.org/10.4135/9781446213490)

<sup>3</sup> Noble, G. (2006). The Discomfort of Strangers: Racism, Incivility and Ontological Security in a Relaxed and Comfortable Nation, *Journal of Intercultural Studies*, vol. 26 , no.1-2, pp. 107-120, DOI: [10.1080/07256860500074128](https://doi.org/10.1080/07256860500074128)

<sup>4</sup> Nunn, C et al. (2015) Mobility and security: the perceived benefits of citizenship for resettled young people from refugee backgrounds, *Journal of Ethnic and Migration Studies*, vol. 42, no.3, pp. 382-399, DOI: [10.1080/1369183X.2015.1086633](https://doi.org/10.1080/1369183X.2015.1086633)

<sup>5</sup> Porter, EJ 2003, 'Security and inclusiveness: protecting Australia's way of life', *Peace, Conflict and Development*, vol. 3, pp. 1-18 accessed at <https://www.brad.ac.uk/social-sciences/peace-conflict-and-development/issue-3/Security-and-inclusiveness.pdf>

<sup>6</sup> Babacan, H. (2005) *Challenges of inclusion: cultural diversity, citizenship and engagement*. In: Proceedings of International Conference on Engaging Communities, pp. 1-18. From: International Conference on Engaging Communities, 14-17 August 2005, Brisbane, QLD, Australia.

<sup>7</sup> Fozdar, F & Hartley, L; Civic and Ethno Belonging among Recent Refugees to Australia, *Journal of Refugee Studies*, vol. 27, no. 1, 1 March 2014, Pages 126–144, <https://doi.org/10.1093/jrs/fet018>

<sup>8</sup> Malkki, L. (1992). National Geographic: The Rooting of Peoples and the Territorialization of National Identity among Scholars and Refugees. *Cultural Anthropology*, vol. 7, no. 1, 24-44. Retrieved from <http://www.jstor.org/stable/656519>