



Federation of Ethnic Communities' Councils of Australia
Submission to the
Inquiry into the Australian Citizenship Amendment
(Citizenship Test Review and Other Measures) Bill

1. The Federation of Ethnic Communities' Councils of Australia (FECCA) welcomes the opportunity to submit to the Inquiry into the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill.
2. FECCA is the peak national body representing the interests of culturally and linguistically diverse (CALD) communities. FECCA supports multiculturalism and social inclusion and rejects all forms of discrimination and racism.
3. FECCA has long argued that the existing higher level Citizenship Test introduced by the former Australian Government in 2007 is discriminatory, particularly against lawful Australian migrants and refugees with limited English language proficiency. The current test also discriminates against lawful permanent residents seeking Australian citizenship who have limited reading and comprehension skills or other disabilities.
4. FECCA believes that migrants and refugees who have been lawfully accepted as Australian permanent residents should be given a non-discriminatory pathway to citizenship following two years of residency in Australia.
5. Broadly, FECCA believes that Australia's citizenship conferral process should be inclusive and welcoming to those Australians lawfully accepted as permanent residents, whether through the Skilled, Family Reunion or Humanitarian streams—as was the case before the new higher-level test was introduced in 2007. The successful acquisition of citizenship is a critical and fundamental part of a successful settlement process and unnecessary barriers should not be placed in the way of citizenship acquisition.

6. Citizenship is a basic human right under Article 15 of the Universal Declaration of Human Rights. Citizenship confers on an individual full membership of the national family including the right and responsibility to vote, the right to travel freely and the peace of mind that one will not be deported.
7. For stateless refugees who have lawfully found sanctuary in Australia, citizenship is of fundamental importance for them to rebuild their lives with confidence, hope and security. To deny such refugees citizenship on the basis of inadequate English is extremely discriminatory, with profound and severe consequences for the health and well being of these people.
8. Many lawful refugees are failing the current Citizenship Test due to the higher level English language and comprehension computer based test. According to recent statistics (March 2009) 42.3% of humanitarian entrants are failing the test on their first sitting (6,275 people). While that figure reduces to 16% after subsequent sittings this figure is still unacceptably high. In some communities the final figure is even higher but in its most recent update the Department of Immigration and Citizenship (DIAC) has stopped publishing citizenship test results for Australian resident applicants from African countries (for instance). Many other humanitarian entrants are not sitting the test because of fear of failure. There are also reports that DIAC are advising some failed applicants not to resit the test for a period of time due to previous failures. Skilled migrants are passing the test at a rate of 99% on first and subsequent sittings showing that the adverse effects of the higher-level citizenship test is clearly being felt by humanitarian (and to a lesser extent family reunion) applicants.
9. FECCA supported the Government's decision to review the test over the course of last year and broadly supported its response to the review's recommendations in November 2008.
10. The Government accepted the majority of the review's recommendations including three critical recommendations supported by FECCA being that:
 - a) any citizenship test be based on the legal requirements of citizenship;
 - b) an alternative pathway to citizenship be developed for refugees and disadvantaged or vulnerable migrants, and;
 - c) that the English level of the test be returned to the legislatively required 'Basic English' rather than the higher English level that was introduced in 2007 (arguably in breach of the Australian Citizenship Act Basic English requirement).

11. FECCA did not however support the Government's decision to raise the pass mark for the test from 60% to 75% (despite no recommendation from the review to that effect).
12. The Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill, aims, among other things, to give effect to recommendation 19 of the review that people who cannot demonstrate Basic English due to mental incapacity not be required to sit a test.
13. FECCA supports this legislative amendment which aims to ensure that persons with physical or mental incapacity as a result of torture or trauma do not need to sit the citizenship test, although we note that the qualifier 'as a result of torture or trauma' appears to have been introduced by the Government and is not in the Review's main final recommendation.
14. FECCA believes the Government should consider extending this exemption to all people with a disability that may affect their capacity to successfully sit the test.
15. FECCA understands that the broader and crucially important alternative pathways to citizenship recommendations (contained in recommendations 13-18 of the Review), which the Government supported, is to be implemented by Ministerial instrument rather than legislation and is intended to be introduced in late 2009. FECCA sees the final implementation of this recommendation as fundamentally important.
16. The Government's response to that broader recommendation was that, "the Government will develop a citizenship course that will provide an alternative pathway to citizenship for refugees and disadvantaged or vulnerable migrants". FECCA supports this statement in full and again welcomes the Government's commitments in this area. Broadly FECCA believes that refugee and disadvantaged or vulnerable migrants are better suited to a teaching rather than testing regime for learning about the rights and responsibilities of Australian citizenship.
17. Alternative pathways to citizenship would enable refugees and disadvantaged and vulnerable migrants with limited English language to acquire citizenship through a course rather than a test. It would end the current state of affairs where such Australian residents are failing or avoiding the test and thus do not have citizenship rights and responsibilities, and may in some cases remain 'stateless'.

18. FECCA would like the Government to introduce the broader alternative pathways citizenship course reform as soon as possible so that lawful refugees and disadvantaged and vulnerable migrants with limited English language proficiency may acquire citizenship, as was the case until the new higher level test was introduced in 2007.
19. FECCA welcomes the Government's continued reforms in this area and hopes to see more inclusive and non-discriminatory Citizenship Test arrangements introduced in the near future, including through the passage of this Bill.