

Dear Sir/Madam,

Regarding the proposed amendments to the Australian Citizenship Act (2007) and Migration Act (1958)

I am an Australian citizen, born in New South Wales and currently resident in Victoria. My family includes Anglo-Irish Australians who have lived in this country since the late 19th century, as well as a parent who migrated from West Africa. I practise as a physician in a public hospital, which includes a clinic providing health care to refugees and asylum-seekers.

The proposed amendments to the Australian Citizenship Act (2007) and Migration Act (1958) are unjust, pose a threat to the stability and cohesion of Australian society, and give undue power to the Minister for immigration without adequate scrutiny or accountability.

Increasing the duration of required residency for permanent residents to apply for citizenship will delay the political enfranchisement and participation in civic affairs for a substantial number of people who wish to reside in and contribute to Australian society. This will hinder, rather than build, community cohesion and equality, making Australian civic and political institutions less representative of Australian society. This runs counter to the principles of representative democracy and creates tensions in Australian society.

The requirement to sign a pledge to uphold Australian values introduces discrimination as it is not a requirement imposed upon those Australians who acquired citizenship by birth. This seems contradictory, as true "Australian values" should presumably be upheld by all Australian citizens, regardless of their place of birth. This requirement also runs the risk of limiting "Australian values" to a set of ideals formulated by a minority of people socially positioned to impose their views (prejudices, biases etc) upon the rest of the population. In future, this may retard social evolution: consider the hypothetical possibility of "Australian values" having been formulated by the men who were in positions of influence and authority at the time of Federation: many ideals now central to Australian identity (such as equality of the sexes) would not have been considered so at that time.

The amendments propose to exclude from citizenship the children of people whose parents were "unlawful non-citizen" residents of Australia in the ten years prior to their application for citizenship. This will permanently disenfranchise a number of people who will have been born in Australia, known no other home and have no realistic prospect of making a life anywhere else. This seems unjust and divisive, in that these children will grow to maturity feeling excluded from Australian society and facing discrimination and prejudice in many areas of their education, employment and participation in the civic life of Australia: this poses a threat to the cohesiveness and stability of Australian society.

The requirement for applicants to "be of good character" in order to be eligible for Australian citizenship seems on the face of it, to be reasonable, but the imposition of this requirement upon minors is unjust and goes against the principle that a child has a chance of rehabilitation and integration into society, given appropriate support. This amendment would remove hope for the future from young people who are in most need of hope, if they are to transcend any immature errors of judgement and grow to become law-abiding citizens who might make a contribution to Australian

society. The development of Australia, from its origins as a penal colony, to one of the most peaceful, prosperous nations on Earth, gives the lie to the notion that people convicted of criminal acts can never redeem themselves or make a contribution to the civic life of the nation.

The amendments proposed give the Minister too much arbitrary power to grant or deny opportunities for people to become citizens of Australia, limiting options for judicial scrutiny or administrative appeal. Apart from human fallibility, the prejudices and biases of the incumbent Minister would be able to exert undue influence on the makeup of Australian civic society. This is too much power for any individual to hold without accountability.

The requirements for spouses to be “to the exclusion of all others” and to be living together, imposes an inflexible restriction on prospective applicants, particularly those who are refugees or asylum-seekers, as many such families are split up, through no will of their own, by the circumstances in which they had to flee their countries of origin. Similarly, polygamous marriages are legally recognised in many countries: when migrating to Australia and applying for citizenship, only one relationship is recognised (other marriages being dissolved or ending due to widowhood), such that the spouses do fulfill the Australian legal definition of marriage at the time of application for citizenship. The proposed amendments would be retrospectively discriminatory, excluding currently monogamous spouses from citizenship on the basis of previous polygamous relationships outside Australia that were legal in their previous countries of residence.

A peaceful, just and cohesive society is possible only when all its members have the opportunity to express and discuss their concerns and participate in the civic institutions and political processes that address those concerns. Exclusion of a proportion of the society from this opportunity creates tensions that ultimately lead to violence: repressive state violence, rebellious or criminal violence by marginalised people - or both.

All in all, the proposed amendments are unjust, harmful to individuals seeking to participate in Australian civic society, and are likely to create and exacerbate divisions in Australian society through systematic intergenerational discrimination and disenfranchisement of a growing number of people living in this country. The amendments also seek to give extraordinary arbitrary powers to the individual Minister that threaten the separation of judicial and executive power, and may lead to undue influence of individual Ministers upon the fabric of Australian society, for generations to come.

I urge the committee to reject the proposed amendments to the Australian Citizenship Act (2007) and Migration Act (1958).

Yours sincerely,

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