



Submission on
Australian Citizenship Legislation Amendment (Strengthening the Commitment for Australian Citizenship and Other Measures) Bill 2018

Senate Standing Committee on Legal and Constitutional Affairs

Background

Settlement Services International (SSI) is a community organisation and social business that supports newcomers and other Australians to achieve their full potential. We work with people who have experienced vulnerability, including refugees, people seeking asylum and culturally and linguistically diverse (CALD) communities, to build capacity and enable them to overcome inequality. We provide a range of services in the areas of humanitarian and migrant settlement, housing services, asylum seeker assistance, disability support, foster care, and employment support services in NSW.

SSI draws on its expertise and experience to advocate for the people and communities it serves. Through the work we do, we empower people to change their lives. Through our advocacy and representation, we seek to influence ideas and policy.

SSI is the largest provider in NSW of the Humanitarian Settlement Program, funded by the Department of Social Services (DSS), to newly arrived refugees and other humanitarian entrants. SSI is also the lead organisation in a consortium, the NSW Settlement Partnership, of 23 partner agencies which deliver the Settlement Services Program, also funded by DSS, to refugees and family stream migrants in the first five years of settlement across NSW.

SSI welcomes the opportunity to provide a submission to the Senate Standing Committee on Legal and Constitutional Affairs on the *Australian Citizenship Legislation Amendment (Strengthening the Commitment for Australian Citizenship and Other Measures) Bill 2018*.

SSI notes that this 2018 Bill put forward by Senator Pauline Hanson closely mirrors the government's *Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017*. We request that in considering this 2018 Bill the Senate Standing Committee also gives consideration to SSI's previous submission regarding the government's 2017 Bill.

This submission responds to two key points in the Outline of the Explanatory Memorandum for the Senator Hanson 2018 Bill (Parliament of Australia, 2018), which SSI understands are significantly different from the government's 2017 Bill. These two key points relate to:

- Increasing the general residence requirement
- Requiring competent English proficiency at IELTS Level 5

General comments

Australia is a country of immigrants with successive waves of migration contributing to the social and economic fabric of Australia. Twenty-eight per cent of Australia's population were born overseas (Australian Bureau of Statistics, 2016), the third highest proportion in OECD countries, behind Luxembourg and Switzerland (OECD, 2016).

The source countries of our migration program have shifted towards non-English speaking countries, particularly countries in Asia and the Middle East. Migrants, especially recent migrants, tend to be younger than the rest of the population, with about 50 per cent of those born overseas in the prime working years (25–54) compared with 39 per cent of the Australian-born (NATSEM, 2010).

Migration provides a net benefit to Australia, and is a contributor to Australia's continuing economic growth.

Successful settlement and integration are key objectives of migration policy, with integration usually defined as the ability to participate fully in economic, social, cultural and civic life (Fozdar & Hartley, 2013).

Australia is recognised internationally as having high levels of success in settlement and integration of migrant communities, and this is reflected in Australia's high ranking under the Migrant Integration Policy Index (MIPEX), the most recognised international indicator of migrant settlement outcomes across developed countries. One of the key MIPEX indicators is *Pathways to Citizenship*, where in 2014 Australia ranked at Number 5 out of 38 participating countries (MIPEX, 2017). Indicators where Australia currently performs well for *Pathways to Citizenship* under MIPEX include that:

- All migrants who are permanent residents are entitled and encouraged to become citizens after an appropriate waiting period, and
- Current citizenship tests are appropriate and not an undue barrier to citizenship (MIPEX 2017).

The Bill's proposed changes to eligibility and testing for Australian citizenship include a significantly extended waiting period, and introduce language requirements which may make it difficult for migrants to achieve citizenship. The risk is that these proposed changes would deter or prevent citizenship by permanent residents who have work skills and good character, people who Australia wants to retain, to support our future skills base and economic advantage.

Australia has developed successive iterations of multicultural policy, which have promoted the economic advantages of a culturally and linguistically diverse population. The most recent iteration of multicultural policy, *Australia's Multicultural Statement*, released by the Commonwealth Government in 2017, reaffirmed this, stating:

"Our cultural diversity is one of our greatest assets – it sparks innovation, creativity and vitality. Our economy is strengthened by the skills, knowledge, linguistic capabilities, networks and creativity of our diverse workforce." (Department of Social Services, 2017, p.13)

The Bill's proposed changes to citizenship appear to place greater value on prospective citizens having advanced English language skills. A potential consequence of these proposed changes is that migrants whose first language is not English will find it more difficult to become citizens, compared to those from English-speaking countries. This would appear to be at odds with Australia's multicultural policy statement and support for a linguistically and culturally diverse nation.

Increasing the general residence requirement

The Bill amends the Australian Citizenship Act 2007 to:

- *increase the general residence requirement to require citizenship by conferral applicants to have been a permanent resident for at least eight years before they are eligible to apply for citizenship. (The Parliament of Australia, 2018)*

The rationale for the requirement to extend the period of permanent residence before an application for citizenship from one to eight years, and how this will support integration and the values of prospective citizens, is unclear. The increased time before attaining citizenship will, arguably, postpone the resident's legal security as a citizen, delay their permanent settlement and sense of belonging to Australia, and potentially impede their long term contribution to their new country.

Recently arrived permanent residents correctly have an equal obligation to obey Australian laws and pay taxes. If passed into law, the consequence of this proposed change would be that recent arrivals would not have an equal right to become Australian citizens, and therefore vote for the elected representatives who frame our laws, or have equal access to services and benefits funded through the taxes that they pay. This consequence would be fundamentally unfair and against the basic principle of the right to vote in Western liberal democracies.

Introducing an English language test

The Bill amends the Act to:

- *require most applicants to provide evidence of competent English language proficiency before they can make a valid application for citizenship. (The Parliament of Australia, 2018)*

English language proficiency is an important factor in the successful settlement and integration of migrants, and has been an implied criterion of Australia's immigration program for generations. English language skills are an advantage for economic and social engagement, and newly arrived migrants consistently nominate a desire to improve their English as one of their first priorities for starting a new life in Australia.

SSI's experience is that in addition to English skills, migrants' opportunities and support in their new country are also strong predictors of success, and migrants who do not have strong English language skills in the initial years after arrival can and do achieve strong settlement outcomes and contributions to Australia. English language proficiency can be acquired, and the bilingual capacity of prospective citizens is a national asset. This position is affirmed as government policy in *Australia's Multicultural Statement*:

"English is and will remain our national language and is a critical tool for migrant integration. At the same time, our multilingual workforce is broadening business horizons and boosting Australia's competitive edge in an increasingly globalised economy." (Department of Social Services. 2017. p.13)

The Bill's proposed changes to Citizenship testing will require prospective citizens to be tested and achieve a minimum level of 'Competent' English, which appears to be significantly higher than the previous 'Basic' English standard required.

It is understood that this Bill's proposed new English language requirement of 'Competent' would be International English Language Testing System (IELTS) 5, the standard currently required to be eligible for university entry in Australia. This standard requires a person to be a citizen of a designated English speaking

country, or to achieve a score of 5 in an IELTS test in the four test components of speaking, reading, listening and writing.

The rationale for the higher level of English language competency for persons to become citizens is unclear. If IELTS Level 5 is how 'Competent' in English language proficiency will be defined, this change may make it more difficult for people from non-English speaking countries to become citizens, in particular partners of skilled migrants and family stream migrants. Spouses of migrants who are caring for young children at home often have greater difficulty in learning English and passing the language test. Therefore, while skilled migrants would be likely to meet higher language skill requirements to become citizens, their partners or spouses may not, which could create significant legal and practical difficulties and be a disincentive for skilled migrants with families to remain in Australia.

Australia's history includes the stories of many people from migrant backgrounds, who did not have the equivalent of 'Competent' or even 'Basic' English skills when they migrated to Australia, and made outstanding contributions to our nation. They include the thousands of post-war migrants from Europe who built the Snowy Mountains Scheme of hydroelectric power stations and irrigation. They also include individuals such as Gladys Berejiklian, Premier of New South Wales, who is the daughter of Armenian migrants, and reportedly began to learn English when she commenced primary school.

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