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SUBMISSION TO THE SENATE LEGAL AND
CONSTITUTIONAL AFFAIRS COMMITTEE

INQUIRY INTO THE AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TEST REVIEW AND OTHER MEASURES) BILL 2009

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Introduction

UnitingJustice Australia, the justice and advocacy unit of the Uniting Church in Australia National Assembly, welcomes this opportunity to comment on proposed changes to the Australian Citizenship Test contained in the *Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009*.

The Uniting Church is a multicultural Church, welcoming people from all cultural backgrounds and maintaining a vibrant multicultural life that is reflected in our structures, priorities and teachings. In 1985 the Fourth National Assembly of the Uniting Church adopted a statement on multiculturalism, stating

The Uniting Church seeks to be open to changes that the Holy Spirit will bring to the church because of the creative contributions of people of different racial and cultural groups to its life.

Worship within the Uniting Church is celebrated in a variety of settings and languages, in culturally appropriate ways. Congregations are often organised around cultural familiarity, ethnicity or language in order to make services suitable and accessible. The role of first-generation migrants in the Uniting Church is considerable, and many have found that contribution to the Uniting Church community is not precluded by varied ability to speak English or the length of residence in Australia. Migrant-ethnic communities and individuals greatly enrich our corporate life.

The Uniting Church's *Policy Paper on Asylum Seekers, Refugees and Humanitarian Entrants*¹, adopted in 2002, outlines the key principles for policies, legislation and practices which we believe should protect the inherent dignity of all people. Whilst the issue of citizenship relates to all migrants and not solely refugees and humanitarian entrants, our work with asylum seekers and other migrants has provided us with experience of some of the issues facing immigrants with non-English-speaking backgrounds and specific cultural needs.

Part of the witness of the Uniting Church in Australia is to challenge the structures that create and perpetuate inhospitality, injustice and division across society.

The Uniting Church advocates for a just response to the needs of all people - citizens, visa holders and asylum seekers, and the international community - that recognises Australia's responsibilities as a wealthy global citizen, upholds the human rights and safety of all people, is culturally sensitive, and is based on just and humane treatment, including nondiscriminatory, accountable and transparent processes. In particular, we call for a focus on inclusiveness in Australia's policy approach to those who seek to become part of the Australian community. Citizenship and the citizenship commitment should not be used as an exclusionary device.

In this spirit, UnitingJustice Australia offers these comments to the Senate Legal and Constitutional Affairs Committee.

The Citizenship Test

In March 2008, the Assembly Standing Committee of the Uniting Church National Assembly adopted a resolution opposing the continued use of the Citizenship Test² on the following grounds:

1. The test inevitably fails to comprehend the nature of citizenship, which is misrepresented by the test. The test fails to acknowledge the primary role of community in Australian democracy.
2. The attempt to embody so-called 'Australian values' in a citizenship test implies a slanted and unnuanced history of Australia told from a point of view approved by the government of the day. The appeal to folk legend and the prominence of sporting heroes in understanding the nature of Australian society is irrelevant to the actual exercise of citizenship.
3. Regardless of their performance at a 'citizenship test', the presence of people with diverse cultural backgrounds contributes significantly to the enrichment of a multifaceted community. Compliance with a stipulated test tends towards assimilation and works against the enhancement of multiculturalism.
4. The presence of new residents in Australia already requires compliance with the laws of the country, rendering the test redundant.

¹ This paper is available at http://www.unitingjustice.org.au/images/pdfs/issues/refugees/assembly-resolutions/9_asylumseekerandrefugee2002.pdf

² This resolution is available at http://www.unitingjustice.org.au/images/pdfs/issues/democracy/assembly-resolutions/11_asc_citizenshiptest2008.pdf

5. The type of questions asked of prospective citizens tends to trivialise the responsibilities and privileges of citizenship.
6. Aspects of the test are potentially excluding of certain people.

We acknowledge, however, that the current Australian Government is committed to the continued use of the Australian Citizenship Test. We welcome the Government's willingness to consult with the community on the operation of the Australian Citizenship Test, through the Citizenship Test Review, and its efforts to change the test to reflect community concerns. We believe that the amendments contained in this Bill will assist those most vulnerable to exclusion in becoming Australian citizens, and therefore support the Bill's passage in Parliament.

The Pledge of Commitment

We welcome the Government's support for the recommendation from the Citizenship Test Review Committee to focus the test on the Pledge of Commitment and on the responsibilities and privileges of citizenship. The questions in the current test, we believe, trivialise the genuine nature of citizenship. Linking the test with the legal requirements of citizenship will give the test greater relevance to the actual exercise of Australian citizenship in the community.

Exemptions for people who have suffered torture or trauma

We enthusiastically support the exemptions provided in the Bill for people who have suffered trauma or torture outside Australia and suffer mental or physical incapacities as a result which render them unable to pass the Citizenship Test. Refugees and humanitarian entrants, who have often suffered severe trauma overseas, are often also the most enthusiastic to become Australian citizens. These provisions will assist some of the most vulnerable and excluded in our community in becoming Australian citizens.

English and literacy requirements

We do recognise that English skills are an advantage for new migrants, however we do not believe that it is apparent that immigrants not yet competent in English are undesirable as citizens. Australian history is blessed with many people who, with little or no English, have made exceptional contributions to Australian society as citizens. We believe, therefore, that the Citizenship Education Program should be delivered in languages other than English (as recommended by the Citizenship Test Review Committee), with assessment consisting of a Certificate of Participation in the program, alongside an interview with a Citizenship Referee in English. This would greatly assist migrants whose level of literacy in English and in their first language deters them from applying for citizenship.

We welcome the Government's efforts to review the Citizenship Test resource book after it was found to contain a level of English above the legislative requirement of 'basic English' and to develop an alternative pathway to citizenship for people whose literacy skills render them unable to pass the formal computer test.