



### **Submission to the Senate Standing Committee on Legal and Constitutional Affairs on the Australian Citizenship Amendment (Citizenship Testing) Bill 2007**

The Ethnic Communities Council of Western Australia (ECCWA) is the State's peak body for ethnic organisations that takes an active interest in all aspects of multiculturalism and ethnic affairs and acts on behalf of all communities in Western Australia. The ECCWA is committed to working closely with the three tiers of government, community agencies and the community to facilitate the effective participation of ethnic communities in the decision-making processes of government and community. Thus, the Council's policy position on the Federal Government's proposed changes to Australia's citizenship laws comprises the views of many ethnic community representatives in Western Australia.

#### **Summary**

In response to the then Department of Immigration and Multicultural Affairs' discussion paper *Australian Citizenship: Much more than a ceremony*, the ECCWA provided a submission detailing its strong opposition to the introduction of a formal citizenship test in Australia. The Council remains unconvinced that passing a formal citizenship test and English language proficiency are indicators of a 'better' citizen.

The Australian Government has however, seen fit to introduce a number of measures, including the citizenship test in the *Australian Citizenship Act 2007*. The Council considers that the Minister should retain discretionary powers to provide Australian citizenship by conferral, particularly in circumstances outlined by the seven situations under Section 19G (Subdivision B) of the Act. **The Council does not support a mandatory formal citizenship test for all prospective citizenship applicants and this submission does not in any way alter that position.**

#### **Comments**

The Council maintains that Australia should **not** have introduced a formal citizenship test because such a test risks being a discriminatory and undemocratic procedure to determine a person's eligibility to become a citizen. Australia prides itself as being a culturally and linguistically diverse society; as a key part of our national identity. According to the 2001 Census:

- 23 per cent of Australians were born overseas
- an additional 20 per cent had at least one parent born overseas
- we speak about 200 languages, and practise a wide variety of religions.

Given the diversity of our population, a formal citizenship test would favour certain groups of people over others. Further, neither passing a citizenship test nor levels of English proficiency are good indicators of a good citizen. There are many members of CaLD communities here in Western Australia, who have low levels of English proficiency yet are active participants in community life and contribute significantly to Australian society.

Attaining knowledge of “Australian culture and values” is an on-going educational process even for the Australian-born. The ECCWA fails to see the necessity for a knowledge of “Australian culture and values” to be a pre-requisite for Australian citizenship.

Values that underpin good citizenship are universal. They are not transmitted genetically nor are they determined by one’s place of birth. It is therefore ridiculous to suggest that the values and commitment of those who are Australian-born are “superior” to those of people who migrate to Australia and acquire citizenship or remain permanent residents.

Values and citizenship education should therefore be approached from a generic and not ethno/migrant specific perspective.

The current system requires prospective Australian citizens to demonstrate a basic knowledge of the English language through an interview with an immigration official. The ECCWA considers this an adequate process.

Despite the diversity in languages in Australia and the subsequent economic, social and cultural benefits to the nation, there appears to be an unduly heavy emphasis on English language proficiency in the proposed changes. Whilst the Council acknowledges the official status of English in Australia, we believe that it is short-sighted of the Government to equate English language proficiency with citizenship. The advantages of multilingualism heavily outweigh monolingualism, particularly in this era of globalisation.

Most migrants are already tested for English proficiency even before they are admitted into Australia. To subject them to yet another similar test is surely a gross waste of time and money (both to the prospective Australian citizen and to the Australian tax-payer).

An individual’s ability to learn a second language is dependant on many factors, for example, age, culture, first language, environment, socio-economic status, emotional state of mind (as in the case of refugees), access to language classes, access to child care services whilst attending classes etc.

The Council considers that some prospective citizenship applicants, for example those with low levels of literacy or English proficiency, should be given the opportunity to take this mandatory test in a different way to the majority of other prospective citizenship applicants.

We strongly support the following proposed arrangement be extended to any prospective applicant required to undertake the test:

- that special arrangements be made for people whose literacy and/or language skills mean they have difficulty undertaking the test.

Additionally, we believe that the Minister should retain discretionary powers to approve citizenship by conferral under Subdivision B, Section 19G in the following situations:

- a permanent physical or mental incapacity; or
- aged over 60 or over or have a hearing, speech or sight impairment; or
- aged under 18; or
- born to a former Australian citizen; or
- born in Papua; or
- are a stateless person.

July 2007