



Minister Assisting the Premier on Multicultural Affairs

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**Re: Submission to the Australian Citizenship: Much More Than a Ceremony
Discussion Paper ('discussion paper')**

Thank you for your letter inviting the Victorian Government to comment on the proposal to introduce a formal citizenship test. Please find attached for your consideration the Victorian Government's submission to the discussion paper.

In summary, key points of the Victorian Government's position are:

- Victoria does not support the introduction of a citizenship test as it risks alienating new arrivals and would create unwarranted difficulties for a range of vulnerable migrant groups, such as refugees and humanitarian entrants.
- Victoria is a world-class example of successful multiculturalism and the harmonious existence of diverse communities. The discussion paper references the citizenship testing arrangements in place in Europe, Britain and the Americas. Given Victoria's and Australia's reputations as model multicultural societies, it is unclear why Australia should look to these countries with less cohesive multicultural communities and less inclusive approaches to settlement of migrants, as examples of best practice. The Victorian Government believes they have more to learn from us, than can be learnt from them.
- There is a risk that the proposed citizenship changes may lead to the perception that Australia does not welcome migrants who will not quickly assimilate. Such negative perceptions may be a factor in dissuading some potential migrants from choosing Australia as their preferred migration destination and decrease our ability to attract skilled migrants.
- Federal legislation such *The Citizenship Act 1948* and Victorian multicultural policy statements such as "Valuing Cultural Diversity" promote respect for different cultures and support the concept of multiculturalism. The introduction of a test assuming a homogenous Australian culture from which an agreed set of Australian values can be drawn contradicts this context. Furthermore, previous citizenship debates have highlighted the difficulty of achieving agreement on what is an Australian "value".



- The Victorian Government contends that for the majority of migrants, current citizenship arrangements are sufficient in ensuring a basic level of English comprehension and understanding of responsibilities and rights of Australian citizenship (as required by *The Citizenship Act 1948*).
- Victoria would support strengthening promotion and education of the benefits and responsibilities of citizenship and learning English within existing arrangements (e.g. building upon the Adult Migrant English Program (AMEP) and civics education in schools).
- The visa application process for permanent or temporary visas should not be contingent on passing a test of English comprehension or commitment to the Australian 'way of life' or Australian values. Such a policy would discriminate against refugees and humanitarian entrants by ignoring their more immediate need for refuge from potentially dangerous situations in their home countries.
- The Victorian Government does not support the proposed change to *the Citizenship Act 1948* to extend the residence requirements for Australian citizenship from two to four years. This is a substantial increase to the current residence requirement and will result in an unnecessary delay for migrants gaining access to citizenship.

The submission provides further detail to these key points.

Please note this letter and submission has also been forwarded to the Citizenship Task Force for their consideration.

Yours sincerely,

JOHN PANDAZOPOULOS MP
Minister Assisting the Premier on Multicultural Affairs

Victorian Government's Submission to the *Australian Citizenship: Much More Than a Ceremony Discussion Paper*

Victoria is one of Australia's most culturally diverse states with Victorians coming from more than 230 countries and following more than 110 faiths. One in four Victorians were born overseas. Yet, there has been no strong community feedback in Victoria indicating that there are any problems with the current citizenship arrangements.

Australia should embrace those who wish to formally join the Australian community through citizenship. Citizenship should not be used as an exclusive concept. Australia's image as a welcoming country has helped to produce a resilient and thriving multicultural society. Migrants – including those with limited English skills – have historically and consistently demonstrated their commitment to Australia by the valuable contribution they have made to the country.

The following submission will address the four key issues outlined in the discussion paper.

Responses to the Discussion Paper's Four Key Issues

1. Should Australia Introduce a Formal Citizenship Test?

If the objective of the proposal is to increase the number of people taking up citizenship or to increase the social participation of Australians then there is no evidence to demonstrate that these aims would be achieved by the introduction of a formal citizenship test.

Rather than creating an incentive to learn about and participate in the Australian community, a test would create a barrier to citizenship, send a negative message to new arrivals and discourage them from committing to Australia formally through applying for citizenship.

In the discussion paper, no information is provided as to the effectiveness of overseas models of citizenship testing and the link between citizenship testing and the increased ability of migrants to participate in their community. On the other hand, it is well recognised that Australia is a highly harmonious and safe multicultural country that compares favourably as a model of multiculturalism to the countries presented in the discussion paper as models for citizenship testing.

There is a danger that a two-tiered Australian citizenry would be created consisting of a group of formal citizens and a second group of permanent residents who have failed the citizenship test or are not confident enough to sit it. Overseas experience has demonstrated that denial of citizenship causes social exclusion, which when coupled with economic disadvantage in particular ethnic groups, can undermine social cohesion. We should not introduce policies that risk these outcomes.

The impact of the proposed citizenship changes on Victoria's highly successful skilled migration program is also likely to be negative.

Skilled migration plays a key role in maintaining Victoria's strong economic performance and securing the State's economic and social future. Victoria's own commitment to skilled

migration is demonstrated by our significant investment in our Skilled Migration Strategy (\$6m over 4 years) and a further commitment to provide additional funding (\$6m over four years) from the Provincial Victoria Growth Fund to attract more skilled migrants to regional Victoria.

While Victoria has significantly improved its attraction of skilled migrants, attracting skilled migrants is becoming increasingly competitive. Victoria faces increased competition from other States and from many other countries around the world.

There is a risk that the proposed citizenship changes may lead to the perception that Australia does not welcome migrants who will not quickly assimilate. Such negative perceptions may be a factor in dissuading some potential migrants from choosing Australia as their preferred migration destination. At a time when there are increasing skills shortages across Victoria, the potential economic impacts of reduced migration flows resulting from these proposed changes need to be considered.

In addition, the proposals present an increased risk of exclusion for refugees and humanitarian entrants, who are also amongst Australia's most eager new citizens. Refugees face a complex mix of issues affecting their ability to learn English and to settle into Australia. Minimal or no formal education prior to arriving in Australia, coupled with significant emotional and physical trauma or post-traumatic stress disorder can be significant barriers to education. These factors amongst the refugee and humanitarian entrant population have led to lower rates of school retention and higher rates of unemployment.

The Victorian Government believes this group of Australian residents should be assisted by additional support services and flexible English training and not be faced with further obstacles in the process of gaining citizenship.

The difficulties faced by a range of new migrants indicate that exemptions from testing would be required. In particular, refugees and humanitarian entrants should be exempt from citizenship testing. Migrants under 18 years of age should also be exempt from any citizenship testing as they will not be eligible to the full range of citizenship rights, such as voting in elections and should not be subject to an overly onerous citizenship application process. It would also be unfair to request minors to potentially sit a test containing content aimed at adult applicants. Longer-term migrants who have lost eligibility for AMEP without taking it up, or who arrived prior to the creation of AMEP should also be exempt. Due to the range of exemptions that should apply, it is questionable as to whether testing should proceed.

2. How important is knowledge of Australia for Australian citizenship?

The Victorian Government's approach to multicultural affairs¹ is based on the belief that all Victorians have a commitment to uphold common civic values, rights and obligations including: respect for institutional structures, participation in support of Australian democracy and its institutions, respect for the law, respect for and tolerance of others' beliefs and practices, individual freedom of association, prime loyalty to Australia's interests and English as the national language.

¹ "Valuing Cultural Diversity", 2002, Victorian Office of Multicultural Affairs

The Victorian Government does not accept that demonstrating this commitment by sitting a citizenship test is the appropriate mechanism for ensuring migrants understand and appreciate the above concepts.

The Department for Immigration and Multicultural Affairs (DIMA) and other state agencies have already produced a wide range of information to assist migrants understand and appreciate Australian law, institutional structures and Australian democracy. For example, people are able to explore such ideas in the course titled, "Let's Participate: a Course in Australian Citizenship", which is available to all AMEP participants. Rather than diverting resources towards the implementation of a formal citizenship test (which is likely to result in substantial budgetary implications), the Commonwealth Government should consider extending eligibility and provision of this course to all new-arrivals, migrants and residents who wish to apply for citizenship. Anecdotal evidence suggests that the course's take-up is high and would remain successful as a voluntary program.

Substantial work has been done in the area of civics and citizenship education in schools. Civics and citizenship is a key domain of the Victorian Essential Learning Standards and is designed to provide students, including migrant children, with knowledge, skills and opportunities to understand and practise what it means to be a citizen in a democracy. Citizens require knowledge and understanding of civic institutions and the skills and willingness to actively participate in society.

The National Statements of Learning have been agreed to by the Australian Government and all states and territories. This includes National Statements of Learning for Civics and Citizenship Education. Given this agreement has been achieved, the content of these statements should form the extent of knowledge of Australia required for citizenship.

However, the proposals in the discussion paper extend beyond acquiring civics knowledge to requiring migrants to learn about 'Australian values' and the 'Australian culture'. We cannot assume that there is an agreed, homogenous understanding of Australian culture and values.

Extensive consultation on the content of an Australian values test would be required so that the test would reflect the diverse experiences of Australian communities (including people from CALD backgrounds).

The previous debate on the draft preamble to the Constitution, demonstrated that there are different understandings of supposedly common and well-understood Australian concepts such as 'mateship'. The previous debate highlights the difficulties that would be involved in consulting on and drafting questions to test migrants' understanding of Australian values as Australia itself has not come to an agreed understanding of this issue.

In light of the current agreement on statements related to civics and citizenship education, this should represent the knowledge required to be a citizen. The current citizenship requirements reflect this already and we see no reason to extend to testing this knowledge. Any application of values beyond these concepts is likely to be fraught with difficulties in terms of compiling a list of questions that would reflect Australian 'values' or 'culture'.

3. What level of English is required to participate as an Australian citizen?

Section 12 of the *Citizenship Act 1948* states that applicants for Australian citizenship must demonstrate a "basic knowledge of the English language". The Victorian Government believes that the current arrangement whereby an applicant is required to undergo a "citizenship interview" in English with an immigration officer is the most appropriate mechanism in meeting this legislative requirement.

The proposal in the discussion paper to further extend the process by compelling applicants to sit a test with a "written English component" or a "separate listening and reading component" (paragraph 65 of the discussion paper) is a clear extension beyond the current legislative requirement and would discriminate against migrants and residents from a CALD background, especially refugee and humanitarian entrants who already face significant obstacles settling into Australia and learning English. It is also unclear how agreement would be reached as to the level of English required to pass the test.

A test which may require a higher level of English comprehension would be discouraging to migrants from non-English speaking backgrounds, who have traditionally shown enthusiasm in taking up Australian citizenship. The Department of Immigration and Multicultural Affairs' (DIMA) statistics² show that in 2004-05 China (8.4%), India (5.4%), Philippines (3.9%), Iraq (2.3%), Vietnam (2.2%), Malaysia (1.9%) and Sri Lanka (1.8%) are some of the major countries of birth of permanent residents who chose to become Australian citizens. In total, migrants from a non-English speaking background comprise over a quarter of all eligible residents who chose to become Australian citizens.

It should be recognised that Australian migrants arrive with varying levels of English comprehension and some individuals may need an extensive amount of time and assistance in order to reach a basic level of English comprehension. Therefore, a proposal which requires all citizenship applicants to reach a pre-determined level of English comprehension would potentially prevent some migrants from non-English speaking backgrounds from gaining citizenship for years, if ever. The proposal also disregards the contribution such individuals may make to Australia and their willingness to declare their allegiance to Australia, regardless of their level of English comprehension.

There are several barriers migrants may face when trying to access English training, such as:

- * The difficulties in juggling paid work and attending English classes. Migrants (non-humanitarian entrants) are precluded from accessing welfare support for a period of two years and this presents substantial financial pressure for migrants to focus on work at the expense of improving their English. Further, it is both unreasonable and unjust for the Commonwealth Government to, on the one hand, propose that refugees should immediately start looking for work following their arrival in Australia instead of using the first three months to learn English (as recently reported³) and at the same time set a language bar for citizenship that would require refugees to undertake substantial English language training in order to become citizens.

² DIMA website: "Australian Citizenship Statistics – Major Countries of Former Nationality or Citizenship in 2004-05"

³ "Refugees face hunt for jobs on arrival", *The Australian*, 20 September 2006.

- Despite the current childcare provisions in the AMEP, timely and practicable access to childcare places continues to be identified as a barrier for new arrivals accessing English language classes which should be remedied.
- The support that refugees and humanitarian entrants may need to overcome more immediate needs associated with physical and mental trauma and post-traumatic stress disorder. Dealing with such issues undoubtedly increases the difficulty of learning English.
- The lack of formal training or familiarity with the written script that some refugee migrants may experience and the impact this may have on learning English in a formal class-room environment or comprehending English in the written form. Due to these obstacles, some new arrivals may take years to learn English to a required standard or may never reach this standard. This does not equate to a lack of commitment to become a citizen and they should not be denied this opportunity.

The above issues suggest that the introduction of an English comprehension test – especially one which involves a reading and writing component – would most likely exclude the most disadvantaged from gaining citizenship and fails to recognise the obstacles that migrants face in learning English. Migrants can and do continue to learn English and improve their English language skills even after they become citizens. For some this is a life-long process.

There is also the disincentive of those who choose to sit the proposed test and fail. The eventual outcome is the creation of an underclass of non-citizens who are denied the ability to state their allegiance to Australia.

Those wishing to apply for citizenship must be supported by adequate resources to enable them to understand the responsibilities of citizenship, especially migrants from a non-English speaking background. A requirement for increased English skills will most likely need additional resources for English training – such as the AMEP – to ensure that migrants from non-English speaking backgrounds attain English of a sufficient level.

4. How important is a demonstrated commitment to Australia's way of life and values for those intending to settle permanently in Australia or spend a significant period of time in Australia?

Applicants for citizenship

The introduction of a formal citizenship test to prove a person's commitment to Australia is unnecessary as the current process already achieves this. At present, citizenship applicants recite the citizenship pledge to demonstrate their commitment to Australia. The citizenship pledge is a clear expression of a person's loyalty to Australia and acceptance of Australian democracy and Australian law.

Based on DIMA's statistics⁴ (from the 2001 census) there are over 900 000 eligible residents who have yet to take up citizenship. In general, Australia does not have a high citizenship take-up rate amongst migrants from English-speaking countries⁵. This would suggest that knowledge of English is not the key factor in citizenship decisions. The Federal Government should therefore consider exploring innovative approaches such as community-driven

⁴ DIMA Website: "Australian Citizenship Statistics – Top 10 Birthplaces of Eligible Non Citizens"

⁵ DIMA Publication: "Population Flows: Immigration Aspects", January 2005, p. 94

campaigns to increase the up-take of citizenship rather than creating an additional barrier to those wishing to become citizens. Such campaigns should focus more strongly on the benefits of Australian citizenship.

Applicants for permanent and temporary visas

Paragraphs 57 to 62 of the discussion paper canvass options for introducing a test on English comprehension, knowledge of Australia or commitment to Australian values as part of the visa application process. Potential target groups include refugee and humanitarian entrants and migrants from the family migration program. The Victorian Government believes that it is unlikely that introducing formal testing arrangements as part of the visa process will produce much benefit.

It would also be unfair to implement a formal testing regime on vulnerable groups such as refugee and humanitarian entrants as a condition of entry.

As permanent residency or temporary residency do not carry the same rights as citizenship (e.g. right to live in Australia and to vote), the Federal Government must carefully consider whether it is justified to put in place an additional process for a person to gain permanent or temporary residency, especially as there has not been any evidence to suggest this will be beneficial.

Conclusion

Victoria does not support the introduction of a citizenship test. In this submission serious policy and implementation concerns have been highlighted which demonstrate the substantial risks inherent in the proposal. The greatest risk is the potential exclusion of valuable members of the Australian community from gaining the sense of belonging they deserve and, ultimately, harming the model multicultural society we have built in Australia.