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Australian Government Department of Immigration and Border Protection
3 Lonsdale Street
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Submitted via email: citizenship.submissions@border.gov.au

Submission to Discussion Paper on Strengthening the Test for Australian Citizenship

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australia's culturally and linguistically diverse (CALD) communities and their organisations. FECCA provides advocacy, develops policy and promotes issues on behalf of its constituency to Government and the broader community. FECCA strives to ensure that the needs and aspirations of Australians from diverse cultural and linguistically diverse backgrounds are given proper recognition in public policy.

FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism so as to build a productive and culturally rich Australian society. FECCA's policies are developed around the concepts of empowerment and inclusion and are formulated with the common good of all Australians in mind.

Key Message

On 20 April 2017 the Government announced proposed amendments to the arrangements governing the conferral of citizenship. Those amendments include increasing the waiting period imposed by residence requirements and imposing a more stringent test in relation to English language competency.

Citizenship to this point in Australia's history has been used as a means of fostering inclusivity. It has encouraged many migrants not just to see Australia as the place where they live, but to see themselves as Australian, regardless of country of origin. Australia's approach to citizenship has contributed to the successful settlement of generations of migrants.

Specifically, it is the view of FECCA that individuals who have been granted status as permanent residents should be encouraged to seek citizenship as soon as practical afterwards because it fosters integration. Citizenship is not only an offer of welcome by a host nation; it is also an expression of commitment by an arriving migrant and a compact between the two. Anything which seeks to delay or deter that compact should be resisted.

FECCA believes that the requirement of a specific level of English language as a precursor to application for citizenship is superfluous. Developing one's English language skills is an important part of the pathway to settlement. However, throughout Australia's history extraordinary contributions have been made by those who continued to struggle with the language.

The better resourcing of English language programs is a more effective means of improving language outcomes than the punitive approach which further marginalises those who struggle. Fundamental in this respect is an understanding of the idea that proficiency in English is a skill which develops at different rates based on a complex range of factors. This is as true for those learning English as a second, third or fourth language as it is for native speakers.

Notwithstanding, many people whose competency in English is still developing have a valid and valuable contribution to make to Australia. Accordingly FECCA opposes the current proposal to increase the standard of English required to meet the requirements for Australian citizenship.

It is unclear from the *Strengthening the Test for Australian Citizenship* discussion paper what weaknesses have been identified by the Government in the current citizenship process and how these proposed changes might remedy such deficits. For example, FECCA would welcome further explanation as to how extending the period for which a person must wait before becoming eligible for citizenship will assist with social cohesion; how it will enhance migrants' ability to contribute economically; how it will strengthen their commitment to 'Australian values'; or how it will improve their ability to read and speak English.

The English Language Requirement

A significant element of the proposal is the requirement that potential applicants for citizenship demonstrate competent levels of English. A functional command of English is highly desirable for negotiating Australia's social and economic institutions. However, many who struggle with the language continue to make a valuable contribution to their communities notwithstanding. They work, they pay taxes, they send their children to school, they participate in their community, they play sport¹ and they volunteer in many types of organisations.²

A policy that requires potential citizens to speak competent English before applying is discriminatory, in practice if not in principle. First, it favours those who apply from English speaking countries, like England, Canada, New Zealand and the United States. Effectively this imposes a policy of discrimination by proxy.

Second, because of the connection to the Latin from which much of English is derived, the policy favours applicants from countries who speak Romance languages, including Spanish, Portuguese, French and Italian. Because of the base similarity in these languages to English, English competency is easier to achieve for migrants who come from countries where these languages are spoken.

Third, the proposal favours applicants who speak some languages because the structure of those languages more closely corresponds with English. For example, Chinese languages have a grammatical structure akin to that of English, in that their sentences contain a subject, a verb and an object (although other challenges exist for Chinese students of English including the Roman alphabet and pronunciation). This is not the case for languages such as Korean, Hindi, Russian (and other Slavic languages), Turkish, Japanese, Arabic, Urdu and Bengali, where they may not share characters nor words nor structures. It is illogical that potential citizens from countries where these languages are prevalent be penalised on the basis of that fact alone.

Apart from geographical concerns, there are individual factors which impact upon the rate at which language competency develops. For example, several studies have demonstrated the

¹ Australian Bureau of Statistics 'Migrants And Participation In Sport And Physical Activity' (2006)

² Roland-lai et al "Highly Skilled with Insufficient English" CALD Volunteers Utilisation Pilot Research Report" 2008 The Centre for Volunteering. http://volunteering.com.au/wp-content/uploads/2014/06/CALD_Research_Report-2008.pdf

effect of trauma on adults learning English.³ This is particularly prescient for humanitarian entrants. A study of one cohort of refugees in Australia indicated the presence of Post-Traumatic Stress Disorder in more than 90% of that cohort, detailing the negative effects upon learning.⁴ There are significant implications for this in relation to the proposed changes. Interruptions to education as a result of moving frequently because of unstable security situations or missing school to work in times of economic hardship mean that some migrants and refugees may have low levels of literacy in their own languages making the study of English a particular challenge. To prevent applicants who have entered Australia as asylum seekers or other challenging backgrounds from citizenship because they experience difficulties with language is to effectively re-victimise them because of their experiences.

If Australia is committed to ensuring that its citizens are all competent English speakers, then investment in comprehensive language services is a more appropriate consideration. Removing, for example, arbitrary time constraints for the Adult Migrant English Program will assist in this regard. This will increase the opportunities for continuing study and allow English skills to be developed by those who are committed but struggling.

Waiting Periods through Residence Requirements

The proposed amendments require a potential applicant for citizenship to demonstrate four years of continuous permanent residence in Australia, for the purposes of 'greater examination' of their 'integration with Australia'.

The requirement that time spent in Australia as a permanent resident be extended before an individual can apply for Australian citizenship has no effect other than to delay the application.

The ability to participate fully in Australian life is, however, dependent upon immigration status. The right to vote; the right to ease of travel; the right to serve your country in jobs reserved for citizens; the right to decide how the financial contributions one makes to the country are distributed; and access to improved opportunities for education are an important facet of integration and one which is prevented and delayed by this proposal. In some cases the people affected by these delays will have already lived here for many years, working, studying and contributing to the economic and social fabric of the nation. It is incongruous that such a contribution should be devalued by requiring a further four years before accruing the right to be considered for citizenship.

Accordingly FECCA asserts that the proposed amendments requiring four years permanent residence prior to an application for citizenship should not be implemented.

Conclusion

The Federation of Ethnic Communities' Councils of Australia welcomes this opportunity to contribute to the national conversation on citizenship. It is our considered view that the current arrangements ought not be subjected to the changes as proposed in the Discussion Paper.

The Federation would welcome the opportunity to expand on this submission or to comment further should the Department of Immigration and Border Protection find it useful. For enquiries please contact the FECCA Director, Dr Emma Campbell at emma@fecca.org.au.

³ Gordon, D. Trauma and Second Language Learning among Laotian Refugees *Journal of Southeast Asian American Education and Advancement*: 6(13). 2011

⁴ Stevens, A. Perspectives on the Meanings of Symptoms among Cambodian Refugees *Journal of Sociology* 37(1):81-98 2001