

**SUBMISSION IN  
RESPONSE TO THE  
*STRENGTHENING THE  
TEST FOR AUSTRALIAN  
CITIZENSHIP*  
DISCUSSION PAPER**

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**Edmund Rice Centre for Justice and Community Education**  
**Submission to the Department of Immigration and Border Protection**  
Response to the “Strengthening the test for Australian Citizenship”

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## **Introduction**

This submission addresses the following components of the proposed citizenship changes:

- The introduction of a formal language test;
- Increasing the general residence requirement;
- Changes to the Australian Values Statement; and
- Changes to the test for Australian citizenship.

The Edmund Rice Centre for Justice and Community Education (ERC) is of the view that the proposed changes are unnecessary and we have serious concerns about the Federal Government’s motivations for the changes.

The changes have been announced in the context of increased threats to Australia’s multicultural fabric. For instance, surveys for the Scanlon Foundation’s 2016 *Mapping Social Cohesion* report found “an increase in the reported experience of discrimination” from 15 per cent in 2015 to 20 per cent in 2016.<sup>1</sup> Furthermore, the report found “a relatively high level of negative opinion towards Muslims...over the course of six surveys between 2010-2016 negative opinion has been in the range 22-25 per cent...this compares to 4-5 per cent negative opinion towards Christians and Buddhists.”<sup>2</sup>

We are concerned that, rather than strengthen multiculturalism and social inclusion, the proposed changes will create barriers.

## **About the Edmund Rice Centre**

ERC works to promote, protect and defend human rights, social justice and eco-justice through research, advocacy, community education and partnership building. Our vision is of a just world where right relationships ensure that human rights are protected and social and environmental justice is a reality.

## **Contact**

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<sup>1</sup> Andrew Markus, 2016, *Maoing Social Cohesion – The Scanlon Foundation surveys 2016*, p. 25.

<sup>2</sup> Ibid, p. 43.

## **Introduction of a formal language test**

ERC believes a formal English language test requiring “competent” English will exclude a growing number of future permanent residents from obtaining Australian citizenship. This has the potential to create disunity and isolation in new migrant communities, harming Australia’s social cohesion and fostering resentment. Over time, this may see a structural reduction in the number of new citizens and the rate of citizenship take-up.

It is difficult to assess the exact effect of requiring ‘competent’ English on citizenship application and conferral. However there are a number of pieces of evidence to help better understand the potential.

According to a recent review of the Adult Migrant English Program (AMEP), the number of clients who completed 500 hours of training and obtained a level of “competent” English is less than one per cent. In our consultations with the Horn of Africa Relief and Development Agency (HARDA), concerns were raised about the inadequacy of the AMEP. The program is seen as inflexible and unresponsive to the individual needs of migrants. HARDA reinforced concerns that the vast majority of migrants who complete the program have not obtained a competent level of English.

Effectively this demonstrates new migrants who participate in the AMEP would be unable to apply for citizenship until their English proficiency substantially improves. While policy makers should expect English proficiency to improve post-AMEP, the large distribution of test scores below “competent” English clearly shows this expectation should not assume large increases in English proficiency. For example, 28 per cent of AMEP participants leave the program with ‘zero or formulaic’ English proficiency. It is inconceivable these participants will be able to pass a “competent” proficiency level across the four components (speaking, listening, speaking and writing) in the short- to medium-term.

Specific cohorts of migrants will be affected in different manners. Approximately 35 per cent of humanitarian migrants score the equivalent of an IELTS 2 or lower after completing their AMEP hours. This demonstrates humanitarian migrants will face greater difficulties than other permanent migrants to obtain Australian citizenship. The existing citizenship test success indicators show humanitarian migrants are already the most likely to fail the test and have the highest number of average attempts to pass the test.

Unlike primary skilled permanent migrants, family migrants are not typically required to undertake an English proficiency test as part of their visa application. From this, we can infer a larger proportion of family migrants will be unable to obtain Australian citizenship compared to skilled migrants. In addition, spouses of skilled migrants are not required to undertake a formal English proficiency test as part of their visa application. As about two-thirds of permanent residency visas are granted to men, there should be additional considerations on the potential for a formal English proficiency test to have an inherent gender bias.

Here are a number of common examples of what should be expected if the proposed competent English proficiency is formally introduced for obtaining Australian citizenship:

- A male permanent resident satisfies all citizenship criteria, including demonstrating competent English. His wife, who holds a secondary visa associated with his permanent residency, is unable to meet the English requirement;
- A female spouse permanent resident is married to an Australian citizen. She is unable to become an Australian citizen as she cannot meet the English language requirement;
- A male and female humanitarian married couple cannot meet the English language requirement to obtain Australian citizenship;
- A married couple move to Australia as permanent residents. They have a child in Australia. The child automatically acquires Australian citizenship however his/her parents are unable to obtain citizenship as they cannot pass the English proficiency requirement;
- A married couple move to Australia as temporary residents. They have a child in Australia. They become permanent residents, as does their child. After 10 years in Australia, they are unable to pass the English language requirement. Their child is eligible for Australian citizenship having satisfied the residency requirement.

These examples do not support the notion competent English proficiency will strengthen Australian citizenship. The potential scope of the changes, together with the potential effect on family units, means there is great uncertainty associated with the proposed English proficiency requirements.

Furthermore, the proposed introduction of a formal English proficiency test will have a disproportionate impact on citizenship applicants with lived experience as refugees, especially those who have had a disrupted level of education.

Lastly, the exclusion of citizenship has the potential to foster a sense of isolation. A perceived, or realised, structural exclusion has the potential to harm social cohesion and create disunity, contra the stated goals of the Australian government's recent multicultural statement. The citizenship discussion paper notes "In the face of these threats, there is no better time to reaffirm our steadfast commitment to democracy, opportunity and our shared values." (page 5). However by preventing specific new migrant cohorts from obtaining citizenship and potentially fostering a sense of isolation, the stated commitment to 'democracy, opportunity and shared values' is undercut.

This submission does not support the introduction of a formal English proficiency test to obtain Australian citizenship. The existing measures to promote basic English proficiency, such as undertaking the citizenship test in English, is viewed as satisfactory.

If it is decided to proceed with the proposed English proficiency requirements, a number of considerations should accompany this. These include:

- A waiver for demonstrating competent English if the applicant was eligible for AMEP and completed 80 per cent of their allocated hours;
- A short citizenship course to be conducted in English acting as a waiver for demonstrating competent English; and
- Other options for mitigating the potentially large number of permanent migrants excluded from obtaining Australian citizenship.

### **Increasing the general residence requirement**

The proposed change to require applicants for citizenship to demonstrate at least four years permanent residence is unnecessary. Indeed, the Government has been unable to articulate a genuine reason for this change, other than claiming in the discussion paper it “will enable greater examination of an aspiring citizens’ integration with Australia” (page 9).

We submit that the willingness of a person to apply for citizenship and pledge their loyalty to Australia should be evidence enough of their integration.

### **Changes to the Australian Values Statement and changes to the test for Australian citizenship**

Unfair stereotypes have been used to justify changes to the Australian Values Statement. The Government is implying that applicants for citizenship potentially may not have “allegiance to Australia” and may be unwilling and/or unprepared to “integrate into and contribute to the Australian community” (page 17). It is further suggesting applicants may not have “an adequate understanding of Australian values and a belief in the importance of those values.” This type of rhetoric reinforces anti-immigrant attitudes in the community that create barriers to integration for citizenship aspirants.