



Submission to the Australian Citizenship Amendment (Strengthening the Citizenship Loss Provisions) Bill 2018

Addressed to

Committee Secretary

Parliamentary Joint Committee on Intelligence and Security

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Authors

This submission was written by Andrea Leong and edited by Andrea Finno on behalf of the Science Party.

Confidentiality

This submission does not need to be kept confidential and may be made public.

The Science Party appreciates the opportunity to provide feedback to the Committee on the *Australian Citizenship Amendment (Strengthening the Citizenship Loss Provisions) Bill 2018*.

Background

The *Australian Citizenship Amendment (Strengthening the Citizenship Loss Provisions) Bill* proposes to make it easier to strip Australian citizenship; by firstly expanding the range of offences which make revocation possible, and secondly downgrading the requirement for the person to be a confirmed dual national with the requirement that the Immigration Minister merely be satisfied that the person would not be left stateless if their Australian citizenship was removed.

Recommendations

1. The Science Party recommends against expanding the range of offences that can lead to revocation of citizenship.
2. The Science Party recommends against granting the Immigration Minister the power to decide whether revocation of Australian citizenship would leave a person stateless.

Comments on the Bill

Expansion of range of offences

Citizenship should not be regarded as fickle. We believe that, generally, citizenship should be revocable only if it was initially gained through fraud (a situation covered by current laws¹). Therefore, we recommend against expanding the range of offences that can lead to revocation of citizenship.

Granting of extra powers to the Minister

Under current legislation, a person may only have their citizenship revoked if, as well as meeting other requirements, they are "*a national or citizen of a country other than Australia*"². While it is not specified how that fact should be determined, it must be established beyond doubt. Any lesser standard is unacceptable, as revoking the citizenship of a person without additional citizenship would leave the person stateless. It is inappropriate to give the Immigration Minister of the day the power to make this decision based on their beliefs, rather than to require an absolute establishment of fact based on evidence.

It should be noted that Australian citizens may not voluntarily renounce their citizenship if they cannot demonstrate that they hold citizenship of another country. *The bill in question therefore reverses the burden of proof* by requiring a citizen to prove that they do not hold any other citizenships in order to not lose their Australian citizenship.

¹Australian Citizenship Act 2007 s34. http://www5.austlii.edu.au/au/legis/cth/consol_act/aca2007254/s34.html

²Australian Citizenship Act 2007 - s35A(1)(c). http://www5.austlii.edu.au/au/legis/cth/consol_act/aca2007254/s35a.html

Alternatives to the bill

For Australians found to have engaged in terrorism overseas, other avenues that could be investigated include prosecution under the *Counter-terrorism Legislation Amendment (Foreign Fighters) Bill 2014*³ (it should be noted that the Science Party has separate concerns about that piece of legislation).

It is Australia's responsibility to contain the risk due to Australians who become radicalised, rather than hoping another country will deal with the problem.

Lack of evidence for the proposed bill

The introduction of this bill appears to be motivated not by evidence that it would be effective in keeping Australians safer, but by the desire to look tough on national security. It is difficult to imagine how the bill will make Australians safer, for reasons including the following:

- The bill disincentivises Australians from reporting to the authorities a loved one who they fear is becoming radicalised, by increasing the (real or perceived) risk that the person in question will lose their citizenship.
- An Australian who is already well down the path to radicalisation will not be perturbed by potential loss of citizenship.
- We are concerned about the psychological effect on the Australian people of knowing that their citizenship (gained through birth or otherwise) can be revoked if they're found guilty of certain crimes that are unrelated to the gaining of that citizenship. Such measures might weaken our shared sense of Australian identity.
- For those who have been detained by other countries for engaging in terrorist acts overseas, we will forfeit the ability to extradite them to face justice.

As a final comment, we believe that at this point Australians would be better protected by a Bill of Rights than by more national security bills that are mostly unused, and heavy-handed by international standards.

³Counter-terrorism Legislation Amendment (Foreign Fighters) Act 2014 - Schedule 1.
http://www5.austlii.edu.au/au/legis/cth/num_act/clafa2014579/sch1.html