
**Submission to the inquiry into the Australian Citizenship Amendment
(Citizenship Test Review and Other Measures) Bill**

Thank you for your invitation to make a submission to the inquiry into the *Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill* (the Bill). The Canberra Multicultural Community Forum Incorporated (CMCF) welcomes the opportunity to again comment on the Australian Citizenship Test and changes to Citizenship legislation.

CMCF's role is to represent the needs and aspirations of Canberra's multicultural community, while celebrating its achievements and fostering a spirit of cooperation and harmony. CMCF therefore has a significant responsibility to support ethnic communities and people who have experienced the refugee and migration processes. The continuation of the previous Government's Citizenship Test is an issue of considerable distress for this organisation and the community we represent.

CMCF has provided a number of submissions to the Commonwealth on this issue, since the first discussion paper on this subject was released in September 2006. CMCF also appeared before the Senate Committee considering the *Australian Citizenship Amendment (Citizenship Testing) Bill 2007*. CMCF's message about the inappropriateness of the Citizenship Test has been consistent over the last three years. Previous submissions condemning the Test can be found at: <http://www.cmcf.org.au/documents.htm>

CMCF supports FECCA's assertion that "migrants and refugees who have been lawfully accepted as Australian permanent residents should be given a non-discriminatory pathway to citizenship following two years of residency in Australia." We acknowledge the importance of citizenship, in both what it represents, and the rights and responsibilities it confers. However, unnecessary and bureaucratic barriers to citizenship should be removed.

We welcome the proposed changes to allow 'a small group of people who have suffered torture or trauma to be eligible for citizenship without having to first sit a citizenship test'. We also welcome the statement that the Australian Citizenship Test Resource Book will be revised with simpler English. That said, we continue to have fundamental concerns about this Government continuing to rely on the Citizenship Test as the key tool for judging the suitability of applicants to allow them to fully participate in Australian society.

CMCF's concerns relate to the:

- purpose of the test – CMCF has reservations about whether the test contributes to the goals of instilling Australian values, helping migrants to integrate and maximise the opportunities available to them;
- effectiveness of the test - the proposition that a short written multiple choice examination can test whether applicants will be "good citizens", rather than testing rote learning and IT skills, appears flawed;
- content of the Citizenship Test and the mechanism for approving test questions – while it is may be appropriate to test English language skills and aspects of citizen responsibilities, the suggestion that Australian values can be codified and determined by a Government Minister is a key concern for CMCF;

- discriminatory nature of the test – asking immigrants to accurately identify and commit to values that the average Australian is not required to identify, agree with, and/or commit to, is inappropriate;
- ethical and practical implications of placing multiple obstacles in the path to gaining citizenship; and
- moral implications of testing people on “common values” which implies that there is only one set of “Australian values” and one type of “Australian citizen”, undermining the vital role that multiculturalism and diversity plays in Australian society.

In support of the submission from the Australian Lawyers for Human Rights, CMCF is greatly concerned about the proposed change to 21(5) the *Australian Citizenship Act 2007* that requires a child to have permanent residency before they can be eligible for citizenship. This approach disregards the rights of children and solely focuses on the legal status of their parents. We urge the Parliament to seriously review this suggested amendment, as it appears to disregard fundamental principles of human rights.

We note that the UN Convention on the Rights of the Child aims to protect a child’s right to nationality. We do not believe that the Australian Government intends to undermine this Convention. Article 7 protects the ‘right to acquire a nationality’ and Article 8 requires States Parties to ‘respect the right of the child to preserve his or her identity, including nationality’. The Australian Citizenship Legislation should therefore reflect the universal principle that decisions affecting the rights and interest of a child should only be made in the best interests of the child. They should not be based on the nationality, status, wishes or role of a parent. This is particularly, important for orphans or children that are separated from their parents.

While we agree that the proposed changes to the Citizenship Test go some way towards breaking down the barriers that the original Citizenship Legislation erected for migrants and refugees who have already been legitimately accepted as Australian residents, the changes do not go far enough. Contrastingly, the proposed amendments relating to children appear to deny migrant and refugee children basic human rights. CMCF would welcome the opportunity to comment on further legislation that supports the Australian values of justice and equity for all.

For further information, please contact Sam Wong.

A handwritten signature in black ink, appearing to read "Sam Wong", with a horizontal line drawn underneath it.

Sam Wong AM
Chair
Canberra Multicultural Community Forum Inc
6 August 2009