



Refugee Council of Australia

Submission to Senate Standing Committee on Legal and Constitutional Affairs inquiry into the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009

The Refugee Council of Australia (RCOA) welcomes the opportunity to comment on the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009. RCOA is the national umbrella body for non-government organisations involved in supporting and representing refugees, with a membership of more than 130 organisations and 250 individuals.

RCOA has made three previous submissions on the national citizenship test:

- a response to the Government's discussion paper *Australian Citizenship: Much more than a Ceremony* in November 2006;
- a submission to the Senate Legal and Constitutional Affairs Committee Inquiry relating to the Citizenship Testing Bill in July 2007; and
- a submission to the Review of the Citizenship Test in June 2008.

In each submission, we argued against developing or retaining a citizenship test, believing it to be an unsatisfactory tool for determining whether a person is ready to become an Australian citizen. We noted that refugee and humanitarian entrants were more likely to seek Australian citizenship than any other category of migrant because they had, in effect, lost access to the citizenship of their country of origin and because their experience of being welcomed by Australia gave them a heightened appreciation of the freedom and democracy enjoyed by residents of this country. We expressed concern about the impact of doubling the period of time required for permanent residents to apply for citizenship and about the likelihood that the testing regime would exclude refugees and humanitarian migrants with limited English and/or limited education, in spite of their appreciation of the values of Australian citizenship. In our 2008 submission to the Review of the Citizenship Test, we noted the decline in the numbers of people applying for citizenship and the higher than average failure rates for people from some of the main source countries for refugee and humanitarian entrants.

We remain concerned that the citizenship test is an inappropriate method of determining whether a person is ready to take on the responsibilities of citizenship and that the testing regime ultimately will result in fewer permanent residents deciding to become citizens. The most recent release of information about the Citizenship Test shows that, as of March 31, 2009, only 57.7% of refugee and humanitarian entrants who sat the test passed at their first attempt (well below the average pass rate of 84.9%) and that, even after multiple attempts, 16% of refugee and humanitarian entrants who applied for citizenship ultimately failed. There is no information available on the numbers of refugee and humanitarian entrants who are choosing not to sit the test for fear of failure.

However, given the Government's determination to retain the test, we do acknowledge that the changes outlined in the Bill and by the Minister for Immigration and Citizenship, Senator Chris

Evans, in the Second Reading speech are improvements on the current arrangements. We hope that these changes will reduce the inequities inherent in the citizenship testing regime.

In our 2008 submission, we suggested (as did other organisations) that applicants for citizenship who have experienced torture and/or trauma be given the option of being exempted from undertaking citizenship testing. We are pleased to see that the legislation allows for people in this situation to qualify for citizenship by taking the Australian Citizenship Pledge and meeting the residence and character requirements. RCOA sees this as an important step in creating a more equitable and fair citizenship regime for vulnerable refugee and humanitarian entrants.

We note, however, that this amendment accepts that only trauma experienced outside of Australia fulfils the requirements for conferred citizenship. There are circumstances in which people suffer physical or mental trauma after entering Australia but before seeking citizenship. This can be the result of a tragedy or accident or even an impact of an extended period of time in immigration detention. While noting that the current Act includes some provisions for people suffering physical or mental incapacity, we suggest that the proposed amendment be altered not to exclude people who have suffered significant trauma while in Australia. This can be achieved by removing the words "outside Australia" from the proposed amendment to Subsection 21(3).

RCOA looks forward to the changes in the citizenship test outlined in the Second Reading speech, in particular the shift of focus to the Pledge of Commitment and the undertaking to revise the booklet and test to ensure that both are presented in basic English. In addition, the development of an alternative pathway for people whose literacy is insufficient to pass a test will be a worthwhile change, providing an avenue for people denied access to adequate education.

As the Minister for Immigration and Citizenship points out in the Second Reading speech, it is vital that people who have a commitment to Australia and wish to become citizens have the opportunity to do so. The suggested changes will increase the likelihood that this will be possible for a larger number of people, including refugee and humanitarian entrants.

The regular release of information about the conduct of the citizenship test, such as the "Australian Citizenship Test Snapshot Report" published by the Department of Immigration and Citizenship in April 2009, is an important contribution to public discussion about whether the test is meeting its stated objectives. RCOA recommends that such information be released at least annually, to encourage continuing public scrutiny of the citizenship test and to promote discussion of whether further changes are needed to remove unintended barriers to Australian citizenship.



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