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# Multicultural Youth Advocacy Network (MYAN Australia)

Submission to the Senate Legal and  
Constitutional Affairs Committee for  
Australian Citizenship Legislation  
Amendment (Strengthening the  
Commitments for Australian  
Citizenship and Other Measures) Bill  
2018

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## About MYAN

The Multicultural Youth Advocacy Network (MYAN) is the national peak body representing multicultural youth issues.

MYAN works in partnership with young people, government and non-government agencies at the state and territory and national levels to ensure that the particular needs of young people from refugee and migrant backgrounds are recognised, and to support a coherent and consistent approach to addressing these needs in policy and service delivery. The MYAN undertakes a range of policy and sector development activities, and also supports young people to develop leadership skills and networks.

Young people from refugee and migrant backgrounds demonstrate high levels of resilience and resourcefulness and have the potential to be active participants in and contributors to Australian society. However, they can face particular barriers to accessing services and opportunities, including language, culture, limited social capital and unfamiliarity with Australian systems and processes (including the service system), racism and discrimination. These factors can place them at a social and economic disadvantage within Australian society, which can mean they are at higher risk of social and economic isolation. The MYAN believes that a targeted approach to policy and service delivery is essential to addressing these barriers.

The MYAN has developed the *National Youth Settlement Framework* to support a targeted and consistent approach to addressing the needs of newly arrived young people settling in Australia.

## About this submission

MYAN welcomes the opportunity to contribute to the Senate Legal and Constitutional Affairs Committee's Inquiry on the Australian Citizenship Legislation Amendment (Strengthening the Commitments for Australian Citizenship and Other Measures) Bill 2018 (referred from here on as 'the Bill'). This submission does not respond to individual articles of the Bill, but rather highlights the particular challenges and barriers faced by young people from refugee and migrant backgrounds this Bill may perpetuate that MYAN would like to bring to the Committee's attention.

This submission provides a national perspective, drawing on the MYAN's breadth of experience working with young people from refugee and migrant backgrounds, their communities and the youth and settlement sectors across Australia. Settlement trajectories and supports (or their lack of) for young people from refugee and migrant backgrounds are one of MYAN's policy priorities – as identified by both young people and service providers.

There are several areas of concern in the Bill for MYAN, and this submission provides comments on four requirements incorporated in the Bill: English language proficiency; demonstrating integration; period of permanent residency; and evidence of good character.

## Key Recommendations

- MYAN recommends to the Committee that the Bill is not passed in its current form.

### 1. General Statements about the Bill

The Australian Citizenship Legislation Amendment (Strengthening the Commitments for Australian Citizenship and Other Measures) Bill 2017 failed to pass last year. The Select Committee on Strengthening Multiculturalism had specifically recommended in its final report, “Ways of protecting and strengthening Australia's multiculturalism and social inclusion” that the Australian Government do not proceed with their proposed changes to the Australian Citizenship Act 2007, in reference to the 2017 Bill, and associated changes to the Australian citizenship test.<sup>1</sup> The current Bill proposes the same changes and further increases the period of residency requirement to eight years following receiving permanent resident status.

MYAN would like bring to the Committee’s attention the considerations of the Select Committee on Strengthening Multiculturalism, as elaborated in its final report, when making this recommendation, especially the point that such changes in the Citizenship Act may severely impact on the well-being of individuals seeking citizenship in Australia, specifically young people from refugee and migrant backgrounds.

Predictability is an important aspect of the migration process for young people from refugee and migrant backgrounds, who at the same time are experiencing significant physical, psychological and intellectual growth as they navigate the process of building a new life in Australia. The developmental period of adolescence is a distinct transitional stage in a young person’s life, and is characterised by separation and individuation from parents and caregivers, major physical changes such as growth spurts and sexual maturation, identity formation, emotional and cognitive development and determining career and other life goals. This is a critical life stage, where these changes inform the development of a sense of identity, and where the brain undertakes significant growth. The refugee and migration experience, and the challenges of settling in a new country can complicate the challenges of navigating adolescence<sup>2</sup>.

Rather than adopting a long view of settlement, focusing on short-term and temporary migration only adds further unpredictability and uncertainty for young people from refugee and migrant backgrounds to this mix. This has been supported by research with refugee families, where the importance of understanding and having confidence in the stability and predictability of one’s environment has been highlighted<sup>3</sup>.

Predictability of policy environments highly impact the decision making process of migrants when choosing their destination<sup>4</sup>, whether they are skilled or not. Clear, fair, non-discriminatory and transparently applied immigration rules and pathways to permanent

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<sup>1</sup> Select Committee on Strengthening Multiculturalism (2017) *Ways of protecting and strengthening Australia's multiculturalism and social inclusion*. Canberra: Commonwealth of Australia, p. 31.

<sup>2</sup> MYAN (2016) *National Youth Settlement Framework*. Melbourne: Multicultural Youth Advocacy Network (MYAN), p. 2.

<sup>3</sup> Centre for Multicultural Youth (2014) *Facilitating the Transition to Employment for Refugee Young People*. Carlton: Centre for Multicultural Youth, p. 29.

<sup>4</sup> Papademetriou, D. G., Somerville W. and Tanaka, H. (2008) *Talent in the 21<sup>st</sup> Century Economy*. Washington, DC: Migration Policy Institute, pp. 4-5.

residency and citizenship<sup>5</sup> can turn Australia into a more conducive environment that best supports all young people to settle well and achieve good settlement outcomes.

In Australia, contrary to many other countries, second generation migrants<sup>6</sup> have skills comparable to skills of those who were born in Australia and whose both parents were born in Australia<sup>7</sup>. In international research, the first strength of Australia has been identified as having “a large population of relatively skilled and well educated migrants that bring highly desirable and much-needed skills to the workforce.”<sup>8</sup> This large population is mainly young and they perform very well in terms of the level of basic skills they possess. The only exception to this is migrants from disadvantaged socio-economic backgrounds, including from refugee and refugee-like backgrounds, and this may be improved through targeted policy interventions<sup>9</sup>. Looking at the integration of immigrants and their children into Australian society, this data provides evidence that the migration policies with a long term view of settlement, leading to citizenship, had worked for Australia in the past.<sup>10</sup>

## 2. Period of Permanent Residency Requirements

Under the proposed changes, the time that a person spends in Australia before gaining permanent residency will not count, and citizenship would be available to people following eight years as permanent residents of Australia.

The Explanatory Memorandum does not explain, based on evidence, why the current four year period (which can be a combination of temporary and permanent visas) for application to Australian citizenship is insufficient to meet the policy objectives of the Australian Government. Permanent residency is only conferred on people once they have passed the required character and security checks, so further long periods of delay appear unnecessary. A longer period of permanent residence is not necessary to consider the integration of a person in Australia. Four years of residence on either a temporary or a permanent visa should be sufficient.

MYAN is especially concerned about the young people from refugee backgrounds who have been granted temporary protection visas and the possible impact such changes would have on them. The proposed changes in the Bill do not recognize any time spent as a recognized refugee on a temporary protection visa towards that residency requirement. Such recognition is particularly important as temporary protection visas perpetuate a state of uncertainty for refugees, especially for young refugees who have fled persecution and often experience prolonged family separation, impeding their ability to restart their lives.<sup>11</sup>

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<sup>5</sup> Papademetriou, D. G., Somerville W. and Tanaka, H. (2008) *Talent in the 21<sup>st</sup> Century Economy*. Washington, DC: Migration Policy Institute, p. 26.

<sup>6</sup> That is native-born children of migrants and refugees.

<sup>7</sup> This finding is based on Australia’s overall performance in the PIAAC Survey of Adult Skills, which is a product of the OECD Programme for the International Assessment of Adult Competencies (PIAAC), across literacy, numeracy and problem solving in technology-rich environments. PIAAC Survey of Adult Skills was conducted in Australia from October 2011 to March 2012, and Australia specific findings were released in a 2017 OECD report. For more see, OECD (2017) *Building Skills for All in Australia: Policy Insights from the Survey of Adult Skills*. Paris: OECD Publishing.

<sup>8</sup> OECD (2017) *Building Skills for All in Australia: Policy Insights from the Survey of Adult Skills*. Paris: OECD Publishing, p. 31.

<sup>9</sup> OECD (2017) *Building Skills for All in Australia: Policy Insights from the Survey of Adult Skills*. Paris: OECD Publishing, p. 35.

<sup>10</sup> This comparison is considered as an indicator for integration as children of immigrants born in Australia have been raised and educated in the host country and they should not be facing the same obstacles as their immigrant parents and outcomes similar to those of their peers of native-born parentage may be expected. For more see OECD/European Union (2015), *Indicators of Immigrant Integration 2015: Settling In*, OECD Publishing, Paris, p.16.

<sup>11</sup> UNHCR (2017) *Submission by the Office of the United Nations High Commissioner for Refugees for Inquiry into the Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017*. Available at <http://www.unhcr.org/en-au/5979719a7.pdf>, p. 7.

Extensive waiting periods for citizenship also would also have significant implications for migrant families, with some members unable to apply for citizenship for long periods after their arrival.

### 3. English Language Requirements

Developing and possessing English language skills are important steps on the path to integration into Australian society. Along with education and employment, possessing English skills is a key element of settlement and preparation for citizenship.

For decades, many migrants have arrived with limited English skills, but have gone on to make significant contributions as citizens.<sup>12</sup> Previous experience has shown that, while newly arrived adult migrants may not have had high levels of English language proficiency, they find work soon after arrival in Australia and proceed to settle and build a life for their children. Typically, the children of migrants do very well in Australia<sup>13</sup> demonstrating how even with only basic English language proficiency, many migrants can find and maintain employment and raise Australian citizens capable of making significant contributions to the nation.

While it has not been referred to which test would be used for measuring the English level for citizenship applications, the IELTS test has been referred mostly as the test to make this measurement. MYAN believes that using a generalized language test to measure English language skills would not help understand the level of language skills a refugee or migrant may hold. The linguist and one of the inventors of the IELTS test, Dr. David Ingram had stated that IELTS test was never meant to be used as an immigration tool, and it was not developed for that purpose.<sup>14</sup> IELTS is not an appropriate testing framework for measuring everyday functional English, and any new test should utilise methods that match the individual circumstances (including past education and learning experiences) of prospective citizens.

Young people typically acquire English language skills more quickly than older migrants, however young people who have experienced disrupted education, especially young people from refugee backgrounds are likely to be particularly disadvantaged in any type of standard testing. By definition, every refugee has a 'well-founded fear of persecution' and everyone granted protection visas by Australia has been at real risk of significant harm to themselves or a family member.<sup>15</sup> Some refugees will quickly acquire English language skills, but others will struggle to learn English due to trauma, lack of education in their own countries, or other psychological conditions relating to past experiences of persecution.<sup>16</sup> While MYAN does not recommend any type of standard English testing as a criteria for applying to Australian citizenship community, MYAN also believes that if any type of English level would be required from prospective citizens, refugees and humanitarian entrants should be exempt from any such requirements due to their disadvantaged background. While it may be appropriate to require competence in English from some categories of migrants such as skilled entrants, it would be unjust to deny citizenship to humanitarian entrants who have not developed competence in English, despite that the citizenship take up rates of humanitarian entrants are higher than other migrants<sup>17</sup>, as they are in need of durable solutions.

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<sup>12</sup> FECCA media statement, English Language Requirements for Australian Citizenship, 7 March 2018.

<sup>13</sup> Le. A T. 2009, "Entry into University: Are the Children of Immigrants Disadvantaged?" Discussion Paper 09 01 University of Western Australia. Available from [http://www.business.uwa.edu.au/\\_data/assets/pdf\\_file/0007/260485/09\\_01\\_Le.pdf](http://www.business.uwa.edu.au/_data/assets/pdf_file/0007/260485/09_01_Le.pdf)

<sup>14</sup> ABC News (2015) *Irish Paralympian fighting to become Australian citizen held back by English language test*. Available at <http://www.abc.net.au/news/2015-09-24/irishmans-paralympic-aspirations-held-back-by-language-test/6802434>

<sup>15</sup> See Migration Act 1958 (Cth) sections 36(2)(aa) complementary protection grounds

<sup>16</sup> Legal Aid NSW 2017 Submission on Australian Citizenship Amendment Bill

<sup>17</sup> OECD (2011) *Naturalisation: A Passport for the Better Integration of Immigrants?* OECD Publishing. p. 328.

Furthermore a higher English language test has the potential to impact unequally on different individuals within a family unit. The proposed English language requirements would likely result in family members of some young people not being able to access citizenship, creating a situation where families are unable to move forward together building a life in Australia.

As mentioned in the Report of the Inquiry into Migrant Settlement Outcomes by the Joint Standing Committee on Migration, the current system of English language teaching contains problems when it comes to language education through AMEP as well as English language schools. This is why the Joint Standing Committee had recommended in its report to extend the window of registration for AMEP programs from one to two years, while recommending flexibility in AMEP programs to enable all newly arrived migrants to access AMEP.<sup>18</sup> It was also recommended by the Joint Standing Committee to a shift in focus from limiting the AMEP program with certain hours of English tuition to measuring English competency for better social and labour market integration prospects in Australia.<sup>19</sup> The Joint Standing Committee had recognized in its report that there is lack of accountability of schools around language learning, and therefore had recommended production of annual reports on outcomes of the National Settlement Framework (NSF) to deliver better coordinated education services, especially around English language learning at schools<sup>20</sup>, and the Council of Australian Governments (COAG) to have an oversight over the NSF.<sup>21</sup> The Statutory Memorandum of the Bill does not refer to any of these recommendations of the Joint Standing Committee. In light of the clear recommendations of the Joint Standing Committee and the content of this Bill, MYAN is concerned that these recommendations have been overlooked in preparation of the Bill.

MYAN believes that introduction of minimum required English language proficiency standards must go hand in hand with the provision of adequate support for prospective citizens, especially those from refugee backgrounds. Before introducing an English language test, the Government must first address existing issues with access to and quality of English language education across Australia. This includes the development of nationally consistent definitions, measurements and cost structures for English language provision to newly arrived people that are tied closely to the education needs and outcomes of students.

MYAN would like to bring these recommendations of the Joint Standing Committee on Migration to the attention of the Committee in review of the current Bill.

#### 4. Integration as a criteria for citizenship

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<sup>18</sup> Joint Standing Committee on Migration (2017), *No one teaches you to become an Australian: Report of the inquiry into migrant settlement outcomes*. Canberra: Commonwealth of Australia, p. 56.

<sup>19</sup> Joint Standing Committee on Migration (2017), *No one teaches you to become an Australian: Report of the inquiry into migrant settlement outcomes*. Canberra: Commonwealth of Australia, p. 57.

<sup>20</sup> Joint Standing Committee on Migration (2017), *No one teaches you to become an Australian: Report of the inquiry into migrant settlement outcomes*. Canberra: Commonwealth of Australia, p. 62.

<sup>21</sup> Joint Standing Committee on Migration (2017), *No one teaches you to become an Australian: Report of the inquiry into migrant settlement outcomes*. Canberra: Commonwealth of Australia, p. 63.

MYAN has concerns about the lack of detail associated with how applicants would be expected to demonstrate integration, and how this would be assessed on a fair and reasonable basis. Young people are much less likely than adults to have had the chance to demonstrate their capacity to participate and contribute to Australian society in areas that support their citizenship application under the proposed new integration requirements. Given young people's developmental stage, it is difficult to gain a clear picture of what a transparent assessment approach would look like. Any attempt to measure the participation and integration of prospective citizens would need to take into account the complex range of challenges faced by young people from migrant and refugee backgrounds. As well as the usual challenges of adolescence, they may have experiences of trauma, limited and /or disrupted education, lack social networks, and have to learn English as an additional language.

Any attempt to measure the participation and integration of prospective citizens needs to take into account consideration of the young person's circumstances, life stage, and pre and post settlement experience, and furthermore consider the attitudes from the host community. As put forward by the Productivity Commission, "... social cohesion also depends on the extent to which immigrants themselves and the Australian-born population accept diverse ethnic identities as consistent with a common 'national' identity, which itself evolves over time. A high level of acceptance is conducive to better integration."<sup>22</sup> Research also suggests that integration is closely related to experiences after arriving to country, is not solely depend on the prospective immigrant's own treats. Experiences of racism and discrimination can lead to mental health and wellbeing problems, including anxiety, stress, depression and poor quality of life.<sup>23</sup>

#### a) Employment outcomes

According to research having the host-country nationality is generally associated with better labour market outcomes for immigrants. Naturalised immigrants enjoy substantially better labour market outcomes across a whole range of indicators such as a higher employment probability, better occupational status and access to the public sector, and higher wages.<sup>24</sup>

While employment outcomes are an indicator for integration to the host country, it is essential to understand that the level of employment is directly linked with the citizenship status. According to international research into employment outcomes of migrants in OECD countries, employment outcomes of migrant improve following citizenship due to a mix of factors involving migrants themselves, the removal of labour market barriers, and employer behaviour. Immigrants move into the public sector after naturalisation, which suggests that the removal of labour market barriers is one channel by which labour market outcomes improve. Likewise, having the host-country nationality reduces discrimination, as employers appear to interpret host-country nationality as a signal for higher expected productivity and, more generally, better integration. This seems to be particularly important in higher-skilled occupations and indeed, a large part of the improvement in labour market outcomes appears to be attributable to the fact that these jobs become more accessible after naturalisation.<sup>25</sup> A part of this OECD research which focuses on Australia supported these findings that

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<sup>22</sup> Productivity Commission (2016) *Inquiry Report: Migrant Intake Into Australia*, No. 77. Canberra: Productivity Commission, p.11.

<sup>23</sup> VicHealth, Data61, CSIRO & MYAN (2017) *Bright Futures: Spotlight on the wellbeing of young people from refugee and migrant backgrounds*. Melbourne: Victorian Health Promotion Foundation, p. 13

<sup>24</sup> OECD (2011) *Naturalisation: A Passport for the Better Integration of Immigrants?* OECD Publishing. p. 48.

<sup>25</sup> OECD (2011) *Naturalisation: A Passport for the Better Integration of Immigrants?* OECD Publishing. p. 49.

citizenship increased labour force participation of foreign-born population. Accordingly of Australia's foreign-born population, those who are citizens seem to fare better in labour force participation, with lower unemployment rates and higher full-time employment than foreign-born noncitizens. Labour force participation is most marked in the Professional occupation, where there is a 9% increase in labour force participation of citizens.<sup>26</sup>

This research especially highlights the impact of having a prospect of citizenship on migrants. Accordingly, the improvements linked with naturalisation start materialising already somewhat prior to the naturalisation act, which suggests that the prospect of a forthcoming naturalisation also may have a motivation effect for immigrants, for example by inciting them to invest more in human capital that is specific to the host country, such as in the form of attaining a higher degree in education and vocational training.<sup>27</sup>

The following paragraph from the research demonstrates why having employment status as an integration indicator, without thinking of the various factors that impact a person's employment status, as the Explanatory Memorandum of Bill does<sup>28</sup>, would be wrong;

*“Whatever the ultimate driving factors, the combined impact of naturalisation on the different labour market outcomes seems to be large in many countries, in particular for those migrants who tend to be most disfavoured in the labour market. Naturalisation thus appears to be an effective integration tool with respect to labour market integration. On the basis of the evidence that is available to date, there seems to be a rather strong case for encouraging citizenship pick-up by migrants and/or for making access less restrictive, where this is an issue.”<sup>29</sup>*

While employment is linked with naturalisation, unemployment is linked with the level of current employment services and supports provided to migrants and refugees. The Select Committee on Strengthening Multiculturalism had recommended in its final report developing specific migrant-stream employment services under the *jobactive* model in 2017 recognizing that employment pathways for migrants and refugees are convoluted and slow.<sup>30</sup> The Joint Standing Committee on Migration in its report following the Inquiry into Migrant Settlement Outcomes had recommended a support service under the *jobactive* program designed for newly arrived and longer term migrants, which would include migrant and refugee youth.<sup>31</sup> The Joint Standing Committee had also recognized the challenges young people from refugee and migrant backgrounds face in accessing to employment, including discrimination and unconscious bias.<sup>32</sup>

MYAN would like to bring to the attention to the Committee that these considerations raised in both of the mentioned inquiries and the relevant recommendations have not been taking into consideration in the current formulation of the Bill. In light of such extensive national inquiries in 2017 recognizing issues in access to employment, especially for young people from refugee and migrant backgrounds, MYAN is concerned that the Bill adopts the same

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<sup>26</sup> OECD (2011) *Naturalisation: A Passport for the Better Integration of Immigrants?* OECD Publishing. p. 330.

<sup>27</sup> OECD (2011) *Naturalisation: A Passport for the Better Integration of Immigrants?* OECD Publishing. p. 49.

<sup>28</sup> Parliament of Australia (2018) *Australian Citizenship Legislation Amendment (Strengthening the Commitment for Australian Citizenship and Other Measures) Bill 2018, Explanatory Memorandum.* p.27

<sup>29</sup> OECD (2011) *Naturalisation: A Passport for the Better Integration of Immigrants?* OECD Publishing. p. 49.

<sup>30</sup> Select Committee on Strengthening Multiculturalism (2017) *Ways of protecting and strengthening Australia's multiculturalism and social inclusion.* Canberra: Commonwealth of Australia, p. 31.

<sup>31</sup> Joint Standing Committee on Migration (2017), *No one teaches you to become an Australian: Report of the inquiry into migrant settlement outcomes.* Canberra: Commonwealth of Australia, p. 93.

<sup>32</sup> Joint Standing Committee on Migration (2017), *No one teaches you to become an Australian: Report of the inquiry into migrant settlement outcomes.* Canberra: Commonwealth of Australia, p. 92.



formulation from 2017 taking employment status as a criteria for integration into the Australian society, and consequently for citizenship.

## 5. Character concerns

The Bill extends the requirement for all citizenship applicants to be of good character to include applicants under the age of 18 and would seek criminal records for all children over the age of ten (which is the age of criminal responsibility in Australia).<sup>33</sup> The Bill would amend the requirements for citizenship by descent such that all applicants, irrespective of their age, must satisfy the good character requirement.

MYAN considers that extending the good character requirements to applicants under the age of 18, and to children as young as 10, is deeply problematic. It fails to take into account the complex developmental stage of adolescence.

Adolescence involves the negotiation of significant physical, emotional and mental developmental milestones. The transitional nature of youth offending has been evidence through the broad literature on youth offending, which recognizes that factors deriving from socio economic disadvantage and exclusion may leave youth at increased risk of offending behaviour.<sup>34</sup>

Consistent with the Convention on the Rights of the Child (to which Australia is a signatory), all young people should be treated as young people first under the law, which in Australia includes consideration of diversion and rehabilitation options. It is well documented that adolescents are more susceptible to peer influence and risk-taking behaviour than are adults, as a result of their stage of physical, mental and emotional development.<sup>35</sup> For most young people, offending is episodic, transitory and unlikely to continue into adulthood.<sup>36</sup> As a result, approaches to addressing offending among young people focus on diversion and rehabilitation – recognising that young people are likely, with appropriate intervention, to be successfully diverted from this behaviour, especially if underlying factors placing them at risk are addressed.

Youth justice issues require a youth justice response. The broad youth justice literature has driven the development of a very specific and targeted approach to responding to youth offending in Australia that focuses on early intervention, diversion, rehabilitation and age-appropriateness. These approaches are built on evidence that shows punitive measures are likely to worsen the likelihood of reoffending among young people by further isolating them from the community, rather than addressing the underlying factors impacting offending behaviour.<sup>37</sup> Such approaches are also consistent with the principles of the Convention on the Rights of the Child and other associated human rights covenants to which Australia is a party, and thus apply equally to young people from refugee and migrant backgrounds.

The consequences of youthful misdemeanors could have far reaching consequences for the young person. The proposed amendment to the character provisions has the potential to prevent a young person being granted citizenship when it is conferred on other family

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<sup>33</sup> Parliament of Australia (2018) *Australian Citizenship Legislation Amendment (Strengthening the Commitment for Australian Citizenship and Other Measures) Bill 2018, Explanatory Memorandum*. p.73

<sup>34</sup> MYAN (2017), *Submission to the Joint Standing Committee on Migration: Inquiry into Settlement Outcomes*. Melbourne: Multicultural Youth Advocacy Network (MYAN), p. 44-45.

<sup>35</sup> Hemphill, S. A. & Smith, R. (2010). *Preventing youth violence: What does and doesn't work and why? An overview of the evidence on approaches and programs*. Report prepared for the Australian Research Alliance for Children and Youth, Canberra.

<sup>36</sup> JSS (2015). *An escalating problem: Responding to the increased remand of children in Victoria*. Melbourne: JSS.

<sup>37</sup> Sentencing Council of Victoria (2016); Williams et al. (2009).

members. We note that it is a principle of the United Nations Convention on the Rights of the Child that “*laws and actions affecting children should put their best interests first and benefit them in the best possible way.*”<sup>38</sup>

## 6. General Impact on Social Cohesion

MYAN is concerned that the proposed Bill risks undermining social cohesion.

Australia conducts rigorous assessment and screening processes before new migrants are accepted as residents. These checks and balances already ensure the safety and security of the nation. Citizenship testing is not required to assess whether a person presents a perceived threat to the security of the nation; rather it is a process for reaffirming the commitment of the individual to Australia as their home. It represents an opportunity for the resident to become a full and equal participant in the life of the nation.

Lengthening the period before residents can access the full benefits and responsibilities of citizenship has important ramifications for individuals. These include the right to vote and ability to obtain an Australian passport, limiting some residents’ capacity to participate in Australian society and political life. Ramifications also include greater disadvantage by limiting their full and equal participation in the economic and cultural life of the nation.

The risk is that the Bill will create a two-tier society with some people given permanent residency but effectively blocked from becoming citizens and therefore never fully belonging. It is likely to send a message that the value of some migrants is lower than others, thereby diminishing the very real contributions those persons make. This may result in alienation and poor mental health for those migrants and further impede their ability to contribute to Australia<sup>39</sup>.

As the Settlement Council has noted, the proposed changes appear to be exclusionary in nature, and are likely to be felt most acutely by humanitarian entrants.<sup>40</sup>

Experiences of socio-economic disadvantage and marginalization can deepen inequality and lead to unequal life opportunities.

Making citizenship available to some family members while potentially excluding others is of particular concern. In any society the family is the basic building block of community, social stability and cohesion. The importance placed on the family is particularly heightened for those who have experienced violence, conflict and the breakdown of social order, as is the case for refugees.

*The precariousness of the refugee experience makes family relationships particularly vital. The family can be an important anchor in a social world turned upside down, sometimes remaining the only stable social structure in an otherwise disintegrated society.*<sup>41</sup>

These changes could erode community cohesion and stability rather than increase it.

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<sup>38</sup> <http://www.unicef.org.au/Discover/What-we-do/Convention-on-the-Rights-of-the-Child.aspx>

<sup>39</sup> SCOA Media Release, Australian Citizenship and Integration, 7 March 2018

<sup>40</sup> SCOA Media Release, Australian Citizenship and Integration, 7 March 2018

<sup>41</sup> Staver A, Family Reunification: A Right for Forced Migrants? Working Paper Series No. 51, Refugee Studies Centre, University of Oxford, (November 2008), 6.

MYAN supports the call for an approach to citizenship based on inclusive education both for new arrivals and the broader Australian community, promoting cultural diversity, prioritising English language training and providing an equal opportunity to contribute to a vibrant multicultural nation.