

QUESTION TAKEN ON NOTICE

SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE INQUIRY HEARING INTO THE *AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007*: 16 July 2007

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Question (1 written)

Senator Barnett (Chair) asked:

1. The Human Rights and Equal Opportunity Commission (HREOC - submission 41, at paras 6-7) has raised concerns that section 23A should be clarified as it does not specifically require that the test be related to the eligibility criteria in paragraphs 21(2)(d), (e) and (f):
 - (a) What is your response to this?
 - (b) Is there anything to prevent, for example, questions being asked about other irrelevant matters – or in a language not spoken by the applicant?

Answer:

(a)

Proposed subsection 21(2A) expressly states that paragraphs 21(2)(d), (e) and (f) are taken to be satisfied, if and only, the person sat a test approved in a determination under section 23A and proposed section 23A expressly states that the Minister must by written determination approve a test for the purposes of subsection 21(2A).

The department considers that there is no ambiguity and that it is clear that the content of any test is directly referable to the criteria in 21(2)(d), (e) and (f). Indeed, a test approved under proposed subsection 23A(1) may only be for the purposes of proposed subsection 21(2A) and those purposes relate only to the criteria in 21(2)(d), (e) and (f).

(b)

The determination making power under proposed subsection 23A(1) is limited to approving a test for the purposes of proposed subsection 21(2A) and those purposes relate only to the criteria in 21(2)(d), (e) and (f). Therefore a test that imposes a requirement or asks questions not relevant to those purposes (such as that the test must be conducted in Latin) or that sets irrelevant test questions would not be authorised under the proposed legislation.

To help alleviate the concerns about test eligibility criteria, the Government is proposing to amend the bill by inserting a note that will explain that the power to set eligibility criteria to sit the test does **not** allow the Minister to set criteria that are inconsistent with the Act and in particular, inconsistent with the general eligibility criteria for citizenship.

QUESTION TAKEN ON NOTICE

**SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE INQUIRY
HEARING INTO THE AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP
TESTING) BILL 2007: 16 July 2007**

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Question (2 written)

Senator Barnett (Written) asked:

HREOC has suggested amendments to address their concerns with the bill (submission 41, at paras 34-35). Do you have any comments on these suggested amendments?

Answer:

It is not appropriate for the Department to comment on the suggested alternative approaches as these raise matters of policy that have been decided by the Government.

QUESTION TAKEN ON NOTICE

SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE INQUIRY HEARING INTO THE AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007: 16 July 2007

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Question (3 written)

Senator Barnett (Written) asked:

The Explanatory Memorandum states (at p. 4, para 17) that the Minister may approve more than one test, for example to accommodate people with low literacy levels. But does this mean the Bill also allows the Minister to approve different tests for other groups of people?

Answer:

Yes. Proposed subsections 21(2A) and 23A(1) specifically refer to “a” test rather than “the” test. The use of the singular allows for more than one test to be approved by the Minister.

The introduction of formal testing will be carefully monitored to identify those prospective citizens for whom an alternative test or tests may be appropriate. This approach will enable any alternative test or tests to be designed on the basis of identified need.

QUESTION TAKEN ON NOTICE

SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE INQUIRY HEARING INTO THE AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007: 16 July 2007

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Question (4 written)

Senator Nettle (Written) asked:

How does the Department respond to the concerns raised by the Refugee Council of Australia about the difficulties that 'women at risk' would face in accessing the English language classes required to pass the citizenship test?

Answer:

The Adult Migrant English Programme (AMEP) is a national settlement programme which provides English language tuition for eligible migrants and humanitarian entrants at over 250 locations around Australia. The programme is managed by the Department of Immigration and Citizenship.

The *Immigration (Education) Act 1971* provides 510 hours of English language tuition or the achievement of functional English (whichever is reached first) for eligible permanent adult migrants. The Special Preparatory Programme provides supplementary tuition (up to 400 additional hours) in a tailored, supportive environment to eligible humanitarian entrants with special needs as a result of their pre-migration experiences (eg torture or trauma) or low levels of schooling (less than 7 years).

AMEP clients are very diverse in their cultural and linguistic backgrounds, their prior experience of formal education, their migration experience and their age. English language tuition is therefore provided flexibly and in a way that is sensitive to the needs of differing client groups.

Clients may choose from a range of learning options including full or part-time tuition in formal or community based settings or distance learning. The AMEP also offers a home tutor scheme which provides language assistance by a trained volunteer usually on a one-to-one basis in the client's home and individual learning through individual learning centres. Classes are scheduled after hours and on weekends depending on demand.

The programme is constantly being updated and revised to accommodate changing needs of AMEP clients. For example, in recognition of the low levels of schooling of some clients, an elementary course which introduces numbers and letters was developed and is currently in use.

AMEP service providers also provide ongoing educational counselling, identification of clients with special needs which may affect their learning, advice on options for further study and referral to mainstream services, including Commonwealth funded employment assistance.

After completing the AMEP, clients who are job seekers may access the Language Literacy and Numeracy Programme managed by the Department of Education, Science and Training to access up to an additional 800 of English language tuition.

QUESTION TAKEN ON NOTICE

SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE INQUIRY HEARING INTO THE AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007: 16 May 2007

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Question (5 written)

Senator Nettle (Written) asked:

Does the government propose that any assistance with childcare will be provided to ensure that new migrant parents can attend English language classes?

Answer:

The Adult Migrant English Programme (AMEP) is a national settlement programme which provides English language tuition for eligible migrants and humanitarian entrants. The programme is managed by the Department of Immigration and Citizenship.

Free childcare is currently provided for clients of the AMEP who are attending classroom tuition and are accompanied by under-school-aged children.

A client's eligibility and requirement for childcare are determined during the initial assessment and registration for the AMEP. Under contract, the service provider is required to ensure that where possible child care is appropriately located so that travel time between the child care service and the location of the AMEP class or the client's home does not exceed 30 minutes each way. They must also ensure that child care is culturally appropriate and meets State regulations.

QUESTION TAKEN ON NOTICE

SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE INQUIRY HEARING INTO THE *AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007*: 16 July 2007

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Question (6 written)

Senator Nettle (Written) asked:

How does the Department respond to the suggestions made by the NSW Council for Civil Liberties in paragraphs 3.9 and 3.10 of their submission (no. 32)?

Answer:

3.9 “. . . the Bill should require the provision of educational materials in other media such as seminars and websites . . .”

It is not necessary or appropriate for the Bill to go into detail in this manner about the provision of educational materials.

The resource book on which the citizenship test will be based will be widely and freely available in printed and audio-visual formats. It will include a number of sample questions to give prospective citizenship applicants an indication of the kinds of questions they will be asked in the test itself.

There will also be an online test tutorial available on the department's website to instruct clients on the mechanics of the computer based test itself. This will include basic instructions on, for example, how to use the computer mouse to navigate the test. It will also include an interactive sample test of around five example questions, developed to be as similar as possible to real test questions. Prospective citizenship applicants will be able to take this sample test to self-assess how well prepared they are to take the citizenship test.

3.10 “. . . the Bill should require that the test is submitted to a consultative committee set up under the Bill . . .”

It is not appropriate for the department to comment as this raises matters of policy that have been decided by the Government.

QUESTION TAKEN ON NOTICE

SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE INQUIRY HEARING INTO THE *AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007* : 16 July 2007

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Question (7 written)

Senator Trood (Written) asked:

Can you please explain the meaning of 'basic knowledge of the English language' in paragraph 21(2)(e) of the Bill (and the current Act)?

Answer:

A basic knowledge of the English language is one which enables people to participate at a basic level in the community and the workplace. For example, it corresponds to a level of English language ability which gives people the capacity to understand safety signs in their workplace, to converse with their work mates and neighbours, and generally be able to move comfortably in the community.

Currently, an assessment is made as to whether a citizenship applicant possesses a basic knowledge of the English language on the basis of their ability to respond at interview to questions relating to their application and the responsibilities and privileges of Australian citizenship.

The Bill requires that a demonstration of basic knowledge of the English language will be satisfied if, and only if, a person has successfully completed a test approved by the Minister.

QUESTION TAKEN ON NOTICE

SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE INQUIRY HEARING INTO THE *AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007*: 16 July 2007

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Question (8 written)

Senator Trood (Written) asked:

Does the Department believe that a person will only be required to possess a basic level of English to pass the proposed citizenship test? If so, why?

Answer:

The department is putting in place a number of measures to help ensure people will only be required to possess a basic level of English language skills to pass the test:

- The resource book on which the citizenship test will be based is being written in as basic a level of English as the complexity of the matters it covers will allow.
- The development methodology for the test questions includes a validation process designed to ensure that test questions are unambiguous, are set at an appropriate English language level, and that individual tests have an equal degree of difficulty regardless of which questions they contain.
- Prospective citizenship applicants who may have basic speaking and listening skills in English, but have less than basic literacy skills in English, will be provided with assistance to take the test. A test administrator will read the questions and possible answers out and record whichever answer they choose on their behalf.