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Submission on the Australian Citizenship Amendment (Citizenship Testing) Bill 2007

As Executive Director and Director of Community Affairs, respectively, of the Australia/Israel & Jewish Affairs Council (AIJAC), we are pleased to make a submission in response to the Inquiry into the Australian Citizenship Amendment (Citizenship Testing) Bill 2007.

We support the goals of this Bill in terms of fostering the shared core values which are the key to Australian Multiculturalism. We believe a shared communal commitment to core Australian values - including acceptance of the rule of law, tolerance, equality of opportunity, parliamentary democracy, freedom of speech and religion, English as the national language, racial and sexual equality - is very important. It should certainly be part of immigration and citizenship policy to encourage the understanding that commitment to these values is a pre-requisite for citizenship.

However, we believe that the Bill proposing a citizenship and English language test may undermine the proud tradition of equality, fairness and multiculturalism that has characterised and contributed to the Australian success story over the last half century, without clear benefits in the realms of fostering cohesion and integration.

We have yet to see a convincing case that the tests will contribute to this goal substantively, and believe that benefits in these areas may not compensate for the damage done to the Australian values and traditions of tolerance, fairness and inclusiveness.

In short, this Bill has not mollified our concerns about the necessity and desirability of such tests which we expressed last November in our submission in response to the Australian Citizenship Test Discussion Paper. We believe it would be unwise to institute either new citizenship or English language tests at this time. Moreover, we would argue that if such tests are to be implemented, every effort must be made to minimise the harm this would cause to some of the most vulnerable immigrants to Australia, and lower the unreasonable barriers to citizenship it would create for many of them.

We comment on some specific elements of the Bill below:

SECTION 2A

*“You **may** need to successfully complete a citizenship test” - (emphasis added)*

While AIJAC welcomes the inclusion in the Bill of the potential for a citizenship test to be waived, we are concerned that some classes of people may experience unfair discrimination or unreasonable barriers that may discourage them from becoming Australian.

Of particular concern is the failure of the Bill to specify the classes of people who are to be exempted.

If, as has been reported in the media, the exemptions will specifically be for people under the age of 18 or over 60, and individuals with a permanent physical or mental incapacity, AIJAC feels these classes should be identified in the Bill.

SECTION 19G

*“and **have** successfully completed a citizenship test”* - (emphasis added)

There is an apparent contradiction between Section 2A and Section 19G in that the element of exemption is absent in the latter.

Furthermore, it is of some concern that the Bill is being considered before the final handbook, which will be the source of the questions used in the citizenship test, is available to Members of Parliament. Obviously, it will be difficult to fully consider the advantages and disadvantages of the proposed citizenship tests without the ability to assess directly the nature and difficulty of the sorts of questions to be asked of applicants.

SECTION 21(2)

(e) possesses a basic knowledge of the English language;

Understandably, a modest level of English is required for new citizens to participate reasonably in Australian life. Undeniably, higher levels of English are beneficial for overall integration.

It is also undeniable, however, that illiteracy is a problem both among native English speakers as well as those raised with a different mother tongue. While aptitude in written English is obviously desirable, there needs to be consideration of the plight of people who master oral English but lag or fall down on the written side, perhaps because they are illiterate in their birth tongue.

Also, the stresses on families where one member meets the provisions of the test but another fails and is outside the exempted categories needs to be seriously considered.

We strongly recommend an increased level of resources be allocated to teaching immigrants English as a Second Language, as this would do more than anything else to ameliorate the worst dilemmas and stresses created by the institution of English language tests for citizenship.

(f) has an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship;

While we agree that “adequate knowledge of the responsibilities and privileges of Australian citizenship” is important as a pre-requisite for contribution to civic debate, we feel more should be done at an educational level to encourage such knowledge.

We believe a commitment to Australian responsibilities and privileges is very important. But these values are already part of Australian multiculturalism, and include acceptance of the rule of law, tolerance, equality of opportunity, parliamentary democracy, freedom of speech and religion, English as the national language and racial and sexual equality.

It should be part of immigration and citizenship policy to encourage the understanding that commitment to these values is a pre-requisite of citizenship.

AIJAC believes a citizenship test that measures a person’s capacity to learn by rote historical and cultural facts and figures does not appropriately ensure potential citizens understand that Australia is a country ruled by laws, which are in turn designed to be the expression of larger social values which are the source of our cohesion as a nation. Efforts to increase the awareness and appreciation of this reality are, without question, both necessary and desirable, but the methods to achieve this proposed in this Bill run the risk of appearing needlessly bureaucratic and callous, with little evidence that the benefits will be substantive.

***AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL
2007 EXPLANATORY MEMORANDUM Item 5 After section 23***

“What constitutes successful completion of the test may be more than correctly answering 50% of the questions asked. For example, in the United Kingdom, applicants must correctly answer 75% of questions asked. In Canada, applicants must correctly answer 60% of random questions asked, and a further three mandatory questions on the responsibilities and privileges of citizenship must all be answered correctly.”

We commend the fact that the Bill takes into account the almost certain probability that applicants will not achieve 100% accuracy in their results.

But determining a legitimate cut-off mark that indicates whether a person has passed or failed in circumstances where applicants have varying educational backgrounds, academic and physical abilities and levels of literacy is inherently problematic. This is another reason such tests are themselves potentially problematic, but if such tests are nonetheless promulgated, they should provide adequate provisions for appeal for narrow failures to make passing “cut-offs” based on extenuating factors including limited education or literacy, physical or mental disabilities, and past psychological trauma.

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