



## ECCV DRAFT CITIZENSHIP DISCUSSION PAPER

In September 2006, the Federal Government released the discussion paper, *Australian Citizenship: Much more than a ceremony*. The paper considers the merits of introducing a formal citizenship test. The paper is accessible on the following web address: [http://www.citizenship.gov.au/news/discussion\\_paper.htm](http://www.citizenship.gov.au/news/discussion_paper.htm)

The Federal Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs, Andrew Robb, states in the Discussion Paper's foreword that it is important that immigrants develop English skills and understand and are committed to the Australian way of life and our shared values and that a formal citizenship test could be an important part of ensuring people are ready and willing to fully participate in Australian society.

The Government's paper poses four key questions:

1. Should Australia introduce a formal citizenship test?
2. How important is knowledge of Australia for Australian citizenship?
3. What level of English is required to participate as an Australian citizen?
4. How important is a demonstrated commitment to Australia's way of life and values for those intending to settle permanently in Australia or spend a significant period of time in Australia?

The Howard Government also announced plans around the same time to extend the waiting period for eligibility to Australian citizenship from two to four years. The Opposition has not as yet indicated their support or opposition to this proposal.

### **Rights and Responsibilities of Australian citizenship**

Australian citizenship includes the following significant *rights*:

- The right to vote
- The right to seek election to public office
- The right to an Australian passport
- Access to the full range of financial assistance from the federal government's Higher Education Loan Program (HELP)
- Access to employment in the Australian Public Service and Australian Defence Forces
- The right to register any overseas born children of yours as citizens
- More points for eligibility for family reunion

Australian citizenship includes the following significant *responsibilities*:

- The responsibility to obey Australian laws
- The responsibility to enrol and vote in elections
- Defend Australia should the need arise
- Serve on a Jury if required



## Current Citizenship Test

Following are the current requirements for prospective citizens under the *Australian Citizenship Act 1948*:

- must have spent a specified period of time in Australia (generally around two years);
- must understand the nature of their application;
- must have a basic knowledge of English;
- must understand the responsibilities and privileges of Australian citizenship; and
- all applicants over the age of 18 must be of good character.

Applicants who have been given an AMEP *Australian Citizenship Language Record* and *Let's Participate: A Course in Australian Citizenship* are accepted as having basic English and understanding Australian citizenship.

## Current Citizenship Pledge

Australian citizens must currently pledge the following before becoming citizens

From this time forward, under God\*, I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I will uphold and obey. \*under God is optional

## Proposed Changes to Citizenship Laws

As discussed the paper includes proposals for a formal citizenship test beyond the existing requirements for basic English and the existing pledge to Australia, democracy and the rule of law.

The Parliamentary Secretary, Mr Robb, states clearly in his foreword to the discussion paper that Australian citizenship is not a right it is a privilege. This appears to be a shift in emphasis away from a welcoming citizenship process towards a more selective process.

Mr Robb also states that citizenship 'is more than a ceremony'. This follows claims by the Government that citizenship is being handed out like confetti. The implication here is that people are not taking their new citizenship seriously. There is no evidence to back up this claim. Taking on a new citizenship is critical in defining a person's very being. After declaring your name to a stranger, the next likely question is—'what is your nationality'? To imply people are not taking this critical component of their personal make up seriously without any evidence seems provocative.

## International Trends

The paper states that Canada, the United Kingdom, the United States of America and the Netherlands now have more formalised citizenship testing in place around language abilities and level of local knowledge. These countries all arguably have different pressures around their immigration programs to Australia. For instance the Netherlands' indigenous culture is under pressure from a large immigration program. Arguably only Canada is comparable to Australia, but it has a large French speaking component of its population. The current Canadian test is not overly rigorous and is actually not dissimilar to Australia's current requirements. The language requirement is very basic (and can be in English or French) and the citizenship test only has three mandatory questions around voting and nominating for public office.



The Government's Citizenship Paper does not mention New Zealand's citizenship requirements which are very similar to Australia's current requirements with the exception that generally three rather than two years' residence is required. New Zealand requires 'sufficient' English and an understanding of the responsibilities and privileges of citizenship. There is no formal test on New Zealand or its values.

### **A Formal Citizenship Test**

The paper states a formal citizenship test could assist people to fully participate in the Australian community by providing a real incentive to learn English. It claims a formal test will also ensure people understand 'Australian values'.

Again the paper fails to provide any evidence that people are refusing to learn English. The paper also suggests that being employed is one of the best pathways to active participation in the Australian society. This statement disregards the role of full time parents, carers and seniors in our community all of whom may not be employed.

### **'Australian Values'**

The paper states Australian values as including respect for the freedom and dignity of the individual, support for democracy, commitment to the rule of law, the equality of men and women, the spirit of a fair go and mutual respect and compassion for those in need.

Looking at those six value sets, democracy and the rule of law are already covered by our current citizenship pledge and are of course central Australian values, as well as being values practiced by a majority of nations in the world, but not all.

'Respect for the individual' while not inherently contentious draws heavily on the Western liberal tradition. The final two values, of a fair go and mutual respect, are hardly Australian values but are actually universal values found in a vast array of nations and different religious and secular beliefs. It could be argued that beyond democracy and the rule of law, which are covered in the current citizenship pledge, some of the other values proposed are either particular to the government of the day or so universal as to be meaningless to be described as Australian values (a fair go and mutual respect).

Taken together the six values listed do not relate in a direct way either to Australia's democratically founded Constitution or to our Citizenship Act. They are somewhat arbitrary and appear to have been developed at the whim of the current government. They are not reflected in any legislation or motion that has passed our federal parliament and do not appear to be based on any deliberative polling of Australian people.

If a case can be demonstrated of the need to extend the current commitment to democracy and the rule of law, as expressed in our current citizenship pledge, ECCV calls on the Federal Government to develop a more democratically determined set of Australian values, acceptable to a majority of the Australian people.



## English Testing

The paper claims the current requirement for 'basic English' is subjective and that a formal test for a higher level of English may be required. The paper states correctly that English assists with employment attainment. The paper appears to overstate the English test in the UK, the United States and Canada which are not overly rigorous. The Netherlands is the only country with a serious language test that is far more formal than Australia and the Netherlands has very different challenges with its immigration program when compared with Australia.

Learning English should be seen as a life long journey for all Australians. Not as a discriminatory barrier to citizenship. The Government should focus on providing more flexible and accessible English language training rather than using English language proficiency as a potentially punitive measure.

## Conclusion

The Government's Citizenship Discussion Paper has failed to demonstrate the case for the need to overhaul Australia's citizenship requirements. While English language acquisition and an understanding of citizenship and Australian society should be encouraged these factors should not necessarily be used to make citizenship acquisition more onerous for established residents and members of the Australian community.

Please send comments or responses to this draft discussion paper to [eccv@eccv.org.au](mailto:eccv@eccv.org.au) .

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