

Multicultural Youth Advocacy Network (MYAN Australia)

Response to the Australian Government Discussion Paper on Strengthening the Test for Australian Citizenship

June 2017

Executive Summary

Citizenship is an important and integral part of the settlement journey. It is the culmination of what, for many, can be a very challenging transition to a new country. For a nation, citizenship is a mechanism for expressing national identity. This is achieved through the process of articulating what the agreed rights and responsibilities and shared norms and practices of the nation are. Identity is then reaffirmed through the practical process of awarding or denying citizenship to outsiders based on these agreed terms of membership. As both a symbolic and a practical tool, citizenship thus works to shape identities and belonging.

As a nation built on immigration that is fortunate to continue to benefit from the diversity of its people, social cohesion and inclusion remain core aims of Australian citizenship. However, for trust and confidence in citizenship as the means for reaffirming our identity as a cohesive, multicultural nation, the system for conferring citizenship itself must directly be seen to be working to achieve these objectives and to reflect the values it espouses, including equality, freedom, and fairness.

Some of the proposed changes to the Australian citizenship test have the potential to make demands of prospective citizens that are not required of current citizens or those conferred citizenship by birth. To MYAN, this seems both unreasonable and at odds with the very values of equality, freedom, and fairness the test aims to reaffirm.

Elements of the proposed changes also have the potential to exclude some aspiring citizens. Of particular concern to the young people and workers, we spoke to were the proposal to introduce an English language test and to extend the permanent residency requirement retrospectively. Such changes have the potential to undermine a sense of belonging and connectedness to Australia for some members of our community and their families. Exclusion from citizenship could also result in greater disadvantage for some members by limiting their full and equal participation in the economic, social and cultural life of the nation.

We know that experiences of socio-economic disadvantage and marginalisation can deepen inequality and lead to unequal life chances. Over time this can place pressure on social cohesion and has the very real potential to weaken security and stability rather than strengthening it.

Inclusive community consultation and input on the proposed changes to the Australian citizenship test are required, before their implementation, to determine whether these changes are reasonable and appropriate. Consultation would ensure potential unintended consequences, such as increased disadvantage or insecurity, are identified and avoided. Consultations would also allow the Government to present the evidence on the necessity of these changes for ensuring the test meets legislative requirements for citizenship and to demonstrate how the changes would meet the stated aims.

MYAN also believe that in promoting changes to citizenship the Government has a responsibility to ensure that they are encouraging a national narrative that promotes multiculturalism and the strength of our diversity. This includes a responsibility to ensure that public debate and policy discourse does not send a message that undermines the significant and valuable contributions made by the newest members of the Australian nation.

Recommendations

1. That no criteria for citizenship be above or beyond requirements placed on any existing citizen or those conferred citizenship by birth.
2. That national conversations about settlement, citizenship and multiculturalism are always conducted in respectful and constructive ways, are evidence-based and include the voices of young people.
3. That before implementing any change to the current residency requirements, the Government provide evidence to demonstrate how extending the residence requirement to four years permanent residence would achieve the stated aim of allowing for “greater examination of an aspiring citizens’ integration with Australia”.
4. That any separate test of English language proficiency should not be introduced without broad community consultation, including input from experts in this area. Before introducing such a test the Government should first make the case for why a change from ‘basic’ to ‘adequate’ English language is necessary. The case should include industry recognised definitions of these terms and link these to clear evidence for why the change is necessary to enable people to function in their everyday lives in Australia.
5. 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.
6. That the 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 humanitarian backgrounds, to achieve these standards.
7. Before introducing an English language test that 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.
8. In the absence of any agreed measures of what successful settlement or integration looks like or nationally consistent standards or frameworks for collecting data to monitor and measure these, that the Government should share any proposed measures for assessing prospective citizen’s integration for public consultation before implementing this change. In addition to this, any requirement to demonstrate integration should take into account the developmental stage and particular circumstances of the young person and provide them support to demonstrate this.

About MYAN

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

MYAN works in partnership with 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 recognized, 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 and advocacy skills to influence the national agenda.

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 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 recently 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 discussion on strengthening the Australian citizenship test. In preparing this submission, MYAN consulted with young people, organizations and other stakeholders who are concerned about what this all means for young people settling in Australia and for whom becoming active and engaged citizens is the ultimate goal. In this submission, MYAN responds to each of the proposed changes by outlining the views and key concerns raised during these consultations.

It is MYAN's hope that before making any decision to implement the proposed changes the Government will seriously consider the possible impacts of some of these changes, not only for young people from refugee and migrant backgrounds and their families but the wider Australian community.

Increasing the general residence requirement

It is not clear how the proposal to extend the required period of permanent residency to four years will address the stated aim of enabling “greater examination of an aspiring citizens’ integration with Australia.”¹ In our consultations, some organizations highlighted that the current criteria, which requires prospective citizens to have resided in Australia for four years with a period of permanent residency of 12 months, already provides the Government with the capacity to review how prospective citizens are participating in Australian life. MYAN believe further evidence of the reasoning behind this proposed change is required to demonstrate how it is necessary to achieve its stated aim.

Further to this, MYAN would like to highlight how this particular proposed change has already created a high degree of uncertainty among young people and their families, especially given the proposal to apply these changes retrospectively. Access to security and stability are vital to planning for the future and being able to establish and settle into life in Australia. MYAN are very concerned about the adverse effects that the announcement of this proposed change is having on the health and wellbeing of young people from refugee and migrant backgrounds.

Key areas of concern raised by young people in regards to this proposed change include the potential impacts on access to study and training, on reunification with family not already in Australia, and on civic participation.

Delaying access to citizenship can impact on full access to and engagement in training and further education. As one young person told us:

“I have a lot of friends who have postponed study until they can get fee support because it is just too expensive (to pay for some further study options when on permanent residence). Many people do this, especially those who came via family reunion, they are on temporary and permanent visas, and they can’t access fee help or reduced fees. I know people who were very ambitious about going to university, but they didn’t do it, they wanted to wait, so they didn’t have such massive debt. Then they got involved in work, and other things and they forgot about it and now it’s too late for them, they are too old. And putting in, even more, years, I think it is going to further disconnect young people from education, particularly tertiary education.”

A young person, who is in Australia as a permanent humanitarian entrant and has access to support for higher education, spoke about additional challenges faced by young Australians with permanent residency in further education.

“One thing that really impacted me not having citizenship, and that concerns me for others now that they are going to make it (permanent residence requirement) even longer, was that there are a lot of educational opportunities for which you have to be a citizen to access. Like Australia has the New Colombo Plan, it is a great opportunity, and they really encourage young people to go out and explore Asia and improve ties. But we are not able to access that program because we are not citizens. I found a really good opportunity, but when I emailed

¹ Australian Government (2017). Strengthening the Test for Australian Citizenship - Discussion Paper. Available from <http://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/citizenship-paper.pdf>, p. 9

the scholarship office, I wasn't eligible. It is a barrier to my education because I cannot access the same opportunities as other people in my course, and that will help me get work when I finish my studies."

As these young people highlight, the potential impact of increasing the residence requirement could be that young people further delay study and training. This change could also result in young people being unable to take up important educational opportunities that could improve their post-study employment options and long-term economic participation. Placing such barriers in the path of prospective citizens has the real potential to place them at a further disadvantage relative to their Australian-born peers and hinder their capacity to build meaningful careers and integrate successfully into life in Australia.

A further concern for young people was family reunion.

"People who come here as a refugee already come on a permanent visa so the four-year thing, it might not impact them so much as it will others. But in the long run, it will, because if we are going to sponsor our families, then this is going to affect us because they would come on temporary first. So, we may not see the immediate impact ourselves as refugees, humanitarian ones, offshore ones not bridging visa, but in the long run it will impact us, and we need to bear this in mind."

Finally, young people spoke about the critical importance of civic participation. One young person highlighted how delaying access to citizenship and placing barriers to participation in democratic and political processes in Australia can erode young people's sense of connectedness to Australia.

"I was very concerned (upon hearing of the proposed changes) that we really want to be part of the political process. This is really important to me, as I was never able to be part of this process in my country because we were not equal citizens. If you are not a citizen, even if you have a say, it is not really valued. Like even if I call my local member they are like 'your opinion is irrelevant because you are not a citizen'. But on the other side we can work for the Australian Electoral Commission and facilitate the electoral process, but you can't participate in it. This is what I look forward to most about getting my citizenship; I don't want to wait longer, because being a part of the democratic process means I will feel counted, I will feel like what I also say matters."

Introducing an English language test

Of particular concern to MYAN and those we spoke to for this submission, was the proposal to introduce a separate English language test, which is reportedly to be set at an IELTS band 6.²

The young people we talked to articulated a number of concerns:

"They're (young people) uneasy about the English language requirement. I'd say that's our

² SCOA (2017). Submission to DIBP on Strengthening the test for Australian Citizenship. Available at <http://www.scoa.org.au/resources/SCoA%20Submission%20on%20Citizenship%20-%201%20Jun%202017.pdf>, cites Senate Hansard, Legal and Constitutional Affairs Committee, 23 May 2017, p. 4

biggest concern (with these changes). It might not be a big issue for people like me who are already studying at university, but it will definitely affect those who couldn't finish school or who had to work to support their family. And, I guess ultimately it will affect me and other young people in terms of our parents. They're old, and most refugee parents are illiterate and haven't had the opportunity to go to school and learn our own language, let alone English. When they come here it is a very slow process for them to learn the ABC.

IELTS band 6 is well beyond the legislated requirement set out in the Australian Citizenship Act 2007, which states that a prospective citizen “possesses a basic knowledge of the English language.”³ The IELTS, a testing framework used primarily for academic settings, is not appropriate for measuring the level of English necessary for participating in everyday Australian life.

“It's not a basic level of English they are asking you to have – it is a test that is required of students for university. For me, the thing is, we are living in Australia, and we are living in a diverse community, and the level of English required varies in terms of where you live, in what industry you are working, and so on. I know people in construction who have a very basic level of English, but they are doing very well. If you asked them to do the test though, they would never be able to pass it. But they are still earning and working and able to navigate their life. They can get their license and all that. All without that ‘adequate’, as their calling it now, level of English. For some, it might be useful, but then again, everyone who is living here we just need to have the level of English we need to work or whatever and everyone is doing that – because it is what they (have to do to meet their) need. If they need something, they will practice (English) and get to the level they need. In my community, even if their English is not good enough, but they need the license, they will practice and then go and get it, you will learn to your need and requirement.”

Those we consulted were particularly concerned about the issues of equity raised by this proposed change. The requirement for such a high level of English proficiency was considered likely to disadvantage certain applicants, notably those with English as a second language and disrupted education, which, it was noted, was more likely to be the experience of those who have experienced forced displacement. This has the potential to discriminate against migrants based on pre-arrival experience and to create tiered categories of migrants with different rights and access to contribute to and participate in the life of the nation.

It was also noted that most prospective citizens do not currently have access to adequate and appropriate support to attain this level of English. Attaining an IELTS band 6, which many young migrants currently require to enrol in university in Australia, is a costly and time-consuming endeavour that is well beyond the reach of many prospective citizens, especially the most vulnerable. The introduction of such a high level of English language as a prerequisite for citizenship is likely to set up many prospective citizens for failure.

“I am worried about older people; they will fall behind in other areas of life because they are so focused on English. They will have to study English every day, and they can't go to work or take their kids to school.... If you are making it compulsory, it means they will never be satisfied (without citizenship), because they would think yeah I am missing something of

³ Australian Government (2007). Australian Citizenship Act 2007 Cth., s. 21 Application and eligibility for citizenship). Available at http://www.austlii.edu.au/au/legis/cth/consol_act/aca2007254/s21.html

being an Australian. Whereas they would be satisfied now because they have their citizenship, but if they miss (out based on English) that one element they will feel very unsatisfied, they will feel that they lack something. Their confidence and everything.”

The Government has a responsibility to demonstrate that any required level of English language proficiency is necessary for people to be able to be able to engage productively in everyday contexts within Australia. While it is true that in their 2016 report on Australia’s migrant intake the Productivity Commission highlighted the importance of English language proficiency for integration, it is pertinent to note that this was with particular reference to migrants’ labour market outcomes.⁴ A migrants contribution to Australia is more than their economic participation.

Furthermore, for such a requirement to be fair, any required language standards must go hand in hand with sufficient supports for people, especially those from humanitarian backgrounds, to achieve these standards. Reasonable criteria for citizenship are necessary to maintaining confidence that the citizenship process is fair and equitable.

Young people also raised concerns about the challenge that their families – in particular parents, older siblings, and relatives and family with health issues – would face in attaining higher levels of English to meet this new requirement. English language ability is an important tool that supports participation and engagement in a society where English is the dominant language. However, it is only one of a range of tools that enable people from refugee and migrant backgrounds to participate and contribute to life in Australia.

“They (parents) have learned basic sentences to do some grocery shopping and things like that, but they are not able to sit a test and prove that they have adequate English because they don’t and that is because of their circumstances that they grew up in. For us (young people, the introduction of a language test) that means we would have to provide them extra support, English language support, to assist them to learn more English, on top of our own stuff. I mean most of us are already helping them (parents) navigating the system and institutions that we have here, on top of that we would be burdened with also teaching them English as well.”

University of Newcastle academics and experts in English as a second language learning, Sally Baker and Rachel Burke, expressed similar concerns in a recent article for The Conversation (25 April 2017). In this article, Burke and Baker highlight the importance of recognizing that migrants and refugees come to citizenship from various pathways and experiences, which have significant implications for their capacity and prospects for learning English. As such, the authors argue that the introduction of a language component to the citizenship test must recognize and be responsive to these differences in life experiences and circumstances.⁵

⁴ Productivity Commission (2016). Migrant Intake into Australia. (Inquiry Report No. 77). Canberra: Commonwealth of Australia, p. 8. Notably, the Productivity Commission further highlighted that also of critical importance was a migrants age, education, and time spent in Australia, while “domestic policies, such as recognition of qualifications and occupational licensing, and the efficiency of labour markets more broadly, also influence these outcomes.” Ibid.

⁵ Baker & Bourke (2017). English language bar for citizenship likely to further disadvantage refugees. The Conversation, 23 May 2017. Available from <http://theconversation.com/english-language-bar-for-citizenship-likely-to-further-disadvantage-refugees-76520>

We know that young people typically pick up English at a faster rate than older migrants. A tougher language test thus has the potential to impact unequally upon individual members of a family unit. Introducing an English language requirement could, therefore, 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 in building their lives in Australia.

It is equally important to recognize that settlement is often a long journey that families make across generations. Often, while adults may not have high levels of English language proficiency, they find work immediately upon arrival in Australia to settle in and build a life for their children. Typically, the children of migrants do very well in Australia⁶, highlighting how even with basic English language proficiency many migrants can find and maintain employment and raise remarkable Australian citizens who are making significant contributions to the nation.

Before introducing an English language test, the Government must first make a case for why a change from 'basic' to 'adequate' English language is necessary. The case would need to include industry-recognised definitions of these terms, as well as clear evidence of why the change is needed to enable people to function in their everyday lives in Australia. If an English language test is to be adopted, broad community consultation should be undertaken to determine the appropriate level and types of testing. Consultations should seek the input of experts in this area. Any new test should also incorporate methods that reflect the individual circumstances (including past education and learning) of prospective citizens.

In addition to these concerns, MYAN is also aware that the lack of available places in English language schools and limited access to youth-specific English language classes across Australia already disadvantages some newly arrived young people in developing their English language proficiency. Further to this, as has been reported by MYAN and others previously, the level of English achieved by many of those who complete the supported AMEP course is well below the level required to engage in meaningful work and further training.⁷

Before the Government moves to introduce an English language test requirement for prospective citizens, it must first address existing issues with access to and quality of English language education across Australia. Addressing English language teaching would require 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. These efforts must ensure that all young people, and their families, have access to and appropriate support for engagement with English language learning opportunities. As part of this, consideration needs to be given to addressing the barriers to English language learning for young people, such as those undertaking unpaid care roles or with disrupted education. Addressing barriers to English language learning will ensure all prospective citizens are equally able to develop their English language skills, making the introduction of such a requirement to the citizenship test more fair and reasonable.

⁶ Le (2009). 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

⁷ MYAN (2016). MYAN Submission to the Department of Immigration and Border Protection on Australia's Humanitarian Programme Intake 2016-17. Available from <http://myan.org.au/file/file/MYAN%20Australia%20Submission%20on%20Aust%20Humanitarian%20Programme%202016-17%20March%202016.pdf>

Strengthening the test for Australian citizenship including reference to allegiance to Australia and introducing new questions about Australian values

First and foremost, any requirement of new citizens should not be above or beyond the requirements or expectations of existing citizens or those who have attained citizenship by birth. Strengthening the test for Australian citizenship by introducing references to allegiance to Australia and new questions about Australian values is purportedly aimed at addressing broad community concerns about the level of understanding of Australian citizenship. However, addressing such concerns will require an approach that engages all Australians, not just prospective citizens.

The 2008 Government commissioner review of the first Australian citizenship test recognised this and recommended the Government implement a “nationally consistent education program on civics and citizenship should be implemented in all schools commencing at primary level.” To address similar concerns the Review Committee also recommended that the Department of Immigration and Border Protection (then DIAC) “leads a whole-of-government approach to the promotion of civics and citizenship in the general community.”⁸ Such measures are a much more appropriate and more likely effective, way to address concerns about community awareness and understanding of Australian values and citizenship.

Making the test more difficult is not only unlikely to address issues of poor understanding of Australian values and citizenship but also has the potential to exclude the most vulnerable of prospective citizens. Citizenship can have special significance for refugee and humanitarian entrants, who in Australia apply for citizenship at rates higher than any other migration category.⁹ Despite their desire to attain citizenship many refugee and humanitarian entrants, as well as many other migrants, can face significant challenges in passing Australia’s citizenship test. Notably, Department of Immigration and Border Protection report that the failure rate for humanitarian entrants is six times the average.¹⁰

In the 2008 review of the citizenship test a number of barriers posed by the citizenship test were identified:

“Community concerns have been raised about the equity and fairness of the current test. Of particular concern are those applicants who may not pass the test, irrespective of the level of support and assistance they receive, including refugee and humanitarian entrants and some family stream migrants who may:

- *have received little or no formal education*
- *be illiterate in their first language and English*
- *have limited or no experience with computers*

⁸ Australian Citizenship Test Review Committee (2008). Moving forward... Improving pathways to citizenship: A report on the Australian Citizenship Test Review. Available at <https://www.border.gov.au/Citizenship/Documents/moving-forward-report.pdf>, p. 6

⁹ Doherty (2017). Refugees will be hardest hit by changes to Australia's citizenship test, experts say. The Guardian, 21 April 2017. Available at <https://www.theguardian.com/australia-news/2017/apr/21/refugees-will-be-hardest-hit-by-changes-to-australias-citizenship-test-experts-say>

¹⁰ RCOA (2017). Older refugees have most to lose from citizenship changes. Media Release, 20 April 2017. Available at <http://www.refugeecouncil.org.au/latest/older-refugees-have-most-to-lose-from-citizenship-changes/>

- *experience difficulty performing within a formal testing regime*
- *have diminished capacity to learn and retain the volume of information contained in the present citizenship resource book.*¹¹

In responding to consultation findings that the original Australian citizenship test was too difficult the 2008 Review Committee suggested important exemptions be introduced for those facing particular challenges in completing such a test.

The Review Committee also highlighted that, as a key factor in nation building, the acquisition of citizenship and understanding of Australian values and society, should be encouraged and facilitated by Government. To address this, the Review Committee suggested that the Government better support prospective citizens' to learn about Australian civic rights and responsibilities in order to ensure those taking the test would not face any disadvantage based on their language skills, education level or abilities.¹²

“As citizenship is gained through some form of testing, a range of appropriate education processes, materials and support needs to be made available. Submissions have highlighted the fact that many migrants and refugee and humanitarian entrants are eager to learn about Australia and its systems, society and values. Supported education pathways ensure this understanding is facilitated and also assists in successful settlement.

*Education pathways were perceived by many to offer a just, fair, and flexible approach in preparing for a test. It was felt that participation in courses and discussions relating to shared values and attributes would help prospective citizens gain the knowledge required to pass a test in a safe learning environment.*¹³

In addition to providing appropriate support for prospective citizens to attain any proposed English language proficiency, MYAN believe the Government should also provide support to aspiring citizens with particular vulnerabilities, such as humanitarian entrants, to learn about Australia and adequately prepare for their citizenship test. This would ensure all prospective citizens are equally able to meet the legislated eligibility requirements for attaining citizenship, including that they understand the nature of the application and have an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship.¹⁴ Such support should be targeted to prospective citizens' educational level and learning needs.

Young people typically build their English language proficiency and cultural capital faster than their parents and older family members. This often occurs because many older migrants and those with care responsibilities must prioritise work and establishing their family in the new country over English language classes or study. Making the test more challenging, without adequate and appropriate support for prospective citizens to build the required knowledge and understanding, could place additional pressure on families setting their lives up in Australia, and has the potential to unfairly disadvantage some.

¹¹ Australian Citizenship Test Review Committee (2008), p. 26

¹² Ibid.

¹³ Ibid., p. 27

¹⁴ Australian Government (2007). Australian Citizenship Act 2007 Cth., s. 21 Application and eligibility for citizenship). Available at http://www.austlii.edu.au/au/legis/cth/consol_act/aca2007254/s21.html

MYAN are concerned about what strengthened testing would mean for young people if it were to result in some of their family members being unable to attain citizenship. Families are a critical source of support and provide an important anchor for young people navigating settlement. The potential for the test to result in some family members not having the same status and access to rights and security in Australia could threaten this important source of stability and connectedness for young people.

The 2015 Government review of the citizenship test, which has informed many of the current proposed changes, reported on a perception among those consulted that citizenship was undervalued by some prospective citizens.¹⁵ The report reasoned that strengthening the test would address this. No matter how rigorous, the citizenship test is unlikely to ever be able to accurately assess prospective citizens' fundamental belief in or attitudes towards Australian values and commitment to Australia. Informed by the views of young people and those who work with them, MYAN believe that applying for citizenship, and undertaking the process itself, demonstrates both an understanding of and commitment to these values and Australia. As one young person said:

“From a refugee persons perspective we do value citizenship, already. It is immensely valued... A lot of people, the moment they become eligible, they go and apply because they really value it. Us, we are persecuted in our own countries, did not have equal rights, and we were never considered equal citizens. Australian citizenship means that for the first time in our life we are equal to the other citizens of this country, and we know it and we know the value of this. This does mean a lot to us because we can do what others can and it means having that feeling that you are equal, not just because you are a human being, but because you are a citizen. You have this legal document that says so, that says you are to be treated equally and you definitely value that. I don't think that strengthening the test would actually increase how we value Australian citizenship, because I think it is already at its peak – you can't go beyond the peak.”

Introduction of a requirement for applicants to demonstrate their integration into the Australian community

The lack of detail provided in the Discussion Paper about the proposal to introduce an additional requirement that applicants must demonstrate their integration into the Australian community raises significant concerns for MYAN. In particular, MYAN and those we consulted are concerned about how Government would assess such criteria fairly for all prospective citizens and about the reasonableness of such a requirement, given settlement is a unique and complex process that can take generations.

As MYAN recently highlighted in a submission to the Joint Standing Committee on Migration, Australia currently does not have nationally consistent definitions or frameworks for determining what successful settlement (or integration) looks like. The recently released National Settlement Framework identifies the necessity for “a robust evidence base (that) assists in the measurement of settlement outcomes and helps to identify the settlement and mainstream policies and programmes

¹⁵ Australian Government (2015). Australian Citizenship. Your right, your responsibility: The National Consultation on Citizenship, Final Report. Available at <http://www.border.gov.au/Citizenship/Documents/australian-citizenship-report.PDF>

that are working well as well as where improvements can be made.”¹⁶ While the Framework acknowledges that the current evidence base is inadequate, it provides no detail on how settlement outcomes might be measured beyond ‘active community membership’.¹⁷

In the absence of any agreed measures of what successful settlement or integration looks like, or nationally consistent standards or frameworks for collecting data to monitor and measure these¹⁸, MYAN is concerned about how the Government would assess this new requirement and believe that any proposed measures should be shared with the community for consultation before being implemented.

Citizenship is an important marker in settlement for young people that provides them with the safety and security they need to build their future. However, young people are at a particular life stage that is focused on establishing the foundations for their transition into adulthood, often through study and training. Given young people’s developmental stage, MYAN is concerned about what an assessment of a prospective citizen’s integration could mean for young people.

Young people from refugee and migrant backgrounds are a diverse population group who commonly display immense resilience. They come to Australia through varied pathways and with a range of strengths and capabilities, and are often highly motivated to succeed in education and embrace the opportunities available to them.¹⁹ However, they also face particular challenges in accessing the support and opportunities they need to navigate the demands of building a new life in a new country.

During settlement young people are often required to balance a complex range of challenges that are distinct from adults and the challenges faced by their Australian-born peers. The challenges faced by young people navigating settlement can be compounded by the development tasks of adolescence and are often exacerbated for young people from humanitarian backgrounds, who may have past experiences of trauma and are typically learning English as an additional language and have limited and/or disrupted education.

The idea that young people who want to become Australian citizens will be able to successfully negotiate settlement and adolescence, including managing their studies, part time work and roles within their family, while also meeting additional requirements such as community participation are

¹⁶ Australian Government (2016). National Settlement Framework. Available at https://www.dss.gov.au/sites/default/files/documents/11_2016/the_national_settlement_framework.pdf

¹⁷ Ibid.

¹⁸ The MYAN National Youth Settlement Framework and the SCOA Settlement Standards are evidence of an attempt by Government to invest in the development of frameworks to support settlement and assist new arrivals in achieving foundational goals in order to establish a foundation for their settlement. However, settlement is a multi-faceted and complex process that each individual achieves according to their own circumstances, experiences and needs. Any ‘assessment’ of success in this area would require an incredibly nuanced assessment framework that was able to adequately consider the unique experiences and challenges of each individual and how these have impacted upon their settlement experience. For more on this, see MYAN (2017). MYAN Submission to the Joint Standing Committee on Migration Inquiry into Migrant Settlement Outcomes. Available from [http://www.myan.org.au/file/file/Federal%20Inquiry%20into%20Migrant%20Settlement%20Outcomes%20MYAN%20Australia%20Submission%20Final\(1\).pdf](http://www.myan.org.au/file/file/Federal%20Inquiry%20into%20Migrant%20Settlement%20Outcomes%20MYAN%20Australia%20Submission%20Final(1).pdf)

¹⁹ CMY (2014a). Negotiating Adolescence in Australia. Carlton: CMY, p. 5; Gifford, Correa-Velez & Sampson (2009). Good Starts for recently arrived youth with refugee backgrounds: Promoting wellbeing in the first three years of settlement in Melbourne, Australia. Melbourne: La Trobe Refugee Research Centre, p. 15

not reasonable. Equally, the idea that young people may potentially be seen as less integrated because they receive study assistance to engage in education is unreasonable. MYAN suggests that any attempt to measure the participation and integration of prospective citizens should be required to take into consideration young peoples' particular and unique experience of settlement, as well as an individual's circumstances and life stage.

It would also not be reasonable to measure integration without also taking into consideration the role structural barriers play in inhibiting participation of young people and migrants in Australia. Unfortunately, while most young people have positive experiences and settle well into life in Australia, racism and discrimination continue to persist in our community and young people in particular continue to regularly report such experiences.²⁰ Australia also currently has high youth unemployment and MYAN continually hear from young people from refugee and migrant backgrounds that they are struggling to find work and transition into the labour market. The idea that some young people may not be able to gain citizenship based on factors beyond their control, such as inability to find meaningful work in a tight job market, is neither fair nor reasonable. In order to ensure any requirements that measure integration of prospective citizens are fair and reasonable, adequate and appropriate measures must also be adopted to directly address barriers to participation for prospective citizens.

The national conversation on citizenship

While there are a range of practical implications that may stem from the introduction of these proposed changes to the Australian citizenship test, MYAN are deeply concerned about the very real message these changes send to prospective citizens, about being welcomed and included into the Australian community, and to the wider Australian community about new and prospective citizens. This could have detrimental impacts on identity formation and connection to Australia for young people, especially where their parents and family, or they themselves, are excluded from accessing the security and safety they need to become full and equal participants in Australia life. These messages could also have very real impacts on social cohesion.

MYAN understands from the Discussion Paper that the purpose of strengthening the process by which migrants can become Australian citizens is linked to a desire to foster a greater sense of security for the nation, and to address the perceived issue of some new citizens undermining our society.²¹ Despite the Discussion Paper stating that "(t)hese reforms are integral to Australia's future as a strong and successful multicultural nation"²², MYAN are concerned that there has been little evidence presented for how these changes would address such concerns.

In fact, contrary to the stated intention behind the proposed changes, MYAN are concerned that the changes being proposed could in fact have significant unintended consequences for individuals and

²⁰ In a 2016 survey of Australian young people, Mission Australia found that just over half of all respondents (50.6%) reported witnessing unfair treatment or discrimination in the last twelve months, while over one quarter of respondents (26.6%) had experienced unfair treatment or discrimination themselves. Bailey, Baker, Cave, Fildes, Perrens, Plummer, & Wearing (2016). Mission Australia's 2016 Youth Survey Report. Sydney: Mission Australia. See also, Markus (2016). Mapping Social Cohesion 2016 Report. Melbourne: Scanlon Foundation and Monash University.

²¹ Australian Government (2017), p. 7. (See also, Australian Government (2015).)

²² Australian Government (2017), p. 7.

the Australian community. If introduced, these changes could erode community cohesion and in the process diminish security and stability rather than reaffirming it.

Australia has a well-established and valued Migration Programme that works well in striking a balance between both national interest and international responsibility. Central to achieving this balance are the rigorous assessment and screening processes Australia has in place for accepting new migrants. These current checks and balances are adequate in ensuring the safety and security of the nation. MYAN do not believe that citizenship testing is about assessing whether a person presents a perceived threat to the security of the nation or protecting the community from global terrorism.

Citizenship is a means for reaffirming and solidifying one's commitment to Australia as home. An application for citizenship is a means for those already living in and committed to Australia to cement and secure the life they have begun building in Australia. The realisation of the rights and responsibilities that comes with being a citizen fulfils a desire to have your contributions recognised as a full and equal participant in the life of the nation. MYAN do not believe that attempts to instil a sense of security in the broader community are best achieved by strengthening the citizenship test.

Strengthening the citizenship test, without specific consideration to the potential such measures may have for excluding particularly vulnerable members of the broader Australian community including humanitarian migrants and refugees, could also undermine social cohesion and security. This would happen if large numbers of prospective citizens were unable to pass the test and become citizens over time, weakening social cohesion by creating a class of people who live permanently in Australia but are never able to become full, recognised members of our community. This has the potential to undermine sense of belonging and connectedness to Australia for members of our community, eroding community cohesion and in the process diminishing security and stability rather than reaffirming it.

MYAN are concerned that some of the proposed changes could ultimately work to exclude rather than include some aspiring citizens. This could undermine sense of belonging and connectedness to Australia for members of our community, eroding community cohesion and in the process diminishing security and stability rather than reaffirming it. In particular, this could disadvantage some of the most vulnerable and, for humanitarian entrants in particular, it could result in Australia failing to uphold its commitments under international law – including the responsibility to facilitate naturalisation of refugees as outlined in the Refugee Convention and the right to a nationality under Article 15 of the Declaration of Human Rights.

Finally, community cohesion and security can also be undermined by poorly articulated or evidenced policy, and policy messaging, that allows for inaccurate and/or biased views targeted at minority or marginalised members of our community to gain momentum. Leadership from Government is critical to ensuring awareness of the many benefits of diversity are recognised and that social cohesion is maintained. This is achieved when conversations about settlement, citizenship and multiculturalism are conducted in respectful and constructive ways, are evidence-based, and include the voices of young people.

Recommendations

1. That no criteria for citizenship be above or beyond requirements placed on any existing citizen or those conferred citizenship by birth.
2. That national conversations about settlement, citizenship and multiculturalism are always conducted in respectful and constructive ways, are evidence-based and include the voices of young people.
3. That before implementing any change to the current residency requirements, the Government provide evidence to demonstrate how extending the residence requirement to four years permanent residence would achieve the stated aim of allowing for “greater examination of an aspiring citizens’ integration with Australia”.
4. That any separate test of English language proficiency should not be introduced without broad community consultation, including input from experts in this area. Before introducing such a test the Government should first make the case for why a change from ‘basic’ to ‘adequate’ English language is necessary. The case should include industry recognised definitions of these terms and link these to clear evidence for why the change is necessary to enable people to function in their everyday lives in Australia.
5. 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.
6. That the 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 humanitarian backgrounds, to achieve these standards.
7. Before introducing an English language test that 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.
8. In the absence of any agreed measures of what successful settlement or integration looks like or nationally consistent standards or frameworks for collecting data to monitor and measure these, that the Government should share any proposed measures for assessing prospective citizen’s integration for public consultation before implementing this change. In addition to this, any requirement to demonstrate integration should take into account the developmental stage and particular circumstances of the young person and provide them support to demonstrate this.