



Submission to the Citizenship Task Force
Department of Immigration and Multicultural Affairs

ON THE DISCUSSION PAPER
Australian Citizenship: much more than a ceremony

November 2006

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SUMMARY

UnitingJustice Australia believes that the *Discussion Paper* stems from a flawed policy impetus which incorrectly assigns many of the positive benefits and social cohesion of community life to the institution of Australian Citizenship. Community and communal values are engendered through the interaction of people, and people are in turn shaped by community; whereas citizenship is an institution of the state designating certain democratic rights and responsibilities. As such, we believe:

- ♦ It is inappropriate for the Government to test understanding of a set of arbitrary, inadequate and ill-defined 'Australian values' as part of the citizenship induction;
- ♦ It is inappropriate for the Government to demand that prospective citizens sign a pledge to uphold these 'Australian values'. The Government has no right to demand that individual citizens bring values other than their own individual ones to the exercise of their democratic responsibilities

We believe that the discussion paper fails to show the necessity for formal English and citizenship testing at the entry point for new citizens, and indeed believe there is evidence to suggest that these practices may be culturally inappropriate in some cases, and may disproportionately affect humanitarian entrants and women migrants.

We ask that the Australian Government increase its level of resource commitment to migrant English education programs, including both AMEP and the schools ESL program. As the Government notes, enhanced English skills allow migrants the ability to participate more fully in the workplace and fulfil their democratic duties.

INTRODUCTION

The Uniting Church in Australia, through UnitingJustice Australia, welcomes the opportunity to comment on the paper released by the Department of Immigration and Multicultural Affairs' Citizenship taskforce, *Australian Citizenship: much more than a ceremony*.

The Uniting Church in Australia seeks to bear witness to God's call for the continuing renewal and reconciliation of all creation through its worship, service and advocacy, and in partnership with other Christian churches. Part of the witness of the Uniting Church in Australia is to challenge the structures that create and perpetuate inhospitality, injustice and division at all levels: individual, state, national and international.

In July 2002, the Uniting Church released its Policy Paper on Asylum Seekers, Refugees, and Humanitarian Entrants, which outlines key principles that we believe should underpin Australia's policies, legislation, and practices. These principles reflect the Church's belief in the inherent dignity of all people and our commitment to work for justice. While the issues associated with citizenship relate to a broader constituent body of migrants than refugees and humanitarian entrants, our work with asylum seekers and other migrants has given us a first-hand experience of some of the issues facing immigrants to Australia with non-English-speaking backgrounds and variant cultural needs.

The Uniting Church is a multicultural Church, welcoming people from all cultural backgrounds and maintaining a vibrant multicultural life that is reflected in our structures, priorities and teachings. In 1989 the Fourth National Assembly of the Uniting Church adopted a statement on multiculturalism, stating

The Uniting church seeks to be open to changes that the Holy Spirit will bring to the church because of the creative contributions of people of different racial and cultural group to its life.¹

Worship within the Uniting Church is celebrated in a variety of settings and languages, in culturally appropriate ways. Congregations are often organised around cultural familiarity, ethnicity or language in order to make services suitable and accessible. The role of first-generation migrants in the Uniting Church is considerable, and many have found that contribution to the Uniting Church community is not precluded by varied ability to speak English or the length of residence in Australia. Migrant-ethnic communities and individuals greatly enrich our corporate life.

In addition, the Uniting Church in Australia works in covenant with our Aboriginal and Torres Strait Islander Congress. Many of our indigenous members do not speak English as a first language, and language difference and diversity is of continuing interest to the Uniting Church in light of our dialogue with the first people of our land.

The Uniting Church advocates for a just response to the needs of all people - citizens, visa holders and asylum seekers, and the international community - that recognises Australia's responsibilities as a wealthy global citizen, upholds the human rights and

¹ *The Uniting Church is a Multicultural Church*, Statement of the Fourth National Assembly, Uniting Church in Australia

safety of all people, is culturally sensitive, and is based on just and humane treatment, including non-discriminatory, accountable and transparent processes. In particular, we call for a focus on inclusiveness in Australia's policy approach to those who seek to become part of the Australian community. Citizenship and the citizenship commitment should not be used as an exclusionary device.

In its Statement to the Nation at its inauguration in 1977, the Uniting Church pledged

“to hope and work for a nation whose goals are not guided by self interest alone, but by concern for persons everywhere – the family of the One God – the God made known in Jesus of Nazareth (John 10:38) the one who gave his life for others.”

In this spirit, the Uniting Church offers these comments to the Department of Immigration and Multicultural Affairs.

AUSTRALIAN VALUES TESTING

In light of the beliefs and experience outlined above, UnitingJustice Australia is strongly critical of the Government's plans to include requirements to understand and commit to “Australian values” in the assessment process for Australian citizenship.

The *Discussion Paper's* policy impetus unreasonably and inappropriately conflates the concepts of citizenship and community, and assigns certain aspects of community to the legal concept of citizenship. It states:

Australian citizenship is the single most unifying force in our culturally diverse nation. It lies at the heart of our national identity – giving us a strong sense of who we are and our place in the world. (1.1)

To pursue policy based in the notion that Australian citizenship exists as the prime unifying source amongst Australian citizens is to ignore the primary role that community plays in reinforcing social norms and enabling people to develop to their best capacity.

Australian citizenship does not in and of itself unite Australian people, except as it defines Australians in opposition to those who do not possess Australian citizenship. While citizenship confers certain benefits and duties, it does not in itself constitute a force that binds individuals and unifies the nation; rather, it is shared community, desires and aims that bind the Australian people together across disparate geography and cultural backgrounds. Community is not merely forged through the stark exercise of democratic rights and responsibilities; it is facilitated by other institutions including faith organisations and the media, and is based in a shared experience, a common history and future.

Any understanding of ‘values’ should thus be a discussion of community and not of citizenship. Citizens do not by definition share values, nor should it be a requirement of citizenship that individuals undertake to commit to an arbitrary set of values outlined by the Australian Government. While the paper thus recognises the importance of shared values, it errs in seeking to invoke them in the discussion of new citizenship.

We would also reject any discussion of requiring Australian temporary or permanent residents to undertake 'values' tests.

COMMITTING TO 'AUSTRALIAN VALUES'

At 2.26, the paper outlines a proposal that Australia's common values are:

- our respect for the freedom and dignity of the individual
- our support for democracy
- our 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.

There are two separate issues that must be addressed here. The first is that this list of 'common values' is inadequate and selective, and scarcely reflects a list of values that is uniquely Australian. Indeed, the concept of Australian values, what constitutes 'Australian-ness' and what is definitively 'un-Australian', is shifting territory and social commentary and discussion around this issue is continuous.

The inclusion of "the spirit of a fair go" in this list seems particularly vague. The concept of the "fair go" has been used in a variety of contexts to justify disparate actions and opinions, by individuals and organisations whose philosophies, ideals and constituents would seem to be quite opposed. While agencies of the Uniting Church pursue one vision of a "fair go" for Australians, this is often divergent to the philosophy of other bodies. How exactly is "a fair go" defined in the eyes of the Government, and how does it relate directly to the democratic rights and responsibilities conferred by the citizenship ceremony? How would the Government test citizenship applicants on what constitutes "a fair go" in the context of a written test?

In passing, we particularly regret the fact that this list does not include any reference to value for and commitment to community, or the role that a strong and vibrant community has in enhancing life for people in Australia. The Uniting Church, itself a community of disparate groups uniting in a faith community, is well placed to comment on the primacy of community in uniting difference as we move towards a shared future. In our view, value for community is the primary source of a flourishing democracy, although we submit that this value, like others outlined in the paper, is not distinctly Australian in its application.

A CITIZENSHIP COMMITMENT PLEDGE?

The second issue that must be addressed is the need for and suitability of prospective citizens being required to demonstrate their understanding of, and commitment to uphold, 'values'. The paper's suggestions in this regard are particularly concerning the

problems with its policy impetus and arbitrary assignation of “Australian-ness” to certain values, as outlined above.

At 2.50, the paper suggests that new Australian citizens should be “willing to commit to and uphold Australian values and to fully participate in Australian life”, possibly by signing a *Commitment to Australia* document of unspecified format following the completion of the proposed citizenship test. This sort of requirement is a clear departure from current citizenship requirements, and is very concerning. While one would assume that undertaking to become a citizen of Australia is in itself a demonstration of commitment to the nation, the document seems to suggest that something more is required.

It is unclear as to how the current spoken citizenship pledge is inadequate to express a strong and abiding commitment to Australia, as appropriate to a citizen. The current pledge states that a new citizen will:

*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*

The Australian democratic and legal institutions referred to in the current pledge are specifically attached to the rights and privileges of citizenship. Adherence to a set of personal ‘values’ currently is not, and in our view, should not be attached to the exercise of citizenship.

As such, we would have some significant concerns about the nature and use of such a document, including:

- ♦ What will be the nature of the commitment?
- ♦ Would the ‘commitment’ be legally binding?
- ♦ What would consist of a ‘breach’ to the commitment?
- ♦ What will be the consequences if the terms of the pledge, whatever they may be, are breached?
- ♦ Would breaching the terms of the pledge be a criminal or civil offence?

We are particularly disturbed by the idea that this document might constitute a legally binding contract; and that a breach of this document that is not otherwise covered under criminal law might result in penalty or deprivation of citizen status.

It is entirely inappropriate that a democratic Government should seek to impose arbitrary values on new citizens by requiring them to sign a “commitment pledge”. One of the privileges of citizenship is that individuals may bring their own values to bear on political and social discourse through democratic institutions, including voting and participation in community consultation around legislation and around policy such as the paper in question. The process of community is two way; communities shape individuals, and individuals shape communities. The social compact entered into by citizens should not regulate their personal values, and an individual’s strongly held personal values should not preclude him or her from citizenship.

ENGLISH LANGUAGE TESTING AND SUPPORT

As the discussion paper notes, the ability to speak English is a clear advantage to migrants in their efforts to gain and maintain paid employment, interact within the community at large and participate effectively in Australia's democratic processes. Therefore there are already strong incentives in place, and most migrants are highly motivated to learn English. As such, one of the most important Government services that can be offered to migrants is the provision of quality English language classes, delivered in a culturally appropriate way and with due regard to the level of tuition required by individuals to participate fully in both their citizen-duties and the wider community.

As such, we would request that the Government revisit the level of Government funding and community access to migrant English education. This funding must be distributed both to the Adult Migrant Education Program (AMEP), and to English as a Second Language (ESL) training in schools.

Current evidence suggests that the AMEP's provisions could be improved to better meet the needs of adult migrants. While we note the Government's recent boosting of the Adult Migrant Education Program in recognition of the special needs of young humanitarian entrants with limited formal schooling, we also note FECCA's submission to the 2006-7 Humanitarian Program, which notes that members are finding AMEP provisions inadequate for their needs. FECCA states:

Anecdotal evidence indicates that it takes much more than one year for some people from African countries, particularly those who have experienced torture and trauma, to "operationalise" their English language skills. Current funding arrangements severely impact on people's ability to learn English to a level that allows them to be successful in education, workforce training and securing fulfilling employment.²

In addition, the Uniting Church is concerned that the current provisions for ESL teaching in public schools are grossly inadequate to meet the demands of children whose first language is not English. As the Ethnic Communities Council of NSW notes,³

While the Australian Government has boosted its funding for adult English Language Tuition, it has failed to do the same for school aged children.

UnitingCare NSW.ACT is currently engaged in advocacy to increase the number of ESL teachers and the ESL capacity in NSW public schools, which is currently at a dire level. UnitingJustice supports this work, and asks that the Government undertake to fund fully the ESL program as an urgent matter of equity.

We do not believe, however, that the discussion paper's proposal to switch to a system of formally testing English skills is necessary or desirable. The paper does not show that the current system is inadequate, nor does it prove that a better system would require that new citizens are able to understand and communicate in English to a pass-mark standard in aural, oral and written form. While the paper shows evidence that the

² FECCA *Submission on the size and composition of Australia's humanitarian program, 2006-7.*

³ ECCNSW *Need for Increased ESL Support in NSW State Schools* Submission to DIMA & DEST, May 2006

acquisition of good English skills is a key factor in maximising “employment and other economic opportunities” it is unclear why this must be linked directly to the attainment of citizenship itself.

In addition, measuring English competency through the achievement of a pass mark in a written examination is not necessarily an appropriate way to assess English capacity. The notion that the current mode of testing is “subjective” is misleading, in that it suggests that an adaptive and culturally appropriate mode of testing is inadequate to ensure that new citizens are equipped to fulfil their democratic responsibilities. Indeed, introducing formal written English and citizenship tests may result in detrimental impact on particularly vulnerable groups of new migrants, including

- migrants from cultural backgrounds and circumstances where formal learning has never been undergone or where formal examinations, reading and writing are either not encouraged for certain groups; or have been rendered non-existent by instability in the person’s country of origin. This group of people might especially be persons from lower socio-economic backgrounds or, more prevalently, women whose access to formal education has been limited by gendered cultural attitudes; and humanitarian entrants whose home nation has been devastated by violence.
- migrants whose current involvement in Australian workplaces or community life is minimal, despite their having resided here for many years. While this might include older people and people with physical, social or mental disabilities, it will disproportionately affect women migrants, whose role in their family can be predominantly located in the home, affording little need or opportunity to gain English skills from workplace or wider community interaction.

It would be extremely undesirable if formal written English and Citizenship testing became a tool of exclusion for humanitarian entrants, women and other migrants entering through the non-skilled stream.

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