

**Submission to the Senate Inquiry  
into the Australian Citizenship  
Legislation Amendment  
(Strengthening the Requirements  
for Australian Citizenship and  
Other Measures) Bill 2017**

21 July 2017

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this submission contact:**

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# Introduction

## World Vision Australia's Submission

World Vision Australia (WVA) is a Christian relief, development and advocacy organisation dedicated to working with children, families and communities to overcome poverty and injustice. It is part of the World Vision International Partnership, which operates in more than 90 countries.

WVA is Australia's largest overseas aid and development organisation, operating primarily to assist overseas communities living in poverty. Through its work in some of the most difficult contexts in the world, WVA seeks to address the causes of the current global displacement and refugee crisis every day.

WVA also advocates strongly to government on issues that relate to its work and purpose as a humanitarian and development organisation.

We therefore welcome the opportunity to make a submission to the Senate Legal and Constitutional Affairs Committee *Inquiry into the Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017*.

Key changes proposed by the Australian Government in relation to Australian citizenship include:

- Increasing the general residence requirement as a permanent resident from one year at present to at least four years;
- Introducing a stand-alone English test;
- Changing the citizenship test itself with new questions that assess an applicant's understanding of – and commitment to – our shared values and responsibilities; and
- Applicants being required to demonstrate their integration into the Australian community.

We support The Refugee Council of Australia's (RCOA) concerns regarding the impact on humanitarian entrants of these proposed changes; namely that the changes will have an unfair impact on people from a refugee background, further entrench disadvantage for the most vulnerable people, disproportionately affect older refugees and make it difficult for people to visit their family overseas, and cause anxiety among refugee communities that may negatively impact upon social cohesion- creating a harmful environment of exclusion rather than inclusion.

# Summary

## World Vision Australia's Recommendations

### World Vision Australia recommends that:

1. People should not be tested separately on their English language ability as a requirement for citizenship.
2. The course-based citizenship test should be maintained for those who face difficulties completing a formal computerised test.
3. Those who fail the test more than three times should be encouraged to take up the course-based citizenship test, rather than being prevented from repeating the test.
4. There should be no change to existing residence requirements for Australian citizenship and mandatory waiting timeframes should not be increased from one to four years. If this recommendation is not accepted, concessions should be made for people from refugee backgrounds.

# Background

## World Vision Australia's Submission

The extraordinary number of displaced people – the highest since World War II – confirms what World Vision sees in its work in countries like Afghanistan, Somalia, Syria and the countries neighbouring Syria<sup>1</sup>: Vulnerable people and communities suffer the most, by being forced to leave their homes as a result of conflict, violence and persecution.

The international displacement crisis is a large and complex one, with more than 65 million people forcibly displaced from their homes. This is a global issue requiring strong co-operation, particularly in our region.

Every minute, 24 people in the world are forced to move. More than half of them are children. And currently, more than 22 million people are registered as refugees, seeking safety outside their own country<sup>2</sup>. Over half of the registered refugees are under 18 years old with 55 per cent of refugees coming from three countries: South Sudan (1.4 million), Afghanistan (2.5 million) and Syria (5.5 million).

World Vision's humanitarian work is predominantly and increasingly taking place in protracted conflict contexts such as these and we work closely with refugees internationally. We therefore understand the root causes of displacement well. In fact, we have been responding to protracted crises in Somalia, Sudan, South Sudan, and the Democratic Republic Congo for more than 20 years<sup>3</sup>.

A number of the root causes of forced displacement are captured in the Sustainable Development Goals (SDGs). The Australian Government has supported the SDGs – global goals which include poverty (SDG 1), hunger (SDG 2), climate change (SDG 13) and a lack of peaceful societies (SDG 16). Forced displacement threatens the achievement of the SDGs and Agenda 2030. It is therefore important that the Australian Government, as a strong supporter of these goals, does its part in delivering solutions by providing appropriate levels of international aid and domestic resettlement support for those affected by displacement. This includes, per its obligations under the 1951 Refugee Convention, ensuring appropriate support domestically for the naturalisation and assimilation of refugees as quickly as possible into Australian society<sup>4</sup>.

The Australian Government is obliged under the Refugee Convention<sup>5</sup> to protect those people who are fleeing persecution and violence. WVA affirms the primacy of protecting human beings who have fled persecution and notes that the Australian Government has an obligation to do so as a States Party to the Refugee Convention.

As an organisation that has deep involvement in source countries where forced displacement takes place, we are concerned about proposed changes to Australian citizenship laws that will have the effect of indefinitely delaying or significantly undermining the citizenship aspirations of vulnerable refugees. The reality is that no one chooses to be displaced; leaving home is always a last resort. So, it is imperative that the most vulnerable people-refugees and humanitarian entrants-are not subjected to unfair rules or systems that may in fact harm their chances of successfully creating a new life in Australia.

During our work World Vision responds to emergency needs and attempts to address underlying causes of vulnerability and displacement, which are in all cases multi-dimensional, complex and long-standing. Solutions are never simple or straightforward and whilst building resilience and capacity is imperative so people can return, there are many for which that is not an option. The Australian Government has an important and welcome role to play in resettling the growing number of refugees and ensuring they are given every opportunity to flourish in our community.

By all accounts, Australia's resettlement support after resettlement has occurred is well regarded, however, WVA remains concerned about the negative implications of the proposed changes to citizenship accessibility and the impact these changes will have upon the most vulnerable.

## The significance of citizenship for refugees

Citizenship has particular significance for refugee and humanitarian entrants. As we have outlined in our submission, refugees are unable to return to their home because they are fleeing persecution and violence. Australian citizenship is often the first 'durable' form of protection that many refugees receive and it is highly valued.

Gaining citizenship plays an essential role in improving the condition of refugee and humanitarian entrants. This is recognised by the 1951 Refugee Convention, which requires its signatories to "as far as possible facilitate the assimilation and naturalisation of refugees" and "make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings"<sup>6</sup>. Indeed, two of the three durable solutions for refugees promoted by the United Nations High Commissioner for Refugees (UNHCR), local integration and resettlement, rely on refugees becoming citizens of another country such as Australia.

For many refugee and humanitarian entrants, obtaining Australian citizenship is the point at which they are no longer displaced, feel like they can rebuild their lives in a safe and secure environment, and finally feel a sense of belonging. Given many refugees know firsthand the experience of living in a country where freedom and democracy are not definite, obtaining citizenship in a democratic country like Australia is especially profound.

However, far from improving upon social cohesion outcomes, the proposed changes to citizenship laws actively undermine and delay them, including by promoting a sense of exclusion.

## Proposed changes to the English language test

The proposed changes would mean refugee and humanitarian entrants must sit a separate English language test with a minimum level of "competent" English. That means they must reach an IELTS score of at least six (6) in each category.

This can be contrasted with the current approach which is to require a "basic" level of English that is established in an indirect assessment of language through sitting the citizenship test.

WVA understands that the proposed level of English under the new laws is the required level for many postgraduate university places. WVA suggests that this benchmark does not reflect the level of English that is needed to make a 'normal' contribution to the local community and that there are actually likely to be many Australian citizens that may not meet this level.

Refugees are the most likely to have issues with fluent English when you consider them alongside other migrant streams. For many who're fleeing persecution and violence, attaining an academic English standard is impossible. According to reports, the proposed new English test has already created an alarming sense of anxiety among refugee communities as yet another barrier in the process of becoming an Australian citizen.

We are particularly concerned about the likely negative impact upon older refugees. Whilst people over 60 are exempt from the citizenship test, older refugees will find it difficult to pass the test.

Excluding people from citizenship because they cannot write an essay with academic language needed for university entry is unfair, unnecessary and discriminatory.

**Recommendation 1:** People should not be tested separately on their English language ability as a requirement for citizenship.

## Planned changes to citizenship test

WVA opposes the proposed change to limit people from re-applying for at least two years after they fail the new citizenship test three times. We understand that on average those from refugee and humanitarian backgrounds take the test 2.4 times, meaning that this cap on applications would almost certainly disadvantage this stream of migrants most. Delaying the time taken to gain citizenship in this way will only increase refugees sense of insecurity and undermine their

sense of safety and belonging. It is imperative given the rate of application cited above, that these timeframes are reasonable.

As well, not being a citizen means you are unable to sponsor family to come to Australia and there may be difficulties in travelling overseas. We have heard accounts that many refugees would be in danger if they travelled home to visit relatives in the future, as they would not be offered diplomatic protection from our embassy due to not being citizens.

For these reasons, the course based citizenship test, a citizenship test in the form of a course that has been developed for applicants for Australian citizenship who are finding it difficult passing the Standard or Assisted Test, must be maintained.

**Recommendation 2:** The course-based citizenship test should be maintained for those who face difficulties completing a formal computerised test.

**Recommendation 3:** Those who fail the test more than three times should be encouraged to take up the course-based citizenship test, rather than being prevented from repeating the test.

## New residence timeframes for citizenship

For refugees that have suffered with fear, vulnerability and uncertainty, the denial or delay of citizenship may in fact undermine their determination to rebuild their lives and to naturalise within the broader Australian community.

It makes sense that those people who're already permanent residents, if they are intending to remain in Australia, should be encouraged to seek citizenship quickly in accordance with the Refugee Convention.

If people are already permanent residents and will spend the remainder of their life in Australia, they should be encouraged to seek citizenship as soon as possible. It is our view that by showing a commitment to Australia in seeking citizenship, both the individual and our country nation benefits, as the aspiring citizen can then truly settle into Australian society and life.

Australia's revered multicultural society has been built off the back of many years of successful migration and naturalisation of refugees and citizenship is a tool that assists with inclusivity and integrating people within our community. It also encourages people to join our community fully as members.

Most refugees will come from oppressive or dysfunctional States. World Vision knows this from its work around the world with refugees in a range of different contexts. People don't leave home lightly. Yet displacement is currently a reality for over 65 million people seeking safety – the highest number in recorded history. And it's the poorest countries that currently host 90 percent of refugees.

Many refugees will have lived for years in refugee settlements or in precarious limbo. Most will learn English first in Australia, and some will not actually be literate in their own language. Many too will also still suffer due to lengthy separation from their family or distress about their past experiences. Ensuring that refugees can become citizens as quickly as possible accords with our Refugee Convention obligations to "make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings" as highlighted previously. It is for the reasons highlighted above that it is important that refugees' eligibility for Australian citizenship is not delayed or undermined unnecessarily.

**Recommendation 4:** There should be no change to existing residence requirements for Australian citizenship and mandatory waiting timeframes should not be increased from one to four years. If this recommendation is not accepted, concessions should be made for people from refugee backgrounds.

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## Endnotes

<sup>1</sup> See World Vision International, *World Vision's response to Aleppo evacuation: Syria Crisis*, 2016, available at: <http://www.wvi.org/syria-crisis> ;and World Vision International, *Bringing Hope to Forgotten Faces: 2015 Syria Crisis Response Report*, 2016, available at: <https://www.worldvision.org/sites/default/files/2015%20Syria%20Crisis%20Report-FINAL-electronic-online.pdf> .World Vision Somalia, *2015 Annual Report Somalia*, 2015, available at: <http://www.wvi.org/sites/default/files/2015%20ANNUAL%20REPORT%2010220160%20press%20final%20.pdf>

<sup>2</sup> For further information, see United Nations High Commission for Refugees (UNHCR), *Figures at a glance: Global trends 2015*, 2015 available at: <http://www.unhcr.org/figures-at-a-glance.html>

<sup>3</sup> Since 1992 in Somalia (see World Vision Somalia, *2015 Somalia Annual Report*, 2015 available at: <http://www.wvi.org/sites/default/files/2015%20ANNUAL%20REPORT%2010220160%20press%20final%20.pdf>); in Sudan from 1983 to 1988 and then again from 2004 onwards in Blue Nile, Khartoum and South Darfur states (see World Vision Sudan, *2015 Sudan Annual Report*, available at: <http://www.wvi.org/sites/default/files/2015%20Annual%20Report%20.pdf>), in South Sudan since 1989 (in what was then the southern Sudan region of Sudan) (see World Vision South Sudan, *2015 South Sudan Annual Report*, 2015, available at: <http://www.wvi.org/sites/default/files/South%20Sudan%20Annual%20Report%202015%20redone.pdf>); and in the Democratic Republic of Congo since 1984 (see World Vision Republic of Congo, *2013 Democratic Republic of C Annual Report*, 2013, available at: <http://www.wvi.org/sites/default/files/WVI%20ANNUAL%20REPORT%202013%2004062014.pdf>).

<sup>4</sup> See UNHCR Convention and Protocol Relating to the Status of Refugees <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>

<sup>5</sup> See UNHCR Convention and Protocol Relating to the Status of Refugees <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>

<sup>6</sup> See UNHCR Convention and Protocol Relating to the Status of Refugees <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>