



**SUBMISSION TO THE
SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
REGARDING THE
INQUIRY INTO THE AUSTRALIAN CITIZENSHIP AMENDMENT
(CITIZENSHIP TESTING) BILL**

INTRODUCTION

The Forum of Australian Services for Survivors of Torture and Trauma (FASSTT) welcomes the opportunity to make this submission to the Senate Standing Committee on Legal and Constitutional Affairs regarding the Inquiry into the Australian Citizenship Amendment (Citizenship Testing) Bill.

FASSTT has also provided a response to the Citizenship Testing Discussion Paper distributed in late 2006 by the Department of Immigration and Citizenship Affairs (DIAC). This submission draws on that response. This submission is endorsed by all FASSTT member agencies.

FASSTT's view is that a formal citizenship test should not be introduced and we would prefer the current citizenship arrangements to be maintained. As Minister Robb rightly notes in his foreword to the DIAC discussion paper, over the years we have successfully integrated thousands of migrants and refugees from diverse cultural and linguistic backgrounds into Australian society, without the need for a written citizenship test. We do not believe there have been any significant changes to this situation that would warrant the introduction of formal a test. However, if the Parliament decides that such a test is to be introduced, we have concerns about the likely impact this would have on the clients of FASSTT agencies and on their journey to recovery from their torture and/or trauma experiences.

WHAT IS FASSTT?

FASSTT is a network of eight agencies that provide specialist torture and trauma rehabilitation services to people from refugee and refugee-like backgrounds. There is one FASSTT agency in each State/Territory (see the covering letter for a complete list and contact details of individual FASSTT member agencies). FASSTT agencies seek to combat the impact of torture and trauma on the individual, the family, and the community by conducting psychosocial assessments; providing counselling and advocacy; training and building the capacity of other service providers; conducting research; and facilitating community development.

FASSTT agencies collectively work with approximately 12,500 clients each year who have been tortured or survived highly traumatic experiences before their arrival in

Australia. The vast majority of our clients entered Australia as refugees or humanitarian entrants.

FASSTT agencies have been delivering services to survivors and other services for between ten and 18 years and our work is considered to be expert nationally and internationally. FASSTT agencies are all not-for-profit organisations and receive funding from State and Federal Governments, philanthropic trusts; and private donations. FASSTT agencies are also the principal contractors to the Department of Health and Ageing (DHA) to provide services under the Program of Assistance for Survivors of Torture and Trauma (PASTT). This program provides services to torture and trauma survivors at any time after their arrival in Australia and allows for medium-long term psychosocial interventions. Many FASSTT agencies are also contracted under the DIAC-funded Integrated Humanitarian Settlement Strategy to deliver short-term torture and trauma counselling to new arrivals.

RESPONSE TO AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL

Introduction of a Test

As stated in the introduction, FASSTT does not support the introduction of a formal citizenship test. We believe the current system of an informal test has served Australia well and there is no indication that it will not continue to do so into the future.

Refugee and humanitarian entrants have a high uptake of citizenship. Our clients have survived gross human rights abuses, often at the hands of the authorities in their countries of origin. Given these experiences, the stability that Australian citizenship presents is highly valued by our clients. Our clients express great pride when they take on Australian citizenship and also understand that with the rights conferred by citizenship come responsibilities.

Many of our clients have spent lengthy periods in refugee camps or in otherwise displaced circumstances. Most have lost family members in violent circumstances and some have been subjected to torture including rape, beatings, electric shock, sleep deprivation and threatened execution. The experiences our clients have had affect them in a range of ways. These include difficulties concentrating, sleeplessness, nightmares, fear and anxiety, flashbacks and intrusive memories and somatic responses such as severe headaches and musculoskeletal pain. Citizenship offers our clients an important contribution to healing and recovery from their past experiences as it provides a sense of security and settlement that is important in rebuilding their lives.

If a formal citizenship test is introduced, barriers are introduced to attaining citizenship that may have a negative impact on our clients' wellbeing. Contrary to the intent of the proposed changes, this may serve as a barrier to social cohesion and increased identification with Australia as a new homeland as our clients may feel like 'outsiders' and that their permanent settlement is delayed.

Knowledge of Australia

We agree that it is important for Australian citizens to have knowledge of their country and we support the government's aim to encourage social cohesion and maximise participation in society. Our clients also speak of their desire to know and understand

more about Australian customs, values, social systems and history. They recognise that they are in a new country with often a very different culture from their own and that to participate it is important that they learn the laws and practices of Australia. It is also important in a multicultural society that there is reciprocal interest in, and respect for, the cultures of origin of all members of the community. It is important that Australian citizens understand that as a nation we value diversity, inclusiveness and tolerance of difference. This is consistent with the value of a 'fair go for all' and it is this reciprocity that is more likely to lead to the social cohesion that the Government is seeking to achieve. The community development work of FASSTT agencies is based on this premise. Some FASSTT agencies also run specific programs to support torture and trauma survivors in their settlement into Australia that focus on aspects of Australian life that may be unfamiliar to them. We aim to build a bridge between our client's communities and the mainstream Australian community so that both old and new cultures can be integrated.

Such programs are more likely to achieve the aim of increased knowledge of Australia than imposing a formal citizenship test. We are concerned that such a test would encourage rote learning rather than a true understanding that enables people to integrate into Australian society. A formal test is also likely to advantage those with higher education – something that many of our recently arrived clients lack.

English language ability and citizenship

While FASSTT recognises that having proficiency in English is an important goal for migrants and refugees (and we endorse the Government's support for this through the AMEP), it should be understood that it is still possible to contribute and participate as an Australian citizen without being fully proficient in English. For example, those who do not have fluent English may work (for example in small business enterprises or in positions where their non-English language skills are relevant); they may provide care for their families and extended communities; and they may participate in community structures such as church groups and community organisations.

It should also not be assumed that those who do not speak fluent English do not want to, or have not made the effort to learn. There are other barriers to learning English such as access to childcare, the need to look for work, an individual's learning capacity, the impact of torture and trauma, literacy in first language, age and health status. By providing funding for interpreting and translating, our current system of social service provision recognises that not everyone who settles in Australia may have the capacity to learn English to the extent that they are fluent. If the Government's aim is to increase participation through increased English language ability then, rather than introducing a formal English language test for citizenship, it would be more appropriate to provide greater opportunities to learn English in a supported way to overcome these barriers.

While English language ability may broaden opportunities, it does not by itself guarantee inclusion. Some responsibility for this lies with the host community, by being welcoming and willing to give people a 'fair go', not just with the newcomer to be willing to participate. People are more likely to participate if they feel wanted, valued and included. Establishing a formal Citizenship test may be perceived by some as a barrier to such inclusivity.

Participation is also more likely to be increased with greater work and educational opportunities. This could include, for example, further assistance with recognition of skills

and qualifications gained overseas and increased practical assistance with overcoming barriers to gaining work (such as the existing DEWR-funded Personal Support Program).

Citizenship test and values

In the experience of FASSTT member agencies, it is precisely the values listed in DIAC's discussion paper on Citizenship that attract our clients to become Australian citizens. For many, it was the absence of these values that led them to becoming refugees – their freedom and dignity were not respected, there was no commitment to the rule of law, democracy was absent or not functioning, men and women were not equal, they were not given a 'fair go', and mutual respect and compassion were stretched to or beyond breaking point in overcrowded, under-resourced refugee camps. As a result, many of our clients have an acute understanding of the benefits of these values and a true understanding of the need for all members of a community to be committed to upholding them.

While FASSTT endorses the need for a demonstrated commitment to these values, we do not believe that passing a formal test necessarily shows such loyalty. Those capable of learning by rote will be able to pass such a test, whether or not they are truly committed to upholding the values described.

We also note that the values listed in the discussion paper are not uniquely Australian, but could be described as broadly liberal democratic values. As such, there should not be an expectation that potential citizens do not already hold these values. They may be expressed differently due to cultural differences, but the core values may remain the same.

Exemptions from testing

As stated above, FASSTT does not support the introduction of a formal citizenship test. However if such a test is introduced, it is essential that certain groups be exempted from the test.

We note the Government has indicated that they intend to introduce exemptions to Citizenship testing for those applicants aged under 18 or over 60 and those with a permanent physical or mental incapacity which prevents them from understanding the nature of the application. FASSTT suggests that this should be expanded and exemptions should apply to refugee and humanitarian entrants, those over the age of 50, children under 18, those with intellectual disabilities, and long-term residents.

Many refugee and humanitarian entrants (particularly those who have arrived in the last five years) have limited education and/or interrupted schooling. Many do not have literacy in their first language. For many the impact of torture and/or trauma means that they experience learning difficulties. As such, they would be significantly disadvantaged in a formal test. The suggestion in DIAC's discussion paper that the test will be conducted on computer introduces a further disadvantage as not all potential citizens are computer literate. If a test is to be introduced we welcome the Government's indication that such people would have alternatives to a computer-based test.