

**Friends of the NSW Service for the
Treatment and Rehabilitation of Torture
and Trauma Survivors (FOS)**

**Submission to the Australian Citizenship
Test Review**

May 2008



Background to Friends of STARTTS (FOS)

Friends of STARTTS (FOS) is a charity and volunteer organisation that supports the work of STARTTS. Its members are passionate about refugee issues.

Since its beginnings in 1992 FOS has been:

- Raising awareness about STARTTS and refugees in Australia
- Raising funds for work with torture and trauma survivors
- Increasing the broader community's understanding of torture and trauma issues, and
- Supporting STARTTS' services with volunteer workers.

FOS' work is generously supported by its patrons, Justice Michael Kirby, Katherine Greiner and Helena Carr. Further information about FOS can be found on its website, <http://www.friendsofstartts.org/>.

Background to the Service for the Treatment & Rehabilitation of Torture & Trauma Survivors (STARTTS)

The NSW Service for the Treatment and Rehabilitation of Torture & Trauma Survivors (STARTTS) is a state-wide NSW Health service, established in 1988, that responds to the needs of torture and trauma survivors who have migrated to Australia, most under the Australian Government's Refugee & Humanitarian Program. STARTTS seeks to address the impact of torture and trauma on the individual, family and community through health assessment and referral, information provision, counselling, psychotherapy and other clinical interventions, community development, advocacy and training of other service providers. Funding is provided primarily by the NSW Department of Health, the Federal Department of Health & Ageing and the Department of Immigration & Citizenship, the latter for assessment and short to medium term counselling intervention under the Integrated Humanitarian Settlement Strategy (IHSS). Under the latter, the agency provides assessment and intervention services to newly arrived people arriving under the Australian Refugee and Humanitarian Program. STARTTS also provides mental health care to people released from immigration detention on health grounds. More information on STARTTS can be found at <http://www.startts.org.au/>.

Introduction to Citizenship Test Submission

We understand that the Terms of Reference of the Review of the Citizenship Test are to consider "all aspects of the content and operation of the citizenship test, the experiences of applicants, the impact on citizenship applications and any other related issues".

Our submission encompasses all aspects of the Terms of Reference stated above, including content and operation on the Test, impact on citizenship applications by refugee and humanitarian entrants, but particularly the experiences of clients of the Service for the Treatment & Rehabilitation of Torture & Trauma Survivors (STARTTS) in undertaking and preparing for the Test.

The current views of Friends of STARTTS (FOS) on the Test are to some degree reflected in the 2006 FOS Submission on the Test Discussion Paper, and the 2007 Forum of Australian Services for Survivors of Torture and Trauma (FASSTT) submission to the Senate Standing Committee on Legal and Constitutional Affairs inquiry into the *Australian Citizenship Amendment (Citizenship Testing) Bill*.

To reiterate, we are primarily concerned about the negative impact of the Test on refugee and humanitarian entrants to Australia, of which we now have documented evidence, as the Test has been in operation for 6 months. We would like to highlight the following key points, drawn from our previous comments, a review of the booklet *Becoming an Australian Citizen*, Citizenship Test arrangements and information on the experiences of STARTTS' clients and refugee communities with the Test.

Previous Citizenship arrangements working well for humanitarian entrants

A Citizenship Test is unnecessary, and indeed counter-productive, in achieving the goals the government has espoused, such as promoting social cohesion and promoting the integration and settlement of humanitarian entrants. As it is disadvantageous to refugee and humanitarian entrants, including clients of our agency, we believe that the Test should be abolished. However we understand that this may be outside the scope of this Review.

It is our view that Australia should be encouraging people to become citizens by way of a positive process that people are attracted to participate in, rather than through a prohibitive practice such as a Test. Arrangements for conferring citizenship prior to the Test's introduction were working well, as evidenced by the higher rate of citizenship applications at this time (Jan- March 2008, 16,024 migrants applied for Citizenship compared with 38,850 in the same period 2007, *FECCA Media Release 29/04/08*). Similarly, while Auburn Council undertook around 2,500 citizenship conferrals annually prior to the Test's introduction, we understand that these have now dropped off significantly.

We understand that prior to the introduction of the Test the Adult Migrant English Program (AMEP) offered a 30 hr course called '*Let's Participate: A Course in Australian Citizenship*', which covered areas such as rights and responsibilities of citizens, law and democracy in Australia, Australian government and life in Australia. This course was initiated in 2001 and DIAC's own Annual Reports over a number of years indicate that it was very successful. Not only did this course assist people to prepare for the Citizenship interview, if they had completed 300 hours of English language provision and the additional 30 hours, they received a statement of attainment and were not required to have their English language ability tested further when they attended the interview. We are unclear on this point, but we believe that interview attendance may have also been waived in some cases. The 'Let's participate' course was very popular with clients of the AMEP program, with an estimated 96-97% take-up rate, according to ACL. This high take up reflects the importance that humanitarian entrants place on obtaining Australian citizenship, partly because of the sense of belonging and security it offers.

With the introduction of the new arrangements for obtaining citizenship, ACL were instructed by DIAC to cease offering this course. ACL have since transferred some parts of this course into a 'Civics Course', which is in equally high demand, but it can not be undertaken in lieu of the Test. We believe that the previous arrangement of undertaking 300 hrs AMEP and a course designed to prepare people for citizenship, rather than examining English language ability in an interview or test, was an effective arrangement that should be reinstated. This arrangement allowed for more genuine and meaningful learning, than the rote learning exercise of memorising names and dates in the *Becoming an Australian Citizen* booklet in preparation for the current Test. We are also of the view that a citizenship course should be available that is separate from any AMEP, to cater to people who already have adequate English language skills.

There will however be some STARTTS' clients who, due to severe and chronic Post Traumatic Stress Disorder (PTSD), will not be capable of undertaking any type of course to obtain citizenship, and we believe that a complete exemption from any type of course requirement should be available for this group (see Case Studies 5, 6 & 7 in Appendix A). There will also be other people who, for other genuine reasons, such as the need to work or take care of children, will not be able to attend English language courses or citizenship courses, and for whom alternative routes to citizenship may be necessary. The revised citizenship system should have enough flexibility to respond to the varying circumstances of migrants, and provide adequate options to ensure that people are not excluded from access to citizenship.

In our view it is also important that a course covering similar ground to 'Let's Participate' be instituted as a mandatory part of the high school curriculum in all Australian states and territories. This would not only add legitimacy to any citizenship course, but would also ensure that all Australian citizens irrespective of where they were born, have an understanding of the rights and obligations of citizens.

Key recommendations:

- **The Citizenship Test should be abolished in favour of a return to the system that was in place prior to its introduction. However if the Test is to remain, refugee and humanitarian entrants should be made exempt from the Test, particularly those with clinical symptoms arising from torture and trauma.**
- **Sufficient flexibility should be introduced into the citizenship system, including introducing a range of options for people in the latter categories to become citizens in lieu of a Test. These should include the previous arrangement of completing 300 English hours and a citizenship course such as 'Let's participate' as was previously offered by AMEP. However clients with clinical symptoms arising from torture and trauma should be able to obtain Citizenship by conferral.**
- **Serious consideration should also be given to introducing a citizenship course separate to any English language course, as we are aware of people without English language barriers who would benefit from a course of this nature.**

Importance of citizenship & value placed on it by refugees

Australian Citizenship confers a range of benefits such as the right to vote, the right to be elected to an Australian political office, the right to work in the public service, the right to travel on an Australian passport, re-enter Australia without a return visa, seek Australian consular assistance and the right to register overseas born children. Citizens then, possess full civil and political rights, which are not shared by others. As a signatory to the *Convention Relating to the Status of Refugees* and the *International Covenant on Civil & Political Rights*, Australia should be seeking to afford refugees the full protections and rights that citizenship provides, and should not introduce significant barriers to this such as a Citizenship Test.

Refugees typically highly value Australian citizenship and prior to the test's introduction had a relatively high uptake. Due to the trauma and insecurity of the refugee experience, where long periods may be spent in refugee camps, and the abuse of human rights by undemocratic regimes that caused people to become refugees in the first place, Australian citizenship is very attractive to refugees and obtaining it is often an important part of their settlement and healing process. Furthermore, their personal experiences in undemocratic regimes means that they tend to place a very high value on the democratic processes that characterise Australian civic society, and are very keen to contribute fully to Australian society by becoming citizens.

As one of STARTTS' clients has stated: *"I was very keen and happy to become an Australian citizen, because Australia is a peaceful country, where there is a right to peace, compassion and freedom,[and] everyone is equal...I didn't have the opportunity to vote and choose my leaders in my country of origin, but I and my family were very pleased to vote and choose our leaders in the recent Federal election. This was very important to me. Australians are part of our life and we call Australia home. I hope my family, including our next generation, can contribute to Australian society in the future"* (member of Sydney Hazara community, an ethnic minority group from Afghanistan).

Despite the high value they place on citizenship, DIAC's own test results reveal that refugee and humanitarian entrants are disproportionately failing the Test compared to other categories of migrants. Only 82% of humanitarian entrants pass the test on the first or subsequent attempt, compared to 99% of skill stream migrants for example, which means that they sit the test 1.7 times while the overall average is 1.2. The pass rate is alarmingly low for clients from some refugee countries such as Sudan at 77.2%, (115 out of the 503 Sudanese migrants sitting the test failed ¹). Discussion with members of the Karen community indicates that some members of this community have failed the test 3 times and subsequently given up their efforts to become citizens. It is very important that follow up occur with people who repeatedly fail the test to determine what can be done to assist them to successfully obtain citizenship. As far as we are aware this is not currently occurring.

¹ DIAC, *Citizenship Test Results Snapshot report*
<http://www.citizenship.gov.au/pdf/citztest-snapshot-report-2008-april.pdf>

We would also like to point out that we are aware of a number of STARTTS clients and members of refugee communities who are not applying to become citizens because of the test. Reasons include that their English language ability is not adequate and there are barriers to learning English, and/ or they have significant clinical symptoms arising from torture and trauma. We believe that there are likely to be a large number of people who are not applying for citizenship because of the test, and suggest that, as part of this Review, DIAC be requested to provide figures on this group by migration category.

Key recommendations

- **There is a need for an improved focus on assisting refugee and humanitarian entrants to obtain citizenship. For example follow up needs to occur with people who repeatedly fail the citizenship test (i.e. 3 failures or more) to determine what can be done to assist them to become citizens.**

Clients with clinical symptoms

While our preferred option is that the test be abolished, if a decision is made not to do so we would propose a range of changes to make current arrangements fairer to refugee and humanitarian entrants, who DIAC's own statistics reveal have a significantly higher failure rate than other categories of migrants. These changes partly involve extending existing exemptions to the requirement to sit the test to refugee and humanitarian entrants, as has been previously argued by FOS, FASSTT, the Refugee Council of Australia (RCOA) and the Federation of Ethnic Communities Council of Australia (FECCA). Exemptions already exist for the under 18s and over 60s, and those with a permanent physical or mental incapacity which prevents them from understanding the nature of an application for citizenship. STARTTS believes that an exemption should also be available for refugee & humanitarian entrants, in recognition of the significant trauma and disadvantage they have experienced.

Because of the lack of a more appropriate exemption criteria, a number of STARTTS' clients have applied for a test exemption on the basis of permanent physical or mental incapacity as stated above. We consider this exemption criteria to be poorly worded and unclear and in urgent need of revision. We understand from discussions with DIAC that following the introduction of the test last year, they now have a significant caseload of applications under this criteria. However it is doubtful whether the current exemption criteria contemplate the effect of severe and chronic post-traumatic stress disorder (PTSD) symptoms, including strong anxiety and associated learning difficulties, (see case studies 5, 6 and 7 in Appendix A). We believe that there is an urgent need for an exemption criteria that provides for a clear exemption for people with clinical symptoms arising from torture and trauma which mean that they are unable to fulfil the test requirements. These applicants should not have to meet the additional criteria that they do not understand the nature of their application. A report by a qualified health practitioner regarding their PTSD symptoms should be sufficient in these cases.

In addition assessment of applications for an exemption under the ‘permanent physical and mental incapacity’ criteria does not appear to be occurring in a timely and effective fashion. Two STARTTS clients who applied for an exemption under this criteria were interviewed in January of this year and at the time of writing are still waiting for a resolution of their cases by DIAC. We understand that in both instances it has taken a number of months for their cases to be allocated to an officer for processing, although the client has not been informed of the reason for the delay. In order for the client and their advocates to ascertain if going through this application process is worthwhile, DIAC should provide written guidance as to how they go about making decisions in these cases and the type of supporting evidence that is required from the client.

Cases such as the latter demonstrate that a test exemption is particularly needed for those whose torture and trauma experiences have led to clinical symptoms such as anxiety, panic attacks, poor memory and concentration, sleep problems and those who face significant physical health problems including chronic pain² (Golier et al: 2000; Behrendt & Moritz: 2005; Wenzel: 2007; Ehntholt & Yule: 2006). These health problems mean that these individuals face very great barriers in reaching the English level required and in preparing for and passing the test. Clinical symptoms associated with torture and trauma such as those listed above are significant barriers to any form of learning, especially English language acquisition (Stone: 1995; Freire: 1990). STARTTS’ clients also often lack the computer skills to enable them to sit the computer based tests, and due to their clinical symptoms, face barriers to acquiring these skills. STARTTS has documented cases of clients failing the test, or facing significant stress over having to undertake it, which has exacerbated clinical symptoms. We are aware that this has affected clients from the Sudan, from Iraq and members of the Karen community from Burma, all groups of more recently arrived refugees.

Key recommendations

- **The current exemption criteria for persons with ‘a permanent physical or mental incapacity etc’ is unclear and should be revised to clearly enable people with mental health problems arising from torture and trauma to receive a test exemption on these grounds. There should not be a further requirement that people with mental health problems of this nature must also not understand the nature of their application, as is presently the case.**
- **The reason for the current delay in the assessment of applications for an exemption on these grounds should be investigated and addressed, with the outcome that assessment occurs in a timely fashion.**

² PTSD symptoms including poor concentration identified in the American Psychiatric Association’s *Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition: 2000: 463-467. Symptoms such as poor concentration and memory also identified in World Health Organisation’s *Management of Mental Disorders*, 2004).

English language barriers and education differentials

A further objection that we have to the test is the fact that it is to some extent a test of English language ability. While we believe that English language ability is important to successful settlement, it is our strong view that it is possible to contribute and participate as a citizen without being fully proficient in English.

DIAC indicates in the booklet *Becoming an Australian Citizen* that the Test is designed to assess whether applicants have a basic knowledge of the English language. Although we are not language experts, it is our view that a higher than basic level of English is required to understand the booklet and by extension the test. A cursory analysis of the booklet indicates that it uses quite advanced English repeatedly, for example, words such as ‘equitable’ (pg6), ‘secular’ (pg 7), egalitarian (pg 9), and ‘biodiversity (pg 13) would probably not be familiar to many native English speakers with lower literacy levels. We believe that the high level of English required to understand the Booklet discriminates against migrants from non-English speaking countries, and is disadvantageous to refugee and humanitarian entrants, who have not freely chosen to migrate to an English speaking country, may not speak English, and face a range of well-documented barriers in acquiring functional English. For example more than 85% of humanitarian target group arrivals to NSW over the last 5 years were assessed as having either nil or poor English proficiency³.

We believe that the suitability of the booklet content for those with lower levels of English, including refugee and humanitarian entrants, should be assessed by expert agencies such as agencies that offer the AMEP and revised accordingly. In addition we believe the booklet should have been piloted with people at various language levels to determine its suitability, and if this has not occurred, the current Review would provide the opportunity to recommend this. To make the test somewhat more accessible, we recommend that the booklet and test be simplified so that it is at a level of English suitable for new English speakers. We are also concerned that the test requires a higher level of English language ability than was required to obtain citizenship prior to its introduction, as applicants must now be able to read English, rather than simply being able to understand and speak it at a basic level as was the case when English was tested by means of an interview. We do not believe that any test of basic English language ability necessary for Citizenship should include a test of English literacy.

In considering the type of requirements that should be expected of humanitarian entrants to obtain Citizenship, it is important for the Review Committee to be fully cognizant of the disadvantages refugees face, including educational disadvantage. Refugees, particularly those coming from protracted conflict situations, may have experienced significant educational disadvantage before arriving in Australia, such as disrupted or inadequate schooling, and may include people who are illiterate or pre-literate in their own language, such as many more recent humanitarian arrivals. Clearly those migrants with higher levels of education will find the test easier to manage. Women caring for dependent children are among those facing the greatest

³ DIAC, *NSW Settlement Trends and Needs of New Arrivals*, 2007, http://www.immi.gov.au/living-in-australia/delivering-assistance/government-programs/settlement-planning/_pdf/trends_needs_nsw.pdf

barriers acquiring the English language ability necessary to pass the Test (see Case Study 1, below).

STARTTS' staff report that clients now experience almost insurmountable barriers in becoming citizens due to the introduction of the test and the high level of English it requires. The majority of clients we have so far identified who have issues with the test have both significant English language barriers and clinical symptoms, which have either prevented them from passing the test or has created considerable anxiety about undertaking it. A number of clients have limited English, inadequate to passing the test, yet strongly desire to become citizens, as they value the security and stability it brings, and want to be able to commit to their new country. Clients have indicated that they would also feel more confident to leave Australia to travel to visit family members for whom they have responsibilities with an Australian passport and access to Australian consular assistance. The following case studies illustrate their dilemma:

Case Study 1- Sole parent from Sudan, English language & child care barriers plus clinical symptoms

The client is a single mother of 4 from Sudan. Three children are in Australia with her, the youngest being 10 months old, however her 12 yr old daughter in Sudan has been kidnapped by relatives. She can only attend 1 day of English classes per week: these classes are very difficult for her to access as she is unable to obtain childcare and has a young infant.

She experiences a variety of clinical symptoms resulting from torture and trauma including concentration and memory problems and grief over the loss of her child. She also faces a range of settlement issues. In addition to wanting to become a citizen to become part of the Australian community, she wants to travel to Sudan to bring her daughter home and is not confident to leave Australia without it. Due to her torture and trauma symptoms and limited English she fears that she will not be able to pass the test and go to Sudan to bring her daughter back with her.

Case Study 2 Client from Iraq fails Test- English language and computer barriers plus clinical symptoms

A female client, aged 50, of Mandaean ethnicity from Iraq, has a significant torture and trauma history and clinical symptoms arising from this. Her husband was executed by the Iraqi regime in the late 70's for his political activities. After this she was harassed by Iraqi intelligence and struggled to support herself and her son who was less than a year old when his father was killed. As a person belonging to the Mandaean religion she suffered persecution by the general population in Iraq. Due to these experiences she was accepted by Australia as a refugee.

She sat the Citizenship Test but was failed by the assessor. She does not speak English well and is illiterate in her own language. She has decided not to attempt the Test again because she is afraid that she will be humiliated by failing the test once more. She is certain she will fail, because she has no knowledge of computers to undertake the tutorials associated with the Test and does not understand and can't memorise the *Becoming an Australian Citizen* booklet. In addition she has a range of clinical symptoms arising from torture and trauma that make learning difficult, including strong difficulties concentrating and memory problem due to intrusive thoughts about the past, nightmares and insomnia.

We appreciate that a DIAC officer is available to read the questions and possible answers to Test questions to those with low levels of English, but submit that this arrangement will not be sufficient to enable many people with low levels of English to pass the Test. We disagree with the attachment of restrictions to this assistance (400 hours AMEP & assessment by AMEP provider as not having the skills to pass the Test unassisted). As we have already discussed, attending English language classes is extremely difficult for some people.

In addition STARTTS' staff have reported that some clients experience difficulty in understanding some of the concepts in the booklet, which acts as the basis for questions in the test. In order to address this we believe that in addition to courses such as 'Let's Participate', one to one assistance from people able to explain concepts and answer questions about the test may be required in some cases. It is suggested that DIAC come to an arrangement with other agencies, such as agencies funded under the SGP, to provide this support.

We are aware that a new Citizenship Grants Support Program is to commence on 1 August this year and that this may involve identification and provision of assistance to high need applicants. We understand that the Program will have the capacity to provide interpreting services where applicants' English language ability is poor, but it is unclear whether this will include assistance in actually sitting the Test. We believe that such assistance is required, and that it is important that funded assistance be provided to assist high need groups such as the pre-literate to address the current disadvantages they experience in obtaining citizenship.

We have also identified that the range of languages into which the *Becoming an Australian Citizen* booklet has been translated do not include all current major refugee languages. For example Karen and Burmese are absent, as are Kirundi and Swahili (refugees from Burundi). We would also recommend that audio resources are developed for refugees who may not have, or are just developing written languages, for example Dinka and Sudanese Arabic. Resources in the form of CDs would also be suitable for those who may be pre-literate or illiterate in their own language.

Key recommendations

- **The Booklet *Becoming an Australian Citizen* should be revised to ensure that it is written in basic English suitable for new English speakers, as assessed by language experts such as AMEP providers. The booklet should be piloted with this target group following revision.**
- **Any examination of English language ability for the purposes of citizenship should test basic verbal communication only and should not involve a literacy test.**
- **Those with a low level of English ability should not be required to have attended English language classes to qualify for assistance from DIAC when they sit the Test.**
- **Targeted assistance in preparing for the Test should be made available to migrants, particularly recent humanitarian arrivals, who may be pre-literate, or illiterate in their own language.**
- **The *Becoming an Australian Citizen Booklet* should be translated into key refugee languages, including those of more recently arrived groups, and audio resources developed.**

Alternatives to computer based tests

Alternatives are needed for people not familiar with computers, such as the paper based tests DIAC has indicated it is able to offer in cases of IT technical problems. DIAC should also consider providing technology utilising touch screens and audio dubbing of questions, (STARTTS is utilising this technology to facilitate the process of psychological testing with its piloting of MultiCasi). Although the Booklet indicates that assistance is available to people with low levels of computer skills, it does not indicate what form this will take.

We understand that the Citizenship Grants Support Program will include funding to assist applicants to acquire basic computer skills through coaching if their skills are insufficient to sit the Test. We support this initiative, but believe that alternatives are still needed as computer skills acquisition can be a lengthy process and are concerned that our clients' torture and trauma experiences can represent a significant barrier to them acquiring these skills.

Key recommendation

- **Alternatives to a computer based test need to be introduced for people who lack basic computer skills and face barriers to acquiring them.**

General comments on booklet ‘Becoming an Australian Citizen’

In our view the existing 46 page Booklet, jammed with names, dates and statistics is likely to be extremely daunting to refugees wishing to become citizens. In addition we feel that some of the content is not important or needful information for migrants and that it is vital that DIAC should identify what is really essential information to becoming a ‘good citizen’ and settling in Australia, and concentrate on this. For example we feel that there is too much detail on matters such as the Australian coat of arms and the flags of the various Australian states, and that reference to the Australian flag and the Aboriginal and Torres Strait Islander flags would be adequate. Not only is the level of English too high, it is not reasonable to expect Test applicants to memorise an entire booklet with this level of detail. It is suggested that some guidance be provided as to the sections of the booklet from which test questions are likely to be drawn to make the task of preparing for the test less daunting. In addition, we suggest that the actual questions that may be asked be made available to applicants to assist their preparation.

We also feel that the booklet provides a less than contemporary and somewhat stereotypical view of Australian identity, history and culture, reflecting a view of Australian history and culture more associated with the previous Federal Government. For example we feel that it places an overemphasis on Australia’s early years of settlement, military contributions in the world wars, and on sport, under-emphasises our achievements in the arts and culture and fails to provide a sense of what it means to be Australian in the 21st Century. We also feel that it does not identify enough prominent Australian women and Australians from diverse cultural backgrounds. In addition, there are some omissions, for example we feel the booklet should include reference to Australia’s policy of multiculturalism (this was part of the Let’s Participate course), and that reference to the stolen generation of Aboriginal people should be updated with mention of Prime Minister Kevin Rudd’s historic apology.

We also believe that DIAC should consider introducing a glossary of terms into the Booklet, providing explanations for unfamiliar terms not explained in the text, like ‘judiciary’.

Key recommendations

- **The booklet ‘Becoming an Australian citizen’ currently contains too much information. It should be simplified by determining the information that is genuinely important for new citizens to know, and providing this. Some guidance needs to be given as to the information in the Booklet that is testable, including giving consideration to publishing a list of test questions.**
- **Booklet content should also be revised to provide a more contemporary and less stereotypical view of what it means to be Australian, including more prominence to the achievements of Australians from culturally diverse backgrounds.**

Other Issues- Residence requirements, cost of citizenship application & character test

- We understand that when the test was introduced, residence requirements in order to be eligible to apply for citizenship were extended from 2 to 4 years, and potentially to 5 years for TPV and THV holders. This is impacting negatively on refugee communities, who now have to wait longer for the rights and sense of security that citizenship offers. In addition refugees do not have the confidence to travel to visit family members without citizenship, which is placing considerable strain on families and individuals where family members overseas are unwell or unsafe.
- Once a person passes the Test and makes an application for citizenship there is a \$240 fee (\$40 concession available) to obtain citizenship (general eligibility). This fee was increased at the time the test was introduced. We believe this level of concession is inadequate for many of our clients, and that the fee should be waived for refugee and humanitarian entrants in recognition of the socio-economic disadvantage that they face.
- We also understand that in order to be eligible for Citizenship, applicants must satisfy a character test, which includes consideration of factors such as criminal convictions in Australia and the person's country of origin. We believe that it is important that the character test is not applied in an overly harsh way and that refugees who may have been unjustly convicted of offences by undemocratic regimes, or whose offences may be minor misdemeanours (i.e. minor traffic violations), should not be denied citizenship on this basis.

Key recommendations

- **The minimum residence requirement to obtain citizenship should be returned to 2 years, rather than the new 4 year requirement.**
- **A larger concession or fee waiver should be introduced for migrants who are socio-economically disadvantaged and face financial barriers to obtaining citizenship, particularly refugee and humanitarian entrants.**
- **Any application of a character test as a criteria for citizenship should occur in a reasonable way, as discussed above.**

Appendices

Appendix 1 Further STARTTS' Case Studies on experiences of clients and refugee communities with Citizenship Test

Karen community in Sydney

Consultation with a Karen community leader about the Test has revealed that this community experiences the range of difficulties identified in this submission with regard to the Test. The vast majority of the Karen community in Australia are refugees from Burma, many having spent long years in refugee camps on the Thai/Burma border under harsh conditions. The community leader we spoke to knew of 2 cases of community members failing the Test after having attempted it 3 times. These individuals did not have advanced English but had English he described as basic.

Both are refugees who arrived in Australia several years ago and are in their middle years. One of these people passed the Test on the fourth attempt, however the other became discouraged after the third failure and has given up. One of the questions he was unable to answer was the question asking about the name of a famous Australian rugby player, (surely vital information for any new citizen!). These two people want to become citizens so that they can enjoy the same rights as other Australians. In addition they are less confident to leave Australia without an Australian passport, as they have experienced persecution in Burma and want access to the protections that Australian citizens who travel overseas are afforded.

Another member of the community has not attempted the Test although she is keen to become an Australian citizen. She is a 36 year old sole parent who came to Australia as a refugee. She speaks very limited English and is illiterate in the Karen language, making it doubly hard for her to learn a new language. Her responsibilities for her children make it very difficult for her to attend English language classes.

Case study 3: Client experiencing difficulty preparing for Test and anxiety about failing

The client is a 31 year old Assyrian woman from Iraq, who came to Australia as a refugee. She had obtained a high level of education in Iraq (undertaking a Masters degree), and has a good level of English language ability. She is extremely keen to become an Australian citizen. However she is having difficulty understanding concepts in the booklet, and wants to attend the Civics course offered by AMEP as part of its English language course (even though her English is functional). Because she has a young child she is unable to attend this course, which in any case is not ideal to her needs. She is having difficulty understanding components of the *Becoming an Australian Citizen* booklet in order to prepare for the Test particularly the section on the Australian system of government and why Australia has more than one flag. She would benefit from a course designed to explain the Booklet content and concepts of citizenship in general without any English language course completion requirements, delivered in distance mode. She is extremely worried about failing the Test and the STARTTS staff member who is working with her believes this would have a very negative impact on her.

Case Study 4- Client with clinical symptoms & language barriers unfit to sit Test

The STARTTS' client is an Arabic speaker from Iraq in his mid-50s. He came to Australia as an asylum seeker after being imprisoned under Saddam Hussein's regime. He was placed in an Immigration Detention Centre for a number of months after arriving in Australia, was later granted a TPV and was subsequently offered permanent protection. He has limited spoken and no written English. His family remains in Iraq in a war zone, which is causing him great stress. He has clinical symptoms such as nightmares, insomnia, flashbacks and poor concentration. He has a strong desire to become an Australian citizen, but his language barrier and clinical symptoms make him unfit to do the Test. One of STARTTS counsellors has written a letter to DIAC at the client's request, asking that he be exempted from sitting the Test for these reasons, but has not as yet received a response.

This counsellor reports that she has had other clients who have been devastated that they have not been able to become citizens, when their adult children have been able to do so

Case study 5- Family case of husband and wife who have applied for citizenship by conferral on the basis of permanent mental incapacity

The STARTTS' clients are a husband and wife, both in their 50s, who are from Iraq and belong to the Sabaeen Mandaean religion. Their religious beliefs have led to their persecution in Iraq. They arrived in Australia in 2006 on a refugee visa.

The couple wish to become Australian citizens, and have been working on strategies to learn the information necessary to sit and pass the citizenship test, which they would like to do in 1-2 months. At the same time, they have been having difficulties understanding the process and remembering learnt information due to their psychological and emotional disturbances. They have developed them as a result of many traumatic experiences they had in Iraq and in Jordan where they lived after escaping Iraq. They have not recovered from their longstanding trauma resulting from religious persecution in Iraq that they lived with for most of their lives. They are also extremely anxious about the welfare of family members living in harsh conditions in Jordan and Syria.

Their cognitive abilities, including learning new skills and memory, are significantly reduced due to disturbed physical, psychological and emotional health, age, poor English and lack of computer skills and unfamiliarity with Australian society. The wife completed only 4 years of school in Iraq and did not use her reading and writing skills often. Currently, her general health and well-being are under medical investigation leaving less energy for dealing with the test.

The husband has been putting a lot of effort into learning English and adjusting to his new life. Unfortunately, his feelings of constant insecurity, high level of irritability and intrusive memories from his previous trauma have reduced his self-esteem and ability to master new skills. His symptoms of avoidance of people and new situations make him vulnerable to developing an anxiety /panic attack whenever he is exposed

to those circumstances. Experiences of humiliation and persecution in their country of origin make them sensitive to rejection and fearful of failure and of not being accepted and recognized as human beings with their own right to belong somewhere. As a consequence the citizenship test raises very tense feelings for them and the possibility of failing is just too much for them to handle.

Due to these issues they contacted DIAC to ask if it was possible to obtain Australian citizenship without sitting the Test. They attended an interview with DIAC in mid-May 08 and have submitted medical reports to support their case. They are very worried about the result of the interview as they have undergone many interviews where people did not believe them.

Case study 6- Applied for Citizenship by conferral on basis of permanent mental incapacity- delayed response

The STARTTS client is an Iraqi male, aged 42/3 of Kurdish ethnicity. He was a political activist and journalist in Iraq under Saddam Hussein. He witnessed and documented a chemical massacre by the Iraqi regime in 1988. He was imprisoned and tortured in Iraq and his brother was killed. He escaped from Iraq and came to Australia as an asylum seeker. He was granted a TPV and later permanent protection.

He has severe and chronic Post Traumatic Stress Disorder (PTSD), including dissociation and panic attacks, triggered by small amounts of stress. He also has PTSD symptoms such as impaired memory and concentration. Recently he has begun to have epileptic seizures. He also has very limited English language ability.

He applied for citizenship by conferral on the basis of permanent mental incapacity, and was interviewed by DIAC in this regard in mid-January 2008. He supplied medical reports from a psychiatrist and counsellor in support of his case. At that time the client was told that his request would take 3 months to process. At the time of writing it has taken 4 months, with the client being advised processing could be up to 6 months.

The client received notification by letter on 22 May that his request was still under consideration, however he has been requested to supply further evidence in the form of medical reports proving permanent mental incapacity to understand the nature of his application. The report must come from a fellow of the Royal Australian and New Zealand College of Psychiatrists. This is despite the fact that he provided a medical report from a psychiatrist who is a member of the FRANZCP about his clinical symptoms as part of his application. The client was extremely distressed and angry at this request.

Due to the delay in processing his request the client's citizenship status remains unresolved, with adverse impacts on his mental health and settlement outcomes.

Case study 7- applied for citizenship by conferral due to mental incapacity- delayed response

The STARTTS' client is an Iraqi male of Kurdish ethnicity, aged in his mid-40s. He was imprisoned under Saddam Hussein, severely tortured and witnessed torture. He came to Australia as an asylum seeker, arriving in 2000, and was detained in an Immigration Detention Centre for 7 months. He was then granted a TPV, and obtained a permanent protection visa in 2005.

Due to his torture and trauma experiences he has severe and chronic Post-Traumatic Stress Disorder (PTSD), including great difficulty controlling anger. He also has memory, concentration and learning difficulties. He speaks very little English and has attempted to learn English since coming to Australia, however has been unable to do so because of his PTSD symptoms. He also has serious physical health problems including diabetes and a renal condition that has required surgery.

His anger difficulties are closely linked to the situation of his family of 10, who are internally displaced due to the civil strife in Iraq and have moved to Kurdistan, where they are currently homeless and without work. He is very concerned about his family's well-being, however does not feel confident to travel to visit them without Australian citizenship. He is particularly concerned about one daughter who is very ill, and another who is in a serious domestic violence situation. The client has applied for family reunion, and has now been waiting 2 years for this to occur.

He applied for citizenship by conferral on the basis of permanent mental incapacity in January this year, via an interview with a DIAC officer. He had medical reports from his counsellor and general practitioner to support his case. At the interview he was given a letter and told to contact the Parramatta DIAC office after 2 weeks. He did as instructed however he was told that his case was not yet allocated and that his request could take 3 months to process. His counsellor called in April to follow up and was told that the case was still not allocated. The counsellor asked to speak to a supervisor and asked why the case has not been allocated and was told that the supervisor would look into the matter and get back to him. However there was no further response. The client has since contacted DIAC again and been informed that his case is now allocated but that it could take 6 months to process. There has been no adequate explanation for this delay.

The failure to resolve the client's citizenship status has exacerbated his clinical symptoms and had an adverse impact on his capacity to settle successfully in Australia.

Appendix B- References

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