

**THE DEMOCRATIC AUDIT OF AUSTRALIA
SUBMISSION TO THE CITIZENSHIP TEST REVIEW**

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RECOMMENDATION A: *That the current Citizenship Test be replaced by an oral test to be administered by an officer of the Department of Immigration and Citizenship.*

RECOMMENDATION B: *That the subject matter of the citizenship test be the rights and responsibilities of an Australian citizen.*

RECOMMENDATION C: *That the booklet ‘Becoming an Australian citizen’ be re-drafted to reflect Recommendation B.*

RECOMMENDATION D: *That the waiting period required of a prospective Australian citizen be two years.*

Section 1: Background to the Citizenship Test

1.1 The *Australian Citizenship Amendment (Citizenship Testing) Bill 2007* was passed by the federal parliament on 12 September 2007. The Act provides that applicants for Australian citizenship must successfully complete a test before making an application for citizenship to demonstrate that they meet the requisite criteria of: an understanding of the nature of their application, a basic knowledge of the English language and an adequate knowledge of the responsibilities and privileges of Australian citizenship.

1.2 Test questions are computer-based and consist of 20 multiple-choice questions randomly selected from a pool of 200, including three mandatory questions on the ‘rights and responsibilities’ of Australian citizenship.

General applicants have 45 minutes to complete the test. Questions aim to test applicants' knowledge of English; also of Australian history, geography, culture and government.

1.3 All of the questions in the test are based on information contained in the citizenship test resource book, *Becoming an Australian Citizen*. The pool of questions is not a public document, unlike in the case of the equivalent test in the United Kingdom.

1.4 There is a 60 per cent pass mark on the test, including correctly answering all three mandatory questions on the rights and privileges of citizenship.

1.5 The Act allows exemptions for some people, including those under the age of 18 or over the age of 60, and 'those with a permanent physical or mental incapacity which prevents them from understanding the nature of the application'.

1.6 Provision is also made for assistance to be provided for people who do not have the necessary literacy skills. This means sitting an oral rather than a written test, with immigration officials reading the questions and possible answers and providing assistance with computer technology if required. Assisted applicants have 90 minutes to complete the test.

1.7 Applicants can sit the test as many times as they like until they pass.

Applicants are encouraged to prepare for the test by studying the booklet, *Becoming an Australian Citizen*. They can test their preparedness by taking a sample test on-line, which also includes detailed information on how to use computer technology.

Section 2: Implementation and outcomes of the test

2.1 The Department of Immigration and Citizenship has claimed that the implementation of the *Australian Citizenship Amendment (Citizenship Testing) Act* by means of devising and administering a written test has been relatively successful. According to the Department, 30,197 tests were administered from 1 October 2007 to 31 March 2008 for a total of 25,067 applicants which means an average of 1.2 tests per client. The Department cites a 94.9 per cent success rate amongst applicants, based on either first or successive attempts (an 83.3 per cent success rate is indicated for first attempts).

2.2 We submit that a very relevant issue concerning the test is its impact on overall application rates for citizenship. The announcement of a comprehensive review came in the wake of disturbing information earlier this year, that citizenship applications

had ‘plummeted’ since the introduction of the test, down from 38,850 in March 2007 to 16, 024 migrants this year (*Age*, 29 April 2008). This suggests that the citizenship test has discouraged eligible permanent residents from applying for Australian citizenship.

2.3 Notwithstanding the recent shift towards temporary migration, Australian immigration policy favours long-term and permanent settlement. This fundamental policy objective is undermined if potential applicants are discouraged to apply and citizenship application rates drop considerably.

2.4 A close examination of the official figures concerning the success rate of those who do apply reveals a more complex picture than that painted by the Department of Immigration and Citizenship.

2.5 A wide disparity exists in success rates for skilled migrants, family reunion migrants and humanitarian entrants. Most notably, the percentage of skilled stream clients who have passed the test on their first or subsequent attempt is 99 per cent. This compares with 91 per cent for family stream clients and 82 per cent for humanitarian program clients. An examination of the average number of tests per client shows that while skilled stream applicants average about 1.1 tests each, the figure is 1.2 for family stream and 1.7 for humanitarian stream clients.

2.6 The reasons for the disparities appear to be self-evident, reflecting the greater difficulties experienced by the most vulnerable of new settler groups (ie humanitarian entrants) in relation to the English language requirements, as well as general knowledge of Australian institutions and values.

2.5 This is reinforced by a country-of-birth analysis which shows that people from refugee source and developing countries (for example, Afghanistan, Sri Lanka and the Sudan), have much lower application rates, while residents from English-speaking and skilled stream source countries (for example, United Kingdom, People’s Republic of China and India) are more likely to sit the test. Clearly, this outcome is problematic.

Section 3: Civil rights and testing for citizenship

3.1 Refugees by definition lack protection and rights in their home country. They have in practice no effective citizenship. They quite possibly have no effective passport, or a passport of very limited utility when it comes to international travel -

and they may indeed be stateless. Australian citizenship is a key to on-going security, in both a practical and emotional sense.

3.2 In her book *The Origins of Totalitarianism*, the political philosopher Hannah Arendt argued that statelessness was one of the most vexing problems of our times. She, among others, postulated a right to have rights and a corresponding right to belong. The 1948 Universal Declaration of Human Rights recognises that a state that deprives somebody of his or her citizenship violates his or her human rights (Article 18).

3.3 Following Arendt's argument, one could go one step further. The political theorist Seyla Benhabib put it in the following terms: 'Liberal democracies ... must ... accept naturalization, i.e., admittance to citizenship, as the obverse side of the injunction against denaturalization.' (*The Rights of Others*, p. 135)

3.4 The available evidence shows that humanitarian entrants, particularly those of African origin, are among those least likely to pass the Citizenship Test. The test, and the earlier amendment to the citizenship laws, which extended the waiting period to four years, prevent refugees, who are either stateless or who are denied the protection of their countries of citizenship, from joining an alternative political community.

3.5 In their book *Unravelling Identity: immigrants, identity and citizenship in Australia*, Trevor Batrouney and John Goldlust argue convincingly that refugees are the most eager of any migrants to confirm allegiance to their new home. In the interviews conducted by Batrouney and Goldlust, it was the emotional reasons that most often came to the fore. Refugees were eager for the certainty and sense of belonging that citizenship confers. Equally important was the desire to do make a strong commitment to Australia as an expression of gratitude for the safe haven that had been offered to them.

3.6 Unlike skilled migrants, people who arrive in Australia on humanitarian visas do not have to demonstrate fluency in the English language (though English skills may have aided in their selection). As a key aspect of the citizenship test is language proficiency, it is these humanitarian migrants who are likely to find the citizenship test most difficult. They are also the group for whom the test is likely to generate the most anxiety.

Section 4: What is being tested—*Becoming an Australian Citizen*

4.1 The test is accompanied by a written summary of the body of knowledge that new citizens are expected to internalise. The booklet is a curious mix between advertising and a 1950s grade one school reader. The following may well have been lifted from a tourist brochure: ‘South Australia is known as the “Festival State” with many festivals taking place there every year. The state has 13 wine regions and is a centre of fine food and wine. Adelaide, the capital of South Australia, is probably the best preserved of Australia’s capital cities, with many fine examples of colonial architecture.’ The following passage could be from a book for six-year-olds: ‘Britain tried ... to ensure that convicts were properly punished and did not live too well.’ But hidden behind all the stylistic inadequacies – ‘The volunteers who assisted the smooth running of the Games were another way that Australia demonstrated its character to the world’ – is the attempt to prescribe a particular view of Australian culture and of Australia’s past.

4.2 The history section reduces Australia’s past to one of heroic endeavours. The White Australia policy, which was constitutive of Australia’s development as a nation, barely rates a mention. A very brief reference to anti-Asian immigration restriction legislation in the nineteenth century is accompanied by the following: ‘The colonists, like most people then, believed that there were differences between races and that the Chinese were inferior, but they also did not want a society with deep divisions or where foreign outcasts worked for low wages and lowered the dignity of all labour.’ The section on settler-indigenous relations contains anachronistic and inappropriate references to ‘mixed blood’ and ‘full-blood’ Aborigines – without the use of inverted commas.

4.3 The booklet reveals innocence of the view of almost all practicing historians (of whatever political persuasion) that history is not a catalogue of past facts or occurrences, but the *interpretation* of those past facts and occurrences and that such interpretations are debatable and contestable.

4.4 It authorises *one* version of Australia’s past: an arguably extreme interpretation which leaves no room for alternative interpretations, which marginalises classes of historical actors (such as women and immigrants), and which unnecessarily simplifies historical contexts.

4.5 By avoiding any *critical* engagement with Australia’s history, the booklet promotes jingoism and demonstrates that – contrary to what is stated in the section on values – as a nation Australia is not ‘at ease with the world and with itself’ (p. 7).

4.6 It may appear that the booklet's text is largely inconsequential. Those who have to sit the text will not take on board everything it proclaims—such as why Nobel Prizes were awarded. But given its status as an *official* statement about Australia's culture and history, the booklet does matter.

4.7 This raises the question of whether there could be a test without the booklet. This would only be possible if the test were confined to an examination of linguistic skills and knowledge of a citizen's rights and responsibilities. Any test which tried to incorporate questions about values, history and culture would have to be accompanied by an authoritative account of such values, history and culture and would render the document unsuitable for its stated purpose.

4.8 According to the booklet, knowledge about Australia's heritage, its land and its people is important because it 'helps to foster a cohesive and integrated society with a sense of shared destiny.' It makes a lot of sense for somebody from, say, the Sudan, who has arrived in Australia only recently, to acquaint herself with Australia. But the resource booklet also says – and rightly so: 'Australian citizenship provides for an overriding commitment to Australia. The different experiences we bring, our diverse backgrounds and cultures, can all serve to enrich that shared commitment.'

4.9 Undoubtedly, a Sudanese refugee's commitment to Australia is also informed by her own experiences: of living precariously in Egypt or Kenya, for example. She is likely to be anxious to become a full member of the Australian community because she knows what it is like to be a guest in a country where refugees enjoy few rights and are barely tolerated. But how do her experiences, her background and her culture enrich a *shared* commitment to Australia? If it is a matter of enriching a *shared* commitment, then others need to learn about – and maybe from – her experiences, including those she *brought* to Australia. Integration is about a one-sided adjustment: the newcomers are expected to familiarise themselves with the culture of those already here, and emulate them. But adjustment could and should be a two-way traffic – at least in the sense of listening to one another's histories. We do need to understand where we have come from. But the second 'we' needs to include those who have come to Australia recently.

4.10 The current citizenship test is problematic because it privileges one 'we' over another, more inclusive, 'we'. It does so by privileging certain knowledges and suggests that in a multicultural society, there is no need for those already there to adapt and to be curious about those who have newly arrived.

Section 5: Intergenerational issues

5.1 If parents do not take out citizenship, then their children can end up living in Australia as non-citizens, without realising it. This can have devastating effects as Glenn Nicholls has shown in his history of deportation (*Deported: A History of Forced Departures from Australia*). He documented the case of Stefan Nystrom, convicted of a criminal offence and deported to his 'homeland' of Sweden where he was born but where he'd spent only the first four weeks of his 31 years.

Section 6: The need to raise the civic understanding of all Australians

6.1 When introducing the test, the then parliamentary secretary for immigration Andrew Robb said that Australian citizenship was 'a privilege not a right.' But for those of us who are born in Australia to Australian-citizen parents the opposite is true. No one can take away our citizenship or expel us from the country, regardless of how obnoxious, depraved or criminal we may be. We are privileged to have Australian citizenship as a birthright, even if we remain blissfully ignorant of the responsibilities it imposes upon us or of so-called 'Australian values.'

6.2 The push for a citizenship test diverts attention from the more important issue of raising the civic understanding and democratic engagement of *all* Australians, not just of new arrivals.

Section 7: Democracy and the Citizenship Test

7.1 Democracy is a core Australian value. We, along with NZ, are the oldest continuous representative democracy in the world and we can be rightly proud of the fact.

7.2 One of the most important rights accompanying Australian citizenship is the right to vote. Unlike in some other countries (eg New Zealand) permanent residents do not have access to the federal or state franchise.

7.3 The doubling of the waiting period for citizenship to four years and the imposition

of the hurdle requirement of a test will slow electoral roll growth relative to the growth in the adult population and constitutes a dilution of Australia's high standard of democratic governance.

Section 8: Cramming Schools

8.1 It has been stated that the test should not be seen as a hurdle requirement to citizenship, but as part of a 'journey' to that end. It follows that passing the test should not be an exercise in rote learning of facts that may have little meaning for the applicant and which may be forgotten soon afterwards.

8.2 It is concerning then that we see evidence of 'cramming schools' being established, promising success in citizenship tests for a price.

8.3 The practice is widespread overseas—see www.british-citizenship-test.co.uk/ and www.citizenshiptraining.com/ As yet there is no evidence of an Australian-based cramming school, but a website hosted in the USA and operated out of Vancouver by Denis Kornev (www.cititest.com/australian-citizenship-test) offers a 'Complete Training Kit' for the Australian test for AUD\$20--with a money back guarantee should you fail the test—see Appendix A.

Section 9: Conclusion

9.1 We submit that much of the argument in favour of the current Citizenship Test has been based on rhetoric rather than hard evidence. It has not been at all obvious which societal 'problem' the test was designed to solve. It can hardly be contended that Australia's immigration program has been anything but a resounding success as the then Minister for Immigration and Citizenship attested to in his second reading speech on the *Australian Citizenship Amendment (Citizenship Testing) Bill 2007* in the House of Representatives on 30 May 2007 when he said that 'Australia is a multi-cultural society. Our diversity is part of the rich tapestry of Australia today'. The test has no impact on the composition of the immigration program or the make-up of Australian society, since all potential candidates for the test are by definition already living here as permanent residents.

9.2 But politically, citizenship tests nevertheless hold out this superficial and erroneous promise – that they will act as some kind of population filter to ensure that migrants measure up to certain predetermined Australian qualities and values. The test is not aimed at migrants at all – it is aimed at those of us who are already citizens, those of us who vote. The Minister for Immigration and Citizenship, Senator Chris Evans, alluded to this in the *Weekend Australian* of 17-18 May 2008 where he was quoted as saying: ‘I’ve got to do two things. One is make the [immigration] program more responsive and the other is to build confidence and integrity in the system.’

9.3 The politics of migration is such that a citizenship test could be perceived to help promoting ‘cohesion and integration’ not by helping migrants to become better citizens with by improving their English language skills and their knowledge of ‘Australian values’ but as a symbolic political gesture that helps to ease popular fears about immigration and undercut antagonism towards associated policies like multiculturalism. But the cost of such political symbolism is unacceptably high since, as we have argued above, it is likely to:

- Cause unnecessary anxiety among citizens and those who wish to become citizens particularly the most vulnerable.
- Deter some permanent residents from taking out citizenship.
- Restrict the franchise.
- Divert attention.

9.4 We see no need for the retention of the Citizenship Test in its current form. However, if the federal government decides to retain a test of some kind, then we recommend replacing the current multiple-choice, computer-based test with an oral test conducted by an immigration office or other designated officer. The test should focus only on the applicant’s understanding of the rights and responsibilities of being an Australian citizen. The booklet *Becoming an Australian citizen* should be re-drafted to suit the content of such a test. In the interests of an inclusive franchise in accord with Australia’s strong tradition of democracy, we further recommend that the waiting period for prospective Australian citizens be returned to two years.