



Australian Government

# Australian Citizenship

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Your Right, Your Responsibility

The National Consultation on Citizenship  
Final Report

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## Foreword



Senator the Hon. Concetta Fierravanti-Wells  
Minister for International Development and  
the Pacific



The Hon. Philip Ruddock MP  
Special Envoy for Human Rights

Prime Minister and Minister Dutton,

We thank you for the opportunity to lead the National Consultation on Australian Citizenship. Australian citizenship binds all Australians together in a common bond. Australia's success as a vibrant, diverse country, built on a tradition of settlement and integration of new arrivals over time, is the envy of many countries. Our peaceful and prosperous way of life, and our mutual respect and tolerance for one another are hallmarks of our multicultural nation. Citizenship is an important and integral part of that settlement journey.

Our consultation shows that Australians hold dear their citizenship. This is more than a simplistic attachment to the formal privileges of citizenship. Australians see citizenship in a deeper sense – of having a stake in our future as a prosperous and diverse nation and in the values that underpin this.

Australians are concerned however, that citizenship is undervalued by some in our community. This concern is most acute in the cases of Australians who by their conduct have chosen to break with the values inherent in being an Australian citizen with a commitment to Australia first most and fore most. It is timely to review the citizenship framework, to ensure community understanding of and respect for Australian citizenship and to strengthen the pathways to citizenship so that all Australians know and understand their responsibilities and obligations as citizens.

These consultations and their recommendations are not an endpoint. Instead, they are another input to Government's efforts to maintain and build a cohesive, peaceful and prosperous society. We present this report to you and look forward to further discussions on the recommendations.

**Senator the Hon. Concetta Fierravanti-Wells**

**The Hon. Philip Ruddock MP**

## Executive Summary

This report provides an overview and a number of recommendations to the Prime Minister and the Minister for Immigration and Border Protection regarding Government's understanding and development of Australian citizenship.

Throughout the process of consultations, public forums, expert panels, online and written surveys and direct contact with Members of Parliament contributed to the development of recommendations.

In general, participants were found to value Australian citizenship highly. Many noted the importance of citizenship along with the privileges attached to it. There was however, a feeling that while citizenship is important, it may be misunderstood or in some instances undervalued.

In the consultations a range of areas were discussed with a view to increasing the value and understanding of Australian citizenship. Respondents listed civics education as a key area that should be addressed and updated to ensure that all Australians, including those born in Australia, understand the rights and responsibilities attached to Australian citizenship. A large number suggested the civics education component could be taught in the national curriculum as well as discussed within community and church groups. A majority of respondents also suggested that significant community events such as Australia Day, ANZAC Day and Harmony Day should be used to promote a sense of community; many felt the citizenship pledge could play a key role in achieving a greater sense of understanding and belonging.

Respondents also noted the need for the pathway to citizenship to reflect the modern society we live in. Respondents suggested enhancements the role that information technology plays by providing greater online resources to citizens and to those seeking to become Australian citizens.

In line with the views on the value of citizenship, there was a range of views on the residence requirements. A majority of respondents supported lengthening the residence requirement from its current four year's lawful stay. There were other suggestions for different total residency periods. There were also views expressed on the type of visa that should be held before a person could meet the residency requirement as well as a range of views on what constituted an appropriate duration of permanent residence for citizenship qualification.

A residence requirement in citizenship law is an objective measure of a person's association with Australia. It also serves as a probationary period, so that a person's word and deeds across this time can be considered should the person apply for Australian citizenship. Increasing the value and integrity of citizenship by changing the residence requirement from four years lawful stay to four years permanent residence is appropriate, as is limiting the degree of flexibility that can be applied to meet it. This activity should be augmented by a strong civics education programme.

The credibility and validity of the Citizenship Test was raised during the course of the consultations. There is support for maintaining a test, but most viewed that a limit should be placed on how many times an individual can sit the test before their application is refused. Many suggested that a person should have to resubmit an application for citizenship following a series of failed attempts at the Test. Respondents viewed cheating on the Citizenship Test as very serious and believed that appropriate penalties should be applied for those found to be cheating.

The multi-lingual skills migrants bring to Australia are a great asset, but respondents noted that a lack of English language proficiency undermines a person's ability to engage in and contribute fully to our nation. English is our national language and is the common language of communication in Australia. While many were aware of existing programmes aimed at enhancing a person's English language ability, they suggested that this be improved in terms of access and content. Raising proficiency of English from basic to adequate is important for citizenship.

Overall there remains a strong view in the community that Australian citizenship is a concept worth valuing and certainly worth protecting. While we strongly encourage migrants to become citizens, it is not something that should be earned too easily or given away cheaply. Citizenship means so much and so many things to Australians, but they overwhelmingly agree that while it offers rights to belong in our society, we need also to value the responsibilities that come with it.

## Parameters of the consultation

On 26 May 2015, the then Prime Minister, the Hon. Tony Abbott MP and the Minister for Immigration and Border Protection, the Hon. Peter Dutton MP announced a National Consultation to improve understanding of the privileges and responsibilities of Australian citizenship. The Prime Minister appointed us to lead the consultation.

On that date, the Prime Minister also announced new legislative measures to enable dual nationals who engage in terrorism to lose their Australian citizenship. The Australian Citizenship Amendment (Allegiance to Australia) Bill 2015 (the Allegiance Bill) was referred to the Joint Standing Committee on Intelligence and Security for inquiry. Given the two processes ran concurrently, there was commentary on the Allegiance Bill raised during our consultations. The *Australian Citizenship Amendment (Allegiance to Australia) Act 2015* (the Allegiance Act) was passed by both Houses of Parliament on 3 December 2015 and received Royal Assent on 11 December 2015. It came into effect on 12 December 2015. This amendment enables explicit powers for the cessation of Australian citizenship in specified circumstances where a dual citizen engages in terrorism-related conduct. It applies to a person who is a dual-national regardless of how they became an Australian citizen, including a person who became an Australian citizen upon birth.

The objective of our consultation was to seek views of all Australians' understanding of the privileges and responsibilities of citizenship and the value of citizenship. The consultation paper sought views from the public about measures to promote the value of Australian citizenship, including citizenship measures to deter Australians becoming involved in terrorism.

Public responses to the consultation paper were sought by 30 June 2015 and a range of mechanisms to provide input were adopted:

- completing an online survey on the [Qualtrics website](#);
- emailing their views to a purpose-built email box;
- writing to Citizenship Policy at the Department of Immigration and Border Protection (DIBP);
- writing the Minister for Immigration and Border Protection;
- corresponding with their local federal representative, who passed their views to us; and
- attending a public forum.

These consultations were advertised in major metropolitan and ethnic media, as well as on social media. We wrote to over 1,500 organisations seeking their input. People were invited based on their particular interest, experience or expertise in citizenship to put their views directly to us. Forums were held across the country. The consultation has:

- received 2,544 responses to the on-line survey and more than 400 written submissions from the public and stakeholders in the settlement and multicultural affairs area;
- held three face-to-face consultations in Canberra, Melbourne and Sydney and two videoconferences with key stakeholders involved in citizenship law and policy; and
- held public consultations in New South Wales, Queensland, Victoria, Northern Territory, South Australia, Western Australia and Tasmania.

The report provides an overview of the public consultation responses and our recommendations in two broad themes:

- promoting community understanding of Australian citizenship; and
- strengthening the pathway to citizenship.

It is not necessary to comment on Citizenship in the age of terrorism as this matter has been considered by several Parliamentary Committees and through the passage of the Allegiance Act. We believe the record of the Parliamentary debate addresses the issue.

The consultation, while broad in some areas sought to address key issues such as value and understanding of the rights and responsibilities of Australian citizenship. Accordingly detailed analysis of legislation or guidelines did not form part of this consultation.

## **List of recommendations**

### **Promoting community understanding of and respect for Australian citizenship**

1. The Government should promote an inclusive understanding of Australian citizenship as a ‘common bond’, founded on shared values, rights and responsibilities and encourage expression of these values in everyday life.
2. Information on citizenship should be prominently displayed in Government shopfronts, at the border, in overseas posts and as part of the Australian Electoral Commission’s enrolment processes.
3. The Civics and Citizenship component of the National Curriculum should be updated to include material on allegiance to Australia.
4. Online and other programmes should be developed to provide civics and citizenship education to newly arrived migrants and the wider community, drawing on the Civics and Citizenship curriculum as appropriate. The promotion of civics and citizenship should be a condition of contracts with settlement services providers.
5. The Citizenship Pledge should be updated to include language on allegiance to Australia.
6. Consideration should be given to expanding the usage of the Pledge to the broader community, for example, through school and community events.

### **Strengthening the pathway to citizenship**

7. Citizenship should remain a desirable and obtainable goal for those legal migrants and permanent residents who wish to become fully fledged members of Australian society, committed to its values and its interests. On balance, dual citizenship benefits Australia and should remain an option available to Australians.

8. The Government should continue to strengthen the integrity of the citizenship process, including through elements proposed in the *Australian Citizenship and Other Legislation Amendment Bill 2014*.
9. In recognition of the role permanent residency plays as a qualifying step towards becoming a citizen, the Government should consider measures to strengthen the integrity of the permanent residency programme, including through appropriate civics education and other processes, such as testing.
10. The general residence requirement should be increased to a minimum of four years permanent residence immediately prior to the application for citizenship, during which time applicants may be absent from Australia for no more than 12 months in total. Applicants for citizenship should be physically in Australia to lodge their application and to acquire Australian citizenship at a ceremony.
11. The Citizenship Test should be retained, revised and updated including online and other means if necessary to include questions about allegiance and more questions about the rule of law, values and democratic rights and responsibilities.
12. The integrity of the Citizenship Test should be strengthened through limits on the number of times a person can sit but fail to pass the Test before their application is refused. A person can make a new application for citizenship once s/he has gained a sufficient understanding to enable them to pass the test. Cheating on the Citizenship Test should incur appropriate penalties.
13. The Government should ensure more individuals formally make the Pledge by reducing the exemptions from participation in citizenship ceremonies and by including the Pledge in processes whereby citizenship is gained by descent, adoption or resumption on reaching their maturity.
14. The Government should clarify public understanding that all Australian-born citizens and those who have citizenship by descent are bound by the responsibilities and privileges of citizenship as set out in the Preamble.
15. In view of the strong emphasis the community places on English language, the Government should improve the Adult Migration English Program (AMEP) and ensure new citizens have adequate (not just basic) language ability, taking into account particular circumstances.



## Australia's migration and settlement story

Australia has a proud history of inclusion and respect for cultural, ethnic and religious diversity. Since 1945, we have welcomed 7.5 million migrants, including 825,000 under our humanitarian programme.

Almost half of us were born overseas or have at least one parent born overseas – we are one of the most culturally diverse yet socially cohesive nations on earth. Over the years the Scanlon Foundation here in Australia has mapped social cohesion. Its *2015 Mapping of Social Cohesion* report found that 93 per cent of Australians feel a sense of belonging; 89 per cent expressed pride in the Australian way of life; 86 per cent believe multiculturalism has been good for Australia.

Our social cohesion is based on shared values and a sense of belonging. It is founded on a commitment to the common elements that unite us, combined with the respect and understanding of our cultural and religious differences and freedoms underpinned by our constitutional foundation.

The Citizenship Discussion Paper set out our core Australian values which include: constitutional government; respect for the freedom and dignity of the individual; freedom of speech and religion; commitment to the rule of law and allegiance to Australia; parliamentary democracy; a spirit of egalitarianism that embraces mutual respect, tolerance, fair play, compassion for those in need and pursuit of the public good; and equal rights before the law and equality of opportunity for all.

Post-federation Australia's story is one of migration and settlement. The Australian Government has long welcomed settlers who can contribute economically and socially. This is the foundation on which Australia has become a modern, vibrant multicultural society. At its core is the principle of maintaining Australia as a peaceful and prosperous nation.

Our openness as a society has not diminished the requirement for the rights and responsibilities of citizenship to be understood and embraced by those wishing to take out citizenship of Australia. The overarching intent of Australia's citizenship policy continues to be to welcome, without undue barriers, those people who wish to make the ultimate commitment of becoming Australian citizens.

Acquiring Australian citizenship provides full and formal membership of Australian society, including its political and governmental elements. As citizens, Australians have the right to vote, to seek election to Parliament, to apply to work within government and the defence force, to apply for an Australian passport and re-enter Australia freely, to register children born overseas as Australian citizens by descent, to sponsor family members for migration and to access Medicare, social welfare and Centrelink payments and tertiary education with HECS-HELP assistance. An Australian citizen may also be able to seek consular assistance from an official overseas. Just as significant, however, Australian citizenship is more than a legal status and access to entitlements – Australian citizenship is a unifying symbol in our multicultural society.

Australia recognises that not all migrants start at the same point. Our refugee and humanitarian entrants require particular support during their initial period of settlement. Other cohorts, such as family stream migrants and dependents of skilled migrants, may have low English proficiency that undermines their ability to engage in and contribute fully to our nation as Australians would wish.

For this reason, Australia has a continuing commitment to providing settlement services to those who need assistance, including the Humanitarian Settlement Services programme and the Adult Migrant English Programme. Over the next four years, the Government, through the Department of Social Services, will spend more than \$660 million on multicultural affairs, assisting migrants to settle, social cohesion, countering extremism and assisting young people at risk with the aim of strengthening economic and social participation. The focus of the Government is on the Three Es – English language, education and employment. Australia’s settlement services and brand of multiculturalism is held in high regard world-wide.

Today, Australia has accepted that after more than 40 years of Australian multiculturalism, we nurture and promote social participation, community life and mutual respect and tolerance, to harness its inherent benefit to Australia, within our existing political and legal system. These benefits include:

- investment and stronger links to global markets;
- the injection of fresh ideas;
- innovative entrepreneurship;
- the provision of skilled workers and the rejuvenation of regional areas;
- a robust and diverse civil society; and
- a rich and vibrant culture.

Our collective experience as a settler nation has shown that a person’s ability to contribute to Australia and desire to hold close the values and laws of the Australian community is not related to where that person was born, what religion they follow or the colour of their skin. Citizenship is the ‘glue’ that helps bind our nation together.

From time-to-time, Governments have sought to strengthen the citizenship ‘glue’. The Citizenship Pledge was introduced under the Keating Government in 1993. The Howard Government introduced Citizenship Day (17 September) in 2001 and the Citizenship Test in 2007. As the glue of citizenship is now being tested, most notably by the threat of terrorism at home and abroad, it is timely to consider how we can enhance citizenship and its role in ensuring the future of Australia as a prosperous, diverse and cohesive nation.

## **1. Promoting community understanding of Australian citizenship**

Since the introduction of Australian citizenship, much has been done to increase awareness, understanding and the value of Australian citizenship. Such work must necessarily be a continual effort. As our nation evolves our understanding of citizenship and what it means to be Australian warrants reflection and reaffirmation.

The Government’s citizenship consultation posed a range of questions to seek the public’s views on the perceived value of Australian citizenship, how that value is demonstrated and what more the Government and community can do to ensure citizens understand and respect the privileges and obligations of citizenship.

Public input to the consultation set out a wide range of views on the value of Australian citizenship, with differing views on how the value is defined and how its value is demonstrated in everyday life. Some respondents defined Australian citizenship by its tangible elements, including economic benefits, access to welfare, or access to a passport. However, others viewed the value in terms of intangible benefits. Citizenship enables Australians to live in and shape law-abiding, democratic society that shares a common set of values of freedom, fairness, equality and tolerance.

Our overall sense from the consultation is that Australians hold dear their citizenship. For most, this is more than a simplistic attachment to the formal privileges of citizenship. Australians see citizenship in a deeper sense, namely of having a stake in our future as a prosperous and diverse nation and in the values that underpin this.

The consultation showed that considerable majority (64 percent of tallied responses<sup>1</sup>) of people felt that Australian citizenship is not sufficiently valued. Reasons given to explain this perception vary. Some people are concerned that the rights and responsibilities of citizenship are taken for granted. Others see contradiction between Australian citizenship and maintaining a concurrent allegiance to another society with values at odds to Australia's values, or even explicit rejection of Australia's values. It was suggested that the will of some to circumvent or 'game' Australia's migration laws, or their failure to improve English proficiency, showed insufficient valuing or respect for Australian citizenship.

*"Citizenship is devalued by a very short residency requirement for permanent residents (only 4 years) and a requirement that applicants have a rudimentary knowledge, only, of the English language. It is insulting to Australian born citizens that people with little or no knowledge of Australia or English are conferred the same status."*

While these concerns were widely held, others felt Australian citizenship was valued because most people obey Australia's laws and participate in community life. For example, participation in Australia Day celebrations, ANZAC services, flag-raising ceremonies and support for Australian sporting teams is strong and healthy.

Furthermore, people continue to seek to become Australian citizens, investing time and effort to meet the eligibility criteria. A few respondents noted that for vulnerable migrants, including those from culturally and linguistically diverse backgrounds, acquiring Australian citizenship can be life changing. Public input to the consultation showed overwhelming support (98 per cent of tallied responses<sup>2</sup>) for action by the Government and the community to ensure Australian citizens understand and respect the privileges and obligations of Australian citizenship.

*"As an immigrant who moved aged 45 from the UK, citizenship is the holy grail. It will demonstrate my commitment to my adopted homeland. I suggest it is more valued by immigrants than born-here Australians who simply take for granted the values it offers."*

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<sup>1</sup> More information about tallied responses is at Appendix A.

<sup>2</sup> Further detail about tallied responses is at Appendix A.

The overwhelming majority of respondents (95 per cent of tallied responses<sup>3</sup>) supported the delivery of civics programmes in schools and the community, including at community centres, religious centres, libraries and places of higher learning. These programmes should be for the benefit of all, not only recent arrivals or those school-age students.

*"I see a greater emphasis needed to be given on Civics within school programs (I graduated High School in 2009 and cannot remember any specific civics lessons throughout my education, so I do not remember what level of emphasis it was given to my generation)."*

There was broad support for civics programmes that promoted Australian values, the rule of law, human rights and a greater emphasis on Indigenous history. Other suggested themes included community harmony, social cohesion and support inclusion of culturally diverse people, including Indigenous Australians, in the Australian community.

*"There must be strong education on what becoming a Citizen really means. It is signing your life over to this country, putting it ahead of your religious beliefs, and leaving behind all the troubles of your old country. Immigrants must be made aware that they must obey the laws of this land and NO other, no religious laws can ever be allowed to take precedence over our laws and no one can force their beliefs onto anyone else."*

A smaller group of respondents challenged the idea that a distinctively Australian set of values existed at all. Instead, these respondents claimed that such values were 'liberal values' or an expression of human rights. There was also concern that Australian values were too 'high level' or vague to be taught, especially to people whose first language was not English and that such teaching could not be applied or was of little practical use. Some respondents suggested the Government promote these values in partnership with community groups, in part to emphasise a symbolic 'coming together'. For example, respondents suggested that employers, sporting and service clubs, and religious groups could play a role in civics education. Most respondents viewed these initiatives should be appropriately resourced and funded, while politicians could refer to the contents of the civics programme and model Australia's common values.

A small group of respondents felt that the current programmes were sufficient or that the Government should not provide this information as values should be instilled privately, such as within families.

An overwhelming majority (99 per cent of tallied responses<sup>4</sup>) of respondents proposed the Government encourage Australians to participate in community life and ensure we build strong, inclusive and sustainable communities. For example, they suggested Government could encourage tours of town halls and chambers, local recognition awards and participation in community and volunteer groups, including by those drawing welfare benefits.

*"Community clubs, schools, public squares and many public places are the best places to see civic programmes."*

<sup>3</sup> Further detail about tallied responses is at Appendix A.

<sup>4</sup> Further detail about tallied responses is at Appendix A.

Other respondents suggested that more opportunities for formal displays of civic pride, such as flag-raising events and singing Australia's National Anthem, should be fostered by the Government. It was suggested that public buildings should fly the Australian flag and that more should be done to encourage Australians to fly the Australian flag. Some respondents thought the Government should encourage interaction between community groups, such as at multicultural events and having more inclusive government communication and campaigns that foster tolerance and acceptance would be helpful.

*"Encourage community civics activities that include or emphasize the pluralist nature of Australian society, and engage ethnic community leaders in the marketing of these programmes."*

## Consideration

A person's experience of Australian society is a prime determinant of their view on issues such as the value of Australian citizenship. Some respondents have pointed out that earlier examinations of Australian citizenship law and policy<sup>5</sup> focussed heavily on continuity, as at that time it was felt that existing arrangements were working well.

Given the changes afoot in Australia and the world over recent years including the current threatening global environment, it is prudent to re-examine the place of Australian citizenship in society and Australia's citizenship laws. This examination is not undertaken to weaken or dilute the unifying role of Australian citizenship – it is to preserve and maintain it, most especially in the context of 2016 multicultural Australia.

Conversations about Australian values and their importance to society must include all of the community. It is worth remembering that most people who acquire Australian citizenship acquire it at birth by operation of law, without application, test or making the Pledge: they are never asked to sign up to our common values. Only those people who acquire Australian citizenship by conferral currently sit the test and make the Pledge. Therefore, to be effective, measures to provide information and reminders about Australian values must include ALL Australians. Promotion of Australian citizenship as full and formal membership of the Australian community provides a vehicle for the Government to have an ongoing conversation with the entire Australian community, not just new arrivals, about our common values.

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<sup>5</sup> The Joint Standing Committee on Migration examined Australian citizenship policy in its report *Australians all - enhancing Australian citizenship*, in 1994. The Australian Citizenship Council's report *Australian citizenship for a new century*, which drew on the 1994 report, was published in 2000.

Several Government reports<sup>6</sup> and reviews of Australian citizenship have considered awareness raising measures, including civics programmes to engender engagement with and pride in political and community life in Australia. The broad direction recommended by these reports is for Australian school students to study civics and citizenship. We agree with the overwhelming public view that there is a need for a stronger civics programme in schools and we recommend that this include material on allegiance to Australia.

In this regard, we note that the National Curriculum for Years 3-10 includes civics and citizenship within the Humanities and Social Sciences learning area. This subject consists of two inter-related strands: civics and citizenship knowledge and understanding and civics and citizenship skills. The first strand comprises three key focus areas at each year level: government and democracy, law and citizens and citizenship, diversity and identity. The second strand focuses on the skills of questioning and research; analysis, synthesis and interpretation; problem solving and decision making; and communication and reflection. All Education Ministers have endorsed this unit.

Regarding civics and citizenship education for adults, numerous respondents stated that the community is seeking materials and guidance to grow everyone's awareness of the responsibilities and privileges they enjoy as Australian citizens. There is a need to meet this demand. We view it is appropriate that the Government develops education kits on civics and citizenship, for use by all and be readily accessible.

While the *OECD Indicators of Immigrant Integration 2015*<sup>7</sup> report shows that Australia has one of the highest rates of citizenship acquisition, with just over 80 per cent of eligible migrants becoming citizens, much public concern focussed on the extent to which newly arrived migrants understand and adhere to the values of Australian citizenship.

Citizenship is an important and integral part of the settlement journey. We see merit in civics and citizenship education forming an integral part of settlement services provided to newly arrived migrants. Online and other programmes should be developed to provide civics and citizenship education to newly arrived migrants and the wider community, drawing on the Civics and Citizenship curriculum as appropriate.

An overwhelming majority of respondents (88 per cent of tallied responses<sup>8</sup>) believe that there are areas of the Citizenship Test and the Pledge that should be examined, in addition to qualification criteria including English language, more rigorous entry processes, identity, and criminal history.

People interact with the Government to apply for and receive services electronically and at shopfronts and register to vote, as well as at the border. Many Australians travel abroad each year and so pass through border control. Thus, we see opportunity to use shopfronts, web-interfaces and border control spaces to host messaging about Australia's values and the text of the Citizenship Pledge. The renewal of passports provides another opportunity to reaffirm the citizenship Pledge.

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<sup>6</sup> These reports include the Senate Standing Committee on Employment, Education and Training's 1989 report *Education for Active Citizenship* and the Committee's 1991 report *Active citizenship revisited* as well as the Joint Standing Committee's 1994 report *Australians all – enhancing Australian citizenship* and the Australian Citizenship Council's 2000 report *Australian Citizenship for a New Century*.

<sup>7</sup> [Indicators of Immigrant Integration 2015](#), OECD website

<sup>8</sup> Further detail about tallied responses is at Appendix A.

We welcome public interest in strengthening Australians' sense of community. We believe, however, that participation in community life should not be forced or directed. Instead, experience has shown that the most effective approach to foster a richer community life is for the Government to provide support for community-driven events, such as the various grants programmes administered by the Department of Social Services. Existing days of celebration, such as Australia Day (26 January), ANZAC Day (25 April) and Harmony Day (21 March) have strong public participation and foster people's sense of place and belonging to the Australian community. In addition, campaigns such as *Racism. It Stops with me.* also play an important role towards social harmony.

One way of engaging in a conversation about values is to include material on citizenship as a common bond and the citizenship affirmation in these existing celebrations. We view that the most effective mechanism to achieve this goal is for portfolios responsible for Australia Day (Prime Minister and Cabinet), ANZAC Day (Veterans Affairs) and Harmony Day (Social Services), in consultation with the Immigration and Border Protection portfolio to develop a strategy for Ministers' endorsement to support the holding of citizenship affirmation ceremonies and speeches on Australian citizenship as a common bond.

We note many respondents supported flag raising and recitation of the citizenship Pledge, in particular among school age children. We support this view, and recommend further consideration also be given to the use of flag raising ceremonies and recitation of the Pledge in settings outside schools.

## Recommendations

1. The Government should promote an inclusive understanding of Australian citizenship as a 'common bond', founded on shared values, rights and responsibilities and encourage expression of these values in everyday life.
2. Information on citizenship should be prominently displayed in Government shopfronts, at the border, in overseas posts and as part of the Australian Electoral Commission's enrolment processes.
3. The Civics and Citizenship component of the National Curriculum should be updated to include material on allegiance to Australia.
4. Online and other programmes should be developed to provide civics and citizenship education to newly arrived migrants and the wider community, drawing on the Civics and Citizenship curriculum as appropriate. The promotion of civics and citizenship should be a condition of contracts with settlement services providers.
5. The Citizenship Pledge should be updated to include language on allegiance to Australia.
6. Consideration should be given to expanding the usage of the Pledge to the broader community, for example, through school and community events.

## 2. Strengthening the pathway to citizenship

As noted earlier, the consultation found that an overwhelming majority of respondents believe that the Government should develop policies to ensure that Australian citizens understand and respect the privileges and obligations of citizenship and that the eligibility requirements should be strengthened.

Migration and the acquisition of citizenship is an inherently Australian story. Much of our prosperity stems from our willingness to welcome those legal migrants and permanent residents who wish to become fellow citizens of our nation to do so. This openness must remain an enduring part of our nation's future. But our openness must be supported by a strong and ordered migration programme that meets our nation's needs.

Respondents expressed strong support for integrity in Australia's migration and citizenship programmes. There was overwhelming support (91 per cent of tallied responses<sup>9</sup>) for more rigorous migration and border entry processes including checks on applicants' identity, criminal history, known associations, attitudes to Australian values and that they are not a known national security risk. Some respondents felt that these checks should be supplemented by an assessment of applicants' ability to integrate into the Australian community.

*"Procedures should be tightened to carry out background checks on would-be immigrants and to disqualify those who have a history of advocating violence or of activism in support of totalitarian beliefs, which they have not credibly repudiated, regardless of their ethnic or religious background."*

Some other respondents suggested that applicants should meet a criterion of nil criminal convictions during the residency period that must be met before applying for citizenship. A smaller group of respondents indicated that the current checks on character and identity could be deepened. Some felt the existing broad definition of good character could be improved by being more clearly defined.

There was a range of views on changing the residence requirements. A majority of respondents supported lengthening the residence requirement from its current 'four year's lawful stay'. Suggestions for the total residency requirement included five years, eight years and ten years and that this period be treated as a 'probationary period' for Australian citizenship.

*"Perhaps a time gap between permanent residency approval and the granting of Citizenship. Say 5 years. This could help ascertain whether or not they are suitable to become fully fledged citizens with all the rights that contains. They should also have a basic understanding of the English language, both spoken and written."*

Others suggested lengthening the period that a person must hold a permanent visa before meeting the residence requirement. Currently, the amount of time that a person must hold a permanent visa before meeting the residence requirement is the last 12 months of the 'four years lawful stay' period. There was a range of views on what constituted an appropriate duration of permanent residence for citizenship qualification.

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<sup>9</sup> Further detail about tallied responses is at Appendix A.



*“At the moment certain people whom are permanent resident for only a year can apply for citizenship, as their stay as temporary resident can be counted towards the residency requirement when applying citizenship. / Also no requirement for minimum residency days for the first three years of residency. / On the other hand New Zealand requires both 5 years residency as permanent resident and minimum residency days per year to be eligible for citizenship. For Hong Kong, the residency requirement for non local Chinese getting a passport is seven years. For Switzerland it is 10 years. / If getting Australia citizenship is like winning a 'lotto of life', apparently we are offering it way too cheap, at least from the perspective of residency requirement. And it does has an impact: we do not have enough time to evaluate the applicant's character and contribution according to the standard we set.”*

Some respondents viewed that employment records and the amount of welfare claimed during the residence period should form a part of the consideration of whether the person should be approved for Australian citizenship. Some thought the current exemptions and discretions that could be applied to the residence requirement should not be changed, whereas others thought such flexibility should be narrowed in scope and application.

Support for stronger residency requirements was not unanimous. A smaller group argued that increasing the residence requirements for all to respond to the conduct of a few was disproportionate and potentially penalised those migrants who had ‘done the hard yards’ in pursuit of Australian citizenship.

*“They are fine the way they are. I don't believe what you are proposing is strengthening community or citizenship, you are doing the opposite. You are putting more obstacles in the way and having people distrust the system more because you are sending the message you don't believe them or you don't trust them.”*

There was overwhelming support (91 per cent of tallied responses<sup>10</sup>) for examining the role of the existing Citizenship Test and Pledge in ensuring citizenship programme integrity. Respondents proposed broadening the role and legal status of the Citizenship Test and Pledge of Commitment. Some suggested that the ability of new arrivals to ‘integrate’ into the Australian community needed to be examined and considered before offering them Australian citizenship.

*“Having lived in the USA and started the process of getting a Green Card, I understand how much the USA puts into creating a sense of worth to the Citizenship process. Everyone knows and sings the national anthem and they all know their pledge of allegiance. It is repeated by all on a frequent basis and used to re-affirm their role in society. I believe that our oath of allegiance must be re-written in a form that is more powerful and that requires those taking the oath to place the allegiance to Australia above all others.”*

<sup>10</sup> Further detail about tallied responses is at Appendix A.

As noted in the previous section, many respondents supported strengthening the Pledge, as well as the Preamble to the 2007 Citizenship Act, to include words about allegiance and an undertaking not to act contrary to that allegiance. However, many also felt that these changes were only worth making if the Pledge was made enforceable on an ongoing basis, rather than merely a vow made at a point in time.

A smaller group of respondents argued the Pledge had moved too far away from an Oath of Allegiance. Within this group, a smaller subset argued that the form of the oath should follow that set out in the Australian Constitution, with reference to the person making the oath and that the oath be made to the Sovereign. Some respondents believed that values should be tested as part of the visa process.

A small group of respondents supported maintaining the current arrangements for the Pledge and the test. These respondents argued that changing these arrangements was not fair, especially for older applicants. Others questioned whether passing the test and making the Pledge produced better citizens. A few respondents noted that some Australians who have engaged in serious criminal offences including terrorism were not required to pass the Citizenship Test or make the Pledge and so believed that the current arrangements do not make Australia safer. Others within this group claimed it was not possible to sanction a person whose conduct went against the Pledge.

A strong theme of the consultation was the importance of English language to being a citizen and full integration in Australian society. There was support for raising the minimum standard of English required to sit the Citizenship Test from 'basic' to 'adequate'.

*“Definitely REQUIRE greater proficiency in English language & requirements for English lessons to reach a minimum standard.”*

A small group of respondents viewed having English proficiency an eligibility criterion for Australian citizenship was not appropriate, as it is unfair to apply a 'point in time' test. Instead, they suggested support for increasing English proficiency should be ongoing and handled through adult education and employment assistance programmes, rather than testing English language as part of the Citizenship programme.

## Consideration

Citizenship programme integrity is a fundamental concern of the respondents. The support for tighter eligibility requirements appears linked to the views strongly expressed in the public input that citizenship is insufficiently valued or 'under attack' at home and abroad. This may reflect a weaker than desirable understanding of integrity measures, such as character checks, that are part of citizenship processing already. It is also likely a reflection of community concern which has been heightened by events such as the Martin Place siege.

We see scope for enhancing the integrity of the citizenship programme. We note that previous changes to citizenship law and policy to improve programme integrity have not diminished the common bond of Australian citizenship. The change of the residence requirements to four years lawful stay, the introduction of the Citizenship Test in 2007, and changes in eligibility criteria for children in 2009, did not reduce take-up rates for those who were eligible to become Australian citizens. Instead, we contend that such changes have been welcomed when linked to an issue or problem and the change is proportionate and timely.

In this regard, we note that work to strengthen the integrity of the citizenship pathway would be consistent with the recommendations of the Joint Commonwealth-NSW review of the Martin Place siege, which was released in February 2015.

We see residence requirements are a key area for consideration. A residence requirement in citizenship law is an objective measure of a person's association with Australia, with an assumption that the person will use this time to become acquainted and comfortable with Australian society and its values and to appreciate the commitment they must make to become an Australian citizen. It also serves as a probationary period, so that a person's word and deeds across this time can be considered should the person apply for Australian citizenship.

The residence requirements have been varied from time to time. The *2007 Citizenship Act* phased in a new residence requirement of four years lawful stay, with at least 12 months of permanent residence before application, noting that some exemptions apply.

A small group of respondents were concerned that increasing the residence requirement would diminish the symbolic power of citizenship being a common bond and that vulnerable migrants such as refugees and humanitarian entrants might view an increased residence requirement as a barrier to feelings of belonging. We do not believe that is supported by history.

As set out earlier, claims that changes to the residence requirement making Australian citizenship less appealing or desirable are not borne out by the large number of people who continue to apply for and acquire Australian citizenship. While some have argued that increasing the residence requirement diminished the sense of belonging that citizenship might bring, it is equally arguable that a longer residence requirement means that people will cherish citizenship more when they are eligible for it.

As indicated, according to the July 2015, OECD Indicators of Immigrant Integration report, Australia has one of the highest levels of citizenship uptake in the world with over 80 per cent of eligible migrants becoming citizens. Hence, regardless of recent changes to the residence requirements, about four in five migrants who settle in Australia take out Australian citizenship – a measure of its success and importance.

Given all of these factors, it is rational to consider increasing the residence requirement to reflect the value and importance of citizenship. We view that a requirement for a minimum of four years permanent residence is appropriate. The Government should consider stipulating that applicants may be absent from Australia for no more than 12 months in total over the four year period. Applicants should be physically in Australia to lodge their application and to acquire Australian citizenship at a ceremony.

While many applicants for citizenship are not trying to find a way around the legislative requirements, there is a small number who seek to gain an inappropriate advantage by exploiting residence requirement exemptions in the 2007 Citizenship Act (see ss. 22, 22A and 22B).

Currently the majority of applicants for citizenship by conferral apply under the general eligibility pathway, and must meet the general residence requirement or one of the special residence requirements.

The general residence requirement is that the person must have been present in Australia for four years immediately before making an application for Australian citizenship. The person must not have been an unlawful non-citizen in Australia at any time during the four years, and must be a permanent resident throughout the 12 months immediately before making an application. During the four years, a person may be absent from Australia for no more than 12 months in total, including no more than 90 days in the 12 months immediately before making an application.

The Minister for Immigration and Border Protection has a number of discretions that may be applied to assist a person to meet the general residence requirement. Of these, the discretion principally requiring further scrutiny is the 'partner discretion'. This discretion allows the Minister to treat a period spent outside Australia as a period spent in Australia as a permanent resident if the:

- person was the spouse, de facto partner or surviving spouse or de facto partner of an Australian citizen at the time of application for citizenship;
- person was a spouse or de facto partner of that Australian citizen during that period;
- person was a permanent resident during that period; and
- Minister is satisfied that the person had a close and continuing association with Australia during that period.

A basic policy objective of the citizenship by conferral provisions is that adult applicants for citizenship should generally qualify in their own right, rather than relying on a spousal or de facto relationship with an Australian citizen. The partner discretion is intended to be a limited qualification to the policy, such as where the applicant has accompanied their Australian citizen partner who was working overseas during some or all of the four year residence period. It is unclear if these, and other discretions, are operating effectively.

Extension of residency requirements should be complemented by an effective vetting of citizenship applicants. Checking of criminal history is within the scope of the good character provisions of the 2007 Citizenship Act. Identity checking falls within the scope of the identity provision of the 2007 Citizenship Act which requires that the Minister must not approve the person becoming an Australian citizen unless the Minister is satisfied of the identity of the person. Involvement in extremist organisations is already covered under the existing ground for refusal on the basis of a qualified or adverse security assessment.

The Australian Citizenship and Other Legislation Amendment Bill 2014 extends the existing good character requirements. The Bill provides more flexibility to cancel a person's approval for Australian citizenship or defer their attendance at a citizenship ceremony if new adverse information comes to hand after the person is approved for Australian citizenship. We view that passing these amendments would go some way to alleviating public concern about character checking.

We support retention of the Citizenship Test as a corner stone of the citizenship programme. We note concerns about limiting the number of times a person may take the Citizenship Test associated with their citizenship application. While most clients pass the test at the first attempt or soon after, there is a small group who repeatedly sit the test and fail it, due to lack of education and poor computer skills. These clients may be invited to take the citizenship course, but the invitation is not binding and the client may refuse the invitation and continue to attempt to pass the computer-based test.

We are advised that during the last two programme years, July 2013-June 2015, there were 235,218 people approved for citizenship. Of those, 96.5 per cent sat the test up to three times, 3.4 per cent sat the test between four and ten times and one person sat the test 48 times. There is currently no legal provision for limiting test attempts. After the person attempts the test three times, he or she is invited to attend a free citizenship course. We view that points raised by some respondents that limiting the test would be somehow unfair or potentially erodes the symbolism of citizenship as a 'badge of belonging' miss the key point: the test is a tool to determine whether or not a person meets the legislative requirements set out in law. A person who repeatedly fails the test does not meet the requirements and therefore should have their applications refused. We view that the client should then spend time to gain sufficient understanding to enable them to pass the test and make a new application for citizenship.

In regard to cheating, a person who cheats on the test is seeking to meet the requirements in an unlawful way when they view they cannot meet the requirements lawfully. Whilst there is only anecdotal evidence on cheating, there are a number of on-line coaching sites which supplement the considerable resources provided by the Department of Immigration and Border Protection. We view that a person who cheats on the test should have their application for citizenship refused on the basis of not passing the test and have no ability to re-sit the test. A person in this situation will need to re-apply for Australian citizenship in the future.

The Pledge should be introduced into other streams of citizenship by application, such as by descent, Hague Convention on Inter-country Adoption or a bilateral adoption agreement and resumption of citizenship and applied when those applicants reach 16-18 years of age and remove exemption of 60 years and over. Given life expectancy in Australia, the accepted retirement age and the number of people leading active and productive lives well past their 60s, it is hard to justify an exemption set at that relatively young age. We are advised that of the 299,589 people acquiring citizenship during the two programme years of July 2013 to June 2015, 7.7 per cent were exempted. Of those 22,991 who were exempted, 4.2 per cent (12,776) were aged 60 years or over at time of application and 2.6 per cent (7,701) were aged over 16 and under 18 years of age at time of application.

The Citizenship Test is conducted in English as it is designed to assess the applicants' basic knowledge of the English language. Of the skilled, family and humanitarian visa holders sitting the Citizenship Test, those in the humanitarian cohort are likely to re-sit the test more than the other cohorts and they have a lower pass rate at around 92.2 per cent compared with the other cohorts at around 99.8 per cent for skilled and 98.4 per cent for family. This is a mandatory provision and there is strong evidence that our humanitarian entrants have difficulty in achieving citizenship due to recurrent failure of the Test. This reinforces the importance of the Adult Migrant English Program (AMEP). The AMEP provides up to 510 hours of free English language tuition to eligible new migrants and humanitarian entrants. The recent evaluation of the AMEP revealed that it is valued but the findings indicate a number of areas where further improvement can be sought. In particular the review also found that the proficiency level at exit is generally insufficient for employment.

## Recommendations

7. Citizenship should remain a desirable and obtainable goal for those legal migrants and permanent residents who wish to become fully fledged members of Australian society, committed to its values and its interests. On balance, dual citizenship benefits Australia and should remain an option available to Australians.
8. The Government should continue to strengthen the integrity of the citizenship process, including through elements proposed in the Australian Citizenship and Other Legislation Amendment Bill 2014.
9. In recognition of the role permanent residency plays as a qualifying step towards becoming a citizen, the Government should consider measures to strengthen the integrity of the permanent residency programme, including through appropriate civics education and other processes, such as testing.
10. The general residence requirement should be increased to a minimum of four years permanent residence immediately prior to the application for citizenship, during which time applicants may be absent from Australia for no more than 12 months in total. Applicants for citizenship should be physically in Australia to lodge their application and to acquire Australian citizenship at a ceremony.
11. The Citizenship Test should be retained, revised and updated to include questions about allegiance and more questions about the rule of law, values and democratic rights and responsibilities in the Citizenship Test. This should include questions pertinent to existing revocation of citizenship provisions.
12. The integrity of the Citizenship Test should be strengthened through limits on the number of times a person can sit but fail to pass the test before their application is refused. A person can make a new application for citizenship once he or she has gained a sufficient understanding to enable them to pass the test. Cheating on the Citizenship Test should incur appropriate penalties.
13. The Government should ensure more individuals formally make the Pledge by reducing the exemptions from participation in citizenship ceremonies and by including the Pledge in processes whereby citizenship is gained by descent, adoption or resumption.
14. The Government should consider clarifying public understanding that all Australian-born citizens and those who have citizenship by descent are bound by the responsibilities and privileges of citizenship as set out in the Preamble.
15. In view of the strong emphasis the community places on English language, the Government should improve the Adult Migration English Program (AMEP) and ensure new citizens have adequate not just basic language ability, taking into account particular circumstances.

## Appendix A: Input to the consultation paper

The public was invited to respond to the consultation paper by completing an online survey, by providing their views by letter or email. Also, people with particular interest, experience or expertise in citizenship were invited to put their views to us.

The online survey was designed to record a person's response to a question, should they care to provide one. There was no obligation to respond to each question. Likewise, the respondent could choose to provide input by email or letter on those questions that mattered most to them, without having to answer all of the questions put in the consultation paper. As a consequence, the responses used in this paper are a sample of which issues mattered most to a person, but may not necessarily be statistically representative of the views of the entire Australian community.

This input was analysed and tallied into supporting or not supporting the questions put in the consultation paper. Responses that were racist, abusive, offensive or could not be related to the question were tallied as 'undetermined'. Input from the small group discussions and the larger public meetings were not included in the tallied information.

Public comments in the body of the report were drawn from the online survey responses, the written and emailed submission and the small group discussions.