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Submitted via email to legcon.sen@aph.gov.au

Submission to the Legal and Constitutional Affairs Legislation Committee on Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017.

We welcome the opportunity to contribute to the Legal and Constitutional Affairs Legislation Committee on Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017.

This submission brings together the views of scholars from across the School of Social Sciences at Monash University, specifically the Monash Population, Migration, Social Inclusion Focus Program, the Border Crossing Observatory and the Monash Gender and Family Violence Focus Program whose past and current research informs some of the concerns and issues raised in this submission.

We would welcome the opportunity to discuss this submission or our wider research on strengthening the requirements for Australian Citizenship and social cohesion further with the Committee.

Kind regards,

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We wish to use our submission to draw particular attention to,

Item 41 Paragraph 21(2)(e) 119.

This item repeals and substitutes paragraph 21(2)(e) of the Act. New paragraph 21(2)(e) requires applicants seeking to satisfy the general eligibility criteria for citizenship by conferral to have competent English. This amendment reflects the Government's position that English language proficiency is essential for economic participation and promotes integration into the Australian community. It is an important creator of social cohesion and is essential to experiencing economic and social success in Australia.

We wish to address, with reference to the outline of amendments to the *Australian Citizenship Act* and the *Migration Act 1958* to strengthen the requirements to become an Australian citizen and other key provisions provided by the Explanatory Statement, this particular point:

To strengthen the requirements to become an Australian citizen, the Bill amends the Act to:

- require most applicants to provide evidence of competent English language proficiency before they can make a valid application for citizenship;

Gendered impacts of strengthening the English language proficiency test

We are a nation built on migration and therefore national identity (citizenship) does not need to be separated from cultural diversity (Moran 2011). That is, national identity should be inclusive. If the many immigrants to Australia to date had been denied citizenship based on language, particularly women who arrived with limited education, and limited employment and other social opportunities to develop English language skills, then our nation would be far less diverse and much the poorer culturally and economically.

The age of women and their literacy in their own language must be a consideration in the proposed change. For example, older migrants who are illiterate in their own language are not likely to grasp competent English language proficiency. For younger women who have been denied basic education, they are unlikely to come equipped with English language skills sufficient to be proficient. Through our recent community engagement activity, we have been reminded from members of the Somali migrant community that where there was a lack of English language skill for many European migrants who came to Australia post WWII, these migrants made a significant contribution to the country. Many of the older generation still do not speak English well and yet they are a migrant group who is considered to both be successfully settled in Australia *and* to have made a significant contribution to our culture and prosperity.

Migrant women who come as partners to people on skilled visas may also lack the opportunity to advance their language skills on arrival to Australia. Many migrant women come as mothers and/or having children soon after arriving in Australia: being primary carers for young children, with often limited access to childcare, can hamper their access to English support and education. This is a group who receives no

funding for ESL classes and who often have limited family support (or indeed financial support) available to learn English.

Structural barriers of this type bar access to basic needs during settlement in home countries. During a project on settlement experiences in Australia undertaken with refugee and asylum-seeking mothers¹, participants described Centrelink benefits that were a portion of the government allowance, lack of appropriate housing and settlement in outer suburbs of major cities (with limited public transport), no work rights while seeking asylum, absence of familial support and being unable to afford things like groceries and public transport. All of these challenges, experienced in the midst of being primary carers for young children, translated into significant access and integration issues, including the inability to consistently access English language classes (Cochrane, 2017).

Many of the refugee and asylum-seeking mothers interviewed for the abovementioned project, spoke positively about the English language classes they had experience during their settlement experience in Australia (Cochrane, 2017). **Non- or limited- attendance cannot be presumed to be disinterest or disengagement** for this population.

Refugee and asylum-seeking mothers have shown immense resilience to insecurity throughout their journeys despite complicated pressures. The lack of access to basic needs intensifies the burden of everyday care work and creates insecurity within women's lives that leaves little time for and access to education as well as employment and play with their children (Cochrane, 2017).

Recognition of gender and caring responsibilities is critical. This proposed amendment is gendered and it is targeted towards new migrant communities who may not be seen as desirable as previous migrant groups. Policies that induce harms include temporary protections, limited government assistance, prohibiting work, deportation to country of origin, lack of family reunification, and bureaucratic processing delays (Brady 2008; Cohen 2002; Gerard 2012; Kanstroom 2007; Pickering 2005; Schuster 2011). More to the point the proposed increasing of the standard of competency for English-language tests will disadvantage women unfairly.

If this is to occur **we strongly recommend that social supports accompany this change to enable migrant mothers equal access to education, rather than placing significant additional burdens on this group that carries significant familial responsibilities upon their arrival in Australia.**

Recommendations

1. Do not increase the competency of the English language proficiency test under the proposed amendments to *The Australian Citizenship Act* as it will have a particularly negative impact on asylum seeking, refugee and non-English speaking or ESL immigrant women in the Australian community.
2. If competency of the English language proficiency test is increased, then appropriate support services should accompany this. These should be targeted to key groups, such as mothers, recognising the significant and specific barriers they face in accessing education.

¹ Cochrane, B. (2017): Migrant Motherhood Project: Search for an Everyday Security.
<https://doi.org/10.4225/03/58ffe2e3ba05f>

References

Brush, L.D., 2013. Work and love in the Gendered U.S. Insecurity State. In A. M. Tripp, M. Marx, & C. E. Ferree, eds. *Gender, Violence, and Human Security: Critical Feminist Perspectives*. pp. 109–131.

Cochrane, B. (2017): Migrant Motherhood Project: Search for an Everyday Security.
<https://doi.org/10.4225/03/58ffe2e3ba05f>

Kostakopoulou, D. (2010) 'Matters of control: Integration tests, naturalisation reform and probationary citizenship in the United Kingdom', *Journal of Ethnic and Migration Studies*, 36(5): 829-846.

Moran, A. (2011) 'Multiculturalism as Nation-Building in Australia: Inclusive national identity and the embrace of diversity', *Ethnic and Racial Studies*, 34(12): 2153-2172.