

STRENGTHENING AUSTRALIAN CITIZENSHIP

© Commonwealth of Australia 2017

With the exception of the Commonwealth Coat of Arms, all material presented in this publication is provided under a Creative Commons Attribution 3.0 Australia licence (<http://creativecommons.org/licenses/by/3.0/au/deed.en>).

For the avoidance of doubt, this means this licence only applies to material as set out in this document.

The details of the relevant licence conditions are available on the Creative Commons website (accessible using the links provided) as is the full legal code for the CC BY 3.0 AU licence (<http://creativecommons.org/licenses/by/3.0/legalcode>).

Use of the Coat of Arms

The terms under which the Coat of Arms can be used are detailed on the It's an Honour website—www.itsanhonour.gov.au.

P – 17-02055

STRENGTHENING THE TEST FOR AUSTRALIAN CITIZENSHIP

4 STRENGTHENING THE TEST FOR AUSTRALIAN CITIZENSHIP

INTRODUCTION

Australia is a proud immigration nation. We are the most successful multicultural society in the world, united by our allegiance to Australia. We define ourselves and our nation by our commitment to the fundamental principles of allegiance to Australia, integration and unity, and to the Australian values of democracy, freedom, the rule of law and equality of opportunity – a ‘fair go’ for all.

Since 1945, more than 7.5 million people have come from all corners of the world to make their life here. And they have added their own identity to the extraordinary project that is modern Australia.

Almost half of our current population was either born overseas or has at least one parent born overseas. And we come from every culture, every race, every faith and every nation.

Together we have built the modern and prosperous Australia we are today, with our shared values, rights and responsibilities.

We will continue to welcome migrants – irrespective of race, colour, national or ethnic origin – who embrace our Australian values and laws, and who seek to contribute to, rather than undermine, our society.

Underpinning a diverse and harmonious Australia is the security of our nation. The Australian Government places the highest priority on the safety and security of all Australians.

Recent terrorist attacks around the world have justifiably caused concern in the Australian community. The Government responds to these threats

by continuing to invest in counter-terrorism, strong borders and strong national security. This helps to ensure that Australia remains an open, inclusive, free and safe society.

5

In the face of these threats, there is no better time to reaffirm our steadfast commitment to democracy, opportunity and our shared values. The Australian Government's 2017 Multicultural Statement *Multicultural Australia – United, Strong, Successful* renews and reaffirms our commitment to a multicultural Australia in which integration and contribution are core elements of our success.

Australia's new multicultural statement also highlights the importance of citizenship in our national identity as an integrated and united people. Australian citizenship is an extraordinary privilege. We are citizens of a most remarkable nation. Pathways to citizenship give new migrants the opportunity to be full and active participants in Australian society. Australian citizenship was first defined in Australian law in the *Nationality and Citizenship Act 1948*, and came into force on Australia Day 1949. Since then, more than five million people have chosen to become citizens. Australian citizenship involves privileges and responsibilities. Building mutual obligations between government, the community and the individual, regardless of nationality, strengthens our resilience and sense of belonging. The 2015 *National Consultation on Citizenship – Your Right, Your Responsibility* indicated strong community support for strengthening the test for Australian citizenship.

The Australian community expects that aspiring citizens demonstrate their allegiance to Australia, their commitment to live in accordance with Australian values, and their willingness and ability to integrate into and become contributing members of the Australian community.

6 STRENGTHENING THE TEST FOR AUSTRALIAN CITIZENSHIP

The Australian Government is strengthening the requirements to become an Australian citizen, by:

- Increasing the general residence requirement, which means an applicant for Australian citizenship will need to demonstrate a minimum of four years permanent residence immediately prior to their application for citizenship;
- Introducing an English language test, which means applicants will need to demonstrate competent English language listening, speaking, reading and writing skills before being able to sit the citizenship test;
- Strengthening the Australian Values Statement in application forms for visas and citizenship to include reference to allegiance to Australia and require applicants to make an undertaking to integrate into and contribute to the Australian community;
- Strengthening the test for Australian citizenship through the addition of new test questions about Australian values, and the privileges and responsibilities of Australian citizenship;
- Introducing a requirement for applicants to demonstrate their integration into the Australian community. Applicants will need to demonstrate their integration into the Australian community by providing, for example, documentation to the effect that people who can work are working, or are actively looking for work or seeking to educate themselves; that people are contributing to the community by being actively involved in community or voluntary organisations; that people are properly paying their taxes and ensuring their children are being educated. Applicants' criminal records and adherence to social security laws are also relevant; and

7

- Strengthening the Pledge of commitment in the *Australian Citizenship*

Act 2007 to refer to allegiance to Australia; and extending the requirement for individuals aged 16 years and over to make the Pledge of commitment to all streams of citizenship by application, including citizenship by descent, adoption and resumption.

These reforms are integral to Australia's future as a strong and successful multicultural nation, united by our allegiance to Australia and commitment to freedom and prosperity.

The Hon

Malcolm Turnbull MP

PRIME MINISTER OF AUSTRALIA

The Hon

Peter Dutton MP

MINISTER FOR IMMIGRATION AND BORDER PROTECTION

8 STRENGTHENING THE TEST FOR AUSTRALIAN CITIZENSHIP

9

GENERAL RESIDENCE REQUIREMENT

Applicants will be required to demonstrate a minimum of four years in Australia as a permanent resident immediately prior to applying for citizenship, with a maximum of 12 months outside of Australia in this time period.

This represents a change from the current requirement which allows time spent in Australia as a temporary resident towards a four year qualifying period and only requires a minimum of 12 months spent as a permanent resident immediately prior to applying.

Increasing the minimum period of permanent residence required to qualify for citizenship will enable greater examination of an aspiring citizens' integration with Australia.

ENGLISH LANGUAGE TESTING

English language is essential for economic participation and social cohesion, and there are certain standards that must be met, especially for those who are seeking to become a permanent resident or Australian citizen.

There is strong public support to ensure aspiring citizens are fully able to participate in Australian life, by speaking English, our national language. Aspiring citizens are currently required to possess a level of 'basic' English to meet the requirements for citizenship. This is tested when an applicant sits the Australian citizenship test.

Aspiring citizens will be required to undertake separate upfront English language testing with an accredited provider and achieve a minimum level of 'competent'.

People currently exempt from sitting the Australian citizenship test, for example applicants over 60 years of age, or under 16 years of age at the time they applied for citizenship or those with an enduring or permanent mental or physical incapacity, will be exempt from English language testing.

10 STRENGTHENING THE TEST FOR AUSTRALIAN CITIZENSHIP

STRENGTHENING THE TEST

FOR AUSTRALIAN CITIZENSHIP

Pathways to citizenship give new migrants the opportunity to be full and active participants in civil society.

The current test will be strengthened to test an aspiring citizen's understanding of core Australian Values.

The test questions will be designed to test whether the applicant

has an adequate understanding of Australian values and a belief in the importance of those values. This will be demonstrated by answers to questions in relation to the following:

Allegiance

The questions will:

- seek to confirm an applicant's loyalty to Australia and its people, particularly when the applicant holds multiple citizenships;
- point to a shared holding of Australia's democratic beliefs and respect for the rights and liberties of Australians.

Values

The questions will seek to confirm an applicant's values by assessing an applicant's views on:

DEMOCRATIC BELIEFS

- Parliamentary democracy
- Rule of law
- Living peacefully
- Rejecting violence as a way to change a person's mind or the law
- Respect for all individuals regardless of background, including respecting other people's differences and choices, even if an individual disagrees with those choices.

11

12 STRENGTHENING THE TEST FOR AUSTRALIAN CITIZENSHIP

FREEDOMS

- Freedom of speech – except if speech constitutes 'hate speech', such as incitement to violence
- Freedom of expression – with the above exceptions
- Freedom of religion and secular government
- Freedom of association, including peaceful protest – freedom does not extend to criminal association (eg membership of a criminal gang)
- Independence of the media

EQUALITY

- Equality of men and women
- Equality of opportunity for all – men and women, boys and girls
- Attitudes to violence, including family violence
- Rejecting violence, including family violence

INTEGRATION

Understanding expectations in relation to integration, with reference to, amongst other things:

- English language proficiency
- Education of children (boys and girls)
- Employment
- Income
- Paying tax
- Welfare as a safety net, not a way of life
- Connections to the community
- Criminality
- National security

13

Relevant publications such as the *Citizenship: Our Common Bond* test booklet will be updated with new information on the new test component including allegiance, Australian values and integration. Applicants will have three attempts to pass the citizenship test, after three attempts their application will not be approved. Integrity measures will be adopted including the introduction of a two-year bar on making

a new application after a previous application is refused.
The course-based test will no longer be offered to applicants who are unable to pass the standard or assisted citizenship test.

14 STRENGTHENING THE TEST FOR AUSTRALIAN CITIZENSHIP

15

INTEGRATION INTO THE AUSTRALIAN COMMUNITY

The new strengthened citizenship application requirements will include requiring applicants to demonstrate their integration into the Australian community.

Applicants will need to demonstrate their integration into the Australian community, by providing, for example, documentation to the effect that people who can work are working, or are actively looking for work or to educate themselves; or that people are contributing to the community by being actively involved in community or voluntary organisations; that people are properly paying their taxes, adhering to social security laws and ensuring their children are being educated. Applicants' criminal records are also relevant. In addition to existing police checks which are undertaken as part of any application for citizenship, an applicant will also be assessed for any conduct that is inconsistent with Australian values, such as domestic or family violence, criminality including procuring or facilitating female genital mutilation and involvement in gangs and organised crime.

16 STRENGTHENING THE TEST FOR AUSTRALIAN CITIZENSHIP

STRENGTHENING THE AUSTRALIAN VALUES STATEMENT

The current Australian Values Statement describes the shared values of the Australian community.

Shared values

Our values unite us and create social bonds between us. They provide the foundation for our society and a shared future in which everyone belongs. Our values are based on:

RESPECT

We respect and we are committed to the rule of law and allegiance to Australia.

We respect the liberty and dignity of all individuals.

We value our diversity and embrace mutual respect, inclusion, fairness and compassion.

FREEDOM

Our commitment to freedom is fundamental.

We support freedom of thought, speech, religion, enterprise and association.

We are committed to a parliamentary democracy.

We take responsibility for fulfilling our civic duties.

Practices and behaviours that undermine our values have no place in Australia.

We all benefit from our nation's economic success, cultural and religious freedom and diversity.

Maintaining a strong commitment to our common values is in the best interests of the Australian people.

17

EQUALITY

We support equality of men and women.

We believe in equality before the law.

We believe in equality of opportunity for all.

Shared rights and responsibilities

We recognise the importance of mutual respect and mutual responsibility.

Our success as a multicultural society is due to a balance of rights and responsibilities that ensure a stable, resilient and harmonious society where we seek to give everyone the opportunity to contribute to—and benefit from—our prosperity.

Ours is a society founded on a liberal-democratic tradition in which the fundamental rights of every individual are inviolable.

Citizenship is a privilege and, as part of the Australian Citizenship Ceremony, new citizens pledge and affirm *'loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I will uphold and obey'*.

Australians rightly expect that everyone who is in our country, whether or not they are Australian citizens, obeys Australian laws, supports our democratic process, and treats all people with respect and dignity.

The Australian Government has decided to strengthen the Australian Values Statement by adding a reference to the fundamental requirement of allegiance to Australia and by requiring applicants to make an undertaking to integrate into and contribute to the Australian community.

18 STRENGTHENING THE TEST FOR AUSTRALIAN CITIZENSHIP

THE PLEDGE OF COMMITMENT

The current Pledge of commitment as a citizen of the Commonwealth of Australia is in the following terms:

From this time forward [under God],
I pledge my loyalty to Australia and its people,
whose democratic beliefs I share,
whose rights and liberties I respect, and
whose laws I will uphold and obey.

The Australian Government has decided to amend the Pledge to involve aspiring citizens pledging their allegiance to Australia.

More aspiring citizens will be required to make the pledge at a citizenship ceremony. Any applicant over 16 years of age for citizenship by descent, adoption and resumption will need to make the pledge before they can become a citizen.

Applicants for citizenship by conferral on the grounds of being born in Papua, born to a former citizen or under statelessness provisions, will no longer be exempt from making the Pledge.

Exemptions to making the Pledge on grounds of physical or mental incapacity, or age (under 16 years of age) will remain in place.

19

DUAL NATIONALITY

The Government is not proposing to change current arrangements for the recognition of dual citizenship.

WHEN ARE THE NEW CHANGES COMING INTO EFFECT?

The Government will introduce new citizenship related legislation into the Parliament, informed by responses to this paper, by the end of 2017.

The package of reforms will apply to applications received on or after the Government's announcement on 20 April 2017.

HOW CAN I PROVIDE SUGGESTIONS TO GOVERNMENT ON CHANGES TO VALUES AND OTHER CITIZENSHIP TEST QUESTIONS?

You may provide your views to Government via email to the citizenship submissions mailbox at citizenship.submissions@border.gov.au

You have until 1 June 2017 to provide your views.

20 STRENGTHENING THE TEST FOR AUSTRALIAN CITIZENSHIP