



## National Ethnic Disability Alliance

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Citizenship Test Review Committee  
PO Box 1179  
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### **NEDA Submission to the Citizenship Test Review Committee**

The National Ethnic Disability Alliance (NEDA) is the national peak organisation representing the rights and interests of people from non-English speaking background (NESB) with disability, their families and carers throughout Australia. NEDA is funded by the Commonwealth Department of Families, Housing Community Services and Indigenous Affairs (FaCSIA) to provide policy advice to the Australian Government and other agencies on national issues affecting people from NESB with disability, their families and carers.

NEDA estimates that one in every four people with disability is a person of either first or second generation NESB, representing approximately 1 million people across Australia.

I write to provide comments on the Australian Citizenship Test Review. For many people from Non English Speaking Backgrounds, including people with disability, acquiring Australian citizenship is an important step confirming their place within a new home, and committing towards active participation and inclusion within Australian social and political life. In this context, NEDA makes the following comments and recommendations towards improving the process by which permanent Australian residents might attain citizenship.

#### **1. The Value of Citizenship**

NEDA is concerned that currently there is an over-emphasis on ensuring prospective citizens conform to a static vision of "Australian values", rather than be encouraged to contribute towards the dynamic and changing Australian social fabric, now and into the future.

This is highlighted in the *Becoming an Australian Citizen* resource, which presents a picture of Australia as nation founded on a consistent and unchanging set of values that have not themselves been shaped by social, political, environmental and cultural change processes: for example, colonization, migration, conflict, environmental degradation and social movements.

New citizens, including people with disability, offer an opportunity to positively change Australian values now and into the future. Given the historic exclusion of people with disability from decision making and social participation, NEDA believes that an expansive and dynamic view of the value of citizenship is necessary to encourage all members of the Australian community to have a role in civil and political life.

## **2. The Current Citizenship Testing Process**

### *2.1 The Citizenship Test*

NEDA is opposed to the citizenship test as it currently stands.

It is not clear to NEDA what the rationale for the current test is, and why it is that new citizens should be subject to a test focused around a set of “values” that are arguably not wholly definitive of what it means to be Australian.

Further, as described below, the test is poorly designed for participation by people with disability: some people with disability are excluded by a formal exemption, while others face barriers in learning and completing the existing test.

Finally, it is not clear why residents born to non Australian parents are subject to this test, when arguably – if there is any value to the knowledge that is imparted through the test regime – testing should be part of the learning process for *all* citizens. In this sense, the test, is discriminatory.

Approximately 16.7% (or around 1 in 6 people) fail the test on their first attempt.<sup>1</sup>

### *2.1 English Language Only Citizenship Testing*

The availability of the citizenship test only in English operates as a test of English language competency. A significant proportion of people who fail the test are from Non English Speaking Countries, suggesting that English proficiency is likely to be a factor for success. Note that the failure rates are very high for some people from certain non English Speaking countries: eg greater than 1 in 4 for prospective Sudanese citizens, and around 1 in 5 for Iraqi applicants.<sup>2</sup>

NEDA is particularly concerned that prospective citizens are not pursuing citizenship because of a low English proficiency, and thus are missing an opportunity to full civil and political participation. NEDA notes that some people with disability, for example people with communication difficulties, may be further discouraged from seeking citizenship if they also have difficulties with English.

### *2.2 Exemptions on the Basis of Disability*

At present people “who suffer from a substantial impairment or loss of hearing, speech or sight” and “those who can provide specialist medical evidence of a permanent physical or mental incapacity which means...[they]...are not capable of understanding the nature of ...[their]...application” are exempt from sitting the citizenship test.

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<sup>1</sup> Department of Immigration and Citizenship, *Australian Citizenship Test: Snapshot Report*, April 2008. p6.

<sup>2</sup> Department of Immigration and Citizenship, *Australian Citizenship Test: Snapshot Report*, April 2008. p10.

NEDA contends that there is a worrying message presented in the decision by the Australian Government to exempt some people with disability from the citizenship test. It appears for example that the main reason that people with “substantial impairment or loss of hearing, speech or sight” are exempt from the test is that there is a lack of adaptive technologies or alternative formats to enable these prospective citizens to participate in the test.

Further, while *prima facie* it makes sense to provide an exemption to people who may not “understand the nature of their application,” this exemption would appear to be discriminatory if those who are exempted are not able to access the important learning and knowledge that the Australian Government otherwise contends is an important part of becoming a citizen.

As stated above, NEDA is opposed to the citizenship test as it currently stands, and therefore would not support continuation of the current testing regime for anyone, including people with disability.

However, if the aim of the citizenship test is to impart knowledge that is perceived to be essential to becoming a citizen – for example civic rights and responsibilities – then NEDA believes there is a duty for the Australian government to ensure that all prospective citizens, regardless of their abilities, have an opportunity to gain this learning.

NEDA notes that Australia has recently signed the United Nations Convention on the Rights of Persons with Disabilities. Article 5.2 unambiguously commits States Parties to “prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.”

### *2.3 Costs Associated with Seeking an Exemption*

People seeking to gain an exemption as a result of a “permanent physical or mental incapacity” must provide specialist medical advice. This advice can be costly, particularly where applicants might need to attend a number of consultations in order to gain the necessary evidence to qualify for an exemption. Further, aside from these medical costs, individuals may need to privately meet associated costs with gaining medical evidence, such as transport to the treating specialist.

Arguably these costs place an additional barrier to individuals who wish to claim an exemption, and may act as a disincentive to becoming a citizen for some people with disability.

### *2.4 Barriers faced by People with Disability Sitting the Citizenship Test*

The current citizenship test is discriminatory for some people with disability who must sit the test in order to become citizens. NEDA highlights the following issues in relation to the current test:

- The main resource for the test – *Becoming an Australian Citizen* – is only available in print format, and while available electronically, can only be downloaded in Adobe Acrobat. This means that people with vision impairment will face difficulty studying for the test, as resources are only available in printed format, or in an electronic format that is incompatible with screen reading programs.

- Further, while resources are available in community languages, there are no other alternative formats, for example audio, visual, Braille, or Easy English. The knowledge in *Becoming an Australian Citizen* is also not taught through alternative dissemination methods – such as a workshop or tutorial – to enable a range of people with different learning abilities and skills to access the information.
- The Citizenship test is available only on a computer, and requires some physical dexterity in the use of a mouse, and therefore also requires a general familiarity with basic computing.
- Currently, Australian government officers will provide assistance to some people with disability by reading questions and possible answers, or operating the mouse for people who are unable to do this. Arguably the presence of an immigration officer as an intermediary will be intimidating for some test participants, and arguably is discriminatory in that people with disability or people with low literacy are unable to do the test confidentially. It is also not clear that personnel who provide assistance to people sitting the test have experience or training in meeting the specific needs of a range of people with disability.
- There are limited citizenship test sites, which means that some people, particularly in rural and regional areas, will need to travel long distances to sit their test. This may lead to significant costs, particularly for people who do not have access to a car or public transport, and / or have to meet associated costs such as accommodation in order to access a test site.

NEDA believes that the above factors may have disadvantaged some people with disability who have recently applied for citizenship, and may have discouraged others from pursuing citizenship in the time Citizenship testing has been in operation.

### **3. How to Improve the Learning and Testing Process**

#### **3.1 *The Becoming an Australian Citizen Learning Resource***

The current testing regime requires knowledge of a single resource: *Becoming an Australian Citizen*. NEDA believes this resource is deeply problematic in its simplistic, one sided, and homogenizing view of “Australian Values”.

In particular NEDA notes the document:

- over-emphasises the prominence of “Judeo-Christian ethics, a British political heritage and the spirit of the European Enlightenment” (p5) in shaping contemporary Australia;
- presents unilateral views of Australian history that are in fact contentious and open to debate: for example the assertion that “except for small scale battles between settlers and Aboriginal people, Australia has been a remarkably peaceful country” (p21).
- often paints a “rosy” picture of Australian history, glossing over the regrettable forms of violence or exclusion that have also shaped contemporary Australia: for example the section on migration history (p9) does not mention the White Australia Policy,

despite the definitive effect that this policy had on Australia's social, cultural and political history.

- offers apparently contradictory statements about Australian values and laws: for example on the same page the statements "Religious laws have no legal status in Australia" (p6) and "Some religious or cultural practices, such as bigamy for example, are illegal" (p6).
- does not mention important rights and responsibilities that are arguably part of contemporary Australian values, for example cultural and linguistic expression, and rights and protections for people with disability.
- As stated above, presents Australian values as static and unchanging, rather than dynamic and subject to a continual process of change, of which new citizens may be involved in shaping. This hides for example the role played by both people with disability, and people from culturally and linguistically diverse backgrounds, in shaping modern Australian values, businesses, cuisine, language, customs, urban planning, architecture and infrastructure provision.
- As noted above, although the document is available in different community languages, it is only available as a printed resource, or electronically in Adobe Acrobat format.

### *3.2 Suggestions for improvements to learning and testing*

As stated, NEDA is opposed to the citizenship test as it currently stands.

However, it is recognized that the Australian Government has made a commitment to continue testing permanent residents who wish to gain citizenship. Therefore the following suggestions are aimed at improving the current learning and testing process:

- NEDA is supportive of a shift away from learning "Australian values," towards education programs aimed at improving knowledge of civil rights and responsibilities associated with citizenship. This will enable new citizens to actively be involved in shaping Australia's future, by providing knowledge of how to access rights, and navigate Australia's civil political institutions.
- Knowledge of civil rights and responsibilities associated with citizenship should be distinct from English competency. Provision of information in community languages on civil political rights should be an ongoing commitment by Federal, State and Local governments in Australia.
- All learning resources should be available in multiple formats, including Braille, Easy English, Large Font, Audio and Visual. Training should also be available with a focus on enabling people who may not have strong literacy skills, or strong English proficiency, to learn essential information about citizenship.
- NEDA strongly recommends that if testing is mandatory, that the Australian Government offer alternatives to the current computer based test to maximize accessibility for the broadest possible range of prospective citizens. A positive step forward, for example would be to allow for recognition of competency for

prospective citizens who have demonstrated that they have attended citizenship workshops or similar training.

### *3.3 Recognition of Citizenship Competency for Long-term Residents*

A concern for NEDA with the current testing regime is the poor recognition of the skills, knowledge and contribution migrants make to Australian life, even if they do not possess a strong English language competency. For example there are many people with disability or carers who have lived in Australia for many years, sometimes decades, before their decision to apply for Australian citizenship: in these cases it seems very unfair to subject these residents to a citizenship test, given the long and positive contribution these residents have made to the community. NEDA recommends the Australian government develop a process to grant citizenship to long term residents, who have very clearly demonstrated an ongoing commitment to building Australia's future.

I hope that the Australian Government will favourably consider the suggestions outlined above when developing reforms for the current citizenship testing regime. If further information is required on this submission, please contact Dinesh Wadiwel on 02 9687 8933 or email [office@neda.org.au](mailto:office@neda.org.au).

Yours sincerely



Dinesh Wadiwel  
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