

Submission to the Australian Citizenship Test Review Committee

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1. Introduction

The Forum of Australian Services for Survivors of Torture and Trauma¹ (FASSTT) welcomes the opportunity to make this submission to the Australian Citizenship Test Review Committee regarding the new citizenship test introduced on 1 October 2007.

Since the end of the Second World War, Australia has recognised the need to provide protection to people falling within the framework of the Refugee Convention. We have also resettled others who have had 'Convention like' experiences, but who may not fit the full criteria of the 1951 Convention and 1967 Optional Protocol.

Studies of resettled refugees in Australia suggest that around one in four have been subject to torture or severe psychological violation prior to their arrival.² Seven in ten refugees from some countries have been subject to traumatic experiences such as periods of persecution and material deprivation, incarceration, extended periods in a refugee camp and loss of and separation from loved ones, often in violent circumstances.³ Most will not have had adequate health care for many years.

The purpose of Australia's Humanitarian Program is to provide protection to refugees and others who cannot find such protection as citizens of their countries of origin and who are effectively stateless as a result. It is a tradition in which we can take great pride as a nation and for which refugees are not only grateful but also embrace as an opportunity to rebuild their lives in safety and with dignity.

In this context, attaining citizenship and all of the consequent rights and protections afforded thereafter, is critical for refugees to find the confidence and security needed to rebuild their lives. Importantly, citizenship manifests in a true sense of belonging and acceptance and therefore improves settlement and 'integration' in the wider Australian community. Ironically, one of the stated objectives of the new testing regime was to improve the capacity of migrants to 'integrate' into the Australian community. FASSTT believes, however, that the new citizenship test in fact undermines integration for many refugees.

Historically, our clients express great pride when they take on Australian citizenship and it is disturbing to note that since the introduction of the new testing regime a disproportionate number are failing. Many of our clients report that they are too anxious to sit the test.

¹ FASSTT is a network of eight agencies that provide specialist torture and trauma rehabilitation services to refugees or entrants under the Humanitarian Program. There is one FASSTT agency in each State and Territory. FASSTT agencies seek to combat the impact of torture and trauma on the individual, the family and the community by conducting psychosocial assessments, providing counselling and advocacy, training and building the capacity of other service providers, conducting research and facilitating community development. FASSTT agencies collectively work with approximately 12,500 clients each year. FASSTT agencies are all not-for-profit organisations and receive funding from State and Federal Governments, philanthropic trusts and private donations. FASSTT agencies are also the principal contractors to the Department of Health and Ageing to provide services under the Program of Assistance for Survivors of Torture and Trauma. Many FASSTT agencies are also contracted under the DIAC-funded Integrated Humanitarian Settlement Strategy to deliver short term torture and trauma counselling to new arrivals.

² Iredale, R. et al, *Ambivalent Welcome: The settlement experiences of humanitarian entrant families in Australia*, Bureau of Immigration, Multicultural and Population Research, Canberra, 1996, p.40.

³ Dr Kaplan, I. et al, *Rebuilding Shattered Lives*, Victorian Foundation for Survivors of Torture Inc, 1998, p.25.

2. Key concerns about the current citizenship test

FASSTT believes that the premise on which the test is based is seriously flawed. The Department of Immigration and Citizenship (DIAC) states that the “test is an important part of ensuring that migrants have the capacity to fully participate in the Australian community as citizens and maximise the opportunities available to them in Australia.” DIAC also notes that the intention of the test is to promote “social cohesion and successful integration into the community”.⁴

The new test is deterring people who arrived under the Humanitarian Program from applying for citizenship. Those who do sit fail disproportionately. This is clear from what we hear from our clients and the data on the test compiled by DIAC.⁵

FASSTT considers that the new citizenship test is unfair and detrimental to the wellbeing of many people who came to Australia under the Humanitarian Program on the following grounds:

- the new test requires a significantly higher standard of English proficiency than previously, as now prospective citizens must be able to read as well as speak English;
- the requirement that people with low literacy levels can receive assistance only if they have completed 400 hours of tuition under the Adult Migrant English Program penalises those who are unable to attend classes, although people often have very compelling reasons for not participating, such as needing to work or looking after children;
- the test of ‘adequate knowledge of Australia’ requires prospective citizens to learn a large quantity of information that cannot reasonably be considered necessary to enhance their ability to participate successfully in Australian society; and
- the test does not take proper account of the learning difficulties of people who have experienced torture and/or trauma and those with little formal education after having spent many years in refugee camps.

As a consequence of the above issues, a disproportionate number of Humanitarian Program entrants experience difficulty in passing the test and are more likely to avoid sitting it in its current form. The most disturbing and saddest aspect of this, from a humanitarian point of view, is that the test can:

- perpetuate the statelessness of people who are attempting to rebuild their lives in Australia after having been made stateless by war and persecution; and
- undermine important elements of recovery from torture and trauma by reinforcing the psychological sequelae of trauma, including guilt, shame, humiliation, loss and grief.

The concerns described in this submission were anticipated by FASSTT and other informed agencies and individuals prior to the introduction of the test. In FASSTT’s submission to the Senate Standing Committee on Legal and Constitutional Affairs inquiry into the *Australian*

⁴ Department of Immigration and Citizenship website, <http://www.citizenship.gov.au/test/index.htm>

⁵ As at April 2008, 18 per cent of test applicants from the Humanitarian Program have failed. One per cent of test applicants from the Skill Stream failed, as did 9 per cent of Family Stream applicants. Department of Immigration and Citizenship, *Australian Citizenship Test Snapshot Report*, April 2008.

Citizenship Amendment (Citizenship Testing) Bill it was stated that the proposed new test was undesirable because of “concerns about the likely impact [the test] would have on the clients of FASSTT agencies and on their journey to recovery from their torture and/or trauma experiences.” Our view is confirmed by the content and operation of the test.

3. Recommendations

FASSTT’s preferred option for reform is the restoration of the previous testing scheme, which worked well for our clients and for the Australian community. If the Citizenship Test Review Committee does not support this position, FASSTT would urge it to recommend that:

- the test should accept people as eligible for citizenship if they can understand and speak a basic level of English – a high standard of literacy should not be a mandatory requirement;
- ‘adequate knowledge of Australia’ should cover only subjects that are clearly relevant to successful settlement;
- an interview should be available as an alternative to computer based assessment; and
- further alternatives to a test should be available that have an emphasis on supportive pathways to attaining citizenship and where active participation is the principle criteria for completing the test successfully. This could include initiatives such as:
 - the *Let’s Participate* program developed and run by the Adult Multicultural Education Service (AMES);
 - programs that enable community organisations such as AMES providers, including home tutoring programs and agencies such as migrant resource centres and others become accredited/licensed as citizenship training agencies and assessors;
 - promote a wider range of sites where these programs could be implemented, for example in different church or community organisation settings;
 - the development of initiatives that enable the provision of work based citizenship programs which would be negotiated with employers. These programs would be conducted in the workplace for those refugees who have jobs and are unable or cannot afford to take time off work; and
 - the establishment of mechanisms whereby community participation and volunteering to support schools and sporting groups and other community and cultural activities become legitimate criteria that can be considered as part of the pathway to citizenship.

4. The refugee experience and its effect on individuals, families and communities

This section outlines the core components of a framework for understanding the nature of the refugee experience. It is summarised here to assist the Committee to understand why a more supported pathway towards citizenship is an important building block in the process of recovery and the rebuilding of new lives in Australia.

4.1 Acts perpetrated by persecutory regimes

There are four key ways in which persecutory regimes seek to create a culture of oppression:

- violence, killings, assaults, disappearances, and deprivation of shelter, food and health care;
- death, separation, isolation, dislocation and prohibition of traditional practices;
- widespread deprivation of human rights and exposure to boundless human brutality; and
- invasion of personal boundaries, eg rape and torture, denial of the right to privacy or being forced to make impossible choices, often about who will live or die, who will stay and who will be left behind.

4.2 Social and psychological experiences which lead to the trauma reaction

The systematic application of these oppressive measures creates:

- a state of fear or terror, chronic alarm and unpredictability;
- the systematic disruption of basic and core attachments, eg to families, friends and religious and cultural systems;
- the destruction of values central to human existence; and
- the creation of shame and guilt.

4.3 Core components of the trauma reaction

The trauma created through systematic oppression permeates individual, family, community and societal systems. For the individual and the family it may:

- create feelings of depression, anxiety, helplessness and loss of control, manifesting itself in a range of traumatic stress symptomatology including, intrusive memories and flashbacks, disturbed sleep and concentration, depression and anxiety;
- affect a person's capacity to maintain and form relationships with others;
- shatter previously held assumptions and values that are core to our human existence - trust, meaning and identity are often lost; and
- feelings of guilt and shame.

4.4 Key recovery and rebuilding goals

Four recovery goals, which should inform all aspects of the development and delivery of services to survivors, have been identified.

- *To restore safety, enhance control and reduce fear and anxiety.* Restoring safety and enhancing control requires opportunities for support in terms of broader social policy that promotes community acceptance coupled with practical interventions such as housing, employment, health care etc. Citizenship is a clear example of social policy that is a vital part of restoring safety, security and control over one's life.
- *To restore attachment and connections to others and offer emotional support and care.* The manner in which refugees are received is essential to rebuilding faith in humanity and trust in others. Of utmost importance in this regard is

reunion with family members left behind. The granting of citizenship allows refugees to benefit by putting them on an equal footing with other Australians with regards to their status as citizens in their new countries.

- *To restore meaning and purpose to life.* Interventions which assist families to re-establish themselves, to pursue a career of choice or access to education and physical and psychological services which address the debilitating effects of torture and trauma all enable restoration of meaning and purpose.
- *To restore dignity and value and to reduce excessive guilt and shame.* Restoring dignity and decreasing excessive shame or guilt is perhaps one of the most difficult things to achieve. Interventions often require counselling and psychotherapy over long periods. Progress is greatly enhanced where these interventions are complemented by clear policies that support their membership of the wider community.

5. Citizenship in the context of settlement in Australia

For many refugees the conflict they fled still continues in their country of origin. This, coupled with issues such as being confronted with a new and unfamiliar environment, continued separation from family members, devaluing of the person (for example by not being able to attain citizenship), being unable to freely communicate in the dominant language or being confronted with racial prejudice, all complicate the resettlement process. Without an adequate response to such issues, feelings of helplessness, anxiety, depression, loss of identity and little hope for the future are perpetuated. Where this is the case, the intended goal of persecutors, ie to ensure that their suffering is permanent, can unintentionally be reinforced during resettlement.

Citizenship offers our clients an important contribution to healing and recovery from their past experiences as it provides a sense of security and settlement that is important in rebuilding their lives. A safe, secure and accepting community is as important as other interventions, either therapeutic or practical. The attainment of citizenship provides hope for a brighter future and restores dignity and a sense of belonging.

However, citizenship is not only a symbol of acceptance and belonging. On a practical level, citizenship allows refugees, to end their statelessness and reclaim statehood as a citizen of Australia. It allows them the protection and care of the Australian Government regardless of where they are in the world and enables them to reunite with family members from whom they have been separated.

The formal citizenship test has introduced a barrier to attaining citizenship that has had a negative impact on our clients' wellbeing. Contrary to the intent of the test, it has served as a barrier to social cohesion as some clients feel intimidated by the test and do not attempt it and others take the test and feel humiliated if they fail. Both of these effects of the test enforce the clients' feeling that they are 'outsiders', even though they are permanent residents in this country.

Case study⁶

Akuot is a middle aged woman, who arrived under Australia's Humanitarian Program. Akuot had fled her native country twelve years earlier and had spent most of the intervening years before her arrival in Australia in a refugee camp. Akuot has three children. Her husband was killed in war and she was the sole care giver for her children. Akuot also adopted two of her sister's children, after the death of her sister.

Akuot had very limited education in her country of origin and is not literate in her mother tongue or in any other language. She speaks a small amount of English which she learnt in the refugee camp.

Akuot arrived in Australia highly motivated to build a new life. She attended the Adult Migrant Education Program classes and some follow up English classes. However, Akuot finds learning English very difficult. One major factor is her lack of literacy. In addition, Akuot has concentration and memory difficulties as a result of trauma and is very busy with the care of her five children.

Akuot is not able to achieve sufficient language levels to study for the citizenship test. She cannot read in her mother tongue or in any other language. Adding to this disadvantage, her memory often fails her and she struggles to develop learning skills to retain information. Compounding this situation, the sophisticated material in the resource booklet about economic and parliamentary systems is very difficult for her to comprehend.

Akuot's children have settled well into the community and are succeeding at school and building up strong friendship networks. Akuot is active in her community and has made links with local neighbours. However, she maintains a profound sense of anxiety about not having a homeland and a stable base from which to rebuild her and her children's lives. Akuot explains that she has no sense of safety and security without a homeland and citizenship. She feels as if she is still a refugee.

⁶ Please note that all case studies are drawn from the experiences of clients of FASSTT member agencies. The identities of those in the case studies have been altered to protect privacy.

6. Barriers to learning faced by refugee and Humanitarian Program entrants

It should not be assumed that those who do not speak fluent English do not want, or have not made the effort, to learn. There are other barriers to learning English such as access to childcare, the need to look for work, an individual's learning capacity, literacy in first language, age and health status.

For many the impact of torture and/or trauma means that they experience significant learning difficulties. This affects not only their ability to acquire a new language, but also the ability to study the citizenship test resource book, *Becoming an Australian Citizen*.

The impact of torture and/or trauma may lead to symptoms which impair the ability to learn and acquire new skills. These symptoms include poor concentration, memory problems, confusion, anxiety, pain, withdrawal, anger, low self esteem, sensitivity to failure, poor motivation, sadness and depressed mood.⁷ Many clients of FASSTT agencies present severe symptoms consistent with chronic and complex post-traumatic stress disorder and anxiety and depression. These symptoms have a severe impact on clients' ability to retain and recall information. The use of a formal test which requires a high level of English proficiency, a large amount of study and knowledge in the use of a computer significantly disadvantages many people who come to Australia under the Humanitarian Program.

A further barrier to learning encountered by young refugees and humanitarian entrants is access to education. Many schools do not accept students aged over 18. Many young refugees and entrants under the Humanitarian Program of this age group have very low educational levels. In 2006 the Refugee Resettlement Advisory Council found that even if students aged 16 – 20 are able to enter school, it is often the case that they drop out due to frustration at their lack of progress in a system that does not support their needs or the need to earn money to support themselves and their families.⁸

The learning difficulties faced by many people are compounded by a lack of English proficiency. Over the past 5 years, 83 per cent of Humanitarian Program entrants had either nil or poor English proficiency upon arrival in Australia.⁹

Case study

Sarah is a refugee who recently sat and failed the citizenship test. She does not speak much English and is illiterate in her own language. She will not attempt to take the test again because she is afraid that she will fail again, and again face humiliation.

Sarah has a significant history of torture and trauma and clinical symptoms arising from this. One of her immediate family members was executed in her country of origin. Since the execution, Sarah was persecuted because of her religious and political beliefs. Intrusive thoughts about the past, nightmares and lack of sleep have a significant impact on her memory and ability to concentrate. The test preparation book is unhelpful, as she cannot memorise things that she does not comprehend or understand.

⁷ Dr Ida Kaplan et al, *Rebuilding Shattered Lives*, Victorian Foundation for Survivors of Torture Inc, 1998, p.177.

⁸ Refugee Resettlement Advisory Council, *Report on Education of Young Humanitarian Entrants*, April 2006.

⁹ Department of Immigration and Citizenship, *Victoria: Settlement trends and needs of new arrivals 2007*, p.29.

7. English language ability and citizenship

FASSTT recognises that proficiency in English is important for migrants and refugees and we endorse the Government's support for tuition through the Adult Migrant English Program (AMEP).

Our clients are no less aware of the value of knowing English and keen to become as competent as their abilities and their circumstances permit.

FASSTT believes that the higher proficiency level demanded by the new test is inappropriate. People can actively contribute and participate as Australian citizens without being fully proficient in English. Despite the changes in the Australian economy, there are still many jobs which people can do well with basic knowledge of English. They can be involved in community structures such as places of worship and voluntary organisations. They can be aware of political and social issues through electronic and print media in English and other languages.

Case Study

Ali is a refugee who has been in Australia for the last 8 years. He is a full time self employed contractor. As the sole supporter of his large family, Ali has had no opportunity to attend English classes. Taking English classes would mean a large amount of travel which would entail not only a significant cost but also a loss in earnings. Ali has never had formal education and is illiterate in his own language. He does not feel as though the government recognises the difficulty of his situation and has expectations of him that are unrealistic.

8. Knowledge of Australia

FASSTT agrees that possessing knowledge of Australia enhances participation in society. Our clients also speak of their desire to know and understand more about Australian customs, values, social systems and history. They recognise that in order to settle successfully in their new home they have to be aware of and adapt to laws and culture which are often very different from those of the countries from which they came. A number of FASSTT agencies run programs to familiarise clients with aspects of life in Australia.

One of the main outcomes of the test is to establish whether the applicants possess an 'adequate knowledge of Australia'. The test also intends to assess whether applicants will be able to 'successfully integrate' into Australian society. There is no evidence of the causal link between attaining the particular information presented in the preparatory resource book for the test and being able to 'successfully integrate' into Australian society.

In the past, there was an option available to refugee and Humanitarian Program entrants to undertake study about Australia within the AMEP program. The *Let's Participate* course used 20 hours of clients' AMEP entitlement towards the end of that entitlement. The course consisted of six units which covered some Australian history, geography, cultural customs and beliefs, system of government and citizens' rights and responsibilities. As it was part of the AMEP, the course provided some language learning materials associated with these topics. On successful completion of *Let's Participate*, clients were issued with a statement of attainment and exempt from the English language interview questions which tested their understanding of a citizen's rights and responsibilities (a compulsory part of the application process for all other applicants). *Let's Participate* is no longer available.

FASSTT believes that *Let's Participate* was a positive initiative which enabled refugees and Humanitarian Program entrants to learn about Australia in a supported environment which catered to their needs. This approach elicited a far more positive response from refugee and Humanitarian Program entrants than the current citizenship test.

9. Content of the citizenship test

To prepare for the test, applicants must study *Becoming an Australian Citizen* – a book of over 40 pages in length with hundreds of facts.

As the book covers a large amount of information prospective applicants are anxious about which parts of the material they should know thoroughly for testing and which parts of the material provide background information. For example, applicants often think it necessary to memorise all the detail contained in the book, such as all of the dates and statistics presented. It creates unwarranted anxiety and distress for applicants, particularly those for whom dates and decimal systems are a new concept in themselves, to memorise this information. For refugees who have had no formal schooling in their home countries, the ability to comprehend the concepts behind some of this information, even in their first language, is daunting.

Much of the information contained in the resource book is not common knowledge in the Australian-born population. In a study of students published in 2006 by the Ministerial Council on Education, Employment, Training and Youth Affairs, it was found that students “lacked knowledge of key facts and context about national events and nationally-representative symbols such as Australia Day, ANZAC Day and the role of the Governor-General”.¹⁰ As the aim of the citizenship test is to ascertain the level of knowledge which is deemed necessary to effectively function in Australian society, it is unreasonable to expect refugees and Humanitarian Program entrants to have a greater level of knowledge than Australian-born residents.

Case study

Farrah is a refugee who has been in Australia for several years would very much like to become a citizen. She spent many years in a refugee camp and as a result of her experiences there and in her home country she suffers from depression and anxiety. She feels as though she does not belong anywhere.

Farrah has collected all the practice questions for the citizenship test and has a copy of the resource book, but she does not have the courage to sit the test because she fears that she will fail. Her English is good and she is able to use a computer however she feels daunted by the amount of information contained in the resource document and feels that she will never be able to remember all of the information. This makes Farrah feel inadequate. She feels as though there should be some special consideration given to her because of her depression and anxiety.

¹⁰ Australian Council for Educational Research, “Raising the standard in Civics and Citizenship” in *Research Developments*, Issue 17, Winter 2007, p.12.

10. Language of the citizenship test

The anxiety felt by applicants about the content of the book is further compounded for applicants who are not literate in their first language.

The long standing eligibility criterion for citizenship is 'basic' knowledge of English. Prior to the new test this was interpreted as the ability to understand and speak the language. The new test is much tougher because it requires prospective citizens to be literate as well. The proficiency level of the resource book, *Becoming an Australian Citizen*, which has to be studied before the test, is demanding.

In 2007 an assessment was made of the draft of *Becoming an Australian Citizen* by Ingrid Piller, Professor of Applied Linguistics at Macquarie University and Tim McNamara, Professor of Applied Linguistics at the University of Melbourne. The language in the book was assessed as "complex and difficult on a range of measures of reading difficulty. It is certainly out of reach of a basic user of English with limited education and/or limited familiarity with texts of this type".¹¹

The high level of English of *Becoming an Australian Citizen* can be an intimidating prospect for the large number of Humanitarian Program entrants (particularly those who have arrived in the last five years) who have limited education and/or interrupted schooling. The complexity of the information may be understood by clients as a matter of inequity and discrimination.

Becoming an Australian Citizen has been translated into a number of languages. Although this is helpful for many people, many of our clients do not have literacy in their first language. FASSTT recommends that audio resources are developed to assist people in the preparation for the test. However this will still require the ability to listen to complex information and knowing how this information will be presented in the test.

This preparatory book needs to be in plain English which is commensurate with the language of the test.

The range of languages into which *Becoming an Australian Citizen* has been translated does not include all current major refugee languages. For example, Burmese, Karen and Chin are absent, as are Kirundi and Swahili (which are spoken in Burundi). In 2006-07 just over 28 per cent of Humanitarian Program entrants spoke Burmese, including Karen or Chin.¹²

¹¹ Ingrid Piller and Tim McNamara, quoted in Federation of Ethnic Communities' Councils of Australia, Media Release, *Hurdles and barriers for citizenship unnecessary and unwarranted*, 10 September 2007.

¹² Department of Immigration and Citizenship, *Victoria: Settlement trends and needs of new arrivals 2007*, p.29.

11. Exemptions from testing

As outlined above, the form of the new test poses many difficulties for refugee and Humanitarian Program entrants. The difficulties are compounded by the fact that the test is computer based – many of our clients are not familiar with computers.

Before the test was introduced FASSTT submitted to the government that refugee and Humanitarian Program entrants should be exempt or that there should be alternative testing arrangements. The government decided not to create an exemption.

Rather than alternative testing arrangements, the government provides the very limited form of assistance that an officer can read out the questions and possible answers to people who have low literacy skills. FASSTT believes this is an inadequate response to the difficulties people face.

The assistance is also unfairly limited to those with low English literacy levels who have completed 400 hours of AMEP tuition. It is questionable whether any person with low literacy levels should be denied assistance. As well, the restriction suggests that those who have done fewer hours should not be assisted because they are not committed to learning the language. There are other significant barriers to participation in tuition such as the necessity to work and access to childcare.

A number of FASSTT clients have applied for a test exemption on the basis of permanent physical or mental incapacity because of the lack of more appropriate exemption criteria. It is doubtful whether the current exemption criteria take into consideration the effect of severe and chronic symptoms which result from torture and trauma, including strong anxiety and associated learning difficulties. Two of these clients were interviewed in January of this year and at the time of writing are still awaiting a response from DIAC. We understand that in both cases it has taken a number of months for their cases to be allocated to an officer for processing, although the client has not been informed of the reason for the delay. In order for the client and their advocates to ascertain if going through this application process is worthwhile, DIAC should provide written guidance as to how they go about making decisions in these cases and the type of supporting evidence that is required from the client.

12. Conclusion

The attainment of citizenship and all of the rights and protections it affords is critical for refugees to find the confidence and security needed to rebuild their lives. Citizenship manifests in a true sense of belonging and acceptance and therefore improves settlement and 'integration' in the wider Australian community. One of the stated objectives of the new testing regime was to improve the capacity of migrants to 'integrate' into the Australian community. FASSTT believes that the new citizenship test undermines integration for many refugees.

FASSTT urges the Committee to consider the suggestions regarding active participation in citizenship and wider community activities as important criteria for ascertaining appropriateness of applicants for Australian citizenship. FASSTT also urges the Committee to consider the recommendations in this submission as ideas to be further developed that broaden the reach and scope of citizenship processes for refugees and entrants under the Humanitarian Program.