21 July 2017

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
By email: legcon.sen@aph.gov.au

Dear Committee Secretary

Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017

The Australian Psychological Society (APS) welcomes the opportunity to make a submission on the Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017.

The APS has a long history of involvement on matters relating to multiculturalism and social cohesion, including a number of position papers and resources, and has several member groups with an interest in the area. Most recently, in 2016, the APS hosted a roundtable on Social Cohesion in a Multicultural Society with participants from various domains of psychology and the wider community. The roundtable revolved around five catalytic speakers who identified important insights from psychology about how to promote social cohesion in a multicultural society. The event formed part of a wider Presidential Initiative on The Contributions of Psychology to the Big Issues of the 21st Century that highlighted evidence-based strategies for optimal social cohesion and community wellbeing.

The APS understands that the requirement for citizenship tests can help ensure that prospective citizens of a country possess an adequate knowledge of the history, institutions and values of the country they have chosen to join. However, the APS has some major concerns regarding the proposed Bill, because we consider the current requirements that test prospective citizens, including proficiency in the national language, to be adequate, and believe there are significant risks inherent in excluding more people from positive participation in Australian society. This position is based on psychological insights presented below.

Citizenship, social cohesion and social inclusion
The APS believes that strengthening multiculturalism and social inclusion is inherently linked with ensuring Australia is a socially cohesive community. Social inclusion is linked to better health and wellbeing at both an individual and community level (ABS, 2002; Berkman & Glass, 2000; Eng, Rimm, Fitzmaurice, & Kawachi, 2002). The ability and opportunities to participate in the community, and to have access to services and relationships that are available to the majority of people in society, are linked to an increased sense of inclusion and belonging (Seeman, 2000; Hatzenbuehler, McLaughlin, Keyes, & Hasin, 2010).
Policies, laws and services that promote fairness, inclusion and value cultural and linguistic diversity are key to building an inclusive, welcoming and safe community for all Australians (Tajfel & Turner, 1979). This has multiple benefits, one of which is enhanced mental health and wellbeing (Cox, Orsborn, & Sisk, 2017).

Citizenship sets the tone for membership in a society, and signals to the community what it means to be ‘Australian’. Attaining citizenship not only provides migrants with political and legal rights, but also provides a sense of belonging to the community, and is thus a form of social inclusion. Since the 1970s saw the end of the ‘White Australia policy’ era, Australia’s multicultural and citizenship policies have been widely seen as fair, welcoming and inclusive. This perceived fairness feeds forward into positive psychological and physical health for individuals, and positive levels of trust and good social relations for communities (Prilleltensky, 2012; Hillebrandt, Sebastian, & Blakemore, 2011).

On this basis, the APS is concerned that the proposed changes to citizenship, (namely extending the waiting period for permanent residents from one year to “at least four years” before eligibility for citizenship, increasing the English language requirement to qualify for Australian citizenship and the widening Ministerial discretion to deny citizenship in individual immigration cases) risks undermining the strong history of citizenship as a form of social inclusion and social cohesion.

Access to employment provides one example whereby the changes will contribute to social exclusion and other negative repercussions. Currently citizenship is a requirement for employment within many workplaces (e.g. public sector, politics). The proposed changes are not only likely to restrict an individual’s ability to make an economic contribution to society, but will also hinder existing efforts to increase the cultural diversity of the workforce, and the associated benefits (Trenerry, Franklin, & Paradies, 2012).

There is a real risk that large numbers of migrants will be socially excluded through these changes and some communities will be unfairly targeted (e.g., migrants and refugees from non-English speaking backgrounds) (Pratt, 2015). Arguably, what is proposed in the current Bill goes beyond what is expected of Australian-born citizens (for example, the average level of knowledge that citizens have about the operation of the political system), which also risks creating social division and perceptions of unfairness and discrimination.

Rather, the APS encourages leaders and policy makers to demonstrate inclusiveness and to express inclusion through its policies and practices. The evidence shows that social inclusion reduces the risks of mental ill-health for individuals (Hatzenbuehler, Keyes, & Hasin, 2009) and of social conflict for communities (Crelinsten, 2002). Inclusive practices thus promote individual health as well as social cohesion.

**English Language Testing**

As we understand it, the current requirements for citizenship mean that applicants must possess a level of ‘basic’ English, whereas the proposed Bill would see this requirement raised to a minimum of English competency equivalent to an International English Language Testing System (IELTS) Band 6. Not only is this
approaching higher education requirements for English, but it is also likely to be beyond the standard that many Australia-born citizens possess. For example, based on Plain English Foundation estimates, James (2016) argues that “given that more than 80% of Australians lack even undergraduate education, [public sector] agencies are writing well above the skills of the general population”. When researchers construct questionnaires for the general public, they have found they need to pitch them at Grade 6-8 level to avoid misunderstandings.

Over the years, many migrants from non-English-speaking backgrounds have served this country loyally and productively despite limited mastery of English. Increasing the English language requirement is likely to affect particular groups disproportionately, such as refugees, mothers, and others who have had limited access to formal education in their country of origin. This is particularly the case when the family as a whole is considered as the unit of migration (e.g., for many refugees). For example, less fluent grandparents may care for children while parents acquire greater English skills while working. Similarly, women may be more likely to care for children in the home than men, so that the latter acquire more fluency. Discriminating against grandparents or stay-at-home parents creates divisions within families and communities along age and gender lines, and fails to recognise the loyalty and contribution of those excluded.

The proposed new language requirement will only serve to create further social exclusion, disadvantage and perceived unfairness, which again jeopardises social cohesion. Instead, the APS supports strengthening English language support for migrants and humanitarian entrants to assist them in attaining English proficiency, rather than ‘raising the bar’ on English language requirements for citizenship. Any increased language bar will require a major commitment on the part of Government to support this learning and ensure equitable and flexible access to learning opportunities.

**Widening Ministerial discretion to deny citizenship in individual cases**

The APS is concerned about the proposed extension of Ministerial powers and lack of accountability associated with this measure. The APS believes the current citizenship regime provides adequate and fair processes for assessing citizenship applications. Classic experiments by social psychologists such as Stanley Milgram and Philip Zimbardo show the dangers of giving individuals excessive power without accountability. A number of measures in the proposed legislation would increase the risk of politicians, senior public servants, military personnel and border protection staff exhibiting the very kinds of behaviours predicted by such research - unquestioning compliance with unethical and dangerous directives, and increasing inability to display empathy, and misuse of assigned power.

For further information about our submission please contact me on 03 8662 3327.

Yours sincerely,

Heather Gridley
Manager, Public Interest
Australian Psychological Society
References


http://journals.sagepub.com/doi/pdf/10.1177/0081246313484238


About the Australian Psychological Society

The Australian Psychological Society (APS) is the national professional organisation for psychologists with 23,000 members across Australia. Psychologists are experts in human behaviour and bring experience in understanding crucial components necessary to support people to optimise their function in the community.

A key goal of the APS is to actively contribute psychological knowledge for the promotion and enhancement of community wellbeing. Psychology in the Public Interest is the section of the APS dedicated to the communication and application of psychological knowledge to enhance community wellbeing and promote equitable and just treatment of all segments of society.

Psychologists regard people as intrinsically valuable and respect their rights, including the right to autonomy and justice. Psychologists engage in conduct which promotes equity and the protection of people’s human rights, legal rights, and moral rights (APS, 2007). The APS continues to raise concerns and contribute to debates around human rights, including the rights of clients receiving psychological services, and of marginalised groups in society (such as Aboriginal and Torres Strait Islander people, asylum seekers and refugees and LGBTI individuals and groups) (http://www.psychology.org.au/community/public-interest/human-rights/). Underpinning this contribution is the strong evidence linking human rights, material circumstances and psychological health.