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Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into Australian Citizenship Legislation Amendment (Strengthening the requirement For Australian Citizenship and other measures) Bill 2017

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On behalf of the Committee for Cross-Cultural Ministry

Of the Lutheran Church of Australia (LCA)

Author's note: We give permission for the Senate Committee to publish this submission.

Introduction

The [Lutheran Church](#) was established in South Australia in 1838 by German emigrants from Prussia who came because of religious persecution. Many thousands of other migrants and refugees have joined our church over the subsequent decades. The Lutheran Church of Australia (LCA) has always served migrants and refugees coming to this country with care and compassion. It is from this longstanding history, and a personal and professional understanding of the joys, challenges and struggles of migrants and refugees, that the LCA's Committee for Cross-Cultural Ministry prepared this submission.

Individual members of the LCA Committee for Cross-Cultural Ministry have considerable experience of engaging with migrants from Europe and Asia, former refugees from Africa and Myanmar, and more recently, asylum seekers from Iran, Iraq and Afghanistan.

Examples of LCA involvement with migrants, refugees and asylum seekers

African: Approximately 1500 former refugees from Africa are associated with metropolitan, regional and rural congregations of the LCA. The majority are originally from South Sudan, with minorities from Burundi, Congo (Kinshasa) and Rwanda. Many African migrants need significant support, and some support may be required for a significant period after settlement.

Asian: The LCA's onshore Asian ministry dates back to 1919. Currently, approximately 1500 Asian migrants are associated with Lutheran Churches in Adelaide, Brisbane, Melbourne, Perth and Sydney. These are a mix of Cantonese and Mandarin-speaking Chinese, Korean, Indian, and three language

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groups from Myanmar (Mara, Kachin and Haka chin). Approximately half speak minimal English and cannot read or write in English.

European: The LCA has seven Finnish Lutheran congregations across Australia. The Finnish Church in Melbourne serves approximately 1400 Finnish-born residents. The LCA is also closely associated with several German congregations such as the German Church East Melbourne and the Martin Luther Chapel German Lutheran Church of Boronia, and with Swedish and Latvian congregations. The LCA also has congregations of German, Hungarian, Estonian and Slovakian speakers. Many prefer to speak their native language in their respective churches, even after 20-30 years of living in Australia.

Lutheran Community Care (an agency of the Lutheran Church of Australia) offer, among many community care services, a [New Neighbours Settlement Support](#) program in South Australia.

Australian Lutheran World Service work to meet the needs of refugees in the Kakuma and Dadaab refugee camps in Kenya, which were home to many Africans who now call Australia home (see <https://www.alws.org.au/index.php/who-you-help/welcome-the-stranger>)

The LCA is an associate member of the **Lutheran World Federation** (LWF), a federation of Lutheran churches from around the world established in 1947. The Lutheran Church of Australia supports LWF's core values of

- Dignity and justice
- Compassion and commitment
- Respect for diversity
- Inclusion and participation
- Transparency and accountability.

Key points of this submission

1. There is considerable confusion and anxiety being expressed within the African and Asian migrant communities we are associated with about the raising of the bar to attain citizenship and the prospect of potentially having their citizenship revoked. We urge the government to clarify what is expected of aspiring citizens and new citizens in order to reduce confusion or anxiety due to misunderstanding.
2. Many refugees resettled in Australia are educationally disadvantaged. They too would like to apply for citizenship. We ask that the Australian government treat them with understanding and patience, give them generous assistance with English language training, and consider granting citizenship to first-generation adult refugees (especially non-working women) who struggle to gain the required level of English competence. We suggest that a "modest" or "basic" achievement in understanding spoken English, a lesser degree of achievement in speaking English, and an even lesser achievement in reading and writing English should be acceptable. The process of granting citizenship will be unfair if it requires refugees from war zones with no formal education to achieve the same minimum competency in English as university-educated skilled migrants.
3. The process of assessing citizenship applications should be made as clear and straightforward as possible.

Other comments and recommendations

On the proposed wording changes to Australian Citizenship Act (2007) Preamble and to the Pledge of Commitment as a citizen of the Commonwealth of Australia

In our experience many refugees and migrants who have arrived with little or no education have great difficulty in understanding abstract concepts such as “allegiance”, “values”, “democratic beliefs”, “rights” and “liberties”.

Recommendation

- We recommend that the Australian government makes available to all applicants for citizenship (and for those of us who are citizens by birth) easy-to-understand education in these concepts in plain English.

On the requirement to attain a “competent” level of English language in listening, speaking, reading and writing skills in order to receive citizenship.

Being able to understand English and speak it relatively well is important for social cohesion. In our view, however, the Bill does not sufficiently acknowledge the educational disadvantages faced by refugees in particular. It is asking too much to expect refugees from disadvantaged backgrounds to achieve the level of “competent” in English, especially in relation to reading and writing. Learning another language to a level of “competent” takes considerable time and for adults it is significantly correlated with the ability to read and write in one’s mother tongue.

The situation of many African refugees associated with our church

Many African refugees who have been resettled in Australia are from the world’s least developed and most conflict-ridden countries, where generations of children—especially girls and women—have had no formal schooling. Many cannot read or write even in their mother tongue. Many are still traumatised by memories of past experiences. Even after 10 years in Australia, many have not yet achieved a “basic” level of skill in English listening, speaking, reading and writing. For some of these people their lack of English has made it difficult to find work. Some have found work that does not require them to use English, or requires only minimal English competency.

Many young Africans in Australia were born in refugee camps. Some received English instruction however, the instruction was often unsatisfactory, with overcrowded classrooms and teachers who could barely speak English themselves.

Some of these older children and adolescents arrived in Australia and have been placed into classrooms based on their age rather than on a comprehensive assessment of their past educational experience. Inadequate consideration of their past experiences, and culture, and lack of individual educational support, has resulted in many failing to catch up with their Australian counterparts. These factors contribute to marginalisation. Some youth have been unable to find work and have had run-ins with the law, affecting their ability to become citizens. In our view, we have failed to do enough to support the integration of these youths into Australian society. It is not surprising that many depend on welfare for extended periods when we, as a society, have neglected to provide the educational support they needed to integrate.

We believe that in relation to these African youth we have failed to uphold the Australian value of “equality of opportunity for individuals, regardless of their race, religion or ethnic background”.

The situation of many Asian migrants associated with our church

About half of the Asian migrants associated with the LCA have a higher than “basic” competency in English. Many others have a lesser competency despite having attended government-provided classes. Even many of those aged 25-35, who are foreign-born students studying in Australian universities, are not confident of achieving the required English standard. Older Asian migrants, those aged 45-65, are also worried. Many are parents of the students. They have sold property to come to Australia for their children’s education. They fear they will not be allowed to remain in Australia with their children.

Recommendations

- That the government commit greater resources to English language education for refugees and other migrants of non-English speaking backgrounds, recognising that many refugees in particular lack the ability to read and write even in their mother tongue.
- That the government accept a “basic” level of English listening and speaking skills as sufficient for Australian citizenship, and that the government promotes and supports English reading and writing education as a means to fuller participation in Australian society.

Comments on the following statements from Minister Dutton’s 15 June speech to parliament:

“The Australian community expects that aspiring citizens demonstrate their allegiance to our country, their commitment to live in accordance with Australian laws and values, and be willing to integrate into and become contributing members of the Australian community... An applicant for Australian citizenship will need to demonstrate a minimum of 4 years of permanent residency immediately prior to the application for citizenship with a minimum of 12 months outside of Australia over the period of that time.”

“Applicants will be required to sign an Australian Values Statement in order to make a valid application for citizenship... Applicants will be required to demonstrate their integration into the Australian Community accordance with Australian values.”

We understand the government’s desire for new citizens to commit to high standards of civic conduct for the development of a cohesive society. It is interesting to note that there is no obligation for Australian-born citizens to make the same pledge of allegiance as is required by new citizens. We suggest there is considerable room for improving the civic literacy of Australian-born citizens in such areas as our democratic system of government, citizens’ duties as well as their rights and freedoms, as well as their understanding of other cultures. Integration requires a cooperative, community approach that calls for acceptance and participation from all citizens, and not simply from aspiring citizens.

We suggest that there be - along with any strengthening of the residency requirement - a substantial strengthening of the support given to migrants and refugees to integrate into local communities through support agencies. This strengthening of support may require a review of the funding models and a review of the programs provided, and is likely to require the provision of increased funding and services to agencies that are best placed to deliver the needed support.

We believe that the requirement to “be willing to integrate into and become contributing members of the Australian community” should be a two-way experience. New migrants should not be expected to

reject their cultural identity in order to fit in to Australia, and people who consider themselves culturally Australian should be open to being influenced by the cultures of newcomers. This two-way experience has implications for improved cross-cultural education for all. Improved cross-cultural (inter-cultural) education is likely to reduce cultural misconceptions and misunderstandings in the community.

Moreover, the path of integration can traverse more than one generation. This reality should inform the design of any citizenship test. The measure of integration needs to take into account the contribution that immigrants currently make to Australian society, without recognising the future contributions they and their children will make.

The details provided in the Bill regarding “demonstrating” integration leaves much to the interpretation of individuals making the assessments. Care needs to be taken to ensure transparency of process so that decisions are not based on personal assessment or bias but upon appropriate and clearly stated guidelines.

Recommendations

- We recommend that aspiring citizens
 - be clearly informed about what they need to do in order to show that they are “integrating into the community in accordance with Australian values”.
 - be told what evidence of their integration they need to provide in their written applications for citizenship and in their interviews with DIBP officials.

“The Bill provides that the minister may determine changes to the text and requirements in relation to the Australian values statement by Legislative instrument.”

Recommendation

- We recommend that to maintain the transparency of process and integrity of the ministerial office that Parliamentary approval be sought, after community consultation, for changes to the text and requirements in relation to the Australian values statement.

“In addition to the existing police checks that are undertaken as part of the application for citizenship an application will also be assessed for specified conduct that is in consistent with Australian values—such as domestic or family violence and criminality, including female genital mutilations and involvement with gangs and organised crime.”

Recommendations

- We recommend that all new migrants to Australia be clearly informed about the conduct that could result in their applications for citizenship being rejected.
- We recommend that all new migrants be educated in aspects of “cultural behaviour” that are unacceptable in Australian society.

“The bill provides for the revocation of citizenship where the person became a citizen as a result of fraud or misrepresentation.”

“The Bill seeks to better align the powers in the Citizenship Act with the Migration Act to remedy decisions that may be made outside of community standards. The provision will allow the minister to personally set aside certain decisions of the AAT if it is in the public interest to do so.”

Recommendations

- We recommend that immigration laws should be clear and applicable to all equally.
- We recommend that the Minister should exercise limited discretionary power and that the Minister should demonstrate transparency in decision-making.

Thank you for taking the time to read and consider our submission.

Dr Tania Nelson, Executive Officer-Local Mission, on behalf of the Lutheran Church of Australia's Committee for Cross-Cultural Ministry