coalition for asylum seekers, refugees and detainees

Carad

245 Stirling Street
Perth
Western Australia 6000

Ph 61 8 9227 7322
Fax 61 8 9228 9749
Email: carad@iinet.net.au
ABN 97 481 185 842

Committee Secretary
Senate Legal and Constitutional Affairs Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
By email: legcon.sen@aph.gov.au
July 28th 2009

Dear Secretary to the Inquiry
Inquiry into the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009
This letter forms a submission by the Coalition for Asylum seekers, Refugees And Detainees WA [Inc] for the consideration of the Committee. The first aim only of the consultation is addressed;
provide that certain applicants may be eligible for citizenship without sitting the citizenship test if, at the time of application, they have a physical or mental incapacity that is as a result of suffering torture or trauma outside Australia.

CARAD questions the rationale of a citizenship test and in particular for its clientele who are former refugee and humanitarian visa holders

Proposed s 26(3B)

- Refugee and humanitarian entrants are eager to become citizens: a permanent visa enables them to live in Australia but Citizenship gives the right to live here as well as other entitlements and protections. Citizenship is a powerful symbol of inclusion as well as protection. There is a very high uptake of citizenship among this population.
- Citizenship has great personal importance to former refugees. Many clients have been seen to weep tears of joy when recounting their experience of casting their vote for the first time. It is also the first time that many have had any kind of formal identification on receipt of a passport.
- We are unsure of current pass/fail outcomes of tests for refugees [and similar categories]. Anecdotal evidence suggests that the test is difficult for some of our clients, who have sat the test several times in an attempt to pass. [It is our understanding that people who migrated to Australia through other programmes pass readily]. It is not uncommon for individuals to comment that because of various past

experiences and current anxieties and distractions they are unable to study/concentrate/learn/remember in preparation for the test.

- In our view the requirements for testing have a negative impact on the people we know—a sizeable majority never having been to school; many are not literate in their own language or in English and few have developed any computer skills.
- CARAD claims that its clients are especially vulnerable because many, if not most, have long histories of trauma and torture, persecution and discrimination. Many of these past experiences continue to trouble our clientele after decades in this country.
- The provision of funding to support refugees and humanitarian entrants prior to the test was welcome, as were the amendments to test content. [Australian Citizenship Test Review Committee].
- The issue of an exemption for those who have suffered torture and trauma was raised with the ACTR Committee who commented as follows:

"a permanent physical or mental incapacity means that the person is not capable of understanding the nature of the application at that time". The Committee considered that many of these individuals would understand the nature of their application; *however, their mental state does not enable them to demonstrate that they have a basic knowledge of the English language, and/or an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship.*

The Committee was also advised that these conditions are not necessarily classified as a "permanent" mental incapacity by the medical profession, even though they preclude a person becoming a citizen due to mental and physical incapacity. This view would exclude individuals from any exemption provisions.

- The Committee recommended as follows

  It is suggested that section 21(3)(d) could be amended in the spirit of the existing Act to read:

  "has a physical or mental incapacity at that time means the person is not capable due to the physical or mental incapacity of:

  • understanding the nature of the application at that time; or
  • demonstrating a basic knowledge of the English language at that time; or
  • demonstrating an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship at that time."

- However the proposed amendment is narrower than this and states:

  26 (3B) person satisfies this subsection if the person has a physical or mental incapacity, at the time the person made the application, that is as a result of the person having suffered torture or trauma outside Australia and that means the person:

  (a) is not capable of understanding the nature of the application at the time the person made the application; or

(b) is not capable of demonstrating a basic knowledge of the English language at that time; or

(c) is not capable of demonstrating an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship at that time.

- The proposed amendment requires proof that an applicant's mental incapacity is related to torture and trauma which occurred outside of Australia. CARAD adds that many clients have also been traumatised by their Australian detention centre experiences and it is our view that consideration should be given to this. This is of concern to CARAD as it is presumed that an applicant will need to undergo assessment for evidence. There is only one organisation [ASeTTS: Assisting Torture and Trauma Survivors] that specialises in providing expert services to torture and trauma survivors in Perth. There is inadequate funding to meet demand with insufficient qualified staff and long waiting lists.
- It would be most unreasonable to compound this plight by any expectation that persons seeking exemptions from the test seek an assessment from ASeTTS.
- The proposed legislation should *as a minimum* be in keeping with the recommendation of the Australian Citizenship Test Review Committee, to enable a broader range of health professionals to assess the individual claims for exemption. This *requirem*ent would in turn impose a training, service and reporting burden on such personnel as General Practitioners, community health nurses and mental health clinicians [in particular at those services in suburbs heavily populat*ed by the ca*tegories of people to whom this applies].
- Experiences of torture and trauma can last a lifetime; telling and re-telling the stories can bring those experiences back as if it were yesterday, causing huge distress, not only *to the perso*n concerned but to tho*se who live* with them. For this reason alone and because torture and trauma are the burden most refugee and humanitarian entrants carry, an exemption from the test for Citizenship should apply without the added burden to them and health care providers of an assessment.

Recommendation

It is recommended that all humanitarian and refugee be exempted from the requirement to sit the Citizenship test

We welcome the opportunity to make this submission and if necessary CARAD is prepared to give evidence at a hearing.

Yours sincerely

Dr Judyth Watson on behalf of CARAD and Ms Hudson Miller [on leave]

Rosemary Hudson Miller
Chair CARAD.

The Coalition for Asylum seekers, Refugees And Detainees [CARAD]

CARAD was established in January 2000 when the first group of refugees with temporary, rather than permanent, protection came to Perth on release from detention centres. These Temporary Protection Visa (TPV) holders were not entitled to access the usual resources for off-shore refugee applicants and migrants. CARAD provided practical assistance to TPV holders to enable them to access basic resources and settle in Australia.

During the first years CARAD:

- Met more than 3,500 refugees
- Assisted almost all of them to complete essential application forms
- Found temporary, then permanent, rental housing for refugees
- Established close to 900 households from donated goods
- Set up English language classes for men at Welcome House (now closed) and for women at home
- Enrolled children at schools and provided homework support
- Provided practical assistance and friendly support aimed at helping refugees to settle
- Worked with other organisations to provide appropriate services for refugees
- Provided support for the refuges while they reapplied for permanent protection
- Engaged in advocacy for individuals and for policy changes
- Raised money to support out work
- Provided practical support for refugees who have chosen to return to their homeland
- Provided information to members and supporters on developments in this area

Since mid 2005 conditions for asylum seekers in Australia have eased considerably. There are no longer children in detention; Manus and Nauru detention centres have been closed; the Pacific Solution is finally history and the new federal government is granting permanent protection visas to all who were on temporary.

Current focus

- We remain the agency of last resort for many asylum seekers on Bridging Visa E's - who are denied work rights, Centrelink income and Medicare. We assist these people with their most essential needs including accommodation, food, and medical care. Last year CARAD raised and spent an average of $5000 per month on providing a basic living allowance for this group of asylum seekers. [we welcome recent changes]
- We continue to work to change government policies towards asylum seekers through advocacy, campaigning and lobbying.
- We assist the settlement of new arrivals through the family reunion program.
- We have active volunteers involved in homework & English home tuition as well as general support.
- We are increasingly being requested to help refugee families find new rental accommodation.
- We visit asylum seekers in community detention and in the Perth detention centre.
- We support a part time worker for Christmas Island detainees.