

**Committee Secretary
Senate Legal and Constitutional Affairs Committee
Parliament House
Canberra ACT 2600**

Despite the submission deadline having passed, I wanted to make the following submission to the Legal and Constitutional Affairs Legislation Committee regarding some of the consequences of Citizenship changes that have been brought to my attention.

Of all of the changes that have been proposed, the omission of changes to the Citizenship legislation that preclude dual citizenship is notable.

With regards to the changes, I am not aware of any reason to make such significant changes to the Australian citizenship requirements, however, perhaps the previous requirements would have been sufficient if only changes to dual citizenship were introduced. This in itself requires someone to make the ultimate commitment to Australia.

I am concerned that the proposed changes will fail to recognise or acknowledge someone's commitment or contribution made to Australia and will see many deserving committed, hardworking Australian permanent residents being excluded from obtaining citizenship. This will certainly be the case with regards to the introduction of new English requirements, especially if there are no provisions for those with certain disabilities which would automatically see someone fail the test where they are vision or hearing impaired and are not exempt from English testing and obtaining proficiency in each component of the test.

The English changes could also result in some family members being ineligible to obtain citizenship in Australia. For example, an Australian citizen originally from Cambodia who marries a Cambodian lady. They have children in Australia who automatically become Australian citizens however, the wife and mother of the Australian citizen family cannot become a citizen because she cannot meet the English language test. I have concerns that this has the potential to create animosity between the family and the Australian government and potentially ethnic communities and the Australian government.

The recent and unexpected package of reforms to Citizenship applications received by the Department of Immigration and Border Protection (DIBP) on or after 20 April 2017 not only delay a permanent visa holders right to integrate and settle into Australia with an application for Australian citizenship, but have serious impacts on a family and their ability to settle into a local community.

An increase in the general residence requirement to a minimum of four years permanent residence immediately prior to application for citizenship as opposed to the previous requirement whereby an applicant was required to be a permanent resident and in Australia for the last four years, including the last 12 months as a permanent resident will undoubtable and undeniably have a negative impact on many individuals and families.

Recently I heard about an Australian permanent residency family who have had to send their eldest daughter back to New Zealand to study at University as they are no longer eligible for citizenship and cannot afford to pay higher costs associated with tertiary study in Australia. This has unnecessarily forced the family to be separated.

To summarise some of the impacts of the changes, the new proposed citizenship amendments will ultimately affect the following:

1. Ability to afford and undertake further education in Australia,
2. Ongoing confusion and costs associated with applications for Resident Return Visas and the ability of residents with expired visas to re-enter Australia,
3. The inability to travel freely to and from Australia without monitoring past travel,
4. Diminished, limited or no support and assistance for non-Australian Citizens from Australian Embassies and/or Australian Consulates whilst overseas,
5. The ongoing need to inform the DIBP of changes to passport details,
6. Being unable to apply for work in Australia including many government jobs, the Australian Federal Police, the Australian Defence Force, or obtaining security clearances to work in the Defence Sector. This may also limit the opportunity for someone to enter local, state or Federal politics.
7. A non-citizen cannot join the armed forces to defend Australia in the event of a war or conflict.
8. Athletes can not represent Australia unless they are Australian Citizens,
9. Athletes who are not Australian citizens are considered imports during sporting completions, for sports such as domestic soccer, cricket, basketball and netball competitions, limiting career opportunities.
10. It limits someone from exercising a democratic right to vote in Australian elections.
11. A significant delay in the processing times of Family Stream visa applications where a sponsor arrived in Australia as an Illegal Maritime Arrival (IMA).
12. For some residents of Australia who want to access their offshore superannuation for reasons such as to purchase a family home in Australia, countries such as Malaysia require evidence of Australian Citizenship.
13. Some countries such as the US impose travel bans on some persons who hold certain passports. This can impact someone's opportunity to travel abroad with their Australian spouse, partner or family.
14. Travelling internationally as an Australian Citizen is also easier.
15. Departing and entering Australia is quicker and easier as an Australian citizen.
16. There are some limitations on permanent residents adopting children in Australia.
17. Non-citizens cannot serve on a jury.
18. The English language provisions will affect many from obtaining citizenship, including those with disabilities and other applicants who can obtain residency in Australia without having to meet an English language proficiency test, including;
 - i. Business migrants,
 - ii. Spouse migrants,
 - iii. 457 dependents,
 - iv. Skilled migration dependents,
 - v. Parent visa holders,
 - vi. Protection visa holders.
19. Some people wishing to sponsor a parent on a parent visa where they have resided overseas will also be affected.

Another recent example that I am aware of is a family of five who have migrated to Australia and no longer eligible for citizenship. The couple's three children are university age but prevented from enrolling due to the significant financial costs involved. With limited scholarships available to non-Australian citizens and a lack of funds available the children have no option than to delay their tertiary education until such time that Citizenship becomes available. A delay in tertiary education not only has a significant impact on these children and their futures, but a negative impact on

education providers and on the local economy with the loss of qualified graduates. A reduction in the number of people studying in the VET and tertiary sector will result in a loss of jobs in these sectors.

Many new Australian residents who may arrive on spouse visa, skilled visas or humanitarian visas may want to study to provide them with independence and improved career opportunities in Australia. The proposed changes will deny and restrict access to many.

What is claimed to have been a change to foster integration, the package of reforms to citizenship applications has significant impacts for individuals and family's to integrate, study, gain employment and further settle into the Australian community; the specific changes of most concern being the residential requirement and English language requirements. The most notable change which is not included in the reform agenda is restriction to dual citizenship.

Introducing a more meaningful and subjective set of questions and guidelines to assess an applicant's understanding of, and commitment to, shared values and responsibilities within the Citizenship test may be a sensible move from the Government, rather than mandatory English competency. Changes to the residential requirement that delay a person from applying for citizenship until they have been a permanent resident of Australia for four years, seems unfair to say the least; what makes matters even worse is the retrospective nature of the introduction of these changes without any prior notice. Many people have had their dreams of Australian citizenship shattered and plans for ongoing education in Australia for themselves or their children removed.

I contend that if these full suite of changes are implemented, that they or any revised changes should be grandfathered so that only people who obtain their Australian permanent residency after a certain date would need to meet the new guidelines. That way someone who migrated to Australia based on the rules that applied at that time would not be disadvantaged by these changes and in the future any migrant would be able to make an informed decision based on information, rules and regulations that applied at the time of making their application.

I do not believe that retrospective changes should be introduced or implemented in any part or component of the Australian migration program, including citizenship.

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