Australian Citizenship

Australian Government

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Your Right,
Your Responsibility
Citizenship is a cornerstone of Australia’s inclusive and pluralist democracy. Together we have built a modern nation on the idea that people can get ahead if they are prepared to ‘have a go’. Still, in a world in which terrorists are reaching out to our community, we cannot be complacent about our future as a strong, safe and cohesive society. It is time for a national conversation about the role of citizenship in shaping our future.

There are many ways to become an Australian citizen. Regardless of how we gain it, Australian citizenship is an extraordinary privilege requiring a continuing commitment to this country. Australian citizens enjoy privileges, rights and fundamental responsibilities.

We need to ask ourselves whether the responsibilities of Australian citizenship are well enough known and understood. Do we do enough to promote the value of citizenship, particularly among our young people? Have we got the balance right between the safety of our community and the rights of the individual? How should we deal with citizens who act against the best interests of our country?
As a nation, we have found unity in our diversity and respect in our differences. We should continue to welcome people to make this country their home. That is non-negotiable. But our welcome cannot be a one-way street. All Australians should respect the values of freedom, democracy, the rule of law and mutual respect. Regardless of our heritage, as citizens, our first duty is to Australia.

What does the threat from terrorism mean for our efforts to realise a strong, safe and prosperous nation? How might we all develop a greater appreciation of Australian citizenship and its privileges and obligations?

Questions are included throughout this paper as conversation starters. Your views on these and other thoughts you have on the value of citizenship in Australia are important. The Commonwealth Government wants to hear from you.

**Australian values and the responsibilities and privileges of Australian citizenship**

Our citizenship laws define who is, who can become, and who ceases to be an Australian citizen. Australian citizenship was first defined in law in the *Nationality and Citizenship Act 1948*, and came into force on Australia Day 1949.

Since then, more than 4.5 million people have chosen to become citizens. Today, almost half our population were born overseas or has at least one parent who was born overseas.

The privileges, freedoms and benefits of living in Australia are balanced by responsibilities. All Australians are responsible for respecting and protecting our country and ensuring that our commitment to a decent society embraces all Australians.

Core Australian values include:

- constitutional government;
- respect for the freedom and dignity of the individual;
- freedom of speech and religion;
- commitment to the rule of law and allegiance to Australia;
- parliamentary democracy;
- a spirit of egalitarianism that embraces mutual respect, tolerance, fair play, compassion for those in need and pursuit of the public good; and
- equal rights before the law and equality of opportunity for all.

Australian citizens have an obligation to:

- obey the law;
- defend Australia should the need arise; and
- vote in federal and state or territory elections, and in referenda.
Australian citizens have privileges, including but not limited to being able to:

• apply for an Australian passport and re-enter Australia freely;
• receive help from an Australian official while overseas;
• access Medicare and Centrelink payments where applicable.

**Increasing the value of Australian citizenship**

Since the introduction of Australian citizenship, much has been done to increase awareness, understanding and the value of Australian citizenship, including:

1993: Changes to the *Australian Citizenship Act 1948* to recognise Australian citizenship as a common bond uniting all Australians and involving reciprocal rights and obligations.

1993: Introduction of the Pledge of Commitment to ensure new citizens commit to the Australian nation and people.

2001: Launch of Australian Citizenship Day, celebrated on 17 September each year, to increase community awareness of Australian citizenship.

2002: Changes to allow Australian citizens to acquire citizenship of another country without losing their Australian citizenship (‘dual citizenship’).

2006: Introduction of the Parliament and Civics Education Rebate, which helps schools bring students in Years 4–12 to Canberra on a civics and citizenship education excursion.

2007: A new Australian Citizenship Act written in plain English and a citizenship test to ensure prospective citizens appreciate Australia’s laws and values.

2009: Agreement to Civics and Citizenship under the Australian Curriculum to reinforce understanding of what it means to be an Australian citizen. The broader Australian Curriculum includes skills development in areas including personal and social capability, which complement the Civics and Citizenship learning area.

The Government is confident that we can build on this foundation so Australians have a stronger understanding of the meaning and value of citizenship.

- **Do you believe Australian citizenship is currently valued? How is this demonstrated?**
- **What more can the Commonwealth Government and the community do to ensure Australian citizens understand and respect the privileges and obligations of citizenship?**
- **What place do you see for civics programmes in schools? Are there other locations, such as libraries, online or community groups, where civics information could be provided?**
- **How can more Australians be encouraged to participate in civic life to build strong, inclusive and sustainable communities?**
Citizenship eligibility, test and pledge

The Government is considering residency requirements for determining citizenship eligibility. Currently, a person must be lawfully in Australia for four years, including minimum periods of permanent residence, before applying for citizenship. Should this requirement be amended to strengthen the integrity of the citizenship programme?

The Australian Citizenship Act 2007 requires applicants in certain circumstances to successfully complete a citizenship test to be eligible for citizenship. The test is used to assess English language knowledge; understanding of the application process; and knowledge of Australia, its core values, and the responsibilities and privileges of citizenship.

All people 16 years or over acquiring Australian citizenship by conferral must also make the Pledge of Commitment set out in Schedule 1 of the Australian Citizenship Act 2007.

The Government is considering developing a stronger framework for the citizenship test and the Pledge of Commitment to strengthen the integrity of the citizenship programme. Possible areas for strengthening the citizenship framework include:

- Including questions about allegiance and more questions about the rule of law, values and democratic rights and responsibilities in the citizenship test.
- Limiting the number of times a person can sit the citizenship test before their application may be refused.
- Standardising English language requirements to ensure new citizens have adequate language ability, taking into account particular circumstances such as age.
- Appropriate penalties for cheating on the citizenship test.
- Requiring more individuals to make the Pledge at a ceremony by reducing exemptions and applying it to those who gain citizenship by descent, adoption and resumption.
- Strengthening the Pledge and Preamble to the Citizenship Act to include words about allegiance to Australia and an undertaking not to act contrary to that allegiance.
- Clarifying that Australian-born citizens, and those who have citizenship by descent, are bound by the responsibilities and privileges of citizenship as set out in the Preamble.
- Requiring a signed undertaking to abide by the Pledge if approved for citizenship.
-The obligations of citizenship in an age of home-grown terrorism

Our success as a unified and cohesive nation created from a diversity of cultures, ethnicities and faiths could be challenged by a home-grown threat from people who reject our values and are prepared to resort to violence to impose ideological, political or social change.

The recent Counter-Terrorism Review (http://www.dpmc.gov.au/pmc/publication/review-commonwealths-counter-terrorism-arrangements) concluded that Australia has entered a new, long-term era of heightened terrorism threat, with a much more significant ‘home grown’ element. It assessed that the threat of terrorism in Australia is rising along with the number of known sympathisers and supporters of extremists. Thousands of young and vulnerable people in the community are susceptible to radicalisation.

The scale of involvement by Australian civilians in the conflict in Syria and Iraq far outstrips any previous conflict. There are at least 100 Australians fighting with or supporting terrorist groups in Iraq and Syria. Australian security agencies are investigating close to 160 people in Australia who are actively supporting extremist and terrorist groups; the overwhelming majority of these people are young people. This includes a small number who have planned to conduct terrorist attacks here.

Last September, the Government raised the National Terrorist Threat Level to HIGH: our security agencies assess that a terrorist attack in Australia is likely. Since then, we have seen an attack in Melbourne and the Martin Place siege; other attacks have been disrupted. Twenty-three people have been arrested and charged as a result of counter-terrorism operations in the last eight months – one third of all terrorism-related arrests since 2001.

The Government is serious about countering home-grown terrorism. We are investing $1.3 billion in new counter-terrorism capabilities, and we have systematically updated our national security legislation to give our law enforcement and security agencies the powers they need to tackle the threat of home-grown terrorism.

Robust security and law enforcement efforts are essential. So too are stronger efforts to counter radicalisation in the community. We are developing new programmes to challenge terrorist propaganda and to provide an alternative narrative based on Australian values. All Australian governments are working with local communities to counter violent extremism.

As part of this overall strategy, we want to examine how we might build on existing citizenship laws to help deal with the terrorism threat.
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Revocation of citizenship for dual nationals engaged in terrorism

Dual citizenship strengthens the social and economic fabric of our nation. The ability of Australian citizens to also be citizens of other countries gives people more freedom to move in an increasingly globalised world. It has strengthened our links with other nations, including in our region. Dual citizenship recognises there are Australians who have close connections to Australia and to another country as well.

However, Australian citizenship has never been unconditional. Since 1949, there have been provisions for the automatic loss of citizenship when a dual citizen serves in the armed forces of a country at war with Australia.

Arguably, Australians who engage in a serious act of terrorism do not deserve to remain Australian citizens. The United States, New Zealand, the United Kingdom, France and many other European countries have powers to revoke citizenship on broad national security grounds. Canada has legislation which will come into force in the near future.

The Government intends to modernise the Australian Citizenship Act to enable the Minister for Immigration and Border Protection to take action in the national interest to revoke the Australian citizenship of dual citizens who engage in terrorism that betrays their allegiance to Australia. These powers would be used against dual citizens who join or support listed terrorist groups such as Daesh, or engage in terrorist acts alone. They would apply to dual citizens who engage in terrorist activities here in Australia or on foreign soil, including that of our friends and allies.

The Government is also considering enabling the Minister to revoke Australian citizenship where there are reasonable grounds to believe the person is able to become a national of another country under their laws and would not be made stateless, as is the case in UK law. In the UK it is possible to revoke the citizenship of a person who has a legal right of access to the citizenship of another country, even if that right has not been exercised. Any new law would need to be consistent with our international legal obligations not to make a person stateless.

Measures to broaden the grounds for revocation, while very serious, should be proportionate given the severity of threats to national security. There would be safeguards—including judicial review—to ensure there are appropriate checks and balances on their operation.
- In what circumstances should a holder of Australian citizenship be regarded as having forfeited citizenship?
- Should the powers of revocation apply to citizens when the Minister has reasonable grounds to believe that the person is able to become a national of another country or territory under their laws and where it would not leave that person stateless?
- What limitations and safeguards should apply to laws enabling the revocation of the citizenship of Australians engaged in terrorism?

Suspension of privileges for Australian citizens engaged in terrorism

To ensure there are consequences for all Australians who engage in terrorism, not just dual citizens, should we consider additional powers like suspending certain privileges of citizenship? There are legal obligations that may limit the Government’s ability to suspend certain privileges. There are already circumstances where some privileges of citizenship are suspended with broad community acceptance. For instance Australians serving prison sentences of more than three years have their voting rights suspended while they are imprisoned.

The Commonwealth Government is concerned that citizens who deliberately undermine our nation may have benefited from Government support. These people could be deemed to have abused the trust placed in them and the privileges they have gained through their citizenship. It was in this light that, in November 2014, the Australian Government legislated to allow for welfare payments to Australians to be cancelled on national security grounds.

Australian citizenship has to mean something. When citizens conduct themselves in ways at odds with their allegiance to Australia, a line has to be drawn.

Privileges of citizenship are fundamentally linked to an ongoing commitment to Australia and participation in Australian society. If citizenship is the contract by which we all abide, at what point is it broken and what should be the consequences when it is?

- Should certain privileges of citizenship—such as the right to vote in elections and receive consular assistance—be able to be suspended for Australian citizens engaged in terrorism?
- If so, which privileges would be reasonable to suspend and under what circumstances?
- How might we guard against unintended consequences?
How to provide your views

You can submit your views on this paper by 30 June 2015 to:

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