

BACKGROUND ON THE ENGLISH LANGUAGE TEST FOR CITIZENSHIP

29th June 2017

The Legislation

Good summary information on the legislation is at: <https://www.theguardian.com/australia-news/2017/jun/16/citizenship-law-changes-explainer-what-are-they-and-why-does-the-coalition-want-them>

The link to the new legislation that includes requirements for an English test to gain citizenship is: http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r5914
The best way to locate the parts relating to the English test is to download the files and search them using the word ‘**competent**’.

Essentially, the legislation grants **the Minister the power to determine by regulation** (i.e. without going back to Parliament) **what counts as proof that someone has “competent” English**. The intention appears to be to base this determination on existing tests as nominated by the Minister/in the regulations. Currently, people pay to sit these tests (see below). The explanatory notes to the legislation suggest that **passport holders from other English-speaking countries** (e.g. Canada) will be deemed English competent (!). It’s not clear how the requirements will apply to those who have come on a business visa.

Senate Inquiry

The legislation has been referred to a Senate Inquiry:

[http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal and Constitutional Affairs/CitizenshipBill2017](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/CitizenshipBill2017) Closing date for submissions is 21 July.

The current citizenship test

A simulation test can be found at <http://www.australiancitizenshipsupport.com/?gclid=COPpv8LT2NQCFYSXvQodD7wCnA> It’s worth doing it yourself!

Note:

- This is a **de facto English test** in that it requires a fairly high standard of English reading comprehension, both the test and the accompanying booklet that’s tested.
- It’s **specifically directed to knowledge that citizens supposedly should have**, unlike the IELTS test, which is a more general test – see below
- It’s an achievement test, that is, it tests exactly what people have learned about citizenship from an accompanying booklet; **the trial test allows people to discover what more they need to learn and where to find the information**.
- It currently costs \$180-\$285, plus \$165 for access to software, to apply for citizenship. https://www.immigrationdirect.com.au/australian-citizenship/citizenship-application.jsp?r=ga-cpc-aucit_au-australian_citizenship_application:m=e&r=ga-cpc-149799786-australian%20citizenship%20application:m=e,g=7433092266,p=1t1&gclid=CjwKEAajwytLKBRcX547gve7EsE4SJAD3IZV6NUqpupLSac5cD7vsgC6DM3rzdcfYPdHeETR5F7V2QhoC19Lw_wcB

The proposed English test and test level to be achieved:

- The legislation gives the Minister the power to decide by regulation (i.e. without going back to Parliament) the tests that will be accepted and the required level to prove someone is “competent” in English. In the media briefing, the Minister referred to achieving Level 6 (labelled “competent”) or equivalent in the International English Language Testing System (IELTS):

<http://www.minister.border.gov.au/peterdutton/Pages/Joint-Press-Conference-with-the-PM,-Parliament-House.aspx>

<https://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/citizenship-paper.pdf>

- The legislation strongly implies that the test will be an existing test (i.e. not specially developed). If so, individuals will almost certainly have to pay to sit the test in addition to the fees already attaching to Citizenship applications. Current English test fees are between \$330 (IELTS) and \$400 (International Language Proficiency Scale, ISLPR).
- Separate English tests such as IELTS are **not directed to citizenship knowledge**. They require **writing and advanced test-taking skills** that will exclude large numbers of people, especially women who have come as refugees or on spouse & family reunion visas.
- **IELTS levels and examples:**
<https://www.ielts.org/about-the-test/sample-test-questions>
- the Government has disputed claims that IELTS Level 6 is “university entry”. There are 2 streams in the IELTS: Academic and General. The **levels in each stream are equivalent** -- it’s the content that varies. In fact, the description of the “General Training” strand is educationally oriented: “*The IELTS General Training test is for those who are going to English speaking countries for secondary education, work experience or training programs.*” For expert advice contradicting the Government’s claims, go to:

<http://www.theage.com.au/federal-politics/political-news/world-expert-rebuffs-peter-dutton-over-english-language-test-red-herring-20170621-gwvhrv.html>.

<http://www.abc.net.au/news/factcheck/2017-06-28/tony-burke-citizenship-test-university-level-english-dutton/8656754>

- entry levels to obtain **student visas are lower than IELTS Level 6**, go to:
<http://www.border.gov.au/Trav/Stud/More/Student-Visa-English-Language-Requirements>
- results from the English test will only be valid for 3 years but people have to have permanent residency for 4 years before applying for citizenship, so those who have already passed the test to get permanent residency (required for some visa classes) will have to sit it again.

Arguments against a new and separate English test

1. the proposed test and levels will exclude people:
 - with poor literacy skills (-- someone can be at IELTS Level 6 in speaking but at Level 1 or 2 in writing)
 - who lack advanced test-taking skills
 - who can’t afford the test feeFor an example of someone who would be excluded, go to:
<https://www.theguardian.com/commentisfree/2017/jun/26/a-tougher-language-test-would-punish-women-like-my-mother-who-have-lost-everything>
2. the existing Citizenship test is preferable because:
 - it already tests a fairly high level of English but doesn’t require good writing skills
 - is specifically directed to knowledge relevant to citizenship
 - no fee is required for the individual to sit it.

3. Existing English classes will not help people to pass the test because **eligibility for these classes cuts out at IELTS Level 4** (or equivalent), i.e. you can't attend these classes if you're at Level 4 and you have to leave once you reach Level 4.
4. It would take **someone with high education and good literacy at that level several years to reach Level 6 from Level 4**, assuming they have the money and time to attend further English classes
5. For someone with **poor education and literacy skills, reaching Level 6 from Level 4 is incredibly difficult.**
6. **No evidence exists** of the connection between those with little/no English and likely terrorists.
7. **The effect on social cohesion will be the reverse of what the Government claims it is seeking.** The test will alienate and deny the vote to large numbers of people. Surely, we should be encouraging people to take up citizenship.
8. The consequences of not being a citizen are: **not being eligible to vote**, children not eligible for student loans, restrictions for some on leaving the country; general sense of insecurity and alienation. **People without these rights will become an underclass.**

Useful supporting information

Submissions from various expert groups to the Immigration Dept when the discussion paper was released – these were suppressed by the Dept:

<http://www.refugeecouncil.org.au/resources/citizenship-inquiry>

Re the Xenophon team and other cross benchers:

<https://www.theguardian.com/australia-news/2017/jun/22/nick-xenophon-team-says-its-deeply-worried-about-coalitions-citizenship-bill>.

<https://radio.abc.net.au/programitem/pgeGQyj9MG?play=true>

This article provides a clear and very useful summary of the issues:

https://www.theguardian.com/australia-news/commentisfree/2017/jun/15/coalitions-test-likely-to-disadvantage-those-who-need-citizenship-most?utm_source=esp&utm_medium=Email&utm_campaign=Australia+Morning+mail+new+030615&utm_term=230880&subid=18902208&CMP=ema_1731

The following is short, very concrete and to the point:

<https://theconversation.com/could-you-pass-the-proposed-english-test-for-australian-citizenship-79269>

Letter published in the *Canberra Times*:

<http://www.canberratimes.com.au/comment/ct-letters/canberra-times-letters-to-the-editor-english-test-divisive-ploy-20170614-gwr7kh.html>

The Human Rights Commissioner's assessment of the impact of this test can be found here:

<http://thenewdaily.com.au/news/national/2017/06/12/citizenship-changes-submissions/>

These provide more detailed evidence about the implications of the test:

- Baker, S. & R. Burke (25 April 2017). English language bar for citizenship likely to further disadvantage refugees *The Conversation* <https://theconversation.com/english-language-bar-for-citizenship-likely-to-further-disadvantage-refugees-76520>

- Sherrell, H. (2017) English language testing and the exclusion of Australian citizenship.
<https://henrysherrell.wordpress.com/2017/04/24/english-language-testing-and-the-exclusion-of-australian-citizenship/>

The Federation of Ethnic Communities Councils (FECCA) made this submission:

http://fecca.org.au/wp-content/uploads/2017/06/Strengthening-the-Test-for-Australian-Citizenship_FECCA-Submission.pdf

On disruptions to English language provision (a closely related matter), go to:

https://www.thesaturdaypaper.com.au/news/education/2017/06/24/migrant-language-service-budget-cuts/14982264004828?utm_source=tsp_website&utm_campaign=social_desktop_email&utm_medium=social_share

An example of who will be totally excluded:

<https://www.theguardian.com/commentisfree/2017/jun/26/a-tougher-language-test-would-punish-women-like-my-mother-who-have-lost-everything>

Why the proposals do not promote social cohesion:

<https://www.theguardian.com/commentisfree/2017/jun/15/patriot-shame-new-citizens-deserve-respect-not-contempt>

Helen Moore

Spokesperson on the English test for the Australian Council of TESOL Associations