



AUSTRALIAN COUNCIL OF TESOL ASSOCIATIONS

SUBMISSION TO

THE SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE

regarding

**The Australian Citizenship Legislation Amendment
(Strengthening the Requirements for Australian Citizenship
and Other Measures) Bill 2017**

July 2017

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Abbreviations

ABS	Australian Bureau of Statistics
ACTA	Australian Council of TESOL Associations
AMEP	Adult Migrant English Program
AMES	Adult Migrant Education Services
ASRG	Australian Survey Research Group
EAL	English as an Additional Language
EAL/D	English as an Additional Language or Dialect
ESL	English as a Second Language
IELTS	International English Language Testing System
ILTA	International Language Testing Association
LBOTE	Language backgrounds other than English
OECD	Organisation for Economic Co-operation and Development
SEE	Skills for Education and Employment (Program)
SPP	Special Preparatory Program
TESOL	Teaching/Teachers of English to Speakers of Other Language

For information regarding this submission, please contact: secretary@tesol.org.au

1. What is ACTA?

The Australian Council of TESOL Associations (ACTA) is the peak professional body for TESOL (Teachers of English to Speakers of Other Languages) in adult and school settings. The Council comprises representatives from State and Territory TESOL associations, including their presidents. Association members include teachers, researchers, consultants, curriculum developers and academics in the field of teaching English to speakers of other languages. Our long-standing commitment to policy development in this field has been demonstrated over many years by our numerous responses to invitations for submissions on both adult and child English language provision. Examples can be found on our website.¹

2. The focus of this submission

ACTA welcomes the opportunity to contribute to consideration of the Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017.

In line with our particular expertise in English language education, this submission will focus on the specific provision in the bill that “*aspiring citizens will now be required to undertake a separate up-front English language test with an accredited provider and achieve a level of ‘competent’.*”² The submission will refer to other aspects of the bill as relevant.

Drafts of this submission have been circulated for comment and approval by the Council, State/Territory association members and ACTA’s Adult English Working Group.

3. The English proficiency test: summary of ACTA’s position

ACTA is categorically opposed to using **any English proficiency test** as a component of the requirements for citizenship for the following reasons:

1. It will bar **specific groups** of people from gaining citizenship who, in every other respect, **will make contributing, loyal and worthwhile Australian citizens**, viz.:
 - i. those with **limited literacy skills** and **low levels of education**
 - ii. those **lacking advanced test-taking skills**, those intimidated by or unused to sitting high stakes tests and lacking computer skills
 - iii. those who **cannot afford to pay the fee** to sit (and re-sit) the English test and/or who cannot afford the time or money to take test preparation classes, **and hence** –
 - iv. large numbers of **refugees** and those on **family reunion visas**
 - v. disproportionate numbers of **women**
 - vi. **overseas-born refugee youth with minimal/no previous education**
 - vii. **overseas-born older children and adolescents** with parents who do not meet the English requirement.

¹ <http://www.tesol.org.au/Advocacy/ADULT-ESL-NEWS-AND-ISSUES>

² Second Reading Speech by the Hon. Peter Dutton, MP, Minister for Immigration and Border Protection.
http://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/3219af20-da22-4762-b08e-ad4cf9b7009e/0021/hansard_frag.pdf;fileType=application%2Fpdf p. 8

2. **Opportunities for these groups to upgrade their English** from a basic to the required level are **limited, costly, time-consuming and generally beyond reach.**
3. No evidence exists that those in the above groups have undermined or are undermining social cohesion in Australia. However, contrary evidence is clear – *throughout history* – that **depriving particular groups of the right to vote and/or identifying them as “not belonging” undermines this cohesion and breeds alienation from the wider society.**
4. The legislation provides for **exemption from the English test** for certain groups of people, while it appears that those who have already passed English tests to gain permanent residency will be required to **re-sit an English test**. In these respects, the proposed requirements are both **arbitrary and discriminatory.**
5. **General purpose international English proficiency tests, such as the IELTS (or equivalents) are not fit-for-purpose as assessments of a person’s suitability as a citizen,** because:
 - i. these tests do not test **knowledge that is relevant to what is required in a citizen**
 - ii. **what they do test is determined in ways that are** not subject to scrutiny by the Australian Government or other authorities – it is quite inappropriate for the Australian Government to hand over authority for determining Australian citizenship to the bodies that create these tests
 - iii. these tests are devised and controlled by authorities whose motivations are commercially driven in the international marketplace for overseas students.
 - iv. these tests are **not achievement tests** (such as the current citizenship test), that is, they are not tests for which a person can purposively prepare, understand their results or improve on in any committed or purposeful way³
 - v. a person’s results from language proficiency tests are crucially impacted by variables that are **essentially beyond their control when they sit the test**, important among which are (i) age, (ii) level of education, and (iii) age at which they learned the language being tested.⁴

³ Although the current Citizenship test has significant drawbacks in being an indirect English test, it is an achievement test and therefore fundamentally fairer than a separate English proficiency test: it is possible to study for this test and to check one’s performance on it against clearly defined, accessible and relevant knowledge. The practice test provides clear feedback on a person’s performance and precise directions on how to remedy problems. The practice test can be found at <http://www.australiancitizenshipsupport.com/?gclid=COPpv8LT2NOCFYSXvQodD7wCnA>. Resources are at <https://www.border.gov.au/Trav/Citi/pathways-processes/Citizenship-test/Australian-citizenship-test-resource>. The current test also makes allowances for those with low literacy levels and poor computer skills: <https://www.border.gov.au/Citizenship/Documents/2014-15-snapshot-report.pdf#search=english%20tests> p. 2.

For an example of how a person can work to pass this test, go to: <https://www.theguardian.com/commentisfree/2017/jun/26/a-tougher-language-test-would-punish-women-like-my-mother-who-have-lost-everything>

See also: <https://www.border.gov.au/ReportsandPublications/Documents/submissions/david-ingram.pdf#search=english%20tests>

⁴ **Age** impacts on language learning in complex and different ways. But generally speaking adults can find it more difficult to learn another language, especially if they have not already learned one or more languages other than their mother tongue. This difficulty increases from early adulthood onwards. **Previous education** is the most definitive factor determining success in learning a new language, i.e. those with higher education levels find it easier, and vice versa. For a review of factors that impact on learning another language, see section 2.3 in the Australian Council of TESOL Associations (ACTA) May 2017. Submission No. 108 to the Joint Standing Committee on Migration Inquiry into Migrant Settlement Outcomes. http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/settlementoutcomes/Submissions pp. 34-38.

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6. The meaning of “*competent*”, which has been taken from a specific English test (viz. the International English Language Testing System/IELTS), appears to have been interpreted by the Minister as understandable in a clear, transparent, context-free and “common sense” way. However, “*competent*” when used as the short-hand label for a benchmark/cut-off point/level in a specific test is highly context-bound, comprehensible only in regard to the test’s particular specifications, and open to dispute. In regard to the IELTS, its website is clear that “**competent** is meant in the context of readiness for academic study, training, or a professional workplace. The use of the IELTS has been extended for assessing suitability for gaining skilled migration visas, which is beyond the purposes governing its original and basic design.⁵ In any case, assessing a person’s suitability for Australian citizenship should not be defined using the same criteria as apply to gaining a skilled migration visa.
7. Although the Minister in his speech on the second reading of the bill referred to the findings of the 2015 National Consultation on Citizenship and a 2016 Productivity Commission Report as justifications for an English test, **neither report made any such recommendation**.⁶ The Government’s justification for the proposed English test conflates two very different things in a quite misleading way:
 - i. widespread agreement (including by ACTA) on the general proposition that **English is important in Australia** (including for migrants), *and*
 - ii. a specific and punitive proposal to impose a **separate English test** on prospective citizens and thereby to bar those who would otherwise qualify.

Re i: both the Citizenship and Productivity Reports recommend **improvements in provision of English language courses**;

Re ii: these reports say **nothing whatsoever about using English language proficiency tests to determine citizenship**.
8. Given that (i) any general purpose proficiency English test will be discriminatory against certain groups who would, in all other respects, qualify as Australian citizens, (ii) an English proficiency test is not fit for this purpose, and (iii) the proposed level is inappropriate and too narrowly defined for the stated purpose, ACTA contends that:
 - i. those involved in administering *any* English proficiency test for the purposes of determining citizenship will **violate the Ethical Code of the International Language Testing Association** which requires language testers to consider the potential effects of tests on all stakeholders and prohibits the use of their professional

⁵ <https://www.theguardian.com/education/2009/mar/27/ielts-immigration>

⁶ There is one mention in the Citizenship Report regarding the English test, viz.:

A strong theme of the consultation was the importance of English language to being a citizen and full integration in Australian society. There was support for raising the minimum standard of English required to sit the Citizenship Test from ‘basic’ to ‘adequate’.

Dept of Immigration & Border Protection (2015). Australian Citizenship – Your Right, Your responsibility. The national consultation on citizenship. Final report. <https://www.border.gov.au/Citizenship/Documents/australian-citizenship-report.PDF>, p. 18

The level of English in the current citizenship is, in fact, quite complex although it allows for various accommodations to be made. See: McNamara, T., & Ryan, K. (2011). Fairness vs justice in language testing: The place of English literacy in the Australian Citizenship Test. *Language Assessment Quarterly*, 8(2), 161-178.

Ryan, K. (2013). Policy without evidence? The Australian Citizenship Test 2006-2012. PhD thesis., University of Melbourne, Melbourne.

See section 8 regarding the use of words that have supposedly “common sense” and transparent meanings, which are anything but transparent in the technical context of testing.

knowledge to “advance purposes inimical to their test takers’ interests” (see section 9 below)

- ii. no employee should be placed in the invidious situation of having to promote and/or administer tests for this purpose.

The remainder of this submission will elaborate on the above, including, as relevant, reference to the Final Report from the National Consultation on Citizenship (henceforth the 2015 Citizenship Report).

4. Arbitrary and negative effects on specific groups

Recommendation 7 of the 2015 Citizenship Report is that:

Citizenship should remain a desirable and obtainable goal for those legal migrants and permanent residents who wish to become fully fledged members of Australian society, committed to its values and its interests.⁷

ACTA supports this recommendation. Consequently, we oppose the proposed English test precisely because it will exclude certain groups of legal migrants and permanent residents *irrespective of their “wish to become fully fledged members of Australian society, committed to its values and its interests”*.

Below we consider the groups identified in our listing above.

(i) Those with limited literacy skills and education

The Minister has stated that gaining citizenship will require applicants to reach IELTS Level 6 or equivalent in speaking, listening, reading and writing.⁸

There are two types of IELTS test: Academic and General Training. The Reading and Writing components in each test type are tested with different subject matter but the Listening and Speaking are the same for both types.⁹ According to the IELTS website:

The Academic and General Training Reading tests are graded on the same scale. The distinction between the two tests is one of genre or text type. However, Academic Reading tests may contain texts which feature more difficult vocabulary or greater complexity of style. It is usual that a greater number of questions must be answered correctly on a General Training Reading test to secure a given band score.¹⁰

⁷ <https://www.border.gov.au/Citizenship/Documents/australian-citizenship-report.PDF>, p. 7.

⁸ <http://www.minister.border.gov.au/peterdutton/Pages/Strengthening-the-integrity-of-Australian-citizenship.aspx>
<http://www.minister.border.gov.au/peterdutton/Pages/Joint-Press-Conference-with-the-PM,-Parliament-House.aspx>
<http://www.minister.border.gov.au/peterdutton/Pages/smokescreen.aspx>

Second Reading Speech by the Hon. Peter Dutton, MP, Minister for Immigration and Border Protection.

http://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/3219af20-da22-4762-b08e-ad4cf9b7009e/0021/hansard_frag.pdf;fileType=application%2Fpdf p. 8.

⁹ <https://www.ielts.org/about-the-test/two-types-of-ielts-test>

¹⁰ <https://www.ielts.org/ielts-for-organisations/ielts-scoring-in-detail>

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IELTS Level 6 is *higher* than that required to obtain a student visa to study at an Australian university:

- IELTS Level 5.5 is required for direct entry on a student visa
- Level 5 is required if the person has enrolled in a 10 week English course
- Level 4.5 is required if he/she enrolls in a 20 week course.¹¹

Further:

- IELTS Level 6 is the level specified for admission to at least nine Australian universities.¹²

Australia's top language testing experts, who are also recognised as international leaders in this field, have verified that the IELTS General and Academic Levels are the same. They stated that IELTS Level 6 requires English proficiency that is higher than that achievable by many migrants to Australia.¹³

IELTS Level 6 is also higher than the literacy level of more than one quarter of the general Australian population. According to a 2013 report by the Australian Bureau of Statistics (ABS) and the Organisation for Economic Co-operation and Development (OECD), literacy levels in Australia are as follows:

- 3.7 per cent (620,000) are below Level 1 – a very low level of literacy
- 10 per cent (1.7 million) are at Level 1
- 30 per cent (5.0 million) are at Level 2
- 38 per cent (6.3 million) are at Level 3
- 14 per cent (2.4 million) are at Level 4
- 1.2 per cent (200,000) are at Level 5 – the highest level of literacy.¹⁴

On these figures for 2011-2012, at least 7 million people were below IELTS Level 6. ACTA contends that **the implication that over a quarter of the Australian population is not fit to be citizens is offensive and totally unacceptable.**

(ii) Those lacking advanced test-taking skills and those intimidated by or unused to sitting high stakes tests

Concurrent with testing English and literacy skills, tests such as the IELTS require specific **test-taking skills**. Leading Australian language educators and assessment experts who prepared the

¹¹ <http://www.border.gov.au/Trav/Visa-1/500-#tab-content-1>

¹² <https://www.tonyburke.com.au/media-releases/2017/6/27/media-release-dutton-wrong-on-english-requirements>

¹³ <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>

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

¹⁴ This study was conducted between November 2011 and March 2012, and figures reflect population levels at that time. Our comment assumes the 2017 population to be just under 25 million (<http://www.worldometers.info/world-population/australia-population/>).

The Information Access Group *Literacy in Australia: Understanding the Literacy Levels in Our Community*

https://www.informationaccessgroup.com/docs/PIAAC_A4booklet_web.pdf See Appendix A below for the ABS/OECD summary description of these levels, which are not the same as IELTS levels. From this description, we estimate that IELTS Level 6 is equivalent to somewhere between Level 2 and 3 on the ABS/OECD scale.

Applied Linguistics Association of Australia (ALAA) submission on the Discussion Paper on the new Citizenship Test¹⁵ point out that:

the score a candidate for a test such as IELTS receives reflects their knowledge of the test and their ability to perform under test-specific conditions. The “technique and composure skills” are inseparable from and inevitably influence scores for English language performance. (p. 2)¹⁶

One of our members has described an example:

I've just been helping an Iranian doctor with the Occupational English Test. He had passed the speaking, reading and writing tests with scores of 8 (out of 10) and above but had failed the listening test 5 times. I knew that his listening was at a very high level. It turned out that he was trying to write down every word he heard and to include grammatical markers (e.g. tenses and plural endings) in his answers, so he couldn't keep up with the questions. The test required people simply to demonstrate their comprehension. When we worked out that was the problem, he passed the next test with a score of 8.5. Interestingly, he'd taken test preparation classes (at some expense in addition to the cost of repeatedly taking the test) but these hadn't picked up on this problem.¹⁷

Taking tests such as the IELTS require special skills. For example, one of the General Training Reading sample questions requires the test taker to read a text of approximately 800 words and then complete a flow chart based on this text using no more than three words from the original text.¹⁸ These types of test question assume a high level of education and practice in taking timed high stakes tests.

Those with poor handwriting will also be penalised in this test, answers to which are handwritten. If handwriting is illegible, the word is marked as a misspelling. Inconsistent use of British and American English spellings are also marked as a mistake.¹⁹

The wealth of websites promoting IELTS preparation courses is testimony to the need for special training in taking this test.

Both the IELTS and on-line preparation courses also presuppose computer and internet skills. The current Citizenship test makes special provision for those with weak/no computer skills.²⁰

Websites promoting English language tests and preparation courses are evidence of the intense competition between providers for the lucrative market in test preparation and test-taking.²¹ Negotiating one's way through the maze of test providers and preparation courses takes skills and consumer savvy that would be beyond many people, including those with high levels of education.

¹⁵ Commonwealth of Australia (April 2017). *Strengthening the Test for Australian Citizenship*.

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

¹⁶ <http://www.refugeecouncil.org.au/resources/citizenship-inquiry>

¹⁷ The brother of the author of this submission has just completed his PhD in Geology. He reported that a fellow student has sat the IELTS twice and not achieved the required level for residency. Given that she is about to submit her thesis, an expert guess would be that she has the same problem.

¹⁸ https://www.ielts.org/-/media/pdfs/115019_general_training_reading_sample_task_flow-chart_completion.ashx?la=en For other sample questions, go to: <https://www.ielts.org/about-the-test/sample-test-questions> For further details on what is required to achieve IELTS Level 6, including examples, go to <http://ielts-academic.com/2012/06/28/how-to-get-a-band-6-score-in-academic-ielts/>

¹⁹ https://en.wikipedia.org/wiki/International_English_Language_Testing_System

<http://www.cambridgeenglish.org/images/23135-research-notes-18.pdf>

<http://www.ielts-blog.com/ielts-preparation-tips/writing-tips/spelling-in-ielts-british-or-american/>

²⁰ <https://www.border.gov.au/Citizenship/Documents/2014-15-snapshot-report.pdf#search=english%20tests> p. 2.

²¹ https://nortonsafe.search.ask.com/web?q=IELTS%20preparation%20courses&o=APN11910&chn=1000&guid=BFB7BCB9-2169-4349-AF67-A856B405AFF6&doi=2017-06-29&ver=22.9.3.13&prt=NSBU&geo=AU&locale=en_AU&ctype=&tpr=121

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Supporting expert statements that the IELTS is not designed for the purposes now proposed (section 4 (i)), this wealth of websites reveals that the target market for both IELTS and its preparation courses is almost entirely overseas applicants for Australian universities (see section 8 below).

(iii) Those who cannot afford to pay the fee to sit (and re-sit) the English test and/or who cannot afford the time or money to take test preparation classes

Currently, applying for citizenship costs between \$180 and \$285, plus \$165 for access to software.²²

The requirement for a “*separate up-front English language test with an accredited provider*” entails that applicants sit *existing* English tests nominated by the Minister in regulations (i.e. the specific tests will not need to be approved by the Parliament). Sitting these tests attracts fees. It would appear that these fees will be borne by applicants for citizenship.

So far, the IELTS has been the only test mentioned by the Minister. It is impossible to discover sitting fees from the IELTS website. Advice from IELTS Customer Service is that:

Test costs can range from \$330 - \$374 depending on which test you are sitting and where your location is. Once you have registered and booked the test you require the price will be displayed for you.²³

Another test that might be recognised for citizenship purposes is the International Second Language Proficiency Rating Scale (ISLPR). Sitting this test costs \$400, including a tutorial.²⁴

Fees to sit these tests are non-refundable.

It is unclear to ACTA if permanent residents who have already passed an English test will be required to take another test, in which case they will incur a double cost (see also section 7 below).

Clearly, sitting for existing English tests is expensive. Given the test-taking skills these tests demand, only the foolhardy would skip a test preparation course to develop familiarity and gain practice with specific tests, and thereby lessen the risk of failure.

Most test preparation courses entail further fees. IELTS on-line preparation costs \$49 for “IELTS Express”, \$99 for “IELTS Master” and \$299 for “IELTS Master Plus (which includes “feedback on your writing and speaking”).²⁵

For face-to-face preparation courses, it is extremely difficult to determine the requisite fees. An exception is Macquarie University, a reputable provider, which offers a course over 4 Saturdays (9 am-3.30 pm) for \$590.²⁶ Other websites offer various forms of free IELTS preparation. Without actually signing up for these courses, and in doing so providing personal details on websites with

²²https://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=CjwKEAajwytLKBRCX547gve7EsE4SJAD3IZV6NUpqupLSac5cD7vsgC6DM3rzdcfYPdHeETR5F7V2QhoC19Lw_wcB

²³ email from IELTS Customer Connect ieltscustomerconnect@idp.com 30/06/2017

²⁴ <http://islpr.org/book-a-test/how-to-apply/>

For another possible test, go to <http://pearsonpte.com/test-takers/test-centres/>

²⁵ <https://www.ieltsonline.com.au/enrolment/index.asp?gclid=CM7OoLv889QCFVpovQodcOcIgA>

²⁶ <http://ielts.mq.edu.au/IELTSprep/>

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dubious credentials, we have found it impossible to ascertain what is entailed and why no costs attach.

Overall, the required English level, test-taking skills, internet search skills and the costs attached to sitting and preparing for existing English tests will all **constitute substantive barriers to specific groups of migrants and refugees, irrespective of their suitability as Australian citizens.** Below we consider these groups in detail.

(iv) Refugees and those on family reunion visas

A majority of those admitted as refugees and on Family Reunion visas will be excluded from Australian citizenship for many years, if not forever, by the proposed English test.

The evidence is clear that many humanitarian entrants already have difficulty with the current Citizenship test, almost certainly because of their English. The 2015 Citizenship Report found that:

The Citizenship Test is conducted in English as it is designed to assess the applicants' basic knowledge of the English language. Of the skilled, family and humanitarian visa holders sitting the Citizenship Test, those in the humanitarian cohort are likely to re-sit the test more than the other cohorts and they have a lower pass rate at around 92.2 per cent compared with the other cohorts at around 99.8 per cent for skilled and 98.4 per cent for family. This is a mandatory provision and there is strong evidence that our humanitarian entrants have difficulty in achieving citizenship due to recurrent failure of [sic] the Test.

It also found that, of the 235,218 people approved for citizenship from July 2013-June 2015, 96.5 per cent sat the test up to three times (p. 21).²⁷

These findings are illuminated by the 2011 ASRG Study, which was the largest empirical study of its kind into migrant settlement outcomes in Australia, and included a sample of 5,378 Humanitarian entrants.²⁸ Not unexpectedly, the Study found significant differences in English language levels (in descending order) between those on skilled migrant, family reunion and humanitarian visas. Approximately 65 per cent of humanitarian entrants and nearly 70 per cent of those in the family reunion stream had enrolled in the AMEP, eligibility for which is restricted to those who are at or below the equivalent of IELTS Level 4.²⁹ In other words, **the majority of those admitted on humanitarian and family reunion visas are at or below IELTS Level 4.**³⁰

Moving from IELTS Level 4 to 6 is virtually impossible without extensive English tuition, as we elaborate in section 5 (i) below. For adults with limited educational backgrounds, it is generally impossible.

²⁷ See also <https://www.border.gov.au/Citizenship/Documents/2014-15-snapshot-report.pdf#search=english%20tests> p. 3
McNamara, T., & Ryan, K. (2011). Fairness vs justice in language testing: The place of English literacy in the Australian Citizenship Test. *Language Assessment Quarterly*, 8(2), 161-178.

Ryan, K. (2013). Policy without evidence? The Australian Citizenship Test 2006-2012. PhD thesis., University of Melbourne, Melbourne.

²⁸ Australian Survey Research Group (2011). *Settlement Outcomes of New Arrivals*
https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf pp. 12-17.

²⁹ https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf p. 14.

<http://gostudylink.net/en/support/ielts-levels>

³⁰ See also:

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/>

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Research, including from the then Department of Immigration and Citizenship, shows clearly that refugees are more likely than those admitted in other streams to take up citizenship in their new country.³¹ This trend is understandable, since refugees are admitted on the basis of persecution and other trauma they have experienced in their country of origin. Their prime motivation for coming to a new country is to seek the security and sense of belonging denied elsewhere. Given the clear data on this group's English proficiency which is well known to the Government, it is hard to avoid the impression that **the intended effect of the English requirement is to exclude many humanitarian entrants from Australian citizenship.**

(v) Disproportionate numbers of women

The 2011 ASG Study found that approximately 63 per cent of AMEP enrolments were women.³² Under the current citizenship requirements, women are very slightly more inclined than men to take up citizenship.³³ In overseas countries, significantly more women take this step.³⁴ The 2015 Citizenship Report articulates a principle that ACTA strongly endorses:

A basic policy objective of the citizenship by conferral provisions is that adult applicants for citizenship should generally qualify in their own right, rather than relying on a spousal or de facto relationship with an Australian citizen. (p. 20)

The proposed separate English test, applied in conjunction with this principle, **will reverse the current gender-neutral balance in those gaining Australian citizenship and thereby deny the vote to women with poor English, while their husbands and grown children enjoy this right.**³⁵ Such gender-based discrimination and inequality is in complete contradiction to Australian democratic values.

(v) Overseas-born refugee youth with minimal/no previous education

Refugee adolescents who have experienced major disruptions to their schooling, prior to and/or after their arrival in Australia and who are not eligible for automatic acquisition of Australian citizenship, are liable to be permanently excluded from Australian citizenship because of the English test. As we elaborate below (section 5 (iii)), they frequently fail to gain a level of education ensuring English and literacy at anything close to IELTS Level 6, much less the necessary test-taking skills. **The poor chances of most of refugee youth with minimal education to gain sufficient English and literacy to take the proposed English test – underpinned by major deficiencies in educational and other provision for them – will aggravate their alienation from Australian society.** Tragically, it will also place them at greater risk of deportation under the increased powers allowed by the legislation.

³¹ Australian Government, Dept. of Immigration & Citizenship (2010). Citizenship in Australia. p. 2.
Abascal, M. (2017), Tu Casa, Mi Casa: Naturalization and Belonging among Latino Immigrants. *Int Migr Rev*, 51: 291–322.
doi:10.1111/imre.12221, p. 294.

³² https://docs.education.gov.au/system/files/doc/other/amep_evaluation_report_-_for_public_release.pdf p. 33.

³³ Australian Government, Dept. of Immigration & Citizenship (2010). Citizenship in Australia. p.8.

³⁴ Abascal, M. (2017), Tu Casa, Mi Casa: Naturalization and Belonging among Latino Immigrants. *Int Migr Rev*, 51: 291–322.
doi:10.1111/imre.12221, p.293.

³⁵ An graphic example can be found at <https://www.theguardian.com/commentisfree/2017/jun/26/a-tougher-language-test-would-punish-women-like-my-mother-who-have-lost-everything>

(vi) Children and adolescents with parents who fail to meet the English requirement

ACTA respectfully suggests that the Senate Inquiry seeks to clarify the implications of the proposed legislation for the children of those whose parents who fail to reach the required level on the English test or to sit (or re-sit) the test. In this regard, the official documentation on the bill, including the Explanatory Notes and the Minister's speech, are unclear to ACTA.

ACTA understands that an unknown number of children and adolescents born overseas and resident for less than 10 years may be adversely affected. For example, we understand that children of non-citizens are not eligible for student loans for tertiary education and training but must pay their fees upfront.³⁶

5. Current English language learning opportunities for migrants

No evidence has been offered anywhere to support the implication by the Prime Minister and Minister Dutton that "aspiring citizens" somehow lack the motivation to meet "certain standards" in "speaking English".³⁷ No such credible evidence exists.

In fact, all the evidence is to the contrary. Clearly, those on skilled migration visas are motivated – they are already required to demonstrate high levels of English. Regarding those whom the proposed test is clearly targeting, the 2011 ASG Study found that 72 per cent of humanitarian entrants had studied or were studying English in the first five years after arriving. Of the remainder, 20 per cent already spoke English well or could not study for reasons such as employment or caring for children or the sick and elderly; approximately 4 per cent did not answer the question.³⁸ **Clearly, the English test will exclude many humanitarian entrants from citizenship for reasons that have nothing to do with a lack of motivation and everything to do with lack of opportunity.**

All available evidence points to the fact that opportunities for learning English are limited. Both the 2015 Citizenship and 2016 Productivity Commission Reports, on which Minister Dutton relied in his second reading speech, direct their concerns about English towards recommending improved English provision. ACTA's submission to the current Parliamentary Inquiry into Migrant Settlement Outcomes documented other sources that make similar reports refs.³⁹ That submission reported comprehensively on English language provision for migrants across the complete spectrum of pre-schools, schools, refugee youth and adults.⁴⁰ As we reported there, provision has recently been downgraded for some groups (see below (i) 2).⁴¹

³⁶ http://askuon.custhelp.com/app/answers/detail/a_id/1780/~/im-an-australian-permanent-resident-or-new-zealand-citizen%2C-what-will-my

³⁷ <http://www.minister.border.gov.au/peterdutton/Pages/Strengthening-the-integrity-of-Australian-citizenship.aspx>
<http://www.minister.border.gov.au/peterdutton/Pages/Joint-Press-Conference-with-the-PM,-Parliament-House.aspx>

³⁸ Australian Survey Research Group (2011). *Settlement Outcomes of New Arrivals*
https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf pp. 12-17.

³⁹ Centre for Policy Development (Feb. 2017) *Settling Better: Reforming Refugee Employment and Settlement Services*, pp. 14, 29.
<https://cpd.org.au/2017/02/settlingbetter/>

⁴⁰ Australian Council of TESOL Associations (ACTA) May 2017. Submission No. 108 to the Joint Standing Committee on Migration Inquiry into Migrant Settlement Outcomes.

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/settlementoutcomes/Submissions

⁴¹ ibid. section 3.5.

Below we draw from our submission, and also refer to the two reports which the Minister incorrectly implied recommended an English test.

(i) English language provision for adult migrants

As cited earlier (section 3 iv), the 2015 Citizenship Report found a high failure rate by humanitarian entrants sitting the current Citizenship test. The Report concluded that this failure rate:

reinforces the importance of the Adult Migrant English Program (AMEP). The AMEP provides up to 510 hours of free English language tuition to eligible new migrants and humanitarian entrants. The recent evaluation of the AMEP revealed that it is valued but the findings indicate a number of areas where further improvement can be sought. In particular the review also found that the proficiency level at exit is generally insufficient for employment. (our emphasis)⁴²

Rather than recommending an English test, this Report's Recommendation 15 is as follows:

In view of the strong emphasis the community places on English language, the Government should improve the Adult Migration English Program (AMEP) and ensure new citizens have adequate (not just basic) language ability, taking into account particular circumstances.⁴³

Although ACTA strongly supports this recommendation, the AMEP in its current form and under current policy settings cannot offer a pathway to *anything near* the English language level proposed in the legislation. As we have indicated above, achieving IELTS 6 or equivalent is impossible *by definition*, for anyone enrolled in the AMEP, because eligibility for that program is restricted to those who are at the equivalent of IELTS Level 4 or lower.⁴⁴ The number of tuition hours offered in the AMEP (normally 510 hours) are manifestly insufficient for anyone to reach the equivalent of IELTS Level 6 or anywhere near it.⁴⁵ In fact, these tuition hours expire before most people reach IELTS Level 4.⁴⁶

The supposed English tuition pathway from the AMEP is the Skills for Education and Employment (SEE) Program. However, the SEE Program is:

⁴² <https://www.border.gov.au/Citizenship/Documents/australian-citizenship-report.PDF>, p. 20

⁴³ Dept of Immigration & Border Protection (2015). Australian Citizenship – Your Right, Your responsibility. The national consultation on citizenship. Final report. <https://www.border.gov.au/Citizenship/Documents/australian-citizenship-report.PDF>, p. 8

⁴⁴ A learner at **IELTS Level 4** is described as a “limited user” – “Your basic competence is limited to familiar situations. You frequently show problems in understanding and expression. You are not able to use complex language.” A learner at **Level 6** is described as “competent” – “Generally you have an effective command of the language despite some inaccuracies, inappropriate usage and misunderstandings. You can use and understand fairly complex language, particularly in familiar situations.” <http://takeielts.britishcouncil.org/find-out-about-results/understand-your-ielts-scores>

⁴⁵ There is **no basis in research or practice supporting the current AMEP entitlement of 510 hours intensive English** for those with less than functional English. The figure was determined in 1992 by averaging AMEP statistics on the length of time it took learners to reach ISLPR Level 1+, irrespective of their starting point or how long they had been in the program (which was anywhere between 1 day and two years). The data base on which this calculation was based was both incomplete and defective, and included duplicated records. The entitlement was a policy decision directed towards defining and narrowing the AMEP's role, which, following 1992 Migration Laws Amendment, was directed towards settlement for new arrivals with low English proficiency, as distinct from its previous more open-ended role of provision of English tuition in response to needs. See: Moore, H. (2001). Although it wasn't broken, it certainly was fixed: Interventions in the Adult Migrant English Program 1991-1996. In J. Lo Bianco & R Wickert (eds.) *Australian Policy Activism*, Language Australia Pty Ltd, pp. 93- 120. Martin, Shirley 1996 *New Life New Language*, National Centre for English Language Teaching & Research, Macquarie University. p. 32.

The Skills for Education & Employment (henceforth SEE) Program entitlements have likewise stemmed from policy and resourcing initiatives, rather than any evidence-based assessment of need.

⁴⁶ See https://docs.education.gov.au/system/files/doc/other/amep_evaluation_report_-_for_public_release.pdf

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- generally pitched well below IELTS Level 6, so attending these classes would, in most cases, not get anyone to the required level within their entitlements
- impossible for many women because there is no associated child-care provision.⁴⁷

A 2015 Review of the AMEP and the SEE Program found a **lack of coordination and blocked pathways** between the two programs.⁴⁸ The Review pointed to multiple inconsistencies, gaps, difficulties, inefficiencies and lack of clarity in the two programs in regard to:

- i. eligibility in regard to visa categories (pp. 5-6)
- ii. English language levels and meeting the needs of both low and high English proficiency learners (pp. 7-8)
- iii. transitioning, incl. movement back and forwards between the two programs, (pp. 15-16)
- iv. commonalities in learner needs
- v. roles in assisting learners towards employment
- vi. the potential for common provision
- vii. relationship to the wider VET system
- viii. the impact of the student-led entitlement system.

The Review also found that records are not kept of AMEP participants moving into the SEE Program, despite the supposed pathway between the two.⁴⁹

Overall, this lack of coordination, coupled with no other substantive learning opportunities for those with limited English, makes the AMEP a low level, dead end for many people.

ACTA is unable to offer evidence-based advice on how long it would take to move from IELTS Level 4 to IELTS Level 6, since it is highly dependent on level of previous education and literacy, previous second/other language learning experience, age, and time-on-task.⁵⁰ Advice from those offering courses to motivated fee-paying international students is that between approximately 120 - 200 hours full-time study is needed to move from one level to the next.⁵¹ Leaving aside the self-interest involved in this advice, ACTA believes it vastly over-estimates what would be needed by the groups we list earlier (sections 3 and 4).⁵²

Whatever the time required, courses aiming to bring learners to IELTS Level 6 are confined to fee-paying programs for intending students at Universities, TAFE Institutes and private colleges.

⁴⁷ <http://www.pcgov.au/inquiries/completed/childcare/submissions/initial/submission-counter/sub455-childcarepdf> p 9

⁴⁸ https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_reportpdf_pp_9-11

⁴⁹ https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_reportpdf_pp_9-11, 17-18

⁵⁰ See section 2.3 “How long does it take to learn English?” in Australian Council of TESOL Associations (ACTA) May 2017. Submission No. 108 to the Joint Standing Committee on Migration Inquiry into Migrant Settlement Outcomes. pp. 34-39.

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/settlementoutcomes/Submissions

⁵¹ <http://www.ihaberdeen.com/blog/item/how-long-does-it-take-to-learn-english>

⁵² https://docs.education.gov.au/system/files/doc/other/amep_evaluation_report_-_for_public_release.pdf

https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_report.pdf

https://docs.education.gov.au/system/files/doc/other/see_programme_evaluation_report.pdf

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Overall, in regard to opportunities for adult migrants to learn English, the ACTA submission to the current Parliamentary Inquiry into Migrant Settlement Outcomes documents that:

1. Provision is **fragmented and disjointed**. It is impossible to come up with any kind of map of programs and pathways in any one locality, much less nationally. There is no locus that ensures coherent planning, provision and responsibility for policy, programs, pathways, eligibility, delivery, professional development, advice and referrals, collaboration between providers, assessment of learner outcomes, and public accountability and transparency.⁵³
2. The **2017-2020 contracts for the Adult Migrant English Program (AMEP)** have:
 - downgraded provision for some learners (i.e. increased class sizes and permit some classes to be run by people with no teaching qualifications)
 - significantly disrupted provision especially in Melbourne
 - created further fragmentation, and
 - confused program goals.⁵⁴
3. A fundamental problem is the **current method of short-term competitive contracting** for English language provision, which is inefficient, not transparent, increases fragmentation and dislocation, and conceals substantive costs in time lost and disruption to services. The recently awarded AMEP contracts provide evidence that those deciding these contracts lack understanding of and commitment to quality English language provision.⁵⁵

ACTA contends that it is unacceptable to create further English language barriers to citizenship on the basis of unsubstantiated implications that migrants and refugees lack motivation to learn English given that current opportunities for learning English are woefully inadequate in providing basic English, much less the level of English proposed in the new legislation.

(ii) English language and related provision for refugee youth with disrupted/minimal/no previous schooling

ACTA's submission to the Parliamentary Inquiry into Migrant Settlement Outcomes detailed the particular challenges faced by refugee youth with minimal/no previous schooling.⁵⁶ These youth have spent long periods in refugee camps and/or had their lives and schooling disrupted by war and/or the destruction of their homes and/or the murder of family members. Currently, the chances are remote, and worsening, for them to gain the required literacy and test-taking skills to perform adequately on English tests such as the IELTS.

⁵³ For details, see Australian Council of TESOL Associations (ACTA) May 2017. Submission No. 108 to the Joint Standing Committee on Migration Inquiry into Migrant Settlement Outcomes. pp. 74-83.

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/settlementoutcomes/Submissions

⁵⁴ *ibid.*

⁵⁵ For details, see Australian Council of TESOL Associations (ACTA) May 2017. Submission No. 108 to the Joint Standing Committee on Migration Inquiry into Migrant Settlement Outcomes. pp. 90-91, 103-104, 140-145.

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/settlementoutcomes/Submissions

⁵⁶ Australian Council of TESOL Associations (ACTA) May 2017. Submission No. 108 to the Joint Standing Committee on Migration Inquiry into Migrant Settlement Outcomes.

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/settlementoutcomes/Submissions

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It is well-documented that these young people arrive in Australia with extremely high motivation to succeed and to gain stability and normalcy in their lives.⁵⁷ However, with rare exceptions, suitable educational provision for those who have missed schooling in their early years is poor to non-existent.

This group commonly gains everyday spoken English quite quickly. Their fluency frequently masks major weaknesses in the more complex oral language needed for educational success and the kind of literacy and test-taking skills required by English proficiency tests such as IELTS.⁵⁸ Refugee older children and adolescents with minimal/no previous schooling require specifically tailored programs that integrate:

- learning **English, literacy and “learning how to learn”**
- **basic content:** school-based knowledge, settlement information, life skills and healthy living, intercultural knowledge and skills, sport and recreation, consumer and legal issues
- the **personal, organisational and intellectual skills** that formal schooling teaches
- teaching that is responsive to their **physical, emotional and social stage of life** as adolescents, and the likelihood that they have experienced extreme trauma
- **staged bridging programs and pathways** into mainstream education and training.

The high aspirations of these young people turn to frustration when they attempt to:

- understand the Australian education system and find pathways through it
- transition from intensive English programs into suitable mainstream programs
- cope in school classes based on students’ ages rather than their level of knowledge
- deal with racism and bullying.⁵⁹

⁵⁷ A teacher made the following prediction nearly ten years ago:

what I’m worried about seeing – I’m almost sure there will be gangs of Sudanese kids four or five years down the track because they just can’t cope. And the worst thing is when they first come here they’ve got such high expectations.

ESL Coordinator quoted p. 35 in Mathews, J. (2008). Schooling and settlement: refugee education in Australia. *International Studies in Sociology of Education*, 18, 1, 31-45 <http://www.tandfonline.com/doi/pdf/10.1080/09620210802195947>

See also: Moore, H, H Nicholas & J Deblaquiere (2008) ‘Opening the Door’: Provision for Refugee Youth with Minimal/No Schooling in the Adult Migrant English Program Project 21: ‘Modes of Delivery for SPP Youth’ Sydney, Macquarie University: AMEP Research Centre, p 42. http://www.ameprcmq.edu.au/docs/research_reports/research_report_series/Opening_the_door.pdf

Cassidy, E. & G. Gow, G. (2005). Making up for lost time: The experiences of Southern Sudanese young refugees in high schools. *Youth Studies Australia*, 24, 3, pp. 51-55.

⁵⁸ This phenomenon has been clearly established in research world-wide. The most definitive contributions are:

Thomas, W.P. & V. Collier (2001). A National Study of School Effectiveness for Language Minority Students’ Long-term Academic Achievement Centre for Research on Education, Diversity and Excellence; <http://cmmruscedu//CollierThomasComplete.pdf> ; Cummins, J. Bilingualism and Language Minority Children. Toronto: Ontario Institute for Studies in Education, Language & Literacy Series <http://files.eric.ed.gov/fulltext/ED215557.pdf>

In Australia, a comprehensive study by a team at Queensland University of Technology is in progress. Quantitative findings are based on NAPLAN scores of all students in South East Queensland (approx. 20,000) and distinguish between 3 groups:

- **Years 3-9/arrived early in primary school:** this group take all of primary school to reach same academic levels (in NAPLAN tests) as English mother tongue (henceforth EMT) peers
- **Years 5-9/arrived mid-primary school:** this group converged with EMT peers in two years
- **Years 7-9/arrived late primary school:** this group had not converged after 2 years.

The researchers speculate that the more rapid convergence for those arriving in mid-primary school is because of their more advanced L1 learning & literacy. See: <http://education.qld.gov.au/corporate/research/docs/invitation-investigating-variables-academic-outcomes-eal-learners.pdf>. Also:

<http://www.centerforpubliceducation.org/Main-Menu/Instruction/What-research-says-about-English-language-learners-At-a-glance/Preparing-English-language-learners-for-academic-success.html> ; <http://www.ed.gov/onca/eng/document/esleldprograms/guide.pdf>

For this phenomenon in native English speakers, see: Snow, P. & M. Powell (2012). Youth (in)justice: Oral language competence in early life and risk for engagement in antisocial behaviour in adolescence *Trends & Issues in Crime and Criminal Justice*, Australian Institute of Criminology No 435, April.

⁵⁹ [http://www.myan.org.au/file/file/Education Position Paper January 2011 FINAL.pdf](http://www.myan.org.au/file/file/Education%20Position%20Paper%20January%202011%20FINAL.pdf)

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The **age-based Year levels** in Australian schools make suitable provision for these youth a major challenge, especially in high schools. However, the new needs-based funding arrangements coupled with school autonomy lead schools to accept new arrivals in order to gain the funding attached to these enrolments, despite the fact that they cannot cater for them (see iii below).

The ACTA submission to the Inquiry into Migrant Settlement Outcomes describes a potentially productive alternative to school, namely enrolment in the Special Preparatory Program (SPP) in the AMEP leading to a pathway into special tailored TAFE programs. In theory, the AMEP and TAFE are able to respond more flexibly to particular groups' learning needs, including these young people. However, the reality is that administrative barriers, institutional inflexibilities, boundary maintenance and self-interest driven by competition for resources have left this potential largely unrealised.

In this context, ACTA deplors the failure to renew a major Melbourne provider's AMEP contract, for 2017-2020, and the termination this June of probably **the most comprehensive and exemplary program in Australia for refugee youth with minimal/no previous schooling**. See Appendix B for details of this program.

Denial of these young people's access to citizenship solely on grounds of poor literacy and test-taking skills will do nothing to promote social cohesiveness. ACTA contends that their generally high motivation, previous and continuing experience of trauma, attested experiences of racism, and the gross inadequacies in current educational provision to meet their needs **demand that Governments support and encourage them, not further aggravate the alienation that many feel with entirely valid reasons**.

(iii) English language and related provision for older overseas-born school-aged children and adolescents

It is unclear to ACTA whether and how the proposed citizenship requirements, including the English test, will apply to older overseas-born school aged children and adolescents if their parents have not sat or have failed the English test.⁶⁰

In contrast, what is very clear is that **many older learners in schools are not receiving the level of English language support that would equip them to undertake any English test, much less reach the required level**. As with the refugee youth just described (see ii above), older children and adolescents generally gain fluency in everyday spoken English which masks poor literacy and weaknesses in using more complex oral English.⁶¹

⁶⁰ The Minister's speech refers to this group but we regret that we cannot understand what is meant here. Second Reading Speech by the Hon. Peter Dutton, MP, Minister for Immigration and Border Protection.

http://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/3219af20-da22-4762-b08e-ad4cf9b7009e/0021/hansard_frag.pdf;fileType=application%2Fpdf p. 9.

⁶¹ For examples of what is tested at IELTS Level 6 Speaking, and how it is tested, go to: <http://ielts-academic.com/2011/11/17/ielts-speaking-introduction/> The criteria used to assess the "individual long turn" and "discussion" components would be beyond some of the students described in this and the previous section.

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ACTA's submission to the current Parliamentary Inquiry into Migrant Settlement Outcomes⁶² documents that **English language and related provision for migrant-background children and youth in schools has deteriorated significantly, and in some places disappeared**, in the wake of:

- the erosion and eventual abandonment of **tied Commonwealth grants** for English language programs in schools, and
- the **devolution of decision-making** to schools for use of budget allocations, including needs-based funding.

In fact, it is currently **impossible to monitor how English language learners are faring in schools Australia-wide**, because there is no nationally agreed and consistent means of identifying them. The currently used identifiers *Language Background Other Than English (LBOTE)* and *Disadvantaged LBOTE* are fundamentally flawed in identifying English language learners because:

- the LBOTE identifier includes **fully bilingual students/families** and **children with no need of support** for English language learning because they at or above age-appropriate norms for proficiency in English
- the Disadvantaged LBOTE identifier **captures low socio-economic status (SES)** students and only randomly identifies students needing support in learning English.⁶³

From two national surveys of our members in 2014 and 2016, ACTA has concluded that **provision for English language learners in schools is currently in crisis and a matter of chance**, because it depends entirely on individual principals' knowledge, interests, priorities, leadership skills, and ability to manage financial and in-house pressures. As just noted (section 5 (ii)), an increasing number of schools enrol newly arrived English learners in order to gain the additional funding they bring. Our members have repeatedly described how this funding is diverted to other purposes. Here are examples (among many) of different members' descriptions of current provision for English language learners in schools:

In my school, where I service approximately 230 recently arrived students in a school of 1400, as well as about 30 students who have been here longer but are still struggling, we were told that we would only receive .46 of a teacher (i.e. just slightly more than 2 days of teacher support). In the past we have had up to 7 full-time teachers. Not one student in the Senior School, where we have our highest concentration of students at risk, is funded for support.

Students moving up from the primary school struggle even more. In primary school, they have little to no EAL support (1-2 hours a week if lucky).⁶⁴ They just get moved on but there is just no funding to help 'fill the gaps'. They just fall further and further behind because there is no intervention to help them learn what they don't know. I had a Somali girl last year in Year 8. I fought to get her into the targeted Numeracy intervention support class (run for 'learning support' students) but was then asked to remove her "because she was too low for the class"!

⁶² Australian Council of TESOL Associations (ACTA) May 2017. Submission No. 108 to the Joint Standing Committee on Migration Inquiry into Migrant Settlement Outcomes.

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/settlementoutcomes/Submissions

⁶³ See section 3.4.4 in the Australian Council of TESOL Associations (ACTA) May 2017. Submission No. 108 to the Joint Standing Committee on Migration Inquiry into Migrant Settlement Outcomes. pp. 52ff.

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/settlementoutcomes/Submissions

⁶⁴ EAL/D = English as an additional language/dialect. This terminology is preferred in the school sector.

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Funding is not being used for the purpose it is intended. There is a clear difference in levels of progress and achievement between students who were supported by EAL/D allocation prior to the changes (3 years ago) and those younger students who have not received the support they are entitled to.

Total control by the Principal – funds, resources and staff and support diverted away from EAL/D students without consultation or ability to influence decision making.

Leadership team has decided not use EAL/D position to support EAL/D students but to instead use position to give teachers their non-contact mandated planning time.

Dedicated classroom teacher position (part time) for EAL/D has been absorbed into general school staffing points.

Our Principal recognises the importance of EAL/D. I am in a school with a supportive principal; however, having been in EAL/D for 33 years and having worked under a centralised system, I'm conscious of a lack of coordination; teachers who do not have a breadth of experience; too many stories of schools misusing funding (a new driveway in one school paid for with funds meant for refugees!).

The administration team can allocate/distribute their one line budget funds however they choose. Not like before when the funds generated through the census equalled a certain FTE for EAL/D. There is no accountability any more.

EAL/D programs/provision/services have been seriously eroded over the past several years in our State. Programs have been closed, funding has been reduced, teacher/leader time has been cut, funds allocated for EAL/D have been used for other school purposes, no accountability for use of funds exists, mainstream teacher knowledge of EAL/D learners language/literacy needs has diminished with lack of PL provision.

Every aspect of EAL/D provision in our State has been negatively impacted by recent funding models, and general lack of commitment at both school/system levels has resulted in a significant deterioration of EAL/D service provision. EAL/D is in the worst condition I have ever experienced in my teaching career.

In a school with over 50 per cent EAL/D students with literacy issues there is no formal support.

There's much less effective support reaching fewer in need/at risk learners. Programs slashed, My school had 4 teachers over the whole school years ago and now we have one in the senior school, a 0.2 FTE [full-time equivalent] person to mentor fee paying students and literacy support (0.4 – 0.6 FTE) in the middle school.

Increased class sizes up to 28 EAL/D students, contract teachers discontinued due to fewer EAL/D programs have vanished and dedicated EAL/D teacher support no longer offered to EAL/D students.

At my school the principal cut the EAL/D specialist teacher, despite getting funding for it. The funds are not being used for EAL/D students and no program exists now.

Students in junior school do not have access to EAL/D trained teachers and sit quietly in the classroom. Their level of language has been impaired by decentralised school funding and ESES [= Every School, Every Student] system.⁶⁵

Classroom teachers are being presented with students with no English at all and expected to deal with it. The children get less specialist time.

⁶⁵ ESES is the NSW policy framework for learning support/disability. <http://www.dec.nsw.gov.au/what-we-offer/education-and-training/disability-support/every-student-every-school>

ACTA hopes the Senate Inquiry will clarify the precise impact on older children and adolescents born overseas (and possibly others) in regard to citizenship and the English test. **Given the inadequacies in schools just described, it seems clear that a number of these young people will have insufficient literacy and test-taking skills to succeed in the proposed English test.**

6. Social cohesion

In his speech on the second reading of the bill, Minister Dutton stated:

English language is essential for economic participation and social cohesion.

His next sentence appears to provide the basis for this claim:

The Productivity Commission in 2016 highlighted the importance of English language proficiency for integration and settlement outcomes (p. 8).

We assume the Minister was referring to the Productivity Commission report *Migrant Intake into Australia*, since this is the only report related to immigration from that year.⁶⁶ If so, his speech is a highly selective interpretation of this report.

The Minister's speech places the onus for integration solely on migrants. In contrast, the Productivity Commission describes integration as a *two-way process*:

The effect of immigration on social cohesion – the trust and engagement between people in a community – is driven by two interrelated factors. On the one hand, it depends on how well immigrants fit in. The evidence suggests that immigrants' integration into the economy and society improves with English-language skills. On the other hand, social cohesion also depends on the extent to which immigrants themselves and the Australian-born population accept diverse identities as consistent with a common 'national' identity, which itself evolves over time. (p. 11)

The Commission continues by saying that "survey data suggest that most immigrants aspire to integrate" and further that "generally, immigrants are well accepted in the Australian community, assisted by Australia's approach to multiculturalism" (p. 11). Their finding 8.1 is:

Notwithstanding some tensions between some immigrant communities and the broader community, there is widespread acceptance of cultural diversity by the Australian community. Successful multiculturalism helps Australia benefit from a diverse immigration intake and assists in maintaining social cohesion by developing respect and trust between different ethnic groups that make up the Australian community. (p. 39)

The Commission's view is supported by numerous studies that characterise settlement as a dynamic, complementary two-way process involving both the host society and incoming migrants.⁶⁷ For example, as we have already outlined, no matter how motivated migrants are to learn English, they cannot do this without the opportunities and support that are ultimately dependent on governments. Along with the 2015 Citizenship Report (the other authority used by the Minister to support the

⁶⁶ Australian Government Productivity Commission (13 April 2016). *Migrant Intake into Australia*. Productivity Commission Inquiry Report No. 77. <http://www.pc.gov.au/inquiries/completed/migrant-intake/report/migrant-intake-report-overview.pdf> The purpose of the Inquiry was to inquire into the use of charges to determine the intake of migrants. For a list of reports for 2016, go to: http://www.pc.gov.au/search?gscope1=22&query=2016&collection=productivity-commission-web&form=inquiries&start_rank=11

⁶⁷ Fozdar, F. & L. Hartley (2012). *Refugees in Western Australia: Settlement and Integration* University of Western Australia: Metropolitan Migrant Resource Centre, p. 11.

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English test), the Productivity Commission makes no mention of testing English for citizenship and focuses on enhancing integration by improving settlement services:

There is scope for significant reforms within the current system that could deliver superior overall outcomes for the Australian community.

-- some of the areas for improvement relate to enhancing the integration of immigrants once they are in Australia – including through more effective settlement services and measures to mitigate the risks of immigrant worker exploitation. (p. 2)

In regard to English, the Commission points to the difficulties we have described earlier:

With recent migrants more likely to come from Asian countries and less likely to have English as their native language, English-language training, which assists with integration, is becoming more important. The English-language program is generally well-regarded, although its current ‘one size fits all’ aspect is failing some, and government funding could be used more efficiently.⁶⁸ (p. 12)

Its Recommendation 8.1 is that:

The Australian Government should review the mix, extent and coordination of settlement services (including English-language training and employment services) for all permanent immigrants with the aim of improving their labour market and social engagement outcomes. (p. 40)

The Commission’s only recommendation regarding English proficiency concerns *entry* requirements for permanent skilled migrants, viz.:

Rec 12.1: All primary applicants for skill stream permanent immigration should be required to demonstrate at least ‘competent’ English-language proficiency. (p. 41).

ACTA supports this recommendation, although we have concerns about its operation (see section 4 (ii), including footnote 17 above).

While good English proficiency is an appropriate requirement for skilled migrants, is certainly desirable for all Australians, and is clearly an advantage to individuals in broadening their employment opportunities in Australia,⁶⁹ there is no evidence to support claims of the link between individuals’ or migrant groups’ proficiency in English and overall social cohesion.

⁶⁸ See above (section 5 (i)) re inflexibilities and the inefficient use of government funds. The Commission’s view of what these improvements would look like is not explained (which is understandable given its focus on the use of charges in determining migrant intakes) and may differ from ACTA’s. However, it is clear from their comment and those of others that we are agreed on the problem itself. See, for example:

Centre for Policy Development (Feb. 2017) *Settling Better: Reforming Refugee Employment and Settlement Services*, pp. 14, 29. <https://cpd.org.au/2017/02/settlingbetter/>

Australian Survey Research Group (2011). *Settlement Outcomes of New Arrivals*

https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf pp. 70, 71.

See also section 6.3 in the Australian Council of TESOL Associations (ACTA) May 2017. Submission No. 108 to the Joint Standing Committee on Migration Inquiry into Migrant Settlement Outcomes. pp. 52ff.

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/settlementoutcomes/Submissions

⁶⁹ More than basic English (or even that) is clearly not *essential* for employment as is clear from successful migrant small businesses and that many migrants obtain employment within their own communities.

<http://pdfproclibmsuedu/?file=/DMC/Africanper cent20Journals/pdfs/socialper cent20development/vol10no1/jsda010001003pdf;>

<http://www.migrationpolicy.org/research/bridging-divides-role-ethnic-community-based-organizations-refugee-integration;>

<https://www.dss.gov.au/our-responsibilities/settlement-and-multicultural-affairs/programs-policy/a-multicultural-australia/help-for-ethnic-community-organisations>

What *is* clear is that ***excluding individuals and groups from the benefits enjoyed by mainstream society is deleterious to social cohesion***. The 2015 Citizenship report describes the benefits of Australian citizenship as follows:

Acquiring Australian citizenship provides full and formal membership of Australian society, including its political and governmental elements. As citizens, Australians have the right to vote, to seek election to Parliament, to apply to work within government and the defence force, to apply for an Australian passport and re-enter Australia freely, to register children born overseas as Australian citizens by descent, to sponsor family members for migration and to access Medicare, social welfare and Centrelink payments and tertiary education with HECS-HELP assistance. An Australian citizen may also be able to seek consular assistance from an official overseas. Just as significant, however, Australian citizenship is more than a legal status and access to entitlements – Australian citizenship is a unifying symbol in our multicultural society.⁷⁰ (p. 9)

Although the 2015 Citizenship Report made no recommendation regarding an English test, it did recommend changes to the Citizenship test, viz.:

11. The Citizenship Test should be retained, revised and updated to include questions about allegiance and more questions about the rule of law, values and democratic rights and responsibilities in the Citizenship Test [sic]. This should include questions pertinent to existing revocation of citizenship provisions. (p. 22)

In ACTA's view this recommendation is appropriate to the purposes of this test (see section 8 below), although we oppose the revocation of citizenship of anyone under the age of eighteen.⁷¹

Increasing barriers to citizenship flies in the face of **evidence that acquiring citizenship actually promotes migrants' integration in the host society, most particularly the involvement of the second generation in democratic life**.⁷²

Further, increasing the numbers of people excluded from citizenship has the potentially dangerous knock-on effect of reducing the numbers who *aspire* to citizenship. A major statistically based study in America found that the desire to gain citizenship, and thereby to participate more fully in the new country, is **best promoted within ethnic communities who already have high rates of citizenship (and vice versa)**. These higher rates of newcomers seeking citizenship follow from the social ties created by a shared language and cultural values, because these ties support newcomers both in gaining information about citizenship and reducing their uncertainties about what is involved.⁷³

Regarding identification with the host society, this study is important in finding that high concentrations of "naturalised" citizens in particular ethnic communities were "positively and significantly associated with American identification" (p. 313). The researcher concluded that:

My findings suggest it is not living among co-ethnics [i.e. people from the *same* ethnic and linguistic group] that discourages the adoption and legalization of an American identity, but

⁷⁰ Dept of Immigration & Border Protection (2015). Australian Citizenship – Your Right, Your responsibility. The national consultation on citizenship. Final report. <https://www.border.gov.au/Citizenship/Documents/australian-citizenship-report.PDF>. p. 9

⁷¹ See sections 6.2 and 7.3 in the Australian Council of TESOL Associations (ACTA) May 2017. Submission No. 108 to the Joint Standing Committee on Migration Inquiry into Migrant Settlement Outcomes. pp. 52ff. http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/settlementoutcomes/Submissions

⁷² Street, A. (2017). The Political Effects of Immigrant Naturalization. *Int Migr Rev*, 51: 323–343. doi:10.1111/imre.12229

⁷³ Abascal, M. (2017). Tu Casa, Mi Casa: Naturalization and Belonging among Latino Immigrants. *Int Migr Rev*, 51: 291–322. doi:10.1111/imre.12221 p. 298.

rather living among co-ethnics immigrants **disenfranchised by a legal status that prevents them from ever becoming US citizens.** (p. 317; our emphasis)

That is, increasing the numbers of people excluded from citizenship undermines the actual *dynamics within communities* that builds a sense of belonging to the mainstream society.

In Australia, the 2011 ASRG Study, to which we have already referred, found that feeling “connected” was a critical factor in migrants’ sense of “comfort” in this country.⁷⁴ Countering these positive feelings are the experiences faced by the vulnerable groups we have listed above, not least young people, who are repeatedly confronted by racism in schools, workplaces and the public domain.⁷⁵ The Citizenship Discussion Paper and subsequent statements by the Minister describe the new citizenship requirements and the English test as directed to strengthening “the security of our nation”.⁷⁶ This aim is in direct conflict with an English test that targets vulnerable groups and refuses them the fundamental democratic rights and protections enjoyed by mainstream society. A test that targets those with limited English, literacy and test-taking skills, irrespective of their commitment to the values described above, is both symbolic and concrete evidence that these people do *not* belong in Australia and, for most, that they never will.

The Minister’s use of the 2016 Productivity Commission report to justify the inclusion of an English test in citizenship requirements is, in ACTA’s view, misleading. ACTA believes that the Minister’s misrepresentation of the 2015 Citizenship and the 2016 Productivity Commission reports’ contents, recommendations and clear intentions – together with a disregard for evidence and the disrespect for the most vulnerable newcomers to Australia – undermines not only the respect and trust that the Productivity Commission describes as essential to social cohesion but also the respect and trust due to a Minister of the Crown.

7. Arbitrary exemptions and inclusions

The legislation specifies that certain groups of people, as determined by the Minister, will be exempted from the English test, notably “citizens of the United Kingdom, the Republic of Ireland, Canada, the USA or New Zealand who hold a valid passport”.⁷⁷ There is no guarantee that these passport holders have *any* proficiency in English, for example, Francophone Canadians.

⁷⁴ Australian Survey Research Group (2011). *Settlement Outcomes of New Arrivals*

https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf

⁷⁵ Mansouri, F., L. Jenkins, L. Morgan & M. Taouk (2009). *The impact of racism upon the health and wellbeing of young Australians*. Foundation for Young Australians at

https://www.fya.org.au/app/theme/default/design/assets/publications/Impact_of_Racism_FYA_report.pdf

Mungai, N. (2008, November). Young Sudanese men experiences of racism in Melbourne. In *African Studies Association of Australasia and the Pacific 31st Conference: ‘Building a Common Future–Africa and Australasia* (pp. 26-28).

<http://www.policeaccountability.org.au/racial-profiling/apex-gang-and-coded-racism>

<http://www.abc.net.au/news/2016-12-04/young-south-sudanese-constantly-stopped-by-police/8078642>

Dawes, G. (2013). Sudanese ‘lost boys’ and their interactions with the criminal justice system in Queensland Australia. *International Journal of Social Inquiry*, 6, 1, pp. 73-89.

White, R. (2009). Ethnic diversity and differential policing in Australia: the good, the bad and the ugly. *Journal of International Migration and Integration/Revue de l’integration et de la migration internationale*, 10, 4, pp. 359-375.

⁷⁶ Australian Government (April 2017). Strengthening the Test for Australian Citizenship.

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

⁷⁷ Second Reading Speech by the Hon. Peter Dutton, MP, Minister for Immigration and Border Protection.

http://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/3219af20-da22-4762-b08e-ad4cf9b7009e/0021/hansard_frag.pdf;fileType=application%2Fpdf p. 8

Conversely, as we have already noted, it appears that those who have already demonstrated the required English level to gain permanent residency will be required to re-sit the test. As stated in the submission on the Citizenship Discussion Paper from the Melbourne University Language Testing Research Centre, there is no evidence that the English language skills of permanent residents decline over time.⁷⁸ There is credible evidence to the contrary, not least from the 2011 ASRG report, which was commissioned by the then Immigration Department.⁷⁹

8. Types of tests and the notion of “competent”

The Prime Minister and Minister Dutton have stated that prospective citizens must demonstrate they are “competent” in English before they can sit the Citizenship test. Clearly, these authorities suppose that the meaning of “competent” is a straightforward common sense and not open to question. They also appear to see “competent” and “adequate” (which was used in the 2015 Citizenship Report) as synonymous.⁸⁰ However, as a shorthand label for a level in a specific test, “*competent*” relates entirely to the specific context presupposed by the test and the purposes for which it has been designed.

Put simply, we need to ask “competent” for what? Depending on *the different contexts and purposes of a given test*, “competent” may refer to quite different types and levels of skill. Competent English in the famous Victoria markets in Melbourne or the Sydney Fish Market is quite different from what counts as competent for a lawyer in an Australian courtroom, a real estate agent auctioning a property or a politician in Parliament. Many nursing staff in retirement communities are quite competent in spoken English, reading medicine labels, completing hand-over reports and maintaining patient records. However, their reading and writing in English may easily not be what is labelled “competent” in the IELTS.

The IELTS (and supposedly “equivalent” tests) are a particular type of test. These are known in the testing field as **language proficiency tests**. Proficiency tests rest on *generalised* notions of what it means to know a particular language. These general notions are operationalised in specific constructs and specifications that underpin actual tests. Although the claim is often made along the lines that proficiency tests evaluate “how well a person can use language to communicate in real life”,⁸¹ the view of the language and the criteria for specifying different levels of performance is not straightforward. Proficiency tests (both test items and *how* they are tested) reflect the **different contexts, purposes and expert views** of those who have constructed and trialled the tests. Proficiency tests are also highly variable according to the governance and administrative regimes that determine the conditions under which they are taken, marked, the results communicated to candidates, and candidates’ rights to request reviews. If nowhere else, evidence for the diversity of

⁷⁸ Language Testing Research Centre, University of Melbourne (May 2017). Submission to the Australian Government Department of Immigration and Border Protection on the discussion paper “Strengthening the Test for Australian Citizenship” p. 4.

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

Roever, C. (2103). The ‘shelf-life’ of language proficiency: research findings and recommendations for policy. Paper presented at the OET Forum, Melbourne.

⁷⁹ Australian Survey Research Group (2011). *Settlement Outcomes of New Arrivals*

https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf pp. 12-17.

⁸⁰ Dept of Immigration & Border Protection (2015). Australian Citizenship – Your Right, Your responsibility. The national consultation on citizenship. Final report. <https://www.border.gov.au/Citizenship/Documents/australian-citizenship-report.PDF>. p. 18
See footnote 6 above.

⁸¹ <https://www.languagetesting.com/understanding-proficiency/>

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views and approaches to testing English proficiency can be found in the hugely competitive testing marketplace.⁸²

The IELTS, which is the test to which the Minister has referred, is jointly owned by IDP Education, IELTS Australia (whose shareholders are Australian Universities and IDP), the British Council and Cambridge English Language Assessment.⁸³ It is almost certain that the test is now devised in Cambridge (England), although that is impossible for outsiders to discover. The distinctiveness of the Cambridge view of the English language can be seen if the IELTS is compared to its major rival, an American test called the Test of English as a Foreign Language (the TOEFL).⁸⁴

IDP Education describes itself as “a world leader in student placement services and a proud co-owner of IELTS”.⁸⁵ The British Council is “the United Kingdom’s international organisation for cultural relations and educational opportunities”.⁸⁶ Cambridge English Language Assessment is part of the University of Cambridge and markets itself as “the world’s leading range of qualifications for learners and teachers of English”.⁸⁷

Even a cursory exploration of IELTS and related websites makes clear that the test is directed to the international student market seeking entrance to universities and other training. **The IELTS “world view” is a Cambridge view of what suits the international education and training industry. The growing use of the test for migration purposes is a windfall for the test owners and is directed to a purpose for which it was not and is not designed, and in which the owners have no interest other than a commercial one.**

ACTA contends that English proficiency tests designed to screen entry to education and training institutions world-wide is quite inappropriate for determining citizenship in Australia. This lack of appropriateness applies to *any* level of these tests.

The IELTS owners (like the TOEFL owners) are legitimately self-interested in promoting their test, which requires meeting certain professional, technical and other standards. However, the IELTS, like all the other tests against which it competes, is not open to public or government scrutiny in how it is devised, maintained, administered, how raters are trained, and how tests are marked.

The complete lack of public transparency regarding the organisations that own the IELTS, together with the test’s intense promotion on all their websites, is a source of concern to ACTA. Our concern applies equally to all the tests that compete with IELTS.

⁸² See, for example, https://en.wikipedia.org/wiki/List_of_language_proficiency_tests#English

⁸³ According to Wikipedia:

IDP was established in 1969 as Australian Asian Universities’ Cooperation Scheme (AAUCS) universities in South-East Asia. AAUCS changed its name to the International Development Program (IDP) of Australian Universities and Colleges and schools.

In January 2017 IDP acquired UK Educational listings company [Hotcourses](https://www.hotcourses.com/) for £30 million. Hotcourses was co-founded by British politician and incumbent Secretary of State for Health Jeremy Hunt.

https://en.wikipedia.org/wiki/IDP_Education

⁸⁴ Testing experts (and others) are match one test against another to determine which levels in Test A are equivalent to levels in Test B. Although this matching exercise may yield numerical equivalents, that does not make the world view or assumed context in Test A the same as in Test B.

⁸⁵ <https://www.idp.com/australia/aboutus>

⁸⁶ <https://www.britishcouncil.org/>

⁸⁷ <http://www.cambridgeenglish.org/about/>

ACTA is of the strong view that the Australian Government should *never* surrender control of crucial requirements for Australian citizenship to any international, overseas and/or commercially driven body or consortium.

A different type of test is an achievement test. The current citizenship test is an example. These tests are subject to the same contextual determinants as proficiency tests. However, they differ in at least one key respect that is relevant to the high stakes arena of assessing suitability for citizenship. The knowledge tested in an achievement test can be derived from sources/courses of study that can be made very clear to the candidate. Put simply, it is possible for someone to study for an achievement test, whereas to study for a language proficiency test is pointless. Similarly, an achievement test can be designed to test knowledge that is targeted to quite specific areas of knowledge and purposes. It is also open to scrutiny on the same grounds.

Despite criticisms that can be made of the current Australian citizenship test as a *de facto* English test, it is close to exemplary in testing the achievement of knowledge relevant to citizenship— it is probably about as transparent as is possible. The knowledge that is tested can be found in a booklet that is freely available to prospective candidates.⁸⁸ The candidate (and anyone else) can take a practice test, get his/her results and be directed to where answers can be found to items that were incorrectly answered.⁸⁹ Both the source of knowledge and the trial tests are open to scrutiny by anyone – the test candidate, the general public, experts in testing and the relevant knowledge, and the Australian Government. The test can be modified in the light of this scrutiny as has happened in the past.⁹⁰ It can be also be modified to meet the current Government’s wish to emphasize particular values. In regard to current deficiencies as an English test, ACTA applauds the accommodations made for those with poor literacy and computer skills.⁹¹

Despite its inadequacies, the current citizenship test allows candidates who are committed to becoming an Australian citizen to work hard and seek assistance towards passing it in a way that is completely impossible with an English proficiency test.⁹² Making an English proficiency test a pre-requisite for attempting the current (or a modified version of) the citizenship test is to create an arbitrary and unfair barrier to those who would otherwise pass the citizenship test. In this respect, it is exactly the same as the dictation test once used to enforce the White Australia policy.

⁸⁸ <https://www.border.gov.au/Citizenship/Documents/our-common-bond-2014.pdf>

⁸⁹ <http://www.australiancitizenshipsupport.com/?gclid=COPpv8LT2NQCfYSXvQodD7wCnA>

⁹⁰ See, for example, the criticisms that led to changes in the Howard government’s citizenship test:

<http://www.smh.com.au/news/national/bradman-out-for-duck-in-test/2008/01/28/1201369038752.html>

⁹¹ <https://www.border.gov.au/Citizenship/Documents/2014-15-snapshot-report.pdf#search=english%20tests> p. 2.

⁹² See, for example, <https://www.theguardian.com/commentisfree/2017/jun/26/a-tougher-language-test-would-punish-women-like-my-mother-who-have-lost-everything>

9. The ethics of language testing

The International Language Testing Association's (ILTA) Code of Ethics Principle 4 states:

Language testers shall not allow the misuse of their professional knowledge or skills, in so far as they are able.⁹³

The annotation on this principle includes the following:

Language testers shall not knowingly use their professional knowledge or skills to advance purposes inimical to their test takers' interests.

Principle 9 states:

Language testers shall regularly consider the potential effects, both short and long term on all stakeholders of their projects, reserving the right to withhold their professional services on the grounds of conscience.

ACTA believes that developing or administering any English test for Australian citizenship violates these internationally agreed ethical principles. It discriminates against refugees, family reunion entrants, women, those with poor literacy skills, those who cannot afford the test fee, and the children of those who fail the test or do not sit it. We propose that ethical language testers and providers of English tests should refuse to have any part in this exercise.

Conclusion

The 2015 Citizenship Report states that “citizenship is the ‘glue’ that helps bind our nation together”.⁹⁴ Equally so, excluding individuals from citizenship will seriously fracture the nation if the exclusion is based on reasons over which these people have no control.

The institution of a barrier to belonging in Australia through an English test that bears no relationship to a person's commitment as a prospective citizen will create feelings of alienation in migrants and their children where none previously existed.

Where alienation exists, all the evidence underlines the necessity of building people's sense of belonging and achievement. The research we documented above (section 6) also shows that where ethnic communities have high levels of citizenship, the dynamics of commitment and belonging to the nation are strengthened within the community. The symbolic and practical achievement of gaining citizenship itself builds commitment to the nation and its people.

In the press conference announcing the new policy, the Prime Minister stated that the English test “will ensure that many people who had not learned English or had not been encouraged to learn English will do so”.⁹⁵ The operative word is “ensure”. The documentation on the proposed legislation fails to allocate any responsibility to anyone to ensure the availability of quality English language tuition. It places the onus solely on settlers to learn English when clearly the opportunities needed to gain even basic English are lacking.

⁹³ <http://www.iltaonline.com/page/CodeofEthics>

⁹⁴ Dept of Immigration & Border Protection (2015). Australian Citizenship – Your Right, Your responsibility. The national consultation on citizenship. Final report. <https://www.border.gov.au/Citizenship/Documents/australian-citizenship-report.PDF>. p. 10

⁹⁵ <http://www.minister.border.gov.au/peterdutton/Pages/Joint-Press-Conference-with-the-PM,-Parliament-House.aspx>

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The reports cited by the Immigration Minister in support of an English test do no such thing. Rather, their statements about the importance of English are the basis for pointing out deficiencies in current provision and recommending improvements.

The Citizenship Discussion Paper states that there is “strong public support to ensure aspiring citizens are fully able to participate in Australian life, by speaking English, our national language”.⁹⁶ ACTA believes that, if the Australian public knew what is entailed in the proposed English test, most would see it as unfair, inequitable, unsuitable, contrary to democratic and egalitarian values, and dangerous in its consequences. The test will exclude those with limited literacy, test-taking and computer skills. It will exclude those who cannot afford the required fees and/or who cannot find their way through the thickets of test providers and test preparation courses. The type of test proposed is totally unsuited to determining citizenship. We believe that most Australians would not support excluding the majority of refugees and large numbers of women from seeking citizenship, having the right to vote, living here securely and contributing to society to the best of their ability. They would not support making the lives of migrant children born outside Australia fundamentally insecure, simply because their parents have did not reach the required level or did not sit the test, or making it more difficult for them to access TAFE and University. We have faith that the general Australian public would never support excluding from citizenship – on the basis of reasons determined by age, level and type of education or financial circumstances – large numbers of people who unreservedly aspire to contribute to this country.

It is incomprehensible to ACTA how social cohesion can be strengthened by excluding from citizenship members of the vulnerable groups we have identified above if individuals are desirous of committing to these values. We therefore unreservedly condemn the proposed English test.

⁹⁶ Australian Government (April 2017). Strengthening the Test for Australian Citizenship.
<https://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/citizenship-paper.pdf> p. 9.

Appendix A: Literacy Levels on the ABS/OECD Scale⁹⁷

Level 1 – Most of the tasks at this level require the respondent to read relatively short digital or print continuous, non-continuous, or mixed texts to locate a single piece of information which is identical to or synonymous with the information given in the question or directive.

Level 2 – At this level the complexity of text increases. The medium of texts may be digital or printed, and texts may be comprised of continuous, non-continuous, or mixed types. Tasks in this level require respondents to make matches between the text and information, and may require paraphrasing or low-level inferences.

Level 3 – Texts at this level are often dense or lengthy, including continuous, non-continuous, mixed, or multiple pages. Understanding text and rhetorical structures become more central to successfully completing tasks, especially in navigation of complex digital texts.

Level 4 – Tasks at this level often require respondents to perform multiple-step operations to integrate, interpret, or synthesize information from complex or lengthy continuous, non-continuous, mixed, or multiple type texts. Complex inferences and application of background knowledge may be needed to perform successfully.

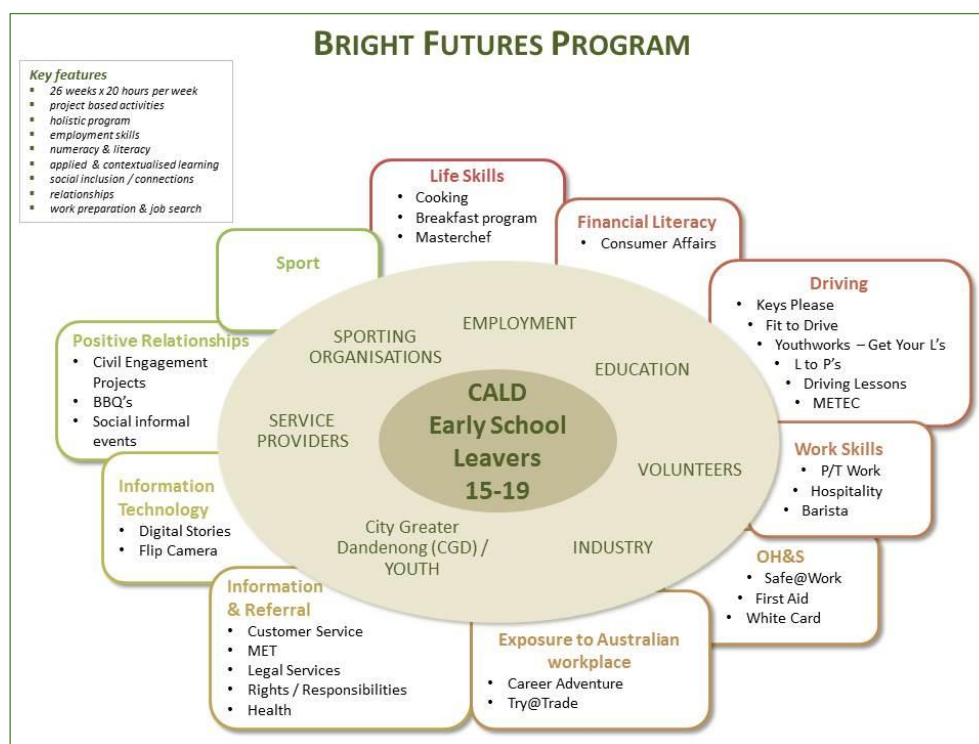
Level 5 – At this level, tasks may require the respondent to search for and integrate information across multiple, dense texts; construct syntheses of similar and contrasting ideas or points of view; or evaluate evidenced based arguments. Application and evaluation of logical and conceptual models of ideas may be required to accomplish tasks.

⁹⁷ The Information Access Group *Literacy in Australia: Understanding the Literacy Levels in Our Community* https://www.informationaccessgroup.com/docs/PIAAC_A4booklet_web.pdf p. 8.

Appendix B: AMES Australia's Disbanded Refugee Youth Program

The diagram below outlines the components of a program for refugee youth with minimal/previous schooling in Melbourne, which was developed over more than ten years by AMES Australia. The program's scope was made possible by additional grants gained from other bodies to supplement the core AMEP contract.⁹⁸

With the termination of the AMEP contract for 2017-2020, the program ceased on 30th June 2017.



The program included youth participation in:

- **sporting activities** – AMES Australia Centres at St Albans and Noble Park (Melbourne) offered a course for 16-25 year olds in sport that taught skills in Australian Rules football, cricket, lawn bowls, tennis, water safety and badminton. After AFL workshops, AMES youth had the opportunity of umpire training leading to part time work (see link in footnote to SBS program; also *Youtube* video on a recent netball gala facilitated by Netball Victoria in which 200 AMES youth participated.⁹⁹
- **theatre productions** – a long-running collaboration between La Mama Theatre (Carlton, Victoria) and AMES Australia (Noble Park and Dandenong) enabled La Mama theatre directors to work with AMES youth students to produce innovative theatre productions based on young people's migration experiences. The students wrote, acted, and assisted in set design, lighting, advertising and front of house for each production. Since 2006, there have

⁹⁸ https://www.amesnet.au/files/file/Research/AMES_YOUTH_ResearchReport_LR_FA.pdf p. 4.

As of 19th April 2017, this provider lost its Melbourne metropolitan AMEP contracts, so this provision terminates in June.

⁹⁹ <https://www.amesnet.au/Courses/view/34> ; <http://www.sbs.com.au/news/article/2016/10/24/afl-training-new-generation-umpires-recent-migrants-and-refugees>; <https://www.youtube.com/watch?v=Vh020wTAA40>.

This provision will cease in June because AMES Australia has lost its AMEP contracts in metropolitan Melbourne.

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been nine productions, each culminating in a public performance at La Mama Theatre and other venues. This project was an outstanding success in building confidence, team building and a sense of social inclusion for the participants.¹⁰⁰

AMES Australia youth students from Dandenong and Noble Park who created the drama 'Back to the Future' at La Mama Theatre in December 2015

¹⁰⁰ https://www.wamesnet.au/files/file/Research/AMES_YOUTH_ResearchReport_LR_FApdf p 20.