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Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Transmitted via email to: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

**Submission on behalf of the  
Australian National University Students' Association Inc.  
And the  
Australian National University Postgraduate and Students' Association Inc.**

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

Dear Sir/Madam

**The Context**

The Australian National University Students' Association Inc. (ANUSA) and the Australian National University Postgraduate and Research Students' Association Inc. (PARSA) represent the interests of undergraduate and postgraduate students at the Australian National University, one of Australia's leading university. Our associations serve both domestic and international students without discrimination. All our students are valued members of our university community and the fact that the Australian National University benefits from so many different cultures and backgrounds is one of its strengths.

In this respect, the ANU is a microcosm of Australia. Based on experience arising from our advocacy and service provision to students it is clear that that the legal disparities arising from citizenship and residency rights can deeply impact the welfare and opportunities open to students. Areas of exploitation that we see frequently encountered for international students include violation of workplace rights, workplace discrimination and powerlessness and mistreatment and violation of rights in the housing market.

The ***Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017*** ("the bill") seeks to implement

recommendations from the ***Australian Citizenship – Your Rights Your Responsibilities*** report (“the report”).

Significantly, there is not a single reference to tertiary students in the report. Indeed the report does not appear to attempt to analyse the realities of the profound contributions that non-citizens – both permanent and temporary - make to Australia. “Non-citizens” are primarily approached as amorphous (and potentially threatening or disloyal) outsiders – with anxieties about terrorism and threat to the community values underlying the thinking of the report. While such issues are real – they are a skew-eyed lens through which to interpret reality. It is unreasonable for legislative changes to harm millions of people because of the activities of a vanishing minority. It is concerning, more broadly, that the report cites a statement such as the following (as representing some kind of community opinion) without noting its obvious flaws.

*“It is insulting to Australian born citizens that people with little or no knowledge of Australia or English are conferred the same status”*

Such patently racist and irrational sentiment ought not influence serious public policy proposals. We note that Australia has always been a multilingual nation – including the 200 indigenous languages which were and remain the original languages of Australia.

Further we reject the notion that there is a single “knowledge of Australia” which defines what it means to be Australian. Australianness is as diverse as tens of millions of people who live in our continent – a majority of whom have close family and personal ties with the rest of the world. It is Australia’s strength. We wish to state our abhorrence of any form of racism and discrimination and our disappointment that we see public discourse and policy negatively influenced by racist thinking and sentiment.

### **The Contribution made by International Students**

In any case, the suspicious view of non-citizens as potentially dangerous outsiders, in application to international students (as for the great bulk of people making Australia their home) is profoundly misplaced, and frankly, on behalf of our members, offensive. This is not who international students are. The reality is far different.

International students contribute to Australia in a variety of ways and they do so very significantly. They enrich the experience of campus life for all students: contributing to a diverse educational environment which fosters an internationally aware and competitive workforce for Australia as well as strengthening the academic excellence of our institutions of higher education. At our own university in 2016 there were around 7425 international students. Direct annual international student course fees at ANU in 2015 were almost \$142,000,000. A conservative estimate of international student contribution to the rental market in Canberra is in the order of \$64,000,000 per annum (based on a rental of \$230 pp per week). Further international students are usually entitled to work while undertaking their studies in Australia, contributing to employment and supporting Canberra businesses. All these interactions of course result in tax revenue which is collected by the Australian government either directly or indirectly from international student expenditure in Australia. Further they represent an enormous social and economic injection into the life of our university and city. Such interactions can be multiplied across Australia’s more than 40 universities.

The Australian Bureau of Statistics states: *“International students make a significant contribution to Australian society, diversifying and enriching communities, and strengthening Australia’s global networks.”*<sup>1</sup> The Department of Education has reported that: *“International*

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<sup>1</sup> Australian Bureau of Statistics, Social Trends, International Students  
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features20Dec+2011>

*education activity arising from international students studying and living in Australia contributed \$22.0 billion to the economy in 2016...*<sup>2</sup> Further the Department of Foreign Affairs and Trade lists international education as Australia's 3rd largest export by economic value (immediately after iron ore and coal).<sup>3</sup>

Further Australian government policy supports the retention of international students in Australia by recognising the value of tertiary education undertaken in Australia – for example through the 485 Temporary Graduate Visa; by the award of 5 points towards the required 60 points for skilled migration to Australia. Australian government policy also recognises higher education as of high value to Australia (awarding 15 points for a Bachelor or Masters degree and 20 points for a PhD). *Australian government policy is to attract and retain international students, because of their value to Australia.*

It ought therefore be obvious that harm to international students is very likely to mean harm to Australia's interests as well.

A significant proportion of students who apply for permanent migration and decide to make their future in Australia will want to become Australian citizens. For some students, without citizenship, doors can be closed for employment in their chosen profession. We have received a number reports of employers (including large multinational employers in Australia) requiring Australian citizenship for employment for example as an accountant or within the IT field. However such requirements are not limited to these fields. Sometimes there is good reason to believe the requirement is discriminatory. In others, it may be justified by the fact that the company in question provides services to the Australian government, where citizenship may be a "legitimate requirement" of the job.

### **Concerns with proposed legislative changes**

A primary area of concern addressed by this submission is the unreasonable time that international students will be expected to be in Australia to be able to apply for citizenship. At a minimum, most international students in universities will spend 2 years in Australia (in the case of postgraduate coursework students). Undergraduate students will typically spend a minimum of 3-4 years. PhD students will spend a minimum of 4 years (and often 5) in undertaking their degrees. In many cases students will transition from one degree to another, potentially spending 6-7 or more years in Australia undertaking their tertiary education – typically holding a student visa. In all those years, these students are contributing economically, academically and socially to the vibrancy, diversity and prosperity of Australia. They are making friends, potentially meeting life partners while here and becoming members of our community. Current law recognises that individuals in this position have already proved their worth to Australia and imposes the reasonable additional requirement of an additional year of permanent residency. Extending the requirement for access to citizenship to an additional 4 years has profound impacts. It is additionally unfair that the proposed changes which would take effect from April 2017, impact the many thousands of students who have already made their decision years before to be in Australia and have already invested their resources and future in making a life here.

In the explanatory memorandum supporting this change it is stated that:

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<sup>2</sup> Department of Education, Research Snapshot *Export income to Australia from international education activity in 2016*, <https://internationaleducation.gov.au/research/Research-Snapshots/Documents/Export%20Income%20CY%202016.pdf>

<sup>3</sup> Department of Foreign Affairs, Australia's trade in goods and services in 2016 <http://dfat.gov.au/about-us/publications/trade-investment/australias-trade-in-goods-and-services/Pages/australias-trade-in-goods-and-services-2016.aspx>

*“The amendment is aimed at the legitimate objective of ensuring aspiring citizens will be given a sufficient amount of time to integrate into the Australian community, gain an understanding of shared Australian values, and the commitment they must make to become an Australian citizen. It would also provide a basis for assessing aspiring citizens’ commitment and contribution to Australia.”*

The change does not materially advance any of these objectives in respect of international students, who by their very involvement in university life and participation in Australian higher education, most often successfully, already demonstrate their value to Australia, and their ability to integrate into our community.

The adverse impacts on students of the proposed change include the following:

- Imposition (in the case of international students) of an unreasonably long period of residency before eligibility for citizenship (in practice in the order of a decade).
- Adverse impacts on access to work – in the cases where employers demand Australian citizenship (whether legitimately or illegitimately) – undermining the right to work
- Denial of the rights attached to citizenship (such as the right to vote) for an unreasonably long period – undermining a critical right in a democracy based on the will of the people – expressed through “universal” suffrage
- If a child of a person happens to be born outside Australia and their parent is not a citizen they are not eligible for Australian citizenship by descent

The comparison is sometimes made with other jurisdictions, which have lengthy residence requirements before citizenship is accessible. Such precedents are, in our view, unsound and Australia ought not follow less successful models given Australia’s own, generally better experience in the fostering of a cohesive, peaceful and prosperous community. To be denied basic rights that are attached to citizenship for a significant period of a person’s life is inherently undermining of equal enjoyment of human rights by all in our community. It is an arrangement incoherent with Australian values of fairness the proposal regards itself as fostering. The changes to residency requirement unreasonably and unnecessarily penalise international students who ought not be penalised at all, given what they do for Australia, and what their retention will potentially contribute to our country into the future.

**Accordingly, the Australian National University Students’ Association and the Australian National University Postgraduate and Research Students’ Association recommends that the current 4 year residency (including 12 months’ permanent residency) remain the residency criteria for eligibility for citizenship.**

Yours faithfully

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