

## ACTION ALERT AA15-3: AUSTRALIAN CITIZENSHIP

*The Prime Minister, Tony Abbott MP, announced on 26 May 2015 that the Government will update the Australian Citizenship Act 2007 “so dual nationals who engage in terrorism can lose their citizenship”. He has also initiated a National Conversation on Citizenship.*

### A: National Conversation on privileges and obligations of Australian Citizenship

Discussion paper: Australian Citizenship – your right, your responsibility

The Government has launched a national conversation about Australian Citizenship. The proposed changes to the *Australian Citizenship Act 2007* would create the greatest changes to the Act since 1949. Under consideration is the possible suspension or revocation of citizenship for people who are involved in ‘terrorist activity’.

The discussion paper, including questions for comment, is available on the Department of Immigration and Border Protection website: [www.citizenship.gov.au](http://www.citizenship.gov.au). Comments can be provided online, via email ([CitizenshipPaper2015@immi.gov.au](mailto:CitizenshipPaper2015@immi.gov.au)) or by post: Citizenship Policy, Department of Immigration and Border Protection, PO Box 25, Belconnen, ACT 2616.

**Comments are due 30 June 2015. Friends are encouraged to respond to the Department and to their own Federal member/senator. QPLC intends to make a submission, and would welcome a copy of any comments by other Friends.**

### B. Relevant Background Information.

The bulk of the discussion paper covers ‘revocation of citizenship for dual nationals engaged in terrorism’ and ‘suspending privileges for Australian citizens engaged in terrorism’. There are other sections around changes to the citizenship test and pledge, strengthening the eligibility requirements and increasing the awareness and value of Australian citizenship.

While the Government’s current position on revocation of Australian citizenship is that the proposed changes would not leave a person stateless, the PM has said that a proposal to allow the Immigration Minister to revoke an Australian of their sole citizenship would be discussed when Parliament debates the proposed legislative changes. The proposed changes are expected to include judicial review of the decision to revoke citizenship or to suspend privileges.

Six Cabinet ministers (including the Defence Minister, Foreign Affairs Minister and the Attorney-General) have all raised concerns about the rule of law and expressed concern that the proposal lacked rigorous oversight and could unfairly target some groups. Of course, should a person with dual citizenship lose their Australian citizenship as a result of threats to Australia’s national security, it is unlikely that the other country with which they hold citizenship will welcome them home.

The Government says that such changes will bring Australia more in line with the USA and Canada. In the US there are four reasons why one can be ‘denaturalized’ or lose their US citizenship: falsification or concealment of relevant facts when applying for citizenship, refusal to testify before Congress, membership in subversive groups within five years of becoming a US citizen and dishonorable military discharge. It is true that the *Strengthening Canadian Citizenship Act* under the *Protection of Canada from*

*Terrorists Act 2014* enables the government to revoke Canadian citizenship from dual citizens who are convicted of terrorism, high treason or spying offences, and well as dual citizens who were members of an armed force or armed group engaged in armed conflict with Canada. Most of these decisions will be made by the Citizenship and Immigration Minister. However, cases involving security, human or other international rights violations and organized criminality, will be decided by the Canadian Federal Court.

Some migrant groups are likely to see this proposed legislative change as creating a two-tier citizenship system in which their civic rights are less secure.

C: QPLC is preparing a submission in response to the Paper. It will cover the following points:

- Citizenship is vital to the creation of a community based on mutual acceptance and support. The rights and responsibilities of citizens contribute to this.
- Australian values as identified in the Discussion Paper are important, and include respect for freedom and dignity of individuals, freedom of speech and religion, rule of law, democratic governance, and egalitarianism.
- The state should enforce an environment where public institutions and policies reflect these values and enable all citizens to participate without feeling marginalised.
- The new approach by the Government may undermine efforts by many to build social harmony and inclusiveness, and gives priority to punitive rather than social solutions to concerns about extremism and terrorism.
- The citizenship changes may render someone stateless, contrary to Australia's obligations under international human rights conventions. Judicial review of ministerial decisions is essential.
- Australia does not have to follow other countries in its citizenship laws, but can emphasise positive initiatives in education, social and welfare policies, community harmony, de-radicalisation programs, and allowing suspected terrorists who have served overseas to return and inform others of the dangers.

**Canberra**

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