

Australian government pushing ahead on revoking citizenships

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Australian Prime Minister Tony Abbott and his supporters have vowed to proceed with unprecedented plans to strip individuals, even if Australian-born, of citizenship purely on the basis of ministerial determination that they are supporting or advocating “terrorist” acts.

This is despite public rifts in his government over the issue, and deep concerns expressed by a range of civil libertarians, Islamic organisations and legal experts about the potential for these powers to be used to revoke the basic right of citizenship on broad political grounds.

Cancelling a person’s citizenship will not only abolish their basic political and social rights, such as to vote, travel and access healthcare and welfare. It will also render them liable to be either deported or detained indefinitely without trial, as is the case already with asylum seekers and other non-citizens who are denied visas.

Abbott last week denied leaked accounts of a cabinet split on revoking the Australian citizenship of people who are born in the country and have no other citizenship. He brushed aside media reports of objections by six senior cabinet members, including Foreign Minister Julie Bishop, Attorney-General George Brandis and Communications Minister Malcolm Turnbull.

Abbott claimed the “overwhelming support” of cabinet and government parliamentarians to examine the proposal, as well as to move quickly to legislate to cancel the citizenship of dual-citizens suspected of “terrorist” activity or sympathies.

The prime minister seized on a letter, reportedly signed by 43 government backbenchers, pressing the government to proceed with its full proposal. Abbott publicly urged them, in writing, to “actively” campaign on the question throughout the “public consultation process” that the government has launched, headed by former Immigration Minister Philip Ruddock, to try to drum up public support for the plan.

The discussion paper issued for this “consultation” insists that citizenship is an “extraordinary privilege,” which can be taken away by government fiat, rather than a fundamental

right that goes to the very core of democracy. Abbott’s determination to proceed is another warning of how far the political, security and corporate establishment will go to abrogate legal and democratic rights.

To qualify for citizenship, according to the discussion paper, a person must adhere to “core Australian values” and accept wartime military obligations. It proclaims: “All Australians are responsible for respecting and protecting our country” and must be prepared to “defend Australia should the need arise.”

These requirements would effectively prohibit opposition to war and militarism. Even during the two world wars last century, no powers to revoke citizenship were proposed, although socialist and anti-war leaders were certainly framed-up and jailed, and people of German, Italian or Japanese descent were interned without trial.

The government has framed its legislation as being directed against the alleged 100 or so Australians fighting with various Islamist groups in Syria, Iraq and elsewhere in the Middle East. These “foreign fighters,” many of them marginalised young people outraged by the predatory and catastrophic US-led military interventions in the Middle East, are only the first targets of the government’s plans. The measures would affect far wider numbers of people.

No details of the government’s legislation have been released, but Immigration Minister Peter Dutton declared last weekend that the powers would apply to citizens within Australia, as well as overseas. He said he was looking closely at laws passed last year in Britain, where it is now possible for a person to be deported by the UK home secretary, with no access to judicial review until after the deportation.

During a media conference, Dutton insisted that his arbitrary powers, as the relevant minister, to revoke citizenships would extend to those “who would seek to counsel” terrorist acts. Interviewed on Network Ten’s Bolt Report, he said the government would strip citizenship from people “if they’re deemed to be a terrorist or acting in support of those terrorists, fundraising, [or doing] acts

preparatory to.” As the word “deemed” indicates, citizenship rights would be annulled by decree, without any criminal conviction by a court.

Because of the very broad definitions in the “anti-terrorism” laws adopted since 2002, citizenship could potentially be stripped from anyone, for example, voicing opposition to the escalating US-led wars in the Middle East, or even demonstrating against budget cuts or other austerity measures, if the protest damages property or disrupts infrastructure.

The government claims that citizenship would be revoked only where a person had dual citizenship or “reasonable grounds” to apply for another nationality. This proviso is designed to avoid openly breaching international law, which forbids rendering people stateless. But statelessness would often be the result. There is no guarantee that any other country would accept such a person, leaving them in limbo, probably in immigration detention.

To provide a fig leaf of legality, the government insists that citizenship decisions would be subject to judicial review. But Dutton confirmed last Friday that courts could not review the substance of a ministerial ruling, only whether a legal or procedural error occurred. He bluntly declared: “[T]he government’s not going to have the court second-guessing ministerial decisions.”

The government’s offensive has provoked widespread concern. Silma Ihram, of the Australian Muslim Women’s Association, warned that some Muslim Australians could end up like the Rohingya people of Burma, left stateless or “shipped off to Cambodia.” She also pointed to the wider political impact of the plan. “Everyone is going to lose so many freedoms under these laws,” she told the *Guardian*.

Speaking to the Australian Broadcasting Corporation, prominent Melbourne barrister Julian Burnside warned: “To leave it in the hands of a minister of the Crown is effectively making a person an exile from their own country without any sort of hearing at all. And that’s the most fundamental breach of the rule of law.”

On the *Conversation* web site, University of Sydney law lecturer Rayner Thwaites pointed out that the government’s “discussion paper” on citizenship repudiated the very notion of citizenship as a right. He also noted that it was far from clear, as a matter of constitutional law, if a government could remove or suspend a citizen’s right to enter or remain in Australia.

None of the six dissenting government ministers have publicly explained their reservations. Comments by other government members or supporters indicate nervousness about the public response, and concern about the far-reaching implications of the legislation. Handing the power to governments to cancel the fundamental right of

citizenship by administrative directives, effectively without any judicial process, is an attack on the foundations of the legal system.

Cory Bernardi, a right-wing government backbencher, said it would be a “power creep” to permit citizenship to be revoked by a minister, without a court ruling. Amanda Vanstone, an immigration minister in the former Howard Liberal government, wrote column in the *Age*, expressing “profound disappointment” that no proper cabinet protocol was followed before rushing to “take away citizenship” with “no appeal, no judicial process, just a ministerial decision.”

Vanstone also cautioned that “excluding the courts” could backfire politically by allowing “radical Islamists” to “make a mockery” of Australia’s claims to democracy.

While expressing qualms about leaving people with single Australian citizenship stateless, opposition leader Bill Shorten last week pledged “in principle” support for the planned bill to revoke the rights of dual citizens. Adopting the same language as the government, he supported the denial of “the marvellous gift of Australian citizenship” to people “prepared to be part of terrorist organisations.”

With Labor’s agreement, the government is also pushing ahead with a lesser-known bill, introduced into parliament last year, which would allow the immigration minister to revoke citizenship from non-native born people on sweeping political grounds. These would include where the minister was “satisfied” that a person was “not of good character,” or was “directly or indirectly a risk to security”—all without trial or conviction.

People could lose all their citizenship rights via “adverse security assessments” by the Australian Security Intelligence Organisation (ASIO). They would find themselves, like scores of refugees, detained indefinitely and denied the right to even know why they have been branded security risks.

By pushing ahead with powers to annul citizenships rights, the political establishment is adding a further major plank to the scaffolding of a police state, under conditions where an escalating drive to war and deepening austerity will provoke opposition and resistance from the working class.



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