

Australian government unveils bill to revoke citizenship by ministerial decree

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After months of increasingly hysterical scare campaigns about terrorism, Prime Minister Tony Abbott's government on Wednesday unveiled unprecedented legislation to arbitrarily strip citizenship from people accused of involvement in a wide range of anti-government or "terrorist"-related activity.

As with every law imposed under the fraudulent banner of the "war on terrorism," the bill goes far beyond terrorism. Its target is not the relative handful of 50 or so dual citizen "foreign fighters" who have reputedly joined Islamic State (ISIS) or other fundamentalist groups in Syria and Iraq. Its provisions could be used to terminate the most basic political and civil rights of many people, including those opposing predatory and criminal wars being conducted by the US and its allies, such as Australia.

Contrary to misleading media reports, the government has not "backed down" on its drive to revoke the fundamental democratic right of citizenship by ministerial direction, without any criminal conviction by a court. The bill contains far-reaching powers for the immigration minister to unilaterally declare, purely on the basis of secret intelligence reports, that someone has "renounced" Australian citizenship.

Demagogically inciting a wartime atmosphere, Abbott and other senior ministers declared that the new laws would be used to "banish" modern-day "traitors" and "hardened terrorists" who "hate everything about the way we live" and "would take up arms against our soldiers."

The Australian Citizenship (Allegiance to Australia) Bill lists three sweeping methods by which many people with dual nationality, even if born in Australia, could lose their citizenship for acting "inconsistently" with "allegiance" to the nation.

First, a person would automatically "renounce" their citizenship "by conduct" if the immigration minister deemed, without any criminal trial, that they participated

in specified terrorist-linked activities. These include "training," "recruiting" or "financing" connected to "a terrorist organisation," even if no terrorist act occurs.

Second, an individual would "cease" to be a citizen if he or she "fights for" or "is in the service of" any organisation listed as "terrorist" by the minister. This goes beyond taking up arms. "Fighting" is not defined, nor is "service." The explanatory memorandum states that "service" covers "helpful activity." Significantly, the minister could also decide not to "list" terrorist outfits that support the US and its allies, such as the Islamist groups fighting to overthrow the Assad government in Syria.

Third, a person would forfeit citizenship if convicted of terrorism or "certain other" offences by a court. This includes "providing support to a terrorist organisation" and "advocating terrorism." Because of the sweeping definition of terrorism in the post-2001 laws, citizenship could be stripped from someone convicted on the basis of upholding the right of the people of countries invaded by Australia, such as Iraq or Afghanistan, to resist the occupations.

The long list of "other" offences includes "destroying or damaging Commonwealth property." It also extends to "urging violence" against the government, "inciting mutiny" in the armed forces and "sabotage by destroying, damaging or impairing Australian Defence Force equipment." These provisions are designed to allow the government to terminate the rights of political opponents, particularly those opposing the drive to war, whether in the Middle East or against China or Russia.

At a media conference on Tuesday, flanked by Attorney-General George Brandis and Immigration Minister Peter Dutton and a record display of 10 Australian flags, Abbott acknowledged that if another country refused to take people stripped of citizenship—which is most likely—they could be detained indefinitely in immigration prisons.

The move to cancel citizenships, which was first mooted by the previous Labor government in 2013, is an unparalleled assault on democratic rights. Without citizenship, there is no right to vote, reside, work or access health and social services. Even the young and innocent children of those targeted would be explicitly stripped of these rights as well.

People whose citizenship ceased would be permanently barred from regaining it, unless the immigration minister granted them a “public interest” exemption for collaborating with the intelligence, military or police agencies. This provision highlights the cynical political and geo-strategic calculations involved in the government either revoking or reinstating citizenship.

If a minister decided that a person stopped being a citizen, no advance notice would be given and no rules of “natural justice” (procedural fairness) would apply. No reasons would be provided, making it almost impossible for a person to challenge the decision in court.

Despite government and media claims that the bill provides for judicial review, it makes no mention of appeals to courts. Instead, the bill’s explanatory memorandum insists that if any appeal were launched, no information would be disclosed in such proceedings that would “prejudice national security.” In other words, those denied citizenship would be blocked from viewing or questioning the intelligence reports being cited against them, just as detained refugees are.

Abbott underscored the lawlessness of the government’s intent by vilifying lawyers for even representing anyone stripped of citizenship. “There will be judicial review and I am sure there will be all sorts of pro-bono lawyers who will be rushing to help the first person for whom this takes place,” he said.

One of the “renunciation” provisions extends section 35 of the Australian Citizenship Act of 1948, which allows citizenship to be terminated if a dual citizen “serves in the armed forces of a country at war with Australia.” That power has never been used, or tested in court.

Because of its British colonial origins, the 1901 Australian Constitution has no bill of rights, or even a reference to citizenship. It still refers to Australians as “subjects of the Queen.” However, the constitution’s separations of powers means that only courts can impose “punishment” on individuals.

In a blatant bid to evade that principle, the bill seeks to camouflage the powers it gives to the immigration minister. Supposedly, the minister would only decide on the “fact” that the person engaged in outlawed conduct,

reportedly on the advice of intelligence officials, military advisers and legal officers.

On Tuesday, Abbott canvassed making the law retrospective, in order to scrap the citizenship of anyone who previously came within its definitions. He added that sole nationals, including those born in Australia, might also be stripped of citizenship, if the government believed they could apply for another nationality. This further step would be determined following the current “community consultation” spearheaded by former Immigration Minister Philip Ruddock and parliamentary secretary Concetta Fierravanti-Wells.

The supposed consultation amounts to an ideological offensive. Its “discussion paper” attacks the very conception of citizenship as an inherent and essential right. It calls for citizenship to depend on proving “allegiance” to the nation by adhering to officially-defined “core Australian values” and being prepared to militarily “defend” the country.

The Labor Party pledged “in principle” support for the bill, maintaining the bipartisan front that saw Labor back the four rafts of draconian “anti-terrorism” laws pushed through parliament since last September. In fact, Labor leader Bill Shorten criticised the government for taking 18 months to produce the bill. Labor’s only concern, echoing that of some government ministers such as Malcolm Turnbull, was to prevent the legislation being struck down by the High Court. “What matters in national security is having laws that actually work,” Shorten stated.

Greens Senator Penny Wright criticised the “cynical attempt to bypass the courts.” Her main objection, however, was tactical. “There is no evidence to suggest this proposal will actually work as a deterrent,” she stated. The Greens have always accepted the underlying sham of the “war on terror” and voted for key “counter-terrorism” laws.

In order to shore up the support within the political establishment, the government has referred the bill to a fast-track seven-week inquiry by a parliamentary committee. Its leaders will travel to France, Britain and the US to study the similar moves being made internationally to abrogate citizenship rights.



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