

## BOOK REVIEW

### CITIZENSHIP IN DECLINE?

*IMMIGRATION, CITIZENSHIP AND INSECURITY: AN AUSTRALIAN STORY* BY HELI ASKOLA (ROUTLEDGE 2025) 190 PAGES. PRICE AUD260.80. ISBN 9781032551340

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This Australian case study analyses how immigration and naturalisation policies have impacted its population over the last thirty years. A title in the Routledge Studies in Nationalism and Ethnicity, it centres on citizenship understood as a measure of economic, social and political inclusion. The overarching narrative is one of the decline of citizenship so understood over the period.

The focus of the book is on the state's retreating responsibility to the community. This sits within an account that addresses citizenship in (at least) two registers: (i) citizenship as nationality, the legal status central to the allocation of population between states, with rights to enter and remain at its core; and (ii) citizenship as a status carrying commitments to equality and solidarity, that is, legal and social citizenship respectively. In both registers, the focus is on the relationship between the individual and the state. Citizenship as a legal status is advanced as the lens through which citizenship in its second, more capacious, interdisciplinary sense is examined.<sup>1</sup> More particularly, the lens is not citizenship policy per se, but immigration policies joined at points by naturalisation policy. The book contributes to the broader tradition of 'outside-in' scholarship by looking at how exclusions at the border shape the lives of those living inside them.<sup>2</sup>

The temporal scope of the work does much to define it. The stretch from the 1990s to now is introduced as corresponding to the ascendancy of neoliberalism; the dominance of a particular set of economic objectives over other considerations, as explicated through the chapters. Askola also notes that this period corresponds to a resurgence of interest in citizenship across the social sciences, with that scholarship accompanying the economic and social developments as a form of

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<sup>1</sup> Heli Askola, *Immigration, Citizenship and Insecurity: An Australian Story* (Routledge 2025) 14.

<sup>2</sup> See, eg, Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton University Press 2006) chs 1, 6.

critique. The larger intellectual history, the relationship between a crisis of confidence on the left, and the rise of a (broadly progressive) citizenship scholarship beginning in the 1990s, forms the background. The book situates itself within this scholarship, drawing on strands that question assumptions about the relationship between citizenship and security.

The core of the book is a study of the impact of immigration and naturalisation policies in different domains: the economic, the socio-cultural, and the political, (chapters 3–5 respectively). This is joined with a case study: Australia’s dramatic closure of its international borders during the COVID-19 pandemic (chapter 6). These different domains are analysed to see how issues of security/insecurity disrupt ‘any remaining emancipatory potential citizenship may have’.<sup>3</sup> ‘Insecurity’ is preferred over ‘security’ as an analytic tool, as better foregrounding security as a site of contestation, with promises of protection and delivery of harms often travelling together. Askola’s interest is in the distribution of security, who benefits and who suffers, and how. An accounting along these lines is the strength of the book.

In keeping with the ‘outside-in’ scholarship to which it contributes, the book embraces the idea of the citizenship of non-citizens. This rests on the different registers in which citizenship operates. Many of the ‘goods’ identified with social citizenship extend to residents, many of whom form part of the community while lacking legal citizenship. Integrating the multiple registers of citizenship enables analysis of the relationship between a scholarship attending to equality and solidarity within a bounded community, and the effects on that community of what happens at the border. The book proceeds from the observation that the lives of citizens and non-citizens are interwoven, both within Australia and across its borders, with practical and normative implications for how these border restrictions work and who they effect.

Askola is alive to the importance of legal citizenship, and the fact that its positive aspects — ‘the right to enter, reside, be economically active and not be deported’ — tend to be as keenly appreciated by non-citizens as they are invisible to (born) citizens.<sup>4</sup> Notwithstanding, the focus of the work is on the relationship between legal and social citizenship.

Placing the work alongside Audrey Macklin’s earlier proposal to map the ‘heft’ of citizenship on a continuum between full citizenship and statelessness helps to define the book’s contours. The book can be understood to address the part of Macklin’s proposal directed at ‘relativising citizenships’ *within the state*,<sup>5</sup> as seen through Askola’s focus on the relationships between legal and social citizenship, her awareness that the resulting ‘exclusions of citizenship are now increasingly complex’,<sup>6</sup> as well as her charting of the distribution of benefits and burdens. To phrase Askola’s contribution in Macklin’s language, Askola proceeds on the basis that for most people, citizenship ‘is not a container that is either full or empty’ but somewhere in between, its content the function of the interaction of legal and social factors.<sup>7</sup>

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<sup>3</sup> Askola (n 1) 20.

<sup>4</sup> *ibid* 15, citing Dmitry Kochenov, *Citizenship* (MIT Press 2019) 126.

<sup>5</sup> Audrey Macklin, ‘Who Is the Citizen’s Other? Considering the Heft of Citizenship’ (2007) 8(2) *Theoretical Inquiries in Law* 333, 354–7.

<sup>6</sup> Askola (n 1) 5.

<sup>7</sup> Macklin (n 5) 356.

The book does not factor in the ‘heft’ of the other citizenships Australian residents may hold.<sup>8</sup> To consider how an Australian resident might be differentially impacted by Australian policy if they were a citizen of Canada, or Burkina Faso, or stateless, is not part of the book’s remit. A partial exception lies in the consideration Askola gives to some of the implications of being ‘an’ Australian dual citizen,<sup>9</sup> where what matters is that one has *a* foreign citizenship, rather than the particular foreign citizenship one may have.

Askola’s central narrative is one of decline, a hollowing out of the state in which calls for migrants to subscribe to ‘Australian values’ grow more strident as supports and a meaningful welcome are withdrawn. This narrative of decline is not only compatible with the rise of citizenship as a legal status; at times they are two sides of the same coin. The stakes of having, or lacking, legal citizenship increase when the supports and protections provided to residents, as residents, decrease. The rise of legal citizenship is noted by Askola at points, though relegated to a secondary place.

The first ‘core’ chapter details how the migrant program, beginning in earnest in the 1990s, has pursued a ‘self-sufficient’ young middle class — an approach the government hopes will minimise, if not remove, the need for support while simultaneously solving Australia’s demographic problems. Askola’s account of an extractive approach to immigration covers the shrinking and narrowing of family migration, the rise and entrenchment of temporary migration, and the withdrawal from or deferral of social security benefits for tax-paying non-citizens. In relation to temporary migration Askola concludes ‘it is now abundantly clear that Australia is, in fact, a guest-worker society, and deliberately (if not usually admittedly) so’.<sup>10</sup> She notes that the number of temporary residents had risen to 2.4 million by 2023, comprising approximately 7% of the workforce.<sup>11</sup>

Askola then turns to the socio-cultural. The sequencing matters; ‘[t]he cultural turn in policy is then, above all, based on an economic foundation that sees values, including gender equality, through the lens of self-governance, entrepreneurship and self-improvement, and articulates policies accordingly’.<sup>12</sup> The topics treated in this chapter include the narrowing of family migration — which focuses almost exclusively on partners to the exclusion of siblings, parents and extended family — and the expanding scope and invocation of deportation powers and their application to longstanding permanent residents.

Askola notes that the 1980s saw the introduction of a time limit on non-citizens’ liability to deportation.<sup>13</sup> The introduction of a 10-year limit in 1984 was the high-water mark of time limits on vulnerability to deportation, set by length of

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<sup>8</sup> Macklin’s overall proposal was to enable a synthesis of the legal and social citizenships of all the states to which a person was attached. That is, it sought to relativise citizenships both within *and* between states: Macklin (n 5) 354. In this way, it could register the ways in which the situation and options of someone coming to Australia, for example, was shaped by the other citizenships and affiliations they possessed.

<sup>9</sup> These implications are vulnerability to citizenship deprivation — the relevant Australian power being conditioned by a ‘statelessness’ bar — and the ineligibility of those with a foreign citizenship to nominate for or sit in the Australian parliament — a function of s 44(i) of the *Australian Constitution*, drafted in the 1890s.

<sup>10</sup> Askola (n 1) 36.

<sup>11</sup> *ibid*, citing Will Mackay, Brendan Coates and Henry Sherell, *Migrants in the Australian Workforce: A Guidebook for Policy Makers* (Report, 4 May 2022) for the 7% of workforce figure.

<sup>12</sup> *ibid* 77.

<sup>13</sup> *ibid* 59.

residence.<sup>14</sup> The 10-year limit replaced longstanding discriminations between non-citizen British subjects and other non-citizens, whereby non-citizen British subjects were only liable to deportation within five years of arrival, while there was no time limit on the deportation of other non-citizens.<sup>15</sup> Some Australian deportation provisions are still attended by a 10-year limit, but these provisions have effectively been outflanked by reliance on alternative deportation powers carrying no time limits.<sup>16</sup> Askola registers the 2014 shift to mandatory visa cancellations of non-citizens sentenced to imprisonment of a year or more, the huge increase in visa cancellations and deportations that followed, and the corresponding expansion of vulnerability across all non-citizens.<sup>17</sup> She concludes that permanent residents ‘who used to be treated as de facto citizens and, after a long residence, Australians in all but name — are now extremely vulnerable’.<sup>18</sup> This identifies a central shift in the period under study.

In chapters 3 and 4, there is a clear temporal comparator, namely, the position in place immediately before the changes of the 1990s. This has the effect of turning the circumstances and settings of the late 1970s and 1980s into the embodiment of inclusive citizenship, giving that ideal much of its content. This is to some extent unavoidable: a study of the effect of the predominant economic logics of the last 30 years needs a baseline for comparison. Quite apart from the need for a baseline, the comparator has intuitive appeal. Reviewing Australian archives and documents on immigration and citizenship policy and law from the late 1970s and 1980s, one is often struck by the sense that it *was* a kinder age, at least in some of the areas central to Askola’s account.<sup>19</sup> The law allowed concerns regarding the detrimental effects of deportation to be given greater weight, enabling tribunal members, bureaucrats and courts to be more mindful of the way in which deportation can rip families and communities apart. This both reflected and fed into greater community and media attention to, and sympathy for, the families of potential

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<sup>14</sup> *Migration Amendment Act 1983* (Cth), amending the *Migration Act 1958* (Cth). This amendment entered into force on 2 April 1984.

<sup>15</sup> A 10 year-limit applicable to all non-citizens was introduced by the *Migration Amendment Act 1983* (Cth), inserting a new s 12 into the *Migration Act 1958* (Cth), in substitution for both the old s 12 (deportation of ‘aliens’, no time-limit) and s 13 (deportation of ‘immigrants’: ie, non-citizen British subjects, limited to within five years of their date of entry).

<sup>16</sup> See *Migration Act 1958* (Cth) ss 201 (10-year limit) and 501 (carrying no time limit). On the relationship between these provisions, see Mary Crock and Laurie Berg, *Immigration, Refugees and Forced Migration* (Federation Press 2011) ch 17.

<sup>17</sup> Askola (n 1) 71–6.

<sup>18</sup> *ibid* 79.

<sup>19</sup> See, eg, Brennan J’s account of the procedural fairness and security owed to a long-term resident non-citizen in *Re Pochi v Minister for Immigration and Ethnic Affairs* (1979) 2 ALD 33, 58. See also Minister Stewart West’s defence of the 10-year limit on deportation introduced in *Migration Amendment Bill 1983* (Cth): Commonwealth, *Parliamentary Debates*, House of Representatives, 24 August 1983, 236 (Stewart West).

deportees than is generally evident today.<sup>20</sup> The present point is simply that the periods chosen for comparison shape the narrative. When one shifts from a comparison between the 1980s and present day to one that ranges across Australian history since Federation in 1901, the picture changes from one of decline to a more ongoing and complicated fluctuation of inclusion and exclusion, welcome and rejection. To say this is not to minimise or deny the losses registered in comparison between the 1980s and the present.

Askola shows how the rights of migrants, whether they have attained citizenship or not, are made to defer to the position and interests of those who have been here longer.<sup>21</sup> Those with their families and supports already well-established in Australia, and with more limited connections with those on the other side of the border, are often seemingly indifferent to the effects of immigration policies on the more recently arrived.

The chapter 'Popular Panics and Political Passivity' covers the refusal and cancellation of temporary visas for non-citizens, the introduction of powers to unilaterally deprive dual citizens of their Australian citizenship for conduct defined loosely with reference to terrorist offences,<sup>22</sup> and the constitutional barrier to dual citizens being chosen for, and sitting, in federal parliament. The throughline is attention to the impact of these measures on the place of migrants in politics and on politics more generally. The chapter focuses on freedom of political expression, but the content given to this freedom remains unclear.

The book's focus is primarily on the impact of immigration policies on the experience and reality of lived citizenship in Australia. At points, the development of Australian citizenship law needs clarification. In a discussion of the ineligibility of dual citizens to be chosen for, or sit, in federal parliament, Askola writes: 'Australia accepted dual nationality for naturalised citizens in 1986 and for the Australian born in 2002 ...'.<sup>23</sup> This is not wrong, but 'acceptance' needs some clarification. Dual citizenship has always been allowed for those naturalising as Australian citizens. For a start, Australia has no legal power over a naturalising citizen's other or 'original' nationality or nationalities. This did not stop Australia giving institutional expression to a (widely shared) antipathy to dual citizenship

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<sup>20</sup> See, eg, the series of articles and editorials in *The Canberra Times* supporting Mr Luigi Pochi's battle against his deportation, culminating in an editorial supporting the Minister's 'wise and humane' decision to rescind the deportation order: 'The central issue in deportation cases is the danger to Australian society. Our society is at far greater risk from ministers and governments seen to be splitting a family or punishing innocent Australian children by sending them to a foreign country than it is from one man who has been convicted and served his sentence for one drug offence': 'Editorial: Justice and Aliens', *The Canberra Times* (Canberra, 22 October 1982) 2. The editorial referenced reasoning in the litigation from the Administrative Appeals Tribunal, the Federal Court and the High Court. This is not to say that there are not cases in more recent times where proposed deportation has become a flashpoint for extensive community and media concern, for example the Nadesalingam family from Biloela, Queensland: Jessica Bahr, 'From Sri Lanka to Biloela, to Perth and back: A Timeline of the Nadesalingam Family's Journey', *SBS* (online, 5 August 2022) <<https://www.sbs.com.au/news/article/from-sri-lanka-to-biloela-to-perth-and-back-a-timeline-of-the-nadesalingam-familys-journey/jfmofat70>>, archived at <[perma.cc/ZU2H-SX8J](https://perma.cc/ZU2H-SX8J)>.

<sup>21</sup> See, eg, the shrinking place of extended family migration within the overall program, curtailing family connection and support for migrants to maximize more general economic objectives: Askola (n 1) 60–1, 63–7.

<sup>22</sup> Notably, the conduct was defined without reference to the fault element of the nominated offences: see s 33AA(6) of the *Australian Citizenship Act 2007* (Cth), as at 12 December 2015. This section has since been repealed: *Australian Citizenship Amendment (Citizenship Cessation) Act 2020* (Cth).

<sup>23</sup> Askola (n 1) 99. See also *ibid* 26 and 84.

by including the words ‘renouncing all other allegiance’ in the naturalisation oath.<sup>24</sup> Nonetheless, it was accepted that such renunciation was a gesture lacking legal effect.<sup>25</sup> This legally ineffectual requirement was removed in 1986.<sup>26</sup> Going in the other direction, Australians acquiring a second nationality by voluntary or formal acts (other than marriage) did suffer an automatic loss of Australian citizenship.<sup>27</sup> This automatic loss of citizenship was removed by amendments in 2002.<sup>28</sup> The overall picture is that many Australians, and particularly naturalised Australians,<sup>29</sup> were legally dual citizens before 2002 and indeed before 1986. None of this blunts or deflects the point the quote was travelling toward, namely, that s 44(i) of the *Constitution of Australia* 1901 — the prohibition on dual citizens sitting in federal parliament — is increasingly anomalous and out of kilter with a country that now both openly welcomes and has a high proportion of dual citizens.<sup>30</sup>

The acknowledgements state that the book was prompted ‘by Australia’s border closure of 2020–21, which made ... [Askola] reflect on some of ... [her] pre-existing assumptions about citizenship, borders and security’,<sup>31</sup> and the chapter on the closure of Australia’s international borders under COVID-19 is urgent and compelling. Askola’s account analyses mobility across the national border and the support, or limits of support, to those locked in, or effectively locked out. She provides an excellent overview of policy as it unfolded, focusing on its ad hoc nature, the failure to draw on pre-existing plans, and the way in which initial settings and positions were not appropriately revisited or adjusted as the pandemic continued. There is now extensive scholarship, and official reports: from federal parliament committees, the Auditor-General, and others, disclosing and

<sup>24</sup> The phrase’s inclusion in the oath became a legislative requirement in 1966 and was removed as one in 1986: see *Nationality and Citizenship Amendment Act 1966* (Cth), and the *Australian Citizenship Amendment Act 1986* (Cth), respectively.

<sup>25</sup> See, eg, the High Court’s dismissal of its legal significance in *Sykes v Cleary [No 2]* (1992) 176 CLR 77, 103–5 (Mason CJ, Toohey and McHugh JJ) (‘*Sykes*’). *Sykes* was the leading authority on the constitutional ineligibility of dual citizens to be members of Parliament until 2017 in *Re Canavan*, the decision central to Askola’s discussion, which affirmed *Sykes*: *Re Canavan* (2017) 263 CLR 284.

<sup>26</sup> *Australian Citizenship Amendment Act 1986* (n 24).

<sup>27</sup> See *Australian Citizenship Act 1948* (Cth) s 17; Australian Citizenship Council, *Australian Citizenship for a New Century* (Australian Citizenship Council 2000) 60–1.

<sup>28</sup> The relevant provision, s 17 of the *Australian Citizenship Act 1948* (n 27), was repealed by the *Australian Citizenship Legislation Amendment Act 2002* (Cth).

<sup>29</sup> Though not exclusively naturalised Australians. For example, a person could and can gain two (or more) citizenships simultaneously at birth, one by birth within Australian territory (where, post amendments in 1986, they would additionally need to have a parent who was citizen or permanent resident), the other by descent.

<sup>30</sup> We do not have direct statistics on the number of Australian citizens who are dual citizens; census data is not collected on dual citizenship. Discussion usually proceeds by reference to proxies for dual citizenship — factors that would increase its likelihood — such as being born overseas or having one or more parents born overseas: see, eg, Commonwealth Joint Standing Committee on Electoral Matters, *Excluded: The Impact of Section 44 on Australian Democracy* (Parliamentary Report, May 2018) para 3.64. Using the 2021 census data and these two proxies, one can construct a current figure using the Australian Bureau of Statistics (‘ABS’) TableBuilder. The *Excluded* report relied on older data. Rather than burden this review footnote with the methodology and qualifications needed to support a figure generated by the ABS TableBuilder, by way of shorthand I note that a figure of between 41–45% of Australian citizens potentially being dual citizens was led in evidence in a High Court case in 2017: see Transcript of Proceedings, *Re Canavan* [2017] HCATrans 200, 4108–117 (DMJ Bennett QC). I thank Abinayan Thillainadarajah for his research on Australian dual citizenship statistics, very partially indicated here.

<sup>31</sup> Askola (n 1) vii.

evaluating government decision-making under the pandemic, which Askola makes good use of.<sup>32</sup> But developments under COVID-19 still register as a strangely unprocessed episode in Australia's national life, certainly as they relate to our sense of what citizenship is and what the government's responsibilities are to us. The chapter is a welcome contribution to that accounting.

With respect to permanent residents, government responses to the COVID-19 pandemic point in a different direction from previous chapters. Both negatively, in the legal constraints applied, and positively, in the extension of social support, COVID-19 saw permanent residents grouped with Australian citizens. Both groups were, incredibly, banned from departing Australia from March 2020 to November 2021.<sup>33</sup> Both groups were (together with residents from New Zealand) afforded access to additional social welfare measures in place during the pandemic.<sup>34</sup> Insofar as moments of stress are revealing, the pandemic suggested that the government did view permanent residents as part of the Australian community.<sup>35</sup> Temporary visa holders — including those in Australia, legally, for considerable time on a succession of visas — were less fortunate. Askola is particularly, and appropriately, scathing with respect to the government's abandonment of international students.<sup>36</sup> Her diagnosis of our present moment that emerges from the review of the Australia's response to COVID-19 tends to the pessimistic.

In the conclusion, Askola writes: 'It has been argued in the previous chapters that while citizenship as a legal status (nationality) retains much of its formal importance in an international system of states, the Australian case shows that citizenship has lost much of its power to serve as a unifying and emancipatory concept.'<sup>37</sup> It is not clear that the case study shows this, but uncertainty on that point does not undermine the book's value. To expand the point slightly: when taken as an evaluative concept, citizenship can expose a decline in equality and solidarity, while leaving the question of citizenship's role as a *source* of unity and emancipation, or something to appeal to, largely unaddressed. This is particularly true when and where the analysis extends to the citizenship of non-citizens.

The issues analysed in the book are of interest beyond Australia, to those in any country of immigration analysing the complex exclusions and selections of contemporary immigration policy, particularly if they are doing so in the context of an overall arc, over decades, of a retrenchment in government supports for settlement and integration.

What Askola achieves, and memorably so, is an account that sensitises the reader to the many ways in which Australian migration policy has impacted the

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<sup>32</sup> See, eg, Australian National Audit Office, *Management of International Travel Restrictions During COVID-19* (Auditor-General Report No 12 of 2021–2022, 8 December 2021); Select Committee on COVID-19, Parliament of Australia, *Final Report* (Final Report, April 2022); Belinda Bennett and Ian Freckleton (eds), *Public Health Emergencies and Government Powers: Perspectives on Australian Law* (Federation Press 2021), cited in Askola (n 1).

<sup>33</sup> Subject to a system of exemptions, much criticised for its lack of transparency and evident biases: see Askola (n 1) 119–23.

<sup>34</sup> See Michael Klapdor, 'Temporary Visa Holders and Social Security: A Quick Guide' (Research Paper Series 2019–20, Parliamentary Library, Parliament of Australia, 15 May 2020).

<sup>35</sup> In another aspect, this is consistent with earlier chapters. It testifies to the heightened importance of legal status over the simple fact of residence. It is simply that status here expands beyond Australian citizenship to embrace permanent residence.

<sup>36</sup> Askola (n 1) 124. See also *ibid* 38, 47.

<sup>37</sup> Askola (n 1) 132.

population, citizens and non-citizens alike, over the last thirty years. The uneven and unfair distribution of that impact is clearly and convincingly conveyed.