

AUSTRALIA

New residence requirements for Australian citizenship

Dear readers, please be aware that on 1 March 2007, the Australian Citizenship Bill 2006 was passed by the Australian Parliament. This new Citizenship law is likely to commence (take effect) on 1 July 2007. New residence requirements for Australian citizenship has been introduced in this new law. If the new law commences on 1 July 2007 (which is expected), anyone becoming a Permanent Resident on or after 1 July 2007 will need to meet the new residence requirements to apply for Australian citizenship.

Under the new residence requirements, citizenship applicants must have four (4) years of lawful residence in Australia immediately prior to making an application for Australian citizenship with at least 12 months as a permanent resident, and absences from Australia of no more than 12 months in total in the four (4) years prior to application, and no more than three (3) months in the 12 month permanent residency period prior to application.

People who became permanent residents before the commencement

of the new Citizenship law will only need to meet the current residence requirements, which is, presence in Australia as a permanent resident for periods amounting to two (2) years in the last five (5) years including one (1) year in the last two (2) years immediately prior to making the application; but they must apply within three (3) years from the day the legislation commences. So, for example, if the new Citizenship law commences on 1 July 2007 as expected, and someone who became a permanent resident on 30 June 2007, will only need to meet the current residence requirements as long as they apply for citizenship by 1 July 2010. But if that person applies for citizenship on 2 July 2010, or any date thereafter, they will need to meet the new residence requirements.

Although the new changes increases the time required to stay in Australia before applying for citizenship, it decreases the time required to stay in Australia as a permanent resident from 2 years to 1 year. It also recognises time spent in Australia as temporary residents prior to the acquisition of per-

manent residence. Up to three (3) years of temporary residence will count towards the four (4) year residence requirement for citizenship. This will be very helpful for students, subclass 457, business and other temporary visa holders who can count up to 3 years spent on their temporary visas towards the new residence requirement. For example, if a student applies for a subclass 880 permanent residence visa after completing a 3-year Bachelor degree in Australia, they can then apply for citizenship after 1 year as a permanent resident in Australia.

New provisions in the new Citizenship law will prohibit the approval of a citizenship application for an applicant whose identity cannot be verified, as well as an applicant who is assessed by the Australian Security Intelligence Organisation (ASIO) as a risk to the security of Australia.

When the new Act commences, the 'grant of citizenship' will be referred to as 'citizenship by conferral'. Also, the age at which adult

applicants for Australian citizenship are exempt from the requirement to have a basic knowledge of English will be raised to 60 years.

A new citizenship test will soon replace the citizenship interviews.

Although, those who became permanent residents before this new law commences will only need to meet the current residence requirements, unless their citizenship application is approved before the commencement date of the new law, they will also need to meet additional security checks done by ASIO.

What standard ASIO will use to determine whether a person is a risk to the security of Australia is difficult to say, as that information is not available under the Freedom of Information (FOI) Act.



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