

There are many benefits in becoming an Australian citizen. Some of these benefits include being able to vote in Australian elections, obtain an Australian passport, apply for student loans and work for the Australian government. This article discusses the process of becoming an Australian citizen.



### **A. STREAMS UNDER WHICH APPLICANTS CAN APPLY FOR CITIZENSHIP**

There are many different streams under which individuals can apply for Australian citizenship. It is important that applicants choose the correct stream to avoid delays and invalid applications. This article discusses two of the main streams that allow permanent residents to become Australian citizens by conferral.

#### **A.1. PERMANENT RESIDENTS OR NEW ZEALAND CITIZENS STREAM**

Applicants Permanent residents or eligible New Zealand citizens aged 59 years or younger can apply for Australian citizenship under this stream if they meet the requirements. These eligibility requirements include the applicant:

- Being a permanent resident (or eligible New Zealand citizen) at the time of application.
- Meeting the general residence requirements or one of the exemptions to the general residence requirements (discussed below).
- Being of good character.<sup>1</sup>
- Meeting the knowledge of Australia and language requirements by scoring 75% or more on the citizenship test and correctly answering all five questions on Australian values. More details about the citizenship test and practice tests can be found here.
- Intending to live in Australia or maintain a close and lasting link with Australia.

#### **A.2. PERSON 60 YEARS OR OVER**

Applicants who are 60 years or older would apply for citizenship under this stream, provided they meet the eligibility requirements. Like the stream for applicants younger than 60, these requirements include the applicant:

- Being a permanent resident at the time of application.
- Meeting the general residence requirements or one of the exemptions to the general residence requirements (discussed below).
- Being aged 60 years or older.
- Being of good character.<sup>2</sup>
- Intending to live in Australia or maintain a close and lasting link with Australia.

However, under this stream applicants do not need to sit the citizenship test (unlike younger applicants in the permanent residents or New Zealand citizens stream). Some applicants, in lieu of the citizenship test, may need to attend an interview to satisfy and prove to the Department of Home Affairs that they understand the nature of their application for Australian citizenship.

### **B. RESIDENCE REQUIREMENTS**

As mentioned above, both streams require applicants to meet the general residence requirements or one of the exemptions to be eligible for Australian citizenship.

To satisfy the general residence requirements, applicants need to have been (at the time they apply):

- Living in Australia for the past four years on a valid visa;
- A permanent resident (or eligible New Zealand citizen) for the past year (12 months);

<sup>1</sup> <https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/character/character-requirements-for-australian-citizenship>.

<sup>2</sup> Ibid.

- Away from Australia for not more than a year in the past four years; and
- Away from Australia for not more than 90 days in the past year (12 months).<sup>3</sup>

Applicants who are unable to meet the general residence requirements may still be eligible for citizenship if they meet the criteria for one of the following exemptions:

- Australian Defence Force exemption – certain applicants (or family members) may be exempt from the residence requirements if they are a member of the Australian Defence Force.
- Ministerial discretion – in certain circumstances (such as administrative error), an applicant may be able to meet the residence requirement through ministerial discretion being applied.
- Special residence requirements (discussed below).

#### **B.1. SPECIAL RESIDENCE REQUIREMENTS**

The most common exemption applicable to applicants is the one pertaining to special residence requirements.

##### *B.1.1. Activities Supported by Particular Organisations*

Applicants may be eligible for the special residence requirements if they:

- Engage in activities supported by a particular organisation – eg Australian Olympics and Paralympics committees; Cricket Australia; Tennis Australia; or a federal government agency;
- Have been living in Australia for the past two years on a valid visa;
- Have been in Australia for at least 180 days in the past two years; and
- Have not been away from Australia for more than 90 days in the past year (12 months).<sup>4</sup>

##### *B.1.2. Work that Requires Travelling Overseas*

Applicants may be eligible for the special residence requirements if the applicant:

- Works (or worked) in a particular occupation that requires overseas travel – ie as a member of a crew

ship or aircraft; a worker on a resources installation or sea installation; a CEO or executive manager of a S&P/ASX listed company; a scientist (employed by a particular organisation); an internationally renowned medical specialist; or a person that is or has held a Distinguished Talent Visa;

- Can provide proof (from their employer) that he or she did the specific kind of work for two of the past four;
- Held a valid Australian visa for four years before applying for citizenship;
- Has been a permanent resident for the past year; and
- Have been living in Australia for a total of 16 months (480 days) during the past four years, including staying for at least four months (120 days) in the past year.<sup>5</sup>

#### **C. DEPENDENT CHILDREN**

Dependent children that are 15 or younger can be included in an application for Australian citizenship with a parent for no extra cost. Dependent children of 16 and 17 years of age must apply for Australian citizenship on their own. To be eligible, all dependent children must be permanent residents. However, children under 16 years do not need to meet the residence requirements and children that are 17 years or younger do not need to sit the citizenship test (though they may be required to attend an interview).

#### **D. CONCLUSION**

There are several requirements that must be met before an individual can apply for citizenship. Comasters Law Firm can help clients with their application for Australian citizenship.

Comasters is able to prepare a comprehensive application to the Department of Home Affairs on behalf of clients.

<sup>3</sup> Australian Citizenship Act 2007(Cth) s 22(1).

<sup>4</sup> Ibid s 22A.

<sup>5</sup> Ibid s 22B.

## **CONTACT US**