

PART B : Item 1t

Brief Title	NZ Citizens pathway to permanent residence
Required or Recommended action	For information.
Timeframe	N/A
Key Issues	<ul style="list-style-type: none"> • The Australian Government has been considering the issue of a growing number of New Zealand citizens who are long-term temporary residents in Australia but who have limited prospects to become permanent residents or citizens. • This work was being led by the Department of Prime Minister and Cabinet. This department contributed to the work. • There was an announcement recently in relation to access to the Higher Education Loans Program, where New Zealand citizens are eligible after 10 years' residence. • The department has not been involved in any further work requested by the Department of Prime Minister and Cabinet since January. • In her response to a journalist at the Foreign Correspondents' Association Newsmaker luncheon on 4 April 2013, former Prime Minister Gillard advised that the Government had no plans to extend existing arrangements. • Any change to the current situation is likely to have a budgetary impact and would require agreement across Government.
Additional relevant background	<ul style="list-style-type: none"> • In December 2009, the Government asked the department to develop additional pathways to permanent migration for all long-term temporary visa holders (defined as those that have stayed more than eight years). • Due to the open-ended nature of the Trans-Tasman Travel Arrangement, by far the largest single group of long-term temporary residents are New Zealand citizens who have settled in Australia on a Special Category Visa, which is a temporary visa but allows indefinite stay and work rights. • Although the exact nature of this arrangement has been varied from time to time, New Zealand citizens continue to enjoy more flexible travel arrangements than Australian permanent residents, who are required to hold a valid permanent visa to enter Australia as permanent residents. • From 1 September 1994 to 26 February 2001, New Zealand citizens arriving in Australia were granted a Special Category Visa on arrival (subject to health and character considerations) and were considered the equivalent of permanent residents for the purposes of most Australian government legislation. • As a result of the 2001 social security changes (see Attachment A), Special Category Visa holders no longer have access to the same rights, benefits and protections that Australian permanent residents enjoy.

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The changes introduced on 26 February 2001 were seen as bringing the requirements for New Zealand citizens in line with other migrants to Australia. It should be noted however that New Zealand citizens have access to unique travel arrangements that allow them to enter Australia with indefinite stay and full work rights. Many of them settle in Australia and later in their life cannot meet Australia's migration criteria for a permanent visa.

The impact of existing visa settings is that there is a large and growing group of people residing indefinitely in Australia who are subject to Australia's laws and contribute to Australia's economy in the same way as permanent residents, but do not have any prospect of accessing the rights, benefits and protections available to permanent residents, including the ability to become Australian citizens. This in turn prevents them being able to vote, stand for election, work for many government departments, join the armed forces, or receive consular assistance. Increasingly, affected people and their representatives are publicly questioning the equity of current arrangements and the long-term consequences of not facilitating their full participation in Australian society.

There has also been significant discussion in the New Zealand media on the treatment, by the Australian Government, of New Zealand citizens living here. It is our understanding that the New Zealand government is not seeking a return to the pre-2001 arrangement, as they have domestic pressure around the "brain drain" to Australia. That notwithstanding, a significant number of their diaspora living in Australia retain New Zealand voting rights.

DIAC has been considering possible options for New Zealand citizens in Australia since 2009. Our recent policy considerations sought to preserve the integrity behind the 2001 social security changes while at the same time ensuring that Australian Government migration policies do not lead to the long term creation of an underclass in Australia.

s. 47C(1)

Significantly, the strategy would not be a draw card for third country nationals to use New Zealand for entry to Australia, as New Zealand migration and citizenship arrangements have been tightened markedly since 2001.

The lead responsibility for cross agency consideration of issues around long-term temporary residents in Australia was transferred from the department to the Department of Prime Minister and Cabinet in March 2012 and the department contributed to this work.

s. 47C(1)

Contact details (Lead Deputy Secretary)	Name: Wendy Southern Phone: [REDACTED]
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s. 22(1)(a)(ii)

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ATTACHMENT A**Australia-New Zealand bilateral social security changes, 26 February 2001**

On 26 February 2001, the Australian and the New Zealand governments announced a new bilateral social security arrangement. New Zealand citizens arriving in Australia on or after 27 February 2001 must apply for and be granted an Australian permanent visa to:

- access certain social security payments not covered by the bilateral agreement;
- obtain Australian citizenship; and
- sponsor their family members for a permanent visa.

Under transitional arrangements, these changes did not affect New Zealand citizens who:

- were in Australia on 26 February 2001 as Special Category Visa holders;
- were outside Australia on 26 February 2001, but were in Australia as an Special Category Visa holder for a total of 12 months in the two years prior to that date, and subsequently returned to Australia; and
- have a certificate issued under the Social Security Act 1991 stating that they were residing in Australia on a particular date. These certificates are no longer issued.

The impact of the changes was that under the agreement, each country would no longer reimburse the other. Instead, each country would share responsibility for payments to the aged, severely disabled and their partner carers. As part of the agreement, payments of other social security benefits would be at the host countries' discretion.

A contributing factor leading to the 2001 social security changes for New Zealand citizens living in Australia was a growing concern by both the Australian and New Zealand Governments about the number of New Zealand citizens accessing social security benefits after arrival in Australia.

The Joint Prime Ministerial Task Force on Australia New Zealand Bilateral Economic Relations negotiations in 2000-2001 covered a range of issues and included consideration of concessions. New Zealand had limited capacity to offer concessions and did not accept they should continue to cover the cost of benefits paid in Australia to their nationals when the Australian economy was benefiting from their presence. New Zealand did however agree that Australia had a sovereign right to determine to whom they provided assistance.

A second Australian Government concern related to backdoor migration to Australia, as New Zealand at the time had considerably more flexible migration arrangements, particularly for the Pacific region. Australia had seen a rise in third country nationals, including from Eastern Europe migrating to New Zealand, serving their two year wait for citizenship and then moving to Australia. This is no longer the case, with tighter migration arrangements in place in New Zealand combined with a five year wait for citizenship.



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MINI IDC MEETING: PATHWAYS FOR NEW ZEALAND CITIZENS

Minutes

3:30PM, 29 June 2015

Attendees

Name	Position	Department
Sophie Montgomery s. 22(1)(a)(ii)	Chair - Assistant Secretary, Planning, Design and Assurance Branch	DIBP
	Acting Director, Framework Visa Project Section	DIBP
	Assistant Director, Framework Visa Project Section	DIBP
	Framework Visa Project Section	DIBP
	Framework Visa Project Section	DIBP
	Director, Directorate of Military Personnel Policy	Defence
	Branch Manager	Education
	Director, Migration Policy Section	Employment
Chris Carlile s. 22(1)(a)(ii)	Assistant Secretary, Policy Strategies Branch	Health
	Assistant Director, Hardship Nominee and Bereavement Team	Human Services
	Assistant Secretary, Hardship Nominee and Bereavement Team	Human Services
	Adviser, Immigration, Social Policy Division	PM&C
Mary McLarty s. 22(1)(a)(ii)	Branch Manager, Eligibility and Participation Policy Branch	Social Services
	Director, Residents and Portability	Social Services
	Assistant Director, Residents and Portability Section	Social Services

Apologies

Name	Position	Department
John Geering s. 22(1)(a)(ii)	Assistant Secretary, People Policy and Employment Conditions Branch	Defence
	Assistant Director, Directorate of Military Personnel Policy	Defence
Jo Wood	Group Manager, Economic Strategy Group	Employment
Helen Innes	Branch Manager, Workforce Strategies Branch	Employment
Malcolm Greening s. 22(1)(a)(ii)	Branch Manager	Employment
	Director, New Zealand and Associated Countries Section	DFAT
	New Zealand and Associated Countries Section	DFAT
	Director, Policy Analysis Section	Health
	Director, Hardship Nominee and Bereavement Team	Human Services
	Adviser, Immigration, Social Policy Division	PM&C
	Senior Advisor, Pensions and Payments Section	PM&C
Adviser, Pensions and Payments Section	PM&C	

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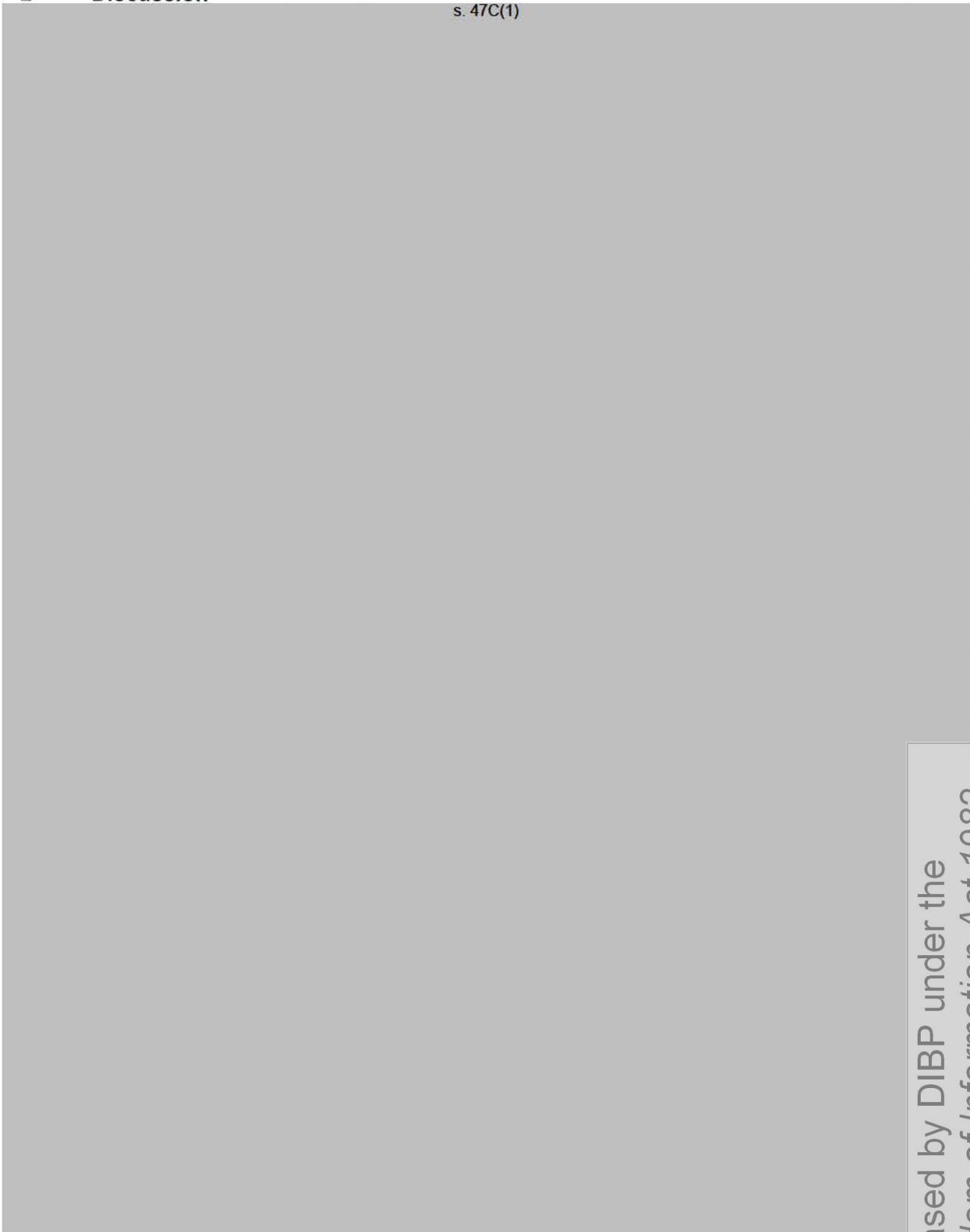
Minutes and Action Items

1 Introduction

1.1 DIBP welcomed attendees.

2 Discussion

s. 47C(1)



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Immigration data

- 2.11 DIBP will provide immigration data and source additional census data from the ABS.
- 2.12 It was agreed to use data for SCV holders who arrived after 26 February 2001.
- 2.13 DSS indicated they could have a copy of the spreadsheet from the previous (2012) proposal, outlining potential impacts on each department. DSS to circulate, if available.

3 Next Steps

- 3.1 DIBP to provide data, including ABS data, and a timeline to agencies.
- 3.2 Reconvene via telecon – date to be confirmed.
- 3.3 PM&C suggested involving Department of Finance and offered to provide a contact.

4 Next meeting

- 4.1 To be confirmed.

Action Items	Agencies
Data for SCV holders to be provided to agencies	DIBP
Timeline for submission	DIBP
Distribute spreadsheet from the 2012 proposal	DSS
Provide contact from Department of Finance	PM&C

Timeline	
29 June 2015	IDC meeting
2 July 2015	Data and timeline to agencies
9 July 2015	s. 47C(1)
13 July 2015	
14 July 2015	
17 July 2015	
1 August 2015	

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**Internal Stakeholder's Meeting: Pathways for New Zealand Citizens
Minutes**

3:30PM, Wednesday, 01 July 2015

Attendees

Name	Position	Section/Branch
Sophie Montgomery s. 22(1)(a)(ii)	Chair - Assistant Secretary	Planning, Design and Assurance
	Acting Director	Framework Visa Projects
	Assistant Director	Framework Visa Projects
	Policy Officer	Framework Visa Projects
	Policy Officer	Framework Visa Projects
	Assistant Director	Customs and Industry
	Director	Tourism and Border Entry visas
	Assistant Director	Tourism and Border Entry visas
	Director	Finance
	Assistant Director	Finance
	Citizenship Policy	Citizenship
	Acting Assistant Secretary	Deregulation
	Director	Deregulation
	Assistant Director	Deregulation
	Assistant Director	Operational Functions at the Border
	Assistant Director	Border Management Policy
	Acting Director	MAPP/OAPP Projects
	Inspector	Border Operations

Apologies

Name	Position	Section
s. 22(1)(a)(ii)	Director	Deregulation

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Minutes and Action Items

1 Introduction

1.1 Ms Montgomery welcomed attendees.

2 Discussion

s. 47C(1)

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4 Next meeting

4.1 To be confirmed.

Action Items	By Whom
s. 47C(1)	Frameworks Visas Projects Section

Timeline	
29 June 2015	IDC meeting
2 July 2015	Data and timeline to agencies
14 July 2015	s. 47C(1)
16 July 2015	
17 July 2015	
20 July 2015	
24 July 2015	
1 August 2015	

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