



ISSUES FOR NEW ZEALANDERS RESIDENT IN AUSTRALIA

Limited pathway to citizenship for post-February 2001 New Zealanders

New Zealanders arriving in Australia after 26 February 2001 are granted a **non-protected¹ Special Category Visa (SCV)**. Approximately half of the estimated 250,000 to 350,000 post 26 February 2001 arrivals have no pathway to citizenship. They will remain on the non-protected¹ Special Category Visa (SCV) indefinitely and are required to obtain a separate permanent visa, such as a spousal visa (801/820) or skilled work visa (various), in order to become a permanent resident. The SCV allows them to reside indefinitely rather than as a 'permanent resident' (PR). This group are permanently disenfranchised as, without a pathway to citizenship, they cannot vote nor do they have the security of access to government support, should they find themselves in difficulty.

New pathway to permanent residence for New Zealanders – from 1 July 2017

On 19 February 2016 the Australian Government announced a new pathway to permanent residence for eligible New Zealanders. They must have resided in Australia for five years and earned at least \$53,900 AUD for each of those five years. They must also meet the standard health, character and security checks for PR. The visa fee is \$3,600 for the primary applicant, their partner \$1,800 and each child aged under 18 \$900. Children aged between 18 and 25 cost \$1,800, but they must be dependent, ie living at home and in full time study. Any New Zealander who arrives after 19 February 2016 will be ineligible for the new pathway, as will people temporarily on a reduced income, eg independent students, stay-at-home parents and some business owners. The proposed new visa pathway commences on 1 July 2017.

New Zealanders are barred entry to the Australian Defence Force

Only Australian citizens are permitted to serve in the Australian Defence Force (ADF). Since many New Zealanders are denied a pathway to citizenship they cannot enlist, even if they are/have been serving in the New Zealand military.

National Disability Insurance Scheme (NDIS) Act (2013)

All New Zealanders working in Australia pay taxes along with the National Disability Insurance Scheme (NDIS) levy, however to claim any support from the NDIS you must be a permanent visa holder or an Australian citizen. Section 23 of the Act states that NDIS residence requirements mean a person must be either an Australian citizen or the holder of a permanent visa; a **protected¹ SCV**-holder would be covered.

HELP Student Loans

New Zealanders were denied access to the loan scheme from 2005 to 2015 as eligibility is limited to Australian citizens and permanent humanitarian visa holders. New Zealanders are considered domestic students, however, they do not qualify for the 10% discount normally applied to upfront fee payments.

Legislation was passed enabling approximately 2,500 New Zealand citizens to be eligible for HELP assistance from 1 January 2016. New Zealand citizens who hold an SCV will be able to access HELP loans, providing they meet **all** the long-term residency requirements. They must have:

- first entered Australia at least 10 years ago, as a dependent child aged under 18 years of age;
- been ordinarily resident in Australia for the previous 10 years, that is, they have been physically present in Australia for at least 8 out of the past 10 years, and 18 months out of the last two years at the time of applying for the loan.

Note: If an SCV Kiwi becomes a **permanent visa holder** they will lose their eligibility for HELP.

Income Protection Insurance

Cover depends on the Insurer's policy definition of 'permanent resident'. New Zealanders have been refused payouts on their Income Protection Insurance because they are a non-protected¹ SCV-holder, not a 'permanent resident'. Fortunately, clients have been refunded their premiums but confusion around their residency status and eligibility for cover remains. ANZ/OnePath is currently being sued for discrimination after denying insurance cover to a New Zealand couple due to their nationality.





Rights comparison

Below is a rights comparison between New Zealand long term residents of Australia and Australians residing in New Zealand:

Issue	NZ citizens in Australia (non-protected ¹ SCV)	Australian citizens in New Zealand
Right to vote	No	Yes, after one year
Eligible for citizenship	New pathway from 1 July 2017, for some who arrived between 26 February 2001 and 19 February 2016	Yes, after five years
Citizenship granted to children at birth	No, children will only be granted citizenship if they reside in Australia continuously until their 10th birthday	Yes
Unemployment benefits	No ²	Yes, after two years
Sickness benefits	No ²	Yes, after two years
Single parent benefits	No	Yes, after two years
Public housing	Varies by state	Yes, after two years
Disability services	Currently varies by state, but are ineligible under NDIS	Yes
Student loans	Limited access after 10 years residence, if arrived as a dependent minor	Yes, after three years
Student allowances	No	Yes, after three years
Student travel concessions	Varies by state	Yes
Employment in public service	Not eligible for employment in Federal Public Service, but eligible for employment in some state public services	Yes
Employment in defence force	No	Yes

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Explanatory Notes

1. There is no difference between a 'protected' and 'non-protected' Special Category Visa holders' visa, but their entitlements and rights depend on the date they first arrived in Australia. Post-26 February 2001 arrivals are 'non-protected' and are ineligible to vote, access Centrelink pensions and support, and many have no pathway to citizenship. 'Protected' SCV-holders were either in Australia on 26 February 2001, or had resided for at least 12 months in the two years prior to 26 February 2001.
2. Non-protected SCV holders may be eligible, after ten years of continuous residence in Australia, for a one-off payment of Newstart, Sickness, or Youth Allowance for up to six months.

