

## N2 - Meeting with DIAC. - 14/12/10.

- Peter Job - briefed about change of Minister.
- Checked to see when the last date to go to Cabinet.
- Another letter to be sent to PM as they want in the 2011-12 Budget + to be combined with the 2011-12 Migration Program.
- DIAC prefer it to go to 2012-13 but Minister's office is not keen as it is too far back to be pushed.

## The 410 &amp; NZs.

The 410's - The Govt. Actuary's report will be given.

N2 en - Not included in the Migration Program.

(a) to do nothing - but strong push; OK

(b) to give them PR. 10 yrs. & yrs.  
= forced to apply as others.

- pay fee.

- to be processed

- health checks

- character check

DIAC needs to put a cap if under the Migration Program.

Next steps. - IDC? AECILB, FaltCSIA, DHS, DEEN

000002

---

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:** Re: New Zealand pathways [SEC=UNCLASSIFIED]

Many thanks Kay  
We are very grateful  
We will let you know what develops and send you a further update when completed  
Cheers

Director  
Temporary Migration Strategy and Analysis

02/08/2010 03:00 PM

Hi

Following the meeting with you last week to discuss your NZ Pathways paper, FaHCSIA's comments are provided in the attached document. It covers a general review of the options presented in your paper including a summary table (from page 4), and additional comments and options on the last page.

If you would like to discuss any of the comments or options, please feel free to contact either Philip Moufarrige or myself.

Kind regards,  
Kay.

Assistant Section Manager  
International Policy  
Department of Families, Housing, Community Services and Indigenous Affairs  
Ph:  
Fa:  
[attachment "DIAC options paper - implications 22Jul10.DOC" deleted by Peter  
Job/ACT/IMMI/AU]

---

Important Notice: If you have received this email by mistake, please advise the sender and delete the message and attachments immediately. This email,

3/08/2010

including attachments, may contain confidential, sensitive, legally privileged and/or copyright information. Any review, retransmission, dissemination or other use of this information by persons or entities other than the intended recipient is prohibited. DIAC respects your privacy and has obligations under the Privacy Act 1988. The official departmental privacy policy can be viewed on the department's website at [www.immi.gov.au](http://www.immi.gov.au). See: <http://www.immi.gov.au/functional/privacy.htm>

---

000003

000004

---

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:** New Zealand pathways  
**Attachments:** DIAC options paper - implications 22Jul10.DOC

Hi Peter,

Following the meeting with you last week to discuss your NZ Pathways paper, FaHCSIA's comments are provided in the attached document. It covers a general review of the options presented in your paper including a summary table (from page 4), and additional comments and options on the last page.

If you would like to discuss any of the comments or options, please feel free to contact either Philip Moufarrige or myself.

Kind regards,  
Kay.

Assistant Section Manager  
International Policy  
Department of Families, Housing, Community Services and Indigenous Affairs  
Ph: /  
Fax:

3/08/2010

000010

---

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:** NZ [SEC=UNCLASSIFIED]  
**Security Classification:** UNCLASSIFIED

FYI. We had a look at the figures in relation to social security costs for NZ. Numbers are shown below.

**NZ/Aust agreement:**

**Residents of Australia** (includes Aust permanent residents who have lived in NZ as well as SCV holders residing in Aust)

- Aust pays \$53.7m to 6,802 people.
- New Zealand says it pays \$100 million (average of \$4,770). However, Centrelink CFP data indicates it is as high as \$186.8m (average of \$8,600).

**Residents of NZ** (includes NZ citizens who have lived in Aust as well as Aust citizens currently residing in NZ)

- Aust pays \$18m to 5,200 people (average of \$3,500)
- We don't know about what NZ pays to this group in NZ.

**Conclusion:**

---

s. 47C  
deliberative  
processes

---

**From:**  
**Sent:** Wednesday, 4 August 2010 11:33 AM  
**To:**  
**Cc:**  
**Subject:** RE: NZ [SEC=UNCLASSIFIED]

The closest we have to a cost benefit analysis was the most recent estimate of savings for the 2007-08 financial year:

- The actual savings in 2007-08 from the changes to the migration rules were \$324.62 million compared to the predicted savings of \$394.92 million.

9/08/2010

000011

- The reduced expenses in 2007-08 from the closure of the 1994 Agreement were \$54.83 million compared to predicted savings of \$71.21 million.
- The actual savings in 2007-08 from implementing the new social security agreement were \$40.86 million, compared to the predicted savings of \$14.47 million.

We don't know the total cost for NZ, because we don't know how much they pay under the Agreement to NZ residents.

Your figures are pretty good - although I note that our latest stats show we're paying only \$53.7m to 6,802 Australian residents under the Agreement - which is nearly 75% of Australia's total outlays under the Agreement.

The figure you've quoted for NZ payments into Australia appears to be consistent with the CFP figures from Centrelink (an average of \$8,600 pa) - 5.47c deliberative

In considering NZ's costs, bear in mind that they also reimburse Australia an amount each year (albeit progressively declining) for payments that were reimbursable under the previous Agreement - for 2010-11, the amount will be \$33.9m. This arrangement will continue for another 5 years or so.

---

**From**

**Sent**

**To:**

**Cc:**

**Subject:** NZ [SEC=UNCLASSIFIED]

We have included this para in a paper? Is it correct that the agreement is a net cost of \$126 million (per year??) to NZ? Have we ever done a full cost benefit analysis of the costs to both governments including Australians living in New Zealand who get NZ benefits?

"The current Social Security Agreement between Australia and New Zealand commenced on 1 July 2002 and enables non-protected SCV holders to claim Age Pension, Disability Support Pension (DSP) if they are assessed as severely disabled and Carer Payment (for partners of DSP recipients). Under the Agreement Australia pays \$60.4m pa to 6,693 people in Australia and NZ pays \$186.8m pa to 21,930 people in Australia".

From:  
 Sent:  
 To:  
 Cc:  
 Subject: RE: New Zealand citizens access to various benefits [SEC=IN-  
 CONFIDENCE:COMMERCIAL]

Attachments: Payments\_Benefits\_SCV.DOC



Payments\_Benefits  
 \_SCV.DOC

Hi

As requested, I am forwarding you the list of payments and benefits a SCV holder who arrives in Australia after 26 February 2001 may be eligible for. (See Attachment)

The notes in the Table will give you additional information regarding eligibility etc.

As discussed with Peter this morning, we are looking forward to receiving the first cut of the options paper.

If you have any queries on the attached Table, please call me.

Thanks

Senior Policy Officer  
 International Policy Section  
 International Branch  
 FaHCSIA

Tel:

-----Original Message-----

From: I  
 Sent: Wednesday, 2 June 2010 1:37 PM  
 To:  
 Subject: FW: New Zealand citizens access to various benefits [SEC=IN-  
 CONFIDENCE:COMMERCIAL]

Yas - Please discuss before you send a response

Section Manager, International Policy

Department of Families, Housing, Community Services & Indigenous Affairs

— S22 irrelevant material

-----Original Message-----

From:  
 Sent: Tuesday, 1 June 2010 5:41 PM  
 To:  
 Cc:  
 Subject: New Zealand citizens access to various benefits [SEC=IN-  
 CONFIDENCE:COMMERCIAL]

Hi Philip

000020

You will recall Peter Job and I had a meeting with you in regards to New Zealand citizens in Australia.

As part of our research we are looking at access to benefits for NZ citizens who arrived after the 2001 Social Security changes.

Could you please review the below table and advise whether the post 2001 NZ citizen settler arrivals have access to these benefits (or a similar benefit where the names are incorrect). I understand some of the access has waiting periods - could you advise these also.

(Embedded image moved to file: pic28476.jpg)

Thank you for your assistance

Regards

Temporary Migration Strategy and Analysis  
Department of Immigration and Citizenship  
PO Box 25  
Belconnen ACT 2616

Ph:

Fax:

---

Important Notice: If you have received this email by mistake, please advise the sender and delete the message and attachments immediately. This email, including attachments, may contain confidential, sensitive, legally privileged and/or copyright information. Any review, retransmission, dissemination or other use of this information by persons or entities other than the intended recipient is prohibited. DIAC respects your privacy and has obligations under the Privacy Act 1988. The official departmental privacy policy can be viewed on the department's website at [www.immi.gov.au](http://www.immi.gov.au). See: <http://www.immi.gov.au/functional/privacy.htm>

---



**Payments and Benefits to Special Category Visa holders who arrived in Australia after 26 February 2001**  
(As at 7 June 2010)

Payments/Benefits	Department	Eligibility
Age Pension	FaHCSIA	Yes – Eligible under the NZ Agreement at 65 yrs. The 10 year residence requirement is met by treating periods of working age residence in NZ as residence in Australia.
Disability Support Pension	FaHCSIA	Yes – Eligible under the NZ Agreement for those who are severely disabled
Sickness Allowance*	DEEWR	No*
Mobility Allowance	DEEWR	No
Bereavement Allowance	FaHCSIA	No
Carer Payment	FaHCSIA	Yes – Eligible under the NZ Agreement, if caring for a partner who is receiving DSP.
Carer Allowance	FaHCSIA	No
Austudy	DEEWR	No
Pensioner Education Supplement	DEEWR	No
Youth Allowance*	DEEWR	No*
Newstart Allowance*	DEEWR	No*
Partner Allowance	FaHCSIA	No
Widow Allowance	DEEWR	No
Special Benefit	FaHCSIA	No
Crisis Payment	FaHCSIA	No
Low Income Health Care Card, Commonwealth Seniors Health Care Card, Health Care Card (FTB), Pensioner Concession Card (if receiving Age, DSP or Carer Payment under NZ Agreement)	FaHCSIA	Yes
Parenting Payment	DEEWR	No

000021

Family Assistance Payments **	FaHCSIA	
-FTB A		Yes
-FTB B		Yes
-Baby Bonus		Yes
-Maternity Immunisation Allowance		Yes
-Child Care Benefit		Yes
-Child Care Rebate		Yes
-Double Orphan Pension		Yes

\* Eligible after 26 February 2011. If they have 10 years of continuous residence in Australia can receive payment for a period of 6 months.

\*\* If they arrive in Australia on a NZ passport and is residing in Australia

3

000023

**From:**  
**Sent:** Wednesday, 2 June 2010 1:37 PM  
**To:**  
**Subject:** FW: New Zealand citizens access to various benefits [SEC=IN-CONFIDENCE:COMMERCIAL]

**Attachments:** pic28476.jpg  
**Security Classification:** COMMERCIAL-IN-CONFIDENCE



pic28476.jpg (21 KB)

Yas - Please discuss before you send a response

ection Manager, International Policy  
Department of Families, Housing, Community Services & Indigenous Affairs

S22 irrelevant material.

-----Original Message-----

**From:**  
**Sent:** Tuesday, 1 June 2010 5:41 PM  
**To:**  
**Cc:**  
**Subject:** New Zealand citizens access to various benefits [SEC=IN-CONFIDENCE:COMMERCIAL]

Hi

You will recall Peter Job and I had a meeting with you in regards to New Zealand citizens in Australia.

As part of our research we are looking at access to benefits for NZ citizens who arrived after the 2001 Social Security changes.

Could you please review the below table and advise whether the post 2001 NZ citizen settler arrivals have access to these benefits (or a similar benefit where the names are incorrect). I understand some of the access has waiting periods - could you advise these also.

(Embedded image moved to file: pic28476.jpg)

Thank you for your assistance

Regards

Temporary Migration Strategy and Analysis  
Department of Immigration and Citizenship  
PO Box 25  
Belconnen ACT 2616

Ph:

Fax:

-----  
Important Notice: If you have received this email by mistake, please advise the sender and delete the message and attachments immediately. This email, including attachments, may contain confidential, sensitive, legally privileged and/or copyright information. Any review, retransmission, dissemination or other use of this information by persons or entities other than the intended recipient is prohibited. DIAC respects your privacy and has obligations under the Privacy Act 1988. The official departmental privacy policy can be viewed on the department's website at [www.immi.gov.au](http://www.immi.gov.au). See: <http://www.immi.gov.au/functional/privacy.htm>  
-----

**SOCIAL SECURITY  
PENSIONS**

**Disability Support Pension**

**Age Pension**

**Family Benefits**

**Family Payment**

**Parenting Payment**

**Family Tax Benefit**

**Special Benefit**

**Unemployment Benefits**

**Other Benefits**

**Carer Allowance**

**Carer Payment**

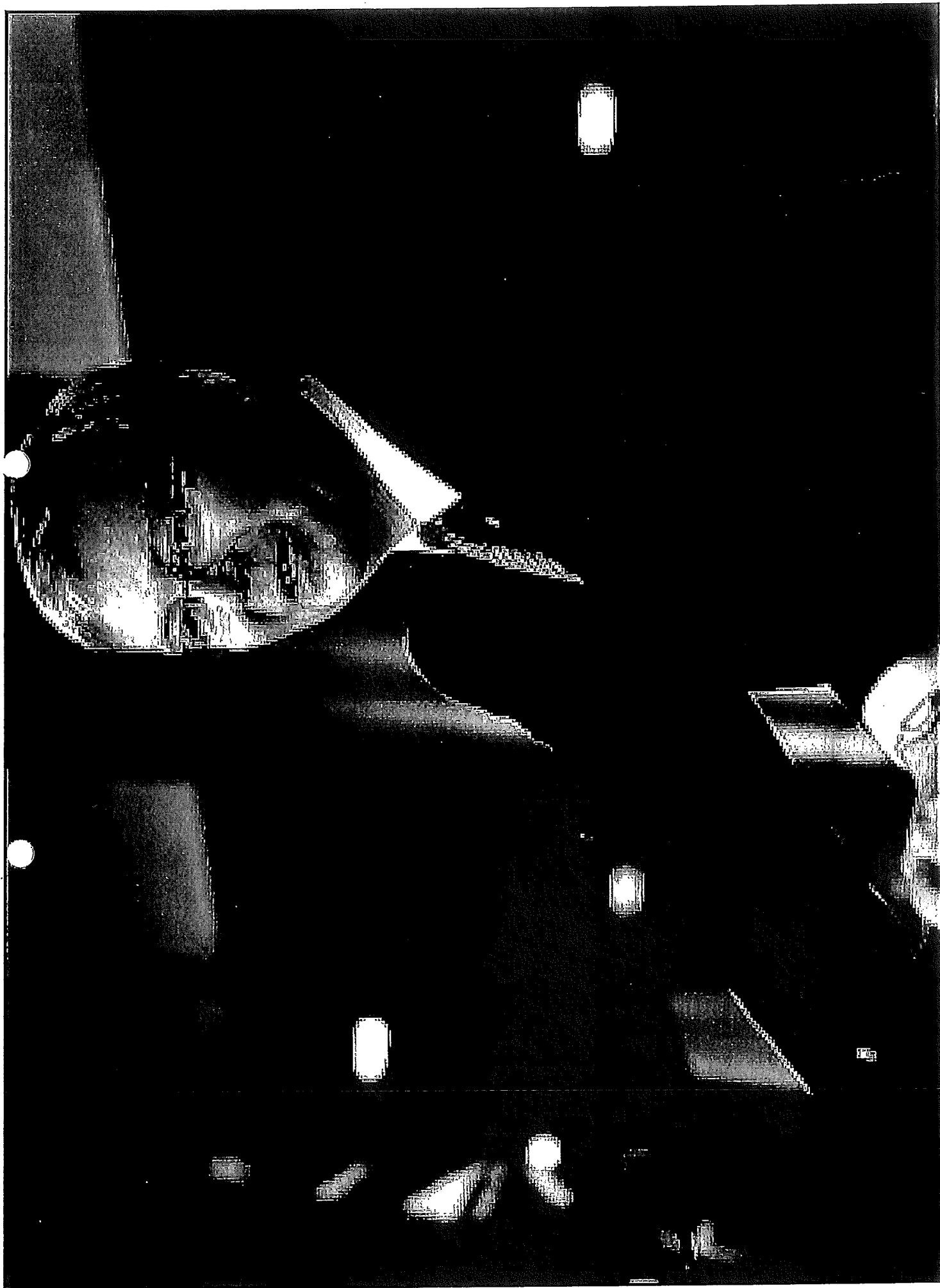
**Mobility Allowance**

**Other**

**Public Housing**

C

C



N Zealand Meeting - 10-03-10

DEPARTMENT OF  
FAMILY AND  
COMMUNITY  
SERVICES

Completed @ 457 visa reviews

- Minister is concerned about the people who don't have right - underclass - with NZers & 410 - self-funded / with children
- 40,000 come in every year.
- FIR not counted.

- Informed Minister that it will impact on other portfolios.

- DIAC needs to indicate a long term trend

- Some may not get P.R. at all as they don't meet criteria

- NON - is filled by students & other temp. Non impacts on infrastructure

When are other Dept's going to be consulted

- FACSIA to assist in a thought paper. (internal)

- Then if Minister agrees

- Data & issues

S.47C deliberative processes.

- Time frame - next couple of months.

- Stats - given by DIAC.

- October - Cabinet

- Not sure how it's going to work

- 444 & 410 ; OR

- Pathways

- They will do up a paper - including the options

- 405 - when it was introduced - it was announced that it would get P.R.

- Confidential. - Internal working Documents

000028

---

**From:**  
**Sent:** Tuesday, 1 September 2009 11:58 AM  
**To:**  
**Cc:**  
**Subject:** Pathway to citizenship

Hi Anthony

It was good taking to you as we are now informed about the proposals that are being considered by your area to enable a pathway to citizenship for New Zealanders and other visa categories. Thanks for your time.

As discussed, I would appreciate if you could kindly forward a draft of the submission so that FaHCSIA will be informed about these proposals which will have a flow on effect on our portfolio.

As explained to you, International Policy Section is responsible for residence policy associated with payment of income support to migrants entering Australia and also for those who acquire permanent residency or citizenship after entering Australia (proposal under preparation). According to our current policy New Zealander who arrive in Australia after 26 Feb 2001 and others who enter Australia on a temporary visa are not eligible for any income support unless they resolve their residency status by applying for permanent residency. New Zealanders who are residing in Australia permanently are eligible to Family Assistance payments and certain other pension benefits under the New Zealand Agreement. This is only a segment of our responsibilities.

Hoping to hear from you soon.

Thanks

Senior Policy Officer  
International Policy  
International Branch  
FaHCSIA

1/09/2009



000029

---

**From:****Sent:** Thursday, 3 September 2009 11:15 AM**To:****Cc:****Subject:** FW: Pathway to citizenship

Hi Julie

As discussed I am forwarding the email that was sent to Anthony Ellis.

I have informed my Section Manager – Philip Mouffarige about the proposals you are working on and we are looking forward to receiving a copy of the draft submission. We have been having discussions with Heather Penhalligon and her AS Narelle Foster regarding New Zealanders but there has not been much progress.

Your paper will be useful as this stage to inform ourselves about the proposals that are being considered by DIAC, which in the long term will impact on social security payments.

Thanks

Senior Policy Officer  
International Policy Section  
International Branch  
FaHCSIA

---

**From:****Sent:** Tuesday, 1 September 2009 11:58 AM**To:****Cc:****Subject:** Pathway to citizenship

Hi

It was good taking to you as we are now informed about the proposals that are being considered by your area to enable a pathway to citizenship for New Zealanders and other visa categories. Thanks for your time.

As discussed, I would appreciate if you could kindly forward a draft of the submission so that FaHCSIA will be informed about these proposals which will have a flow on effect on our portfolio.

As explained to you, International Policy Section is responsible for residence policy associated with payment of income support to migrants entering Australia and also for those who acquire permanent residency or citizenship after entering Australia (proposal under preparation). According to our current policy New Zealander who arrive in Australia after 26 Feb 2001 and others who enter Australia on a temporary visa are not eligible for any income support unless they resolve their residency status by applying for permanent residency. New Zealanders who are residing in Australia permanently are eligible to Family Assistance payments and certain other pension benefits under the New Zealand Agreement. This is only a segment of our responsibilities.

Hoping to hear from you soon.

Thanks

Senior Policy Officer  
International Policy  
International Branch  
FaHCSIA

3/09/2009

000030

---

**From:**

**Sent:** Tuesday, 1 September 2009 10:34 AM

**To:**

**Subject:** New Zealanders

Hi Heather

I have been trying to get through to you many times but it is going to a voice mail. I was rather reluctant to leave a message as I was not sure whether you are still dealing with New Zealanders.

Could you please give me a call – 02 6244 8648 or send me an email with your contact details as I need to contact you regarding the same issue.

Thanks

International Policy Section  
International Branch  
FaHCSIA

1/09/2009

From: Monday, 27 July 2009 9:40 AM  
 Sent:  
 To:  
 Cc:  
 Subject: Fw: Data on New Zealand citizens [SEC=UNCLASSIFIED]

Hi

Please would you clarify some points on your request:  
 "unprotected SCV's currently in Australia" - I take it this is persons present on the 444 sub-class. I am currently processing 30 June 2009 stock of New Zealand citizens, if you wait a couple of days I can provide this figure, otherwise numbers are as at 31 March.

"Number of SCV entries to Australia during the last five years - After 1 March 2004." - there is a component of double counting of individuals in arrivals data - a person is counted for each arrival in the period. Also, with our overseas arrivals and departures data, we set permanent arrivals to 444 in order to get the correct settler arrival count, because of the way older programs were written. I can go to raw data to get this figure, but this requires programming and will take time.

"The total number of New Zealanders who are living here on a permanent visa" - what is your definition of a permanent visa? Are you including the provisional visas such as intending marriage and two part business visas?

Standard reporting gives number of New Zealand citizens present in Australia indicating permanent residence, based on incoming passenger card of the most recent entry.

Please ring me if you wish to discuss.

Assistant Director  
 Strategic and Global Migration Framework

----- Forwarded by David Osborne/ACT/IMMI/AU on 27/07/2009 09:29 AM -----

Adrian  
 Burn/ACT/IMMI/AU

23/07/2009 02:25  
 PM

To  
 David Smith/ACT/IMMI/AU@IMMI  
 cc  
 David Osborne/ACT/IMMI/AU@IMMI  
 Subject  
 Re: Fw: Data on New Zealand  
 citizens [SEC=UNCLASSIFIED]  
 (Document link: David Osborne)  
 Protective Mark  
 UNCLASSIFIED

- thanks for that.

- can you assist with the SCV data pls?

Regards.

A/g Assistant Secretary  
 Citizenship Branch

000032

'ACT/IMMI/AU  
23/07/2009 01:05  
PM

To  
'ACT/IMMI/AU@IMMI  
cc.  
'ACT/IMMI/AU@IMMI  
Subject  
Re: Fw: Data on New Zealand  
citizens [SEC=UNCLASSIFIED]  
(Document link: Adrian Burn)  
Protective Mark  
UNCLASSIFIED

Hi

I have no idea on the SCV visas issued ... suggest that you contact David Osborne.

Regarding New Zealanders who are permanent residents:

Using 2006 Census data there were 157 000 New Zealand born people who had arrived in Australia on or before 2001 (ie the cutoff date which affected Government payments) who were not Australian Citizens.

Since 2006, about 20 000 New Zealanders have acquired citizenship.  
Therefore my estimate is that there are about 140 000 New Zealand permanent residents.

Thanks

Acting Director  
Economic Analysis Unit  
Migration and Visa Policy  
Department of Immigration and Citizenship

Phone  
Fax

'ACT/IMMI/AU  
23/07/2009 12:28  
PM

To  
'ACT/IMMI/AU@IMMI  
cc  
Subject  
Fw: Data on New Zealand  
citizens [SEC=UNCLASSIFIED]  
Protective Mark  
UNCLASSIFIED

I was wondering if you could assist with another stats query - pls see e-mail

below.

Thanks.

000033

A/g Assistant Secretary

Citizenship Branch

Department of Immigration and Citizenship

----- Forwarded by

ACT/IMMI/AU on 23/07/2009 12:27 PM -----

S.22 irrelevant material

To

@fahcsia.gov.au

cc

>

23/07/2009 12:23  
PM

Subject  
Data on New Zealand citizens  
Protective Mark

Hi

As discussed could you please provide us with the following data on New Zealand citizens. This information is required to be used for developing policy on access to income support by unprotected SCVs (visa subclass 444) in Australia.

. The total number of unprotected SCV's currently in  
Australia.

. Number of SCV entries to Australia during the last five  
years - After 1 March 2004.

. The total number of New Zealanders who are living here  
on a permanent visa.

Thanks very much for your assistance. Much appreciated.

Regards

International Policy Section  
International Branch  
FAHCSIA

-----  
Important Notice: If you have received this email by mistake, please advise the sender and delete the message and attachments immediately. This email, including attachments, may contain confidential, sensitive, legally privileged and/or copyright information. Any review, retransmission, dissemination or other use of this information by persons or entities other than the intended recipient is prohibited. DIAC respects your privacy and has obligations under the Privacy Act 1988. The official departmental privacy policy can be viewed on the department's website at [www.immi.gov.au](http://www.immi.gov.au). See:  
<http://www.immi.gov.au/functional/privacy.htm>  
-----

From: Friday, 24 July 2009 5:50 PM  
 Sent:  
 To:  
 Subject: Re: Data on New Zealand citizens [SEC=UNCLASSIFIED]

I am still awaiting feedback from another part of DIAC concerning SCV holders. Regarding New Zealanders who are permanent residents:

Using 2006 Census data there were 157 000 New Zealand born people who had arrived in Australia on or before 2001 (ie the cutoff date which affected Government payments) who were not Australian Citizens.

Since 2006, about 20 000 New Zealanders have acquired citizenship. Therefore my estimate is that there are about 140 000 New Zealand permanent residents.

I will contact you again early next week with the additional information you requested.

Regards.

A/g Assistant Secretary  
 Citizenship Branch  
 Department of Immigration and Citizenship

*s.22 irrelevant material.*

@fahcsia.gov.au

>

23/07/2009 12:23  
 PM

To

cc

Subject  
 Data on New Zealand citizens  
 Protective Mark

Hi

As discussed could you please provide us with the following data on New Zealand citizens. This information is required to be used for developing policy on access to income support by unprotected SCVs (visa subclass 444) in Australia.

- . The total number of unprotected SCV's currently in Australia.
- . Number of SCV entries to Australia during the last five years - After 1 March 2004.
- . The total number of New Zealanders who are living here on a permanent visa.

Thanks very much for your assistance. Much appreciated.

Regards

International Policy Section

-----  
Important Notice: If you have received this email by mistake, please advise the sender and delete the message and attachments immediately. This email, including attachments, may contain confidential, sensitive, legally privileged and/or copyright information. Any review, retransmission, dissemination or other use of this information by persons or entities other than the intended recipient is prohibited. DIAC respects your privacy and has obligations under the Privacy Act 1988. The official departmental privacy policy can be viewed on the department's website at [www.immi.gov.au](http://www.immi.gov.au). See:  
<http://www.immi.gov.au/functional/privacy.htm>  
-----

000036

---

**From:**  
**Sent:** Thursday, 23 July 2009 12:23 PM  
**To:**  
**Subject:** Data on New Zealand citizens

Hi Adrian

As discussed could you please provide us with the following data on New Zealand citizens. This information is required to be used for developing policy on access to income support by unprotected SCVs (visa subclass 444) in Australia.

- The total number of unprotected SCV's currently in Australia.
- Number of SCV entries to Australia during the last five years – After 1 March 2004.
- The total number of New Zealanders who are living here on a permanent visa.

Thanks very much for your assistance. Much appreciated.

Regards

International Policy Section  
International Branch  
FaHCSIA

27/07/2009



- 1993 – 1997 – 26 weeks for SCVs and others. Certain payments including NSA.
- 1997 – Feb 2000 – 104 weeks for others. SCVs 26 weeks of continuous residence OR 12 months residence if they have had periods outside Australia.  
2011
- Feb 2000 onwards – 104 weeks for all including SCVs.



Australian Government

Department of Families, Housing,  
Community Services and Indigenous Affairs

## Minute

**To:** Dr Jeff Harmer, Secretary

**From:** International Branch


**Subject:** Lunch with the New Zealand High Commissioner on Tuesday 10 March at 12.30pm - 2.00pm at the Residence, 21 Mugga Way, Red Hill

**Purpose:** To provide you with a briefing for the meeting.

### Background

1. The lunch is being hosted by His Excellency, Dr John Larkindale (New Zealand High Commissioner). Andrew Metcalfe, Secretary of the Department of Immigration and Citizenship (DIAC) has also been invited to attend the lunch.
2. The High Commissioner has informed FaHCSIA that the Hon Kate Wilkinson (New Zealand Minister for Labour and for Food Safety & Associate Minister for Immigration) is visiting Australia on 18-20 March. In preparation for this visit the High Commissioner thought it would be a good idea to informally discuss issues affecting New Zealand citizens currently living in Australia.
3. Some of the issues affecting New Zealand citizens in Australia also involve the Department of Education, Employment and Workplace Relations (DEEWR). However, a representative from DEEWR will not be attending the lunch.
4. A summary of issues that are likely to be discussed at the meeting are provided at **Attachment A**.
5. A Curriculum Vitae for Dr Larkindale is at **Attachment B**.

Attachment A**ISSUES AFFECTING NEW ZEALAND CITIZENS LIVING IN AUSTRALIA****Background**

- Eligible New Zealand citizens (who are not of health or character concern) can enter Australia on a Special Category Visa (SCV) – a temporary visa that allows them to live and work in Australia indefinitely without having to apply for permanent residency.
- Prior to February 2001, New Zealand SCV holders were considered Australian residents and could access the full range of Australian social security benefits. This access continues and their SCV status is 'protected'.
- 26 February 2001 changes to Australian social security law restricted access to social security payments for New Zealand citizens and New Zealanders entering after that date became 'non-protected' SCV holders losing access to working-age social security payments such as Newstart, Youth Allowance, Parenting Payment, Sickness Allowance and Special Benefit.
- New Zealand citizens are eligible for all family assistance payments (Family Tax Benefit Part A and B, Baby Bonus, Maternity Immunisation Allowance, Double Orphan Pension and Child Care benefit, Child Care Tax Rebate), Medicare, the Low Income Health Card and the Commonwealth Seniors' Health Card, job seeker assistance, public education and in some states and public housing.  
**From 2011 they are eligible for up to six months of Newstart, Youth Allowance or Sickness Allowance if they have lived in Australia for 10 years.**
- The 2001 changes to Australian social security law were designed to provide a more stable and affordable platform for the movement of people between Australia and New Zealand via the 1973 Trans-Tasman Travel Arrangement. Substantial savings have been achieved from the 2001 changes – in 2006-07 there was approximately \$300 million in savings achieved, from a forecast figure of \$258 million
-  S 47 C deliberative processes
- Under the **Social Security Agreement** between Australia and New Zealand they may also be eligible for Age Pension, Disability Support Pension and Carer payment.
- **Victorian bushfires and Queensland floods** - the Income Recovery Subsidy and Funeral/Memorial Assistance was extended to all foreign nationals in Australia who have been significantly impacted.
- DIAC estimate that there are approximately 440,000 New Zealanders currently living in Australia with an estimated 160,000 being "non-protected" SCV holders and not eligible for working age payments.\* Source - DIAC Citizenship 2007-2008 Settler Arrivals, New Zealand Citizen (Non-program Migration) 2001-02 to 2007-08.

## ***Issues Likely to be raised by the New Zealand High Commissioner***

**(i) Special Category Visa** – confusion/lack of awareness about status due to ease of entry to Australia; the ability to live and work in Australia indefinitely and access to most social security assistance. This becomes an issue when their circumstances change significantly and unexpectedly, and they find themselves facing extreme financial difficulties.

Presently the number of New Zealanders approaching Centrelink in extreme financial hardship is low, however likely to increase in current economic climate with the potential rise in unemployment levels among non-protected SCV holders.

**(ii) Limited pathway to permanent residence and citizenship** – To be eligible for most Australian social security payments, including working age payments non protected SCV holders must become permanent residents and serve the two-year Newly Arrived Residents Waiting Period (NARWP).

However, New Zealand citizens who may have lived and worked in Australia for many years often have difficulty obtaining permanent residency due to the strict requirements of the main visa available to them – the Skilled Independent (Migrant) Visa (subclass 175). This visa subclass has stringent eligibility criteria around education, work experience, age and character. DIAC receives a significant number of ministerial representations each year from New Zealand citizens expressing concern at the limited options available to them in terms of obtaining permanent residency and citizenship.

**(iii) Children of New Zealand citizens** – New Zealanders who moved to Australia on non protected SCV are not considered Australian residents for the purposes of social security law. Therefore, if a child's parents do not attempt to seek permanent residency for the family, then the children remain non-protected SCV holders and are not entitled to social security benefits<sup>1</sup>. This becomes a problem if the child or young adult is separated from the family unit and requires assistance such as Youth Allowance. In addition, from 31 December 2008 all SCV holders enrolling in a course are no longer eligible for HECS-HELP assistance for tertiary education, and will therefore be considered full-fee paying students.

**(iv) Women escaping domestic violence** – Similar to the above issue, New Zealand women who are non-protected SCV holders and escaping domestic violence are often left with very limited support because of their ineligibility for social security payments. Their primary recourse is to seek assistance from a charity or refuge, however this is also fraught with issues in that many refuges require women to receive an income support payment which can contribute to the cost of their stay.

<sup>1</sup> As of 27 February 2001, children born in Australia to New Zealand parents are not Australian citizens by birth, unless the New Zealand parent is a protected SCV holder or holds permanent residency or citizenship. However, a child automatically acquires Australian citizenship on their 10<sup>th</sup> birthday if they have been resident in Australia for 10 years from birth.

**Stakeholder collaboration**

- This issue is complex and involves a number of portfolios, including the Department of Immigration and Citizenship and the Department of Education, Employment and Workplace Relations. For this reason it is important that the stakeholder departments take a whole-of-government approach to the development of any options.

S22 irrelevant

- FaHCSIA and Centrelink officers have been liaising with the New Zealand High Commission about this issue over the past 12 months.

**Dr John Larkindale - New Zealand High Commissioner to Australia.**

- Dr Larkindale took up his appointment in late 2006. He was previously a deputy secretary in the Ministry of Foreign Affairs and Trade in Wellington. He has also been New Zealand's Ambassador to the Russian Federation, and his earlier postings were London, Beijing, Apia, Washington and Vienna.

**Prime Minister's recent announcement on Trans-Tasman flights being classified as domestic**

- The Prime Minister announced during the recent visit by the New Zealand Prime Minister that Trans-Tasman flights would be reclassified as domestic routes.

S.47C deliberative processes

000044

---

**From:**  
**Sent:** Monday, 13 July 2009 10:42 AM  
**To:**  
**Subject:** FW: DRAFT - New Zealand Brief [SEC=UNCLASSIFIED]  
**Attachments:** MN08-004959.xml  
**Security Classification:** UNCLASSIFIED

Section Manager  
International Policv. FaHCSIA  
P: M: *S.22*

---

**From:**  
**Sent:** Friday, 10 July 2009 4:11 PM  
**To:**  
**Subject:** DRAFT - New Zealand Brief [SEC=UNCLASSIFIED]

Hi Chris

Attached is a draft New Zealand Brief.

I am sending it through to you for three reasons.

- Firstly it has the extra information that you were after,
- Second it mentions we have discussed this matter with PMC,
- Thirdly I thought your input would be useful.

I will not put it up until I hear back from you

Thanks

14/07/2009

## Department of Families, Housing, Community Services and Indigenous Affairs

MaPS.Net PDR Id	MN08-004959
Due Date	N/A
Critical Date	None
Consultation	Media Yes / No
	Group Manager Yes / No
	Deputy Secretary Yes / No

**To the Minister for Families, Housing, Community Services and Indigenous Affairs**  
For information

**Subject: Emerging Issues Affecting New Zealand Citizens in Australia**

**Purpose:** To inform you of the emerging issues facing New Zealand citizens living in Australia.

**Issue:** There is growing evidence that an increasing number of New Zealand citizens living in Australia are finding themselves in financial hardship, due to their ineligibility for Australian social security payments and difficulties obtaining Australian permanent residency.

New Zealand citizens can enter Australia on a Special Category Visa (SCV) – a temporary visa that allows them to live and work in Australia indefinitely without having to apply for permanent residency. On 26 February 2001 changes were made to Australian social security law so that New Zealand SCV holders who entered Australia after that date are no longer eligible for working-age social security payments. However, they are still eligible for family assistance payments, job search assistance, Medicare, concession cards and public school education.

DIAC estimate that there are approximately 495,000 New Zealanders currently living in Australia. Of these, up to 243,000 may be non-protected SCV holders who entered Australia after February 2001, noting that the numbers are difficult for DIAC to identify as New Zealanders are not counted towards official migration figures. Refer to **Attachment A** for more detailed data.

The ability to live and work in Australia indefinitely on a SCV may have led to an expectation among many New Zealand citizens that they are Australian residents and therefore eligible for most forms of social security. This becomes an issue when their circumstances change significantly and unexpectedly, and they find themselves facing extreme financial difficulties.

The Department of Immigration and Citizenship (DIAC) has advised that New Zealand citizens who have lived in Australia for many years and wish to obtain permanent residency often have difficulty meeting the rigid eligibility criteria of the Skilled Independent Migrant Visa (subclass 175), which is the primary visa available to most New Zealand SCV holders.

DIAC has approached FaHCSIA with a view to developing whole-of-government options to address this emerging issue, and DIAC is currently briefing the Minister for Immigration and Citizenship.

### Recommendations:

1. That you note the emerging issues facing New Zealand citizens in Australia. Noted / Please Discuss
2. That you note DIAC is currently briefing their Minister on this issue, with a view to working on whole-of-government options. Noted / Please Discuss

Name: .....

Date: .....

Position: Branch Manager

Branch: International

Mobile: 1-522

Contact Officer:

Ph:

**Comments (MO use)**

---

---

---

---

---

Signature: .....

Date: .....

**Ratings Box**

Rating	Quality	Timeliness
Unsatisfactory		
Satisfactory		
Good		



## Additional Information

### *Background to the 2001 changes*

Prior to February 2001, New Zealand holders of a SCV were considered Australian residents and could access the full range of Australian social security benefits. But on 26 February 2001 changes were made to Australian social security law restricting access to social security payments for New Zealand citizens. This means that 'non-protected' SCV holders (ie. those who entered Australia after 26 February 2001) are no longer eligible for working-age social security payments such as Newstart, Youth Allowance, Parenting Payment, Carer Payment/Allowance, Sickness Allowance and Special Benefit.

The 2001 changes to Australian social security law were designed to provide a more stable and affordable platform for the movement of people between Australia and New Zealand via the 1973 Trans-Tasman Travel Arrangement.

Non-protected SCV holders are still eligible for all family assistance payments, Medicare, the Low Income Health Card and the Commonwealth Seniors' Health Card, job seeker assistance, public education and in some states, public housing. Some New Zealanders may also qualify for other forms of assistance under Australia's social security agreement with New Zealand such as Age Pension, Carer Payment and Disability Support Pension. There is also a provision in the Social Security Act 1991 which provides for up to six months of Newstart, Youth Allowance or Sickness Allowance for SCV holders who have lived in Australia for 10 years.

Substantial savings have been achieved from the 2001 changes – in 2006-07 there was approximately \$300 million in savings achieved, from a forecast figure of \$258 million.

### *Contributing factors*

Due to the increasing numbers of New Zealand citizens coming to Australia each year (see **Attachment A**), it is expected that the number of New Zealand citizens facing financial difficulty will increase in number and possibly in severity. The risk of increased unemployment due to the current economic climate may further exacerbate this issue.

The key contributing factors include:

- *Special Category Visa* – This temporary visa was designed to allow the free movement of people between Australia and New Zealand. New Zealand citizens arriving in Australia are automatically granted an SCV if they have not applied for any other entry visa. This ease of entry, and ability to live and work in Australia indefinitely, may have led to an expectation (or general lack of awareness) among some New Zealand citizens that they are in fact Australian residents and eligible for most forms of social security assistance.
- *Limited pathway to citizenship* – If New Zealand citizens take-up permanent residency and serve the two-year Newly Arrived Residents Waiting Period (NARWP), they would be eligible for most Australian social security payments. However, although a New Zealand citizens may have lived and worked in Australia for many years, they often have difficulty obtaining permanent residency due to the strict requirements of the main visa available to them – the Skilled Independent (Migrant) Visa (subclass 175). This visa subclass has stringent eligibility criteria around education, work experience, age and character. DIAC receive a significant number of ministerial representations each year from New Zealand citizens expressing concern at the limited options available to them in terms of obtaining permanent residency and citizenship.

- *Children of New Zealand citizens* – New Zealanders who moved to Australia on a SCV after February 2001 are not considered Australian residents for the purposes of social security law. Therefore if a child's parents do not attempt to seek permanent residency for the family, then the children remain non-protected SCV holders and are not entitled to social security benefits<sup>1</sup>. This becomes a problem if the child or young adult is separated from the family unit and requires assistance such as Youth Allowance (which they would not be entitled to as a non-protected SCV holder). In addition, from 31 December 2008 SCV holders will no longer be eligible for HECS-HELP assistance for tertiary education, and will therefore be considered full-fee paying students.
- *Women escaping domestic violence* – Similar to the above issue, New Zealand women who are non-protected SCV holders and escaping domestic violence are often left with very limited support because of their ineligibility for social security payments. Their primary recourse is to seek assistance from a charity or refuge, however this is also fraught with issues in that many refuges require women to receive an income support payment which can contribute to the cost of their stay.

### *Stakeholder collaboration*

This issue is complex and involves a number of portfolios, therefore it is important that the stakeholder departments take a whole-of-government approach to the development of any options.

It is also important that we keep the New Zealand High Commission informed of our progress, as FaHCSIA and Centrelink officers have been liaising with the High Commission staff on this issue over the past few months.

The charity sector has also shown an interest in this issue with representations made to FaHCSIA by *s22 irrelevant* and the *s22 irrelevant* during 2008.

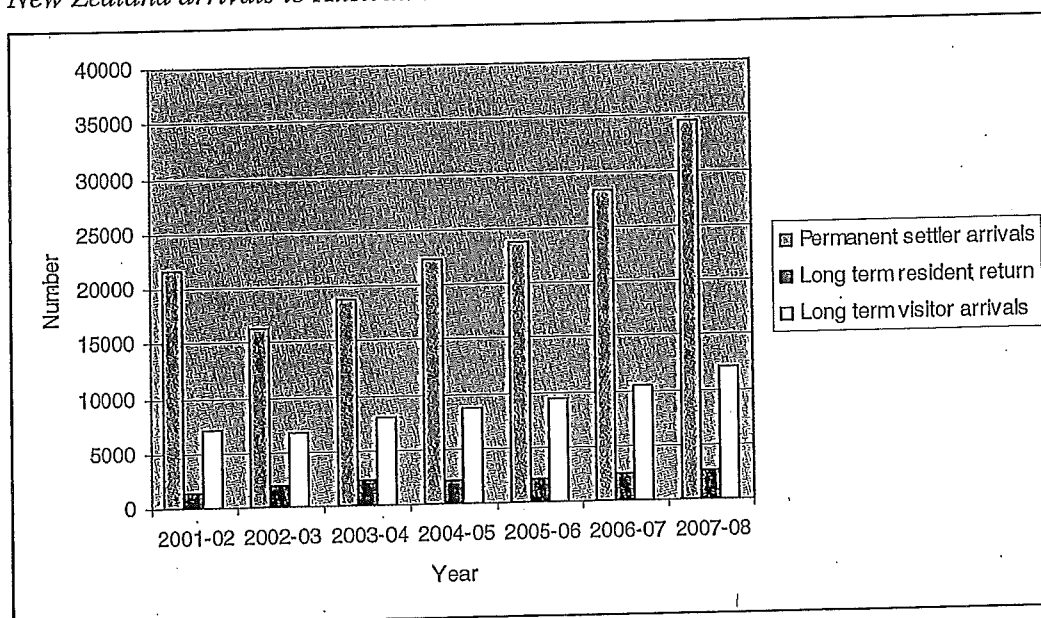
<sup>1</sup> As of 27 February 2001, children born in Australia to New Zealand parents are not Australian citizens by birth, unless the New Zealand parent is a protected SCV holder or holds permanent residency or citizenship. However, a child automatically acquires Australian citizenship on their 10<sup>th</sup> birthday if they have been resident in Australia for 10 years from birth.

## PROFILE OF NEW ZEALAND SCV HOLDERS IN AUSTRALIA

### *Numbers of New Zealand citizens in Australia*

- The number of New Zealand citizens living in Australia is difficult to identify as they are not counted toward official migration figures and the primary sources of information are self-identification through incoming/outgoing passenger cards or the Census.
- DIAC's *Immigration Update July to December 2007* states that as at 30 June 2007 there were an estimated 495,268 New Zealand citizens in Australia, which included permanent residents, temporary residents, visitors and students. If only those New Zealand citizens who identified Australia as their 'usual place of residence' are counted, then there was an estimated 396,000 New Zealand citizens who identified Australia as their home as at 30 June 2007. This number would comprise people who have permanent residency, SCVs, student visas or other forms of visas.
- One way to estimate the number of non-protected SCV holders in Australia is to count the number of New Zealand permanent settler arrivals, long-term visitor arrivals the long-term resident returns since the 2001 changes (noting that people self-identify one of these categories on their incoming passenger cards). Therefore the estimated number of non-protected SCV holders in Australia from 1 July 2001 to 30 June 2008 would be up to 243,000 (although this figure is also likely to included protected SCV holders, particularly within the long-term resident return category).
- The chart below shows the pattern of New Zealand arrivals to Australia since 2001. Despite the inherent difficulties with estimating the number of non-protected SCV holders in Australia, it is clear that the number of New Zealanders moving permanently to Australia is increasing each year.

### *New Zealand arrivals to Australia 2001-2008*



- The table below shows the low take-up rate for New Zealand citizens seeking permanent residency in Australia. One reason for the low take-up is the fact that New Zealanders on an SCV are not required to apply for permanent residency to live and work in Australia indefinitely. DIAC have also advised that it is difficult for many New Zealanders to obtain permanent residency due to the strict eligibility criteria.

*Permanent Residency Visas Granted to New Zealanders 2000-2008*

Year	Grants
2000-01	30
2001-02	308
2002-03	270
2003-04	505
2004-05	520
2005-06	1058
2006-07	1086
2007-08	1647

*Centrelink assistance*

- Although the participation rate of New Zealand citizens in the Australian workforce remains high, a number of New Zealand citizens still apply for working age income support payments each year. Centrelink data shows that the number of non-protected SCV holders who claimed (and were rejected for) working-age payments such as Newstart is significantly low. — S.47C

*deliberative processes*

However these low figures do not provide an effective indication of the level of hardship facing New Zealand citizens, as many would approach Centrelink to enquire about benefits, only to be told of their ineligibility for payments and therefore do not submit a claim.

- A more indicative measurement of the level of need among non-protected SCV holders may be the rate of referrals to Centrelink Social Work Services. Centrelink's Social Worker Information System (SWIS) records that a person is 'New Zealand born' but does not record whether the person is a protected or non-protected SCV holder. Because New Zealand citizens on a protected SCV are unaffected by the 2001 changes and are therefore eligible for most social security payments, it would be safe to assume that the majority of New Zealand citizens who see a social worker would be non-protected SCV holders facing hardship primarily due to their ineligibility for social security payments.
- In 2006, approximately 4,300 New Zealand born people saw a Centrelink social worker (although this data may include multiple visits by the same person). This increased to 4,600 in 2007 and has already exceeded 3,600 from January to October 2008. The four key issues that New Zealand-born residents present with are homelessness, child support issues, domestic/family violence and young people who are unable to live at home.

**DFAT MEETING – NZ POLICY GROUP – 17 DEC 08**

- There is growing anecdotal evidence that an increasing number of New Zealand citizens living in Australia are finding themselves in financial hardship, due to their ineligibility for Australian social security payments and difficulties obtaining Australian permanent residency.
- New Zealand citizens can enter Australia on a Special Category Visa (SCV) – a temporary visa that allows them to live and work in Australia indefinitely without having to apply for permanent residency.
- On 26 February 2001 changes were made to Australian social security law so that New Zealand SCV holders who entered Australia after that date are no longer eligible for working-age social security payments.
- They are still eligible for family assistance payments, job search assistance, Medicare, concession cards and public school education.
- Substantial savings have been achieved from the changes, eg. 2006-07 there was approximately \$300 million in savings achieved; from a forecast figure of \$258 million.
- DIAC estimate that there are approximately 495,000 New Zealanders currently living in Australia. Of these, FaHCSIA estimates that up to 243,000 may be non-protected SCV holders who entered Australia after February 2001.
- The ability to live and work in Australia indefinitely on a SCV may have led to an expectation among many New Zealand citizens that they are Australian residents and therefore eligible for most forms of social security.
- This becomes an issue when their circumstances change significantly and unexpectedly, and they find themselves facing financial hardship.
- The number of New Zealand citizens coming to Australia each year is increasing, therefore the incidence can only increase in both numbers and severity, particularly in light of the current economic climate.
- The key contributing factors include:
  - The SCV and consequent difficulties many New Zealander face when trying to obtain permanent residency
  - The children of New Zealand citizens who remain non-protected SCV holders if their parents do not seek permanent residency for them
  - Women and children escaping family violence who are non-protected SCV holders are left with minimal social security support.
- FaHCSIA has been monitoring this issue over the past 12 months but has encountered difficulties ascertaining the actual extent of the issue due to the lack of evidence/data.
- As this is both a social security and immigration issue, DIAC and FaHCSIA need to work together in 2009 to further investigate the issue and develop options.

Identity change - Academic Reser.

✓ 0-3 yk - Temp entry hoc

8-10 - transpaks

11 - Australia

Social Inclusion Poli.

www.SocialInclusion.gov.au

Healthier Population, better govt. policy,

300: you must longitudinal, manage.

tax call them permanent =

N12 ✓

461 =

✓ 460 =

✓ 405 =

**New Zealand citizens present in Australia as at 30 June 2009**  
**By type of visa held as at 30 June 2009**

<b>Type of visa</b>	<b>Total</b>
Permanent Visa	3753
SCV (subclass 444)	499872
Unknown	44258
Other visa	373
<b>Grand Total</b>	<b>548256</b>

**New Zealand citizens present in Australia as at 30 June 2009**  
**Unknown visa as at 30 June 2009, by length of stay since latest arrival.**

Year 2009  
 As at: 30 Jun  
 Visa Subclass - stock take (group) Unknown

<b>Stock of NZ citizens</b>	
<b>Length of Stay since Last Arrival</b>	<b>Total</b>
<3 Months	30
3 to <12 Months	72
12 Months to <10 Years	199
10 Years and Over	43957
<b>Grand Total</b>	<b>44258</b>

000054

---

**From:**  
**Sent:** Friday, 17 April 2009 1:12 PM  
**To:**  
**Subject:** Meeting with DIAC and DEEWR.DOC  
**Attachments:** Meeting with DIAC and DEEWR.DOC

Dear all

I was informed that some were experiencing difficulties in opening the attachment that was sent last evening.

As such I am sending it again.

If you have any additional items for inclusion please advice me by COB Friday.

Final Agenda will follow on Monday.

Thanks

International Policy Section  
International Branch  
FaHCSIA

22/04/2009



**D R A F T****Meeting with DIAC and DEEWR to discuss issues affecting SCV holders in  
Australia****21 April 2009 – 3.15 pm****At Tuggeranong Office Park, Soward Way, Tuggeranong****AGENDA****Issues for discussion:**

1. Impact of global financial crisis on SCV holders and their access to income support payments
2. SCV holders who are completing 10 years in Australia and their eligibility for Newstart
3. Joint approach to handling of correspondence from SCV holders unable to access working age payments due to their residency status
4. Pathways to permanent residency of SCV holders
5. Other issues
  - Treatment of children holding SCVs
  - Women on SCVs escaping domestic violence

\*\*\*\*\*



DEPARTMENT OF  
FAMILY AND  
COMMUNITY  
SERVICES

## New Zealand Issues

000056

- ① 8/4/09 - Spoke with Oliver - will get back to me with confirmation of date (21/4/09)
- ② 9/4/09 - Oliver OK for 21/4. Trying to contact DIAC Branch Head DEEWOR - Lyn Valentine would also be coming.
- ③ 15/4/09 - All OK for meeting on 21/4. Bus 2 Booked from 3-5.00 p.m. (Bookings - Debra Lee 6244 640)
- ④ 16/4/09 - Drafted Agenda for meeting.

Branch Head - Lyn Valentine  
DEEWOR

- Working Age Payments  
Program Branch  
- Cross Payments Program  
Management -

Asst. Sec.  
Renelle Forster - Branch  
Head Citizenship Operations  
Branch.

- Bus 2

~~3-5~~

3.15 - 5.00 - 21/4.

13  
Meeting ✓ 2<sup>nd</sup> Friday  
21 April  
Next Tuesday  
Fri 21/4  
Admin Branch  
Renelle & Forster

A U S T R A L I A

From:  
 Sent: Wednesday, 1 April 2009 4:30 PM  
 To:  
 Subject: FW: NZ Special Category Visa holders [SEC=UNCLASSIFIED]

Security Classification: UNCLASSIFIED

Can proceed to set up the meeting

Let's chat about the agenda

Section Manager  
 International Policy, FaHCSIA

*s.22 irrelevant material*

-----Original Message-----

From:  
 Sent: Wednesday, 1 April 2009 4:28 PM  
 To:  
 Cc:  
 Subject: RE: NZ Special Category Visa holders

Yes we would be,

Thanks

-----Original Message-----

From:  
 Sent: Tuesday, 31 March 2009 9:53 AM  
 To:  
 Cc:  
 Subject: FW: NZ Special Category Visa holders [SEC=UNCLASSIFIED]

Hi

I was wondering whether you and/or your BM would be interested in attending a meeting regarding the emerging issues with New Zealand Special Category Visa holders (SCV)?

I have recently seen an increase in correspondence around non-protected SCV holders and their inability to access working age payments. I suspect this issue will only intensify with the down turn in the economy.

My Branch Manager would be happy to host a meeting to discuss this issue.

As you can see from the DIAC email below, they are also interested in meeting.

Regards

Section Manager  
 International Policy, FaHCSIA

*M s.22 irrelevant material*

-----Original Message-----

From: Adrian.Burn@immi.gov.au [mailto:Adrian.Burn@immi.gov.au]  
 Sent: Monday, 30 March 2009 5:45 PM

000058

To:  
Cc  
Subject: Fw: NZ Special Category Visa holders [SEC=UNCLASSIFIED]

further to my phone message of earlier this afternoon, DIAC would be interested in having a meeting with your department, and possibly DEEWR as well, to discuss emerging issues with New Zealand Special Category Visa holders. My section deals specifically with issues around the lack of a pathway to citizenship for certain categories of New Zealanders. It would certainly assist us in clarifying our own thinking on options for a way forward if we could share thoughts with FaHCSIA and DEEWR.

I note from your e-mail that your branch head would be willing to host a meeting. If you could provide me with more details (indicative agenda, possible date or dates and likely attendees) I will bring this to the attention of my own branch head and other interested parties within DIAC so that we can move forward with arrangements.

Regards.

Adrian Burn  
Director Citizenship Policy  
Citizenship Branch  
Department of Immigration and Citizenship  
----- Forwarded by Adrian Burn/ACT/IMMI/AU on 30/03/2009 05:31 PM -----

S22 irrelevant material.

Vines/ACT/IMMI/AU

To  
30/03/2009 04:54  
PM  
cc  
Subject

/ACT/IMMI/AU@IMMI  
Fw: NZ Special Category Visa  
holders [SEC=UNCLASSIFIED]  
Protective Mark  
UNCLASSIFIED

----- Forwarded by Rachel Vines/ACT/IMMI/AU on 30/03/2009 04:52 PM -----

1/ACT/IMM

To  
I/AU  
/ACT/IMMI/AU@IMMI

30/03/2009 04:41

000059

cc

PM

Subject

Fw: NZ Special Category Visa  
holders [SEC=UNCLASSIFIED]  
Protective Mark  
UNCLASSIFIED

Regards

Director  
Pacific and PNG Section  
Department of Immigration and Citizenship  
Telephone:  
Mobile:  
Email:  
----- Forwarded by David Whitehead/ACT/IMMI/AU on 30/03/2009 04:40 PM  
-----

To e@fahcsia.gov.au>

cc 19/03/2009 04:55

PM

Subject

FW: NZ Special Category Visa  
holders [SEC=UNCLASSIFIED]  
Protective Mark

000060

Notice:

The information contained in this email message and any attached files may be confidential information, and may also be the subject of legal professional privilege. If you are not the intended recipient any use, disclosure or copying of this email is unauthorised. If you received this email in error, please notify the DEEWR Service Desk by calling 1300 305 520 and delete all copies of this transmission together with any attachments.

From: Tuesday, 31 March 2009 9:53 AM  
 Sent:  
 To:  
 Subject: FW: NZ Special Category Visa holders [SEC=UNCLASSIFIED]

Security Classification: UNCLASSIFIED

Section Manager  
 International Policy, FaHCSIA

M 5.22, irrelevant  
 material

-----Original Message-----

From:  
 Sent: Monday, 30 March 2009 5:45 PM  
 To:  
 Cc:  
 Subject: Fw: NZ Special Category Visa holders [SEC=UNCLASSIFIED]

Philip, further to my phone message of earlier this afternoon, DIAC would be interested in having a meeting with your department, and possibly DEEWR as well, to discuss emerging issues with New Zealand Special Category Visa holders. My section deals specifically with issues around the lack of a pathway to citizenship for certain categories of New Zealanders. It would certainly assist us in clarifying our own thinking on options for a way forward if we could share thoughts with FaHCSIA and DEEWR.

I note from your e-mail that your branch head would be willing to host a meeting. If you could provide me with more details (indicative agenda, possible date or dates and likely attendees) I will bring this to the attention of my own branch head and other interested parties within DIAC so that we can move forward with arrangements.

Regards.

Director Citizenship Policy  
 Citizenship Branch  
 Department of Immigration and Citizenship

M 5.22  
 -- d by

/ACT/IMMI/AU on 30/03/2009 05:31 PM -----

/ACT/IMMI/AU

30/03/2009 04:54  
 PM

To  
 ACT/IMMI/AU@IMMI  
 cc

Subject  
 Fw: NZ Special Category Visa  
 holders [SEC=UNCLASSIFIED]  
 Protective Mark  
 UNCLASSIFIED

000062

----- Forwarded by Rachel Vines/ACT/IMMI/AU on 30/03/2009 04:52 PM -----

David  
Whitehead/ACT/IMM  
I/AU

30/03/2009 04:41  
PM

To  
Rachel Vines/ACT/IMMI/AU@IMMI  
cc

Subject  
Fw: NZ Special Category Visa  
holders [SEC=UNCLASSIFIED]  
Protective Mark  
UNCLASSIFIED

Regards

Director  
Pacific and PNG Section  
Department of Immigration and Citizenship  
Telephone:  
Mobile: 5-22 11 relevant  
Email:

----- Forwarded by

/ACT/IMMI/AU on 30/03/2009 04:40 PM -----

e@fahcsia.gov.au>

19/03/2009 04:55  
PM

To  
cc  
Subject  
FW: NZ Special Category Visa  
holders [SEC=UNCLASSIFIED]  
Protective Mark

Hi David

Further to our telephone discussion today, I thought it might be useful for FAHCSIA and DIAC, and possibly DEEWR to meet to discuss the emerging issues with New Zealand Special Category Visa holders.

We have recently seen an increase in correspondence around non-protected SCV holders and their inability to access working age payments. I suspect this issue will only intensify with the down turn in the economy.

My Branch Manager would be happy to host a meeting to discuss this issue.

Regards



*s.22 irrelevant*

-----  
Important Notice: If you have received this email by mistake, please advise the sender and delete the message and attachments immediately. This email, including attachments, may contain confidential, sensitive, legally privileged and/or copyright information. Any review, retransmission, dissemination or other use of this information by persons or entities other than the intended recipient is prohibited. DIAC respects your privacy and has obligations under the Privacy Act 1988. The official departmental privacy policy can be viewed on the department's website at [www.immi.gov.au](http://www.immi.gov.au). See: <http://www.immi.gov.au/functional/privacy.htm>  
-----

## CHANGES TO NEWLY ARRIVED RESIDENT'S WAITING PERIOD

### Effective 1 February 2000

The purpose of this document is to explain the legislative changes to the Newly Arrived Resident's Waiting Period to commence from 1 February 2000. Parenting Payment is **not affected** by the changes.

### SUMMARY

The amendments to the newly arrived resident's waiting period legislation make the waiting period rules more consistent across payments and apply the rules equally to all migrants, regardless of their country of origin. As a result the measure removes discrimination between migrants from different countries, as well as between individual migrants who may be eligible for one social security payment, but not another, under the current provisions of the Act.

There are two parts to the initiative:-

- ◆ to make sure that all newly arrived resident's waiting periods apply to New Zealand citizens (under the previous legislation, New Zealanders were treated differently for different payments); and
- ◆ to make sure that all people (whether from New Zealand or any other country) serving a newly arrived resident's waiting period can only count time spent in Australia, as an Australian resident, towards the waiting period (previously, this was the case for some payments but not for others).

The initiative also changes the way we treat Australian citizens who have never resided in Australia. Australian citizens by descent who hold an Australian passport but who have not lived in Australia for a period or periods totalling 104 weeks must now serve the two year waiting period.

The changes override some exemptions which currently exist only in Section 3 of the 1997 waiting period amendment act (the *Social Security Legislation amendment (Newly Arrived Resident's Waiting Periods and Other Measures) Act 1997*). This means that partners and dependent children of Australian citizens and long-term residents are no longer exempt from the waiting period for payments other than Special Benefit (the Special Benefit waiting period provisions have not been amended, so the 'section 3 exemptions' will not be overridden for that payment). It also means that family members of refugees are only exempt if they were the family members at the time the refugee came to Australia.

The legislation only affects those people who become Australian residents after the commencement of the new legislation on 1 February 2000. The new rules do not apply to:-

- ◆ migrants who are already serving or had already served a newly arrived resident's waiting period before 1 February 2000
- ◆ New Zealand citizens who were Australian residents on 1 February 2000

## SUMMARY TABLE

Allowance/benefit	Current Migrant waiting period (excluding New Zealanders)	Current Waiting period for New Zealanders	New rules for New Zealanders	Residence to be served in Australia
Newstart Allowance	104	26	amend to 104	changing
Sickness Allowance	104	0	amend to 104	changing
Youth Allowance	104	104	n/a	n/a
Partner Allowance	104	0	amend to 104	n/a
Mature Age Allowance	104	0	amend to 104	n/a
Special Benefit	104	104	n/a	n/a
Carer Payment	104	104	n/a	changing one exception
Widow Allowance	104	104	n/a	changing
Mobility Allowance	104	0	amend to 104	n/a
Disadvantaged Health Care Card	104	104 not being applied due to error in lego	104 weeks, Lego implemented from 11 November 1999	104 weeks, Lego implemented from 11 November 1999
Commonwealth Seniors Health Card	104	0	amend to 104	n/a

\* Please note that there are no changes affecting Parenting Payment. See below.

## PARENTING PAYMENT

The Parenting Payment legislation was **not** amended as part of this initiative, so the rules for Parenting Payment have not changed. Parenting Payment has a **104 week qualifying residence period** rather than a **104 week migrant waiting period** (although there are a variety of exceptions). As Parenting Payment is not subject to the NARWP, it is not affected by the recent amendments. Parenting Payment has a variety of special rules for New Zealanders depending on their circumstances (in some circumstances they can qualify after 26 weeks eg PPS). See Guide Topic 3.5.1.70 – Residence Qualification for PP - Overview.