

BECOMING AN AUSTRALIAN CITIZEN

You should be aware that the Department of Home Affairs may review any previous visa applications you have made and any information or documents they hold in relation to you at the time that you apply for citizenship.

There are different ways in which you can become an Australian citizen. This information sheet is for Permanent Residents who entered Australia on a Refugee and Humanitarian visa or a Family Stream visa and is not applicable for New Zealand applicants who hold a New Zealand Special Category Visa (SCV) subclass 444.

APPLYING FOR CITIZENSHIP AS A PERMANENT RESIDENT

If you hold a permanent residency visa in Australia, you may be eligible to apply for Australian citizenship. This is called citizenship by conferral.

To be eligible to apply for citizenship you must:

- satisfy the residence requirements;
- be over 18 years old;
- be of good character;
- (if applicable) successfully complete the citizenship test to satisfy that you:
 - understand the nature of the application;
 - have a basic knowledge of English; and
 - have an adequate knowledge of the responsibilities and privileges of citizenship;

AND

- if granted citizenship, intend to live in Australia or maintain a close and continuing association with Australia.

You will not be granted citizenship if:

- you are outside Australia at the time of the decision;
- the Department of Home Affairs (**Home Affairs**) is not satisfied of your identity (which is assessed from birth);
- criminal proceedings against you for an offence against an Australian Law are pending;
- it is less than 2 years since you were released from prison after serving a prison sentence of 12 months or more, or 10 years if you are a repeat offender;
- you are subject to certain conditions set by an Australian court (such as being released on parole, good behaviour or bail) where action may be taken against you for breach of those conditions;
- you are in prison or a psychiatric institution by order of the court at the time of decision.

RESIDENCE REQUIREMENTS

The general residence requirement is:

You must be lawfully present in Australia for 4 years and have been a permanent resident for at least 12 months immediately before the date of your citizenship application.

Additionally, in the 12 months before applying for citizenship you must not have been outside Australia for more than 90 days in total.

GOOD CHARACTER

To become an Australian citizen, you must be of good character. This is because citizenship comes with important rights and responsibilities.

Home Affairs will look at any criminal convictions you have. You must include any convictions from Australia or overseas in your application, even if they don't appear on your police check. If you are charged with or convicted of a crime after you apply, you must inform Home Affairs.

If you have a criminal record, we recommend you get legal advice before applying.

CITIZENSHIP TEST

You must pass the citizenship test before you can become an Australian citizen. The test is free and is held at Home Affairs offices in each capital city and some regional centres.

The test has 20 multiple-choice questions in English. To pass, you need to get at least 15 questions right, including all questions about Australian values.

The test covers topics like Australia's values, history, culture, geography, government, symbols, and what it means to be a citizen.

You can take the test up to 3 times before your application might be refused. Failing the test does not affect your permanent visa or your right to stay in Australia.

The test is based on the resource *Australian Citizenship: Our Common Bond*, which is available online. You can also find practice questions to help you prepare.

Who doesn't have to sit the test?

You do not have to sit the Australian Citizenship test if you:

- are over 60 or under 18 years of age when you apply;
- born stateless in Australia;
- born in Papua New Guinea to an Australian citizen before 1975;
- born outside Australia to a former Australian citizen;

- can show that you have a serious disability or impairment;
- can show that you have a permanent or substantial hearing, speech or sight impairment; and/or
- can show that you have a permanent or long-term physical or mental incapacity; it is not easy to get this exemption. You must have a serious long-term medical issue. You will be expected to provide reports from professionals, such as specialist doctors.

What if I can't read well or use a computer?

If you have low computer skills or a disability that makes using a computer hard, you can get help during the test. If reading is difficult for you, you can listen to the test questions in English using headphones.

You will have 45 minutes to finish the test. If you need more time, you can ask for 90 minutes but you must apply before your test date and have completed at least 400 hours of English classes through the Adult Migrant English Program. You still need to understand English well enough to read or listen to the test questions.

HOW TO APPLY

You must pay an application fee for an Australian citizenship (general eligibility) application. The fee generally goes up each year. Concessions may be available in some circumstances. You can check the current fee on the Home Affairs – citizenship website.

You can apply online via an ImmiAccount or by paper. Generally, applications will be made using **Form 1300t Application for Australian Citizenship - General Eligibility** but your individual circumstances will determine which form to use.

The Home Affairs website provides information which may be useful:

<https://immi.homeaffairs.gov.au/citizenship/become-a-citizen/permanent-resident#HowTo>.

DOCUMENTS REQUIRED

A document checklist can be found at the weblink above which provides detailed information on the types of documents required.

You will need to provide 3 categories of documents:

- proof of identity documents;
- good character documents; and
- other supporting documents.

Identity Documents

You must provide:

- 3 documents that together show your:
 - photograph;

- signature;
- current residential address; and
- birth name, date of birth and gender; **AND**
- proof of change of name, if applicable; **AND**
- identity declaration completed by a person with the appropriate authority; **AND**
- evidence of your arrival in Australia.

Examples of documents you may use are your:

- Passport;
- Birth certificate;
- National ID card;
- Australian driver's licence;
- Utility bill; and/or
- Rental agreement.

You should include in your application all current and previous passports or any travel documents you have held.

What if you don't have identity documents from your home country?

If you do not have identity documents from your home country, you will need to:

- explain to Home Affairs why you can't get them;
- give other evidence such as school, medical, work records and/or family identity documents or explain the efforts you have done to try and get them; and
- you may need to provide a detailed statement telling Home Affairs the story of your life to help them match the information that is on your immigration file.

If you are unsure about how to prove your identity or if Home Affairs has incorrect information about your identity, we recommend that you seek legal advice.

Good Character Documents

You will need to provide an original police clearance certificate from overseas countries which you have been to if:

- since the grant of your permanent Australian visa:
 - you lived or travelled overseas since the age of 18 years or over; **AND**
 - the total time spent overseas added up to 12 months or more; **AND**
 - the time spent in any one country was more than 90 days,

OR

- Home Affairs asks you to do so.

Originals or Certified Copies?

You should not give original documents to Home Affairs, unless they ask you for them. Instead, you should provide certified copies of your documents. If any of your documents are not in English, you will need to provide a professional translation.

AFTER LODGING YOUR APPLICATION

After you apply, you will receive an acknowledgement of your citizenship application which contains a file number. It is important that you keep your contact details such as email, phone and address updated with Home Affairs.

You will need to attend an appointment at a Home Affairs office. You will need to take your documents and a case officer will speak to you about your application and will check your documents.

If your application is successful, you will receive a letter advising you that your application for citizenship has been approved. You do not become an Australian Citizen until you attend a citizenship ceremony and make the pledge. After your application has been approved, you will receive an invitation, usually from your local council, to attend a ceremony. At this ceremony, you will pledge your commitment as an Australian citizen. You must do this within 12 months of your application being approved.

WHERE CAN I GET ASSISTANCE?

The Humanitarian team at Circle Green Community Legal does not assist in completing citizenship applications. Local councils and settlement organisations often provide information sessions. However, we cannot guarantee that they will help you in completing an application.

If you have been determined to be stateless some of the provisions above may not be relevant to you. We recommend you obtain specialist citizenship legal advice.

Disclaimer: This factsheet only contains general information. This factsheet is not legal advice and should not be relied on as a substitute for legal advice. You may wish to seek advice from a lawyer regarding your own particular circumstances. We are not responsible for any consequences arising from your use of, or reliance on, the information contained in this factsheet.

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