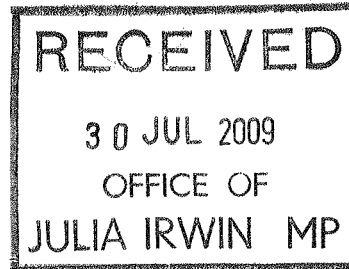


Senator Chris Evans

Leader of the Government in the Senate
Minister for Immigration and Citizenship



Mrs Julia Irwin MP
Chair
Standing Committee of Petitions
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Mrs Irwin *Julia,*

Thank you for your letter of 11 June 2009 concerning the petition presented to the Standing Committee on Petitions regarding permanent residence for New Zealand citizens permanently living in Australia.

I note the petition refers to the changes introduced in February 2001 and requests that legislation be amended so as to grant a permanent visa to New Zealand citizens who have permanently settled in Australia.

The *Australian Citizenship Act 2007* (the Act) sets out the eligibility criteria that a person must satisfy in order to be eligible for Australian citizenship. Most adult migrants who apply for Australian citizenship by conferral have to satisfy the general eligibility criteria, including being a permanent resident (that is, be the holder of a permanent visa).

As you are aware, the Trans Tasman Travel Arrangement (TTTA) allows for Australian and New Zealand citizens to enter each other's country to visit, live and work, without the need to apply for authority to enter the other country. The arrangement recognises the special relationship between the two countries. People from other countries seeking to live and work in Australia must successfully apply for authority to do so.

Until 26 February 2001, New Zealand citizens who travelled under the TTTA were regarded as permanent residents for the purposes of an application under the *Australian Citizenship Act 1948*. However, they have never been considered permanent residents for the purposes of the *Migration Act 1958* (the Migration Act).

On 26 February 2001, a revised social security arrangement was announced jointly by the Governments of Australia and New Zealand. On the same date, the Australian Government announced that most New Zealand citizens, particularly those arriving after this date, would need to apply for and be granted an Australian permanent residence visa if they wished to access certain social security payments, obtain Australian citizenship or sponsor their family members for permanent residence.

I am sympathetic to the concerns of New Zealand citizens who have been living in Australia long term, yet do not appear to have a clear pathway to Australian citizenship as they are not in a position to obtain a permanent visa. Many long term residents have made a significant contribution to Australia and consider themselves to be very much a part of this country, despite the fact that they are not Australian citizens.

My Department is in the process of reviewing this matter. The issues are complex and any changes to the current arrangements will involve a range of stakeholders and the Department has been involved in discussions with a number of agencies. The concerns raised in the referred petition will be considered in this context. That said, you will understand that there is no clear timeframe for this process and any outcomes will be some way off.

Thank you for bringing this matter to my attention.

Yours sincerely

CHRIS EVANS

18/7/09.