

To: Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
Canberra ACT 2600
AUSTRALIA

Dear Sir,

Thank you for providing me with the opportunity to comment on the Australian Citizenship Bill 2005 (the Bill).

I am a permanent resident here in Australia (having migrated from the UK), although my wife is an Australian citizen. I originally arrived in Australia on 2nd January 2002 on a provisional spouse visa. I was granted a permanent residency visa on June 23rd 2003. This visa will expire in June 2008

Under normal circumstances, I would have therefore qualified for citizenship in June of this year.

However, I am currently employed by an overseas company, and mainly work from home, and therefore pay Australian tax. My work however has required me to make several business trips overseas.

Unfortunately, this time spent outside of Australia has negatively impacted the date at which I will now qualify for citizenship, and currently this date is now March 2006.

To further complicate matters, my employers have recently indicated they wish me to relocate overseas for possibly up to three years. Currently they are prepared to wait for me to gain citizenship, (which as I have indicated should be early next year), but if the proposed extension to the residency requirements are enacted, this will mean I may have to relocate without having my citizenship in place.

If I do have to relocate overseas for 3 years, there is a strong possibility that my visa will expire, and I will need to obtain a Returned Residents Visa (RRV). Issues here are as follows:

- Whilst a RRV is currently a formality, there is no guarantee that the requirements will not change in the next couple of years.
- According to the DIMIA website, an RRV will only be granted for three months if the applicant has not been resident for 2 out of 5 years on a permanent visa. If however the applicant has been resident for 2 or more years in the last 5 (i.e. the current requirements to qualify for citizenship), then the RRV can be granted for 5 years.

- On my return to Australia, essentially I will need to restart the clock to qualify for citizenship, as I will need to meet the additional years residency requirement, plus an additional year to meet the “one year in the last two years” requirement.

Please note that it is my full intention to return to Australia once I have completed my time overseas, as I have mentioned, my wife is Australian, and we are currently buying a house here in Queensland.

What I have outlined above is how the proposed changes could affect me personally. There is also a broader aspect to these proposed changes.

Currently Australia is facing a skills shortage, and is encouraging skilled foreign workers to come to Australia. Many of us are already here, and contributing to the Australian economy.

For all recent migrants already in Australia, (and I count myself as one of them), when we applied, it was clearly understood that we would qualify for citizenship after two years residency on a permanent visa. To be living in Australia, and attempting to fully assimilate into Australian society, and then being told that their qualification date has been put back does not seem fair, particularly at a time when we are being bombarded with TV ads encouraging us to take out citizenship.

Many skilled migrants tend to be higher income earners, since after all, they are here to fill gaps in the Australian skills base. Whilst in Australia on permanent residency visas they are liable for Australian tax (often in the higher tax brackets), yet are disenfranchised. While this is to be expected (we all know that we need to be living in Australia for 2 years before we can qualify for citizenship, and therefore become eligible to vote), to now change that period of disenfranchisement is again unfair.

For those migrants, such as myself, who originally arrived in Australia on a provisional spouse visa, the situation is even worse. Time spent in Australia on the provisional visa does not count towards citizenship, and so many spouse entrants currently face almost 4 years before qualification, which will of course change to 5 years if the proposed legislation is enacted.

I would like to point out that I do not have any issues with the proposed changes in principle; my only concern is the effect it will have on those permanent residents already living here.

I would therefore urge the government to put into place transitional arrangements to allow qualification for citizenship at 2 years for current permanent residents.

Yours faithfully,