

# CITIZENSHIP

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# WHO CAN GET AUSTRALIAN CITIZENSHIP

## What ways can you get citizenship?

The most common ways to get Australian citizenship are:

- Born or adopted in Australia and one or both of your parents is a citizen or permanent resident at time of birth
- Born in Australia - and ordinarily live here for 10 years
- Born outside Australia of Australian citizen parents
- Adopted from overseas by an Australian citizen
- Live in Australia as a permanent resident and fit the rules

## Citizenship for permanent residents

Permanent residents can get citizenship (by 'conferral') if they

1. have been in Australia and a permanent resident for the required time
2. will remain **connected with** Australia
3. and are of good **character** at time of the Minister's decision

They also must pass the Citizenship test to show they have basic English, understand the application and the responsibilities of citizenship.

People who are over 60 or under 18 or have a serious disability or impairment or are suffering significant hearing, speech or sight disability don't have to sit the test.

## What is the Residence period?

To get citizenship you generally must have been lawfully in Australia for 4 years and a permanent resident for at least 12 months before applying.

You can be away no more than 90 days in that last 12 months and no more than 1 year over the 4 years immediately before applying.

You must not have been unlawful (without a visa) during those 4 years.

The time may be shorter for people if they have high sports or scientific benefit to Australia.

Permanent residents under 18 don't have to satisfy the residence requirement nor sit the Citizenship Test but must apply with or be supported by a parent.

## Can I get Citizenship because I am Stateless?

To get Australian citizenship on the basis of being stateless you must:

- have been born in Australia on or after 1 July 2007

- not have become a national of another country from your parents
  - not be entitled to nationality or citizenship of any country

Form 1290 <https://immi.homeaffairs.gov.au/form-listing/forms/1290.pdf>. - no fee

## HOW DO I APPLY FOR CITIZENSHIP

### Steps to get citizenship

First check you are eligible to get citizenship.

Find the correct form and fill it in. You must be truthful with your answers.

If you are unsure of any details you have given to the Department of Home Affairs previously, you can get a copy of your file through a [Freedom of Information request](#). It is important that the information you give the Department is consistent. If there are any differences they should be explained. It is wise to get legal advised about this.

Some documents you attach have to be certified as true copies and some may need official translations.

Apply online or by paper and during the process tell the Department if you ever change contact details.

You will get an appointment and have to bring original documents to the meeting. The department must be satisfied about your identity.

You may then have to do the Citizenship test.

You then get a notice about a Citizenship ceremony which you must go to and make a promise to be loyal to Australia and follow its laws.

### What forms to use

Parents, and others over 18, generally, use Form 1300t 'Application for Australian Citizenship – General eligibility.'

Children under 16 can be included in the application of a 'responsible parent'. A 'responsible parent', generally, is a parent or someone with responsibility for the child given by a Family Court.

Children under 16 can apply themselves if a 'responsible parent' consents.

Children 16 and 17 must apply themselves on Form 1290 'Application for Australian Citizenship - Other situations' which must be signed by a 'responsible parent'.

People with serious disability or impairment, or aged over 60, or under 16 (if not included in parent's application) use Form 1290

## Where do I get the forms?

### ONLINE

You can apply and pay for citizenship through an online ImmiAccount.

An online ImmiAccount is used to apply for and check the progress of a visa or citizenship online and change email and address details online.

See all the pathways and apply online at:

<https://immi.homeaffairs.gov.au/citizenship/become-a-citizen>

### PAPER APPLICATIONS

Paper applications can be downloaded and filled in.

Form 1300t: <https://immi.homeaffairs.gov.au/form-listing/forms/1300t.pdf>

Form 1290: <https://immi.homeaffairs.gov.au/form-listing/forms/1290.pdf>

You need to have an ImmiAccount to pay the application fee online (in your ImmiAccount select/mypayments).

You then lodge paper form by post at DHA office within 30 days of paying.

## How to create an ImmiAccount

Go online to:

[https://immi.homeaffairs.gov.au/help-text/online-account/Documents/create\\_new\\_application\\_individual.pdf](https://immi.homeaffairs.gov.au/help-text/online-account/Documents/create_new_application_individual.pdf)

## Keep a copy

It is important to keep a copy of the application.

## Keep contact details updated

It is very important to keep your contact details up to date with the Department.

Update your details in your ImmiAccount if you lodged online.

Or if you made a paper application fill in [Form 929 Change of contact details.](#)

## How much does it cost?

Application fees are found at [Form 1298i - Citizenship fees \(128KB PDF\).](#)

If you have a Pensioner Concession card you can get a reduced fee. See

<https://immi.homeaffairs.gov.au/citizenship/become-a-citizen/permanent-resident/fee-concessions-or-exemptions>

## WHAT DO I PUT IN THE APPLICATION FORM?

The application forms ask questions about your: identity family, travel, education, character, employment and immigration history.

### You must prove your identity

The Department must be satisfied about your identity – that is, your name, date and place of birth, family members and physical characteristics.

To check identity the Department will look at documents from your home country, check previous immigration applications, and may get information about you from family and social media.

If you cannot satisfy the Department of your identity, they may refuse the citizenship application, and may even make moves to cancel your permanent resident visa if they think you got your visa by fraud. See a lawyer or migration agent urgently if this happens.

### How do I prove my identity?

To prove identity you must provide three original documents that together show your photograph, birth name, date of birth and gender, signature, current address and any change of name.

Evidence of when you first arrived in Australia, such as passport, travel document, ImmiCard, is also required.

You need to give evidence from overseas about your identity. If you can't provide sufficient overseas identity documents you will need to:

- explain in detail why you can't get the documents;
- look for other evidence like school, medical and work records, and family identity documents that include you; and
- give a very detailed and consistent story of your life that matches information that DHA has.
- It is important to first get legal advice if you are unsure about how to prove your identity or if you think the Department has information about your identity that is not correct.

### Who can confirm my identity?

You also need to provide an **Identity declaration** by an Australian citizen who works in a particular profession and who has known you for at least one year. There is a list in the application form of which professions are acceptable.

Use Form 1195 'Identity Declaration' if applying online or if need more space in the paper Form 1300t.

### **How closely does the Department check my information?**

The Department looks carefully and compares your answers with any other information they have about you from applications from before and other information.

If there are any differences or inconsistencies your application could be refused.

### **How do I check details the Department has about me?**

If you are unsure it is wise to get a copy of your previous visa applications through a [Freedom of Information request](#) and check them before filling in answers to your citizenship application.

### **How do I prove I am of 'good character'?**

You must prove you are of 'Good character.

You must give full details of any criminal convictions or upcoming charges in Australia or overseas.

You must be truthful. If there are convictions, explain fully about what happened and why it happened and how you have changed after that.

The Department looks at your criminal history; and may look at character references. In some cases they may look for comments you make on social media, which people you spend time with and other evidence of your behaviour.

Citizenship can't be approved if there are charges for an offence still in process.

### **What if I have some past offences?**

If you have some past offences you should explain fully the details of any offences and why it doesn't mean you are of bad character. Sometimes people do the wrong thing but then learn from their past. This should be explained. If there are a few, or some quite serious offences, you should get a lawyer or migration agent to write about them. It would also be wise to get people to write character references for you.

You don't have to put in minor offences like a parking fine, but make sure all other convictions are put in. It is best to be honest. If you leave something out and the Department finds out they will say you are not fully truthful. You will then have to explain why you are of good character even though you didn't tell the full story.

### **What if criminal processes are going on?**

The Department must not approve your application for Australian citizenship:

- when proceedings for an offence against an Australian law (including proceedings by way of appeal or review) are pending.
- if you are subject to 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.
- when 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.

### What if a document is false?

If you give false documents or information to the Department your citizenship application may be refused.

If the false information is about getting your permanent residence visa the Department may go back and investigate whether to cancel your permanent residence.

If you are not sure a document is genuine, get advice from a lawyer or registered migration agent before giving it to the Department.

## WHAT IF THERE ARE DELAYS OR A REFUSAL?

### How long will an application take?

The Department puts out information about the usual processing times. [See online](#)

Processing times are affected by:

- Whether you give the Department a complete application, including all supporting documents
- How quickly you respond if the Department asks for more information
- The time the Department takes to check identity, character and security

### What if there are long delays

The Department gets huge numbers of citizenship applications each year.

If there are very long delays you can:

Make an online [complaint to the Department](#) Note the complaint reference number.

Talk to [your local Member of Parliament](#).

Make a [Freedom of Information request](#) Make a [complaint to the Commonwealth Ombudsman](#) To avoid longer delays make sure you complete your citizenship application very carefully and supply all the documents. Keep a copy.

### What if the application is refused?

If the application is refused you can seek review to the AAT – the Administrative Appeals Tribunal. There are tight timelines - usually 28 days. This will be noted in the letter. Get legal advice urgently.

There are also application fees for the AAT.

If the application is refused on character grounds for what might seem like minor matters, it may be best to wait some time and then reapply. Always get legal advice first.

## CAN I TRAVEL OVERSEAS AFTER APPLYING?

### Permanent residents need a visa

You can get an Australian passport once you get citizenship.

If you don't have an Australian passport then if you travel overseas and want to return you will need to have an Australian visa that allows you to re-enter Australia.

Permanent residents who travel overseas must have a valid Resident Return Visa to allow re-entry to Australia. These generally last for 5 years and if it is about to expire then it should be renewed before you travel.

### Refugees traveling overseas

You should not use the passport of your home country if you are a refugee.

Refugees who don't have Australian citizenship and passport will need a *Convention Travel Document* which should allow you to travel overseas to most countries..

If you are accepted as a refugee, but afterwards visit the country that you said you were persecuted in, then your visa could be cancelled as the Department may say you were lying on your original refugee application and you didn't have a real fear of returning to that country.

### When should you not travel?

It is not wise to travel overseas if you have applied for citizenship, it is not finalised and

- You have been asked by the Department to comment on your citizenship application, or
- You have been issued with a Department notice of intention to cancel your visa.

The Department can cancel a visa without any notice while you are overseas. You would then have only 7 days to prove why it shouldn't have been cancelled. If you miss the 7 days there's no right to have the decision reviewed by the AAT.

**If you must travel overseas** while you have an ongoing application, make sure the Department has your updated contact details. Read any correspondence from the Department immediately.



## WHAT IS THE CITIZENSHIP TEST?

The Citizenship Test is in English.

There are 20 questions where you have to choose the right answer (multiple-choice).

You have to answer 15 out of 20 correctly AND all 5 Australian Values answers must be correct.

If you pass the Citizenship test you will be able to get citizenship as long as you meet all other requirements.

The Department has a Citizenship test book and Podcasts which have all the information needed to pass the test - see [online](#). These have been translated into many languages but remember the test will be held in English.

### Who must sit the test?

Applicants for citizenship by conferral aged between 18 and 59 years on the day the Department receive your application generally must sit the test.

Applicants don't have to sit the test if:

- You are under 18 or over 60 at time of application, or
- Born stateless in Australia, or
- Born in PNG to an Australian citizen before 1975, or
- Born outside Australia to a former Australian citizen

### Who doesn't have to sit the test?

You don't have to sit test if you can show you have:

- a permanent or substantial hearing, speech or sight impairment
- a permanent or long-term physical or mental incapacity.

It is not easy to get this exemption. There needs to be a very serious long term medical issue. There needs to be very strong medical reports from specialist doctors, not just a GP.

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

If you can't read well you will be able to hear the test questions in English through headphones or Department staff will read it to you in English. You must have tried to learn English through the AMEP to get this help.

Help will be given if you have low computer skills or a disability.

### What if I fail the test?

If you fail, you will be given feedback on your results. The Department may give you up to three chances to sit the test before refusing the citizenship application. There is no extra cost for sitting the test again.

## WHAT IS IN THE CITIZENSHIP TEST?

The Citizenship Test covers

- Part 1: Australia and its people
- Part 2: Australia's democratic beliefs, rights and liberties
- Part 3: Government and the law in Australia
- Part 4: Australian values

### What are 'Australian Values'?

All 5 Australian Values answers in the test must be correct. Australian values are:

- Rule of law
- Parliamentary democracy
- Freedom of speech, association and religion
- Equality under the law
- Equality of opportunity and a 'fair go'
- Mutual respect and tolerance of others
- Making a contribution
- Compassion for those in need
- English as the national language
- Helping keep others safe
- Loyalty to Australia

### Where can I get help to study the Citizenship Test?

The Department has translated the Citizenship test book in many languages. They have also made podcasts. See [online](#). The Test Book gets updated sometimes.

The Refugee and Immigration Legal Service (RAILS) has some information on learning the Citizenship Test information through songs. See [RAILS You Tube channel](#)

Some organisations may give support to help you study. People in the community who have passed before could also help you.

## HOW DO I SHOW I'M A CITIZEN?

If you are a citizen you can apply for a certificate to prove you are a citizen.

If you get citizenship by conferral you will get a Citizenship Certificate when you become a new citizen.

You can also apply to the Department to get a Citizenship Certificate or replace one that has been lost. A responsible parent must sign the application for a child under 16.

## WHAT LEGAL HELP IS THERE?

You can get legal advice from a private lawyer or registered migration agent about citizenship.

The Refugee and Immigration Legal Service (RAILS) may also be able to help if you are facing a visa cancellation because of problems faced when applying for citizenship. Contact RAILS - [see link](#)

This is legal information only, not legal advice.  
See a lawyer or registered migration agent for specific legal advice