



Senator the Hon Michaelia Cash
Assistant Minister for Immigration and Border Protection

Reference: MC15-002550

Dr Dennis Jensen MP
Chair for Standing Committee on Petitions
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Dr ~~Jensen~~

Retirement (subclass 410) visa holders

Thank you for your letter of 25 February 2015 to the Minister for Immigration and Border Protection, the Hon Peter Dutton MP, concerning the submission of a Retirement (subclass 410) visa holder petition. As the Minister responsible for the matters you have raised, I will respond on behalf of the Portfolio.

The *Australian Citizenship Act 2007* (the Citizenship Act) sets out the requirements for Australian citizenship. All applicants for Australian citizenship by conferral must satisfy a number of eligibility criteria, including the requirement to be a permanent resident. There is no discretion provided by the Citizenship Act for the Minister for Immigration and Border Protection or the Department to waive the legislative requirements for Australian citizenship.

Retirement visa holders are not precluded from applying for a permanent visa if there is one for which they believe they may be eligible. Australia offers a number of visa categories under which people can apply to live permanently or temporarily in Australia. Each visa category has a different set of legal requirements which reflect the different purposes of the visas. Information on the full range of visa categories can be obtained from the Department's website at: www.immi.gov.au.

While there is a diverse range of permanent visas available, the Australian Government does acknowledge that there will be some temporary visa holders who will not be able to meet the requirements for a permanent visa, despite having lived in Australia for many years. The Retirement visa does, however, provide for people who wish to reside in Australia but may not be able to meet the requirements for a permanent visa. The validity period of this visa was increased to 10 years on 1 July 2009. While this does not provide a pathway to permanent residence, it is hoped that having such a long visa validity period provides some certainty to retirees about the duration of their stay in Australia.

The department monitors and reviews visa and citizenship arrangements and your comments have been noted for this purpose. As any proposal to change visa and citizenship arrangements may have implications for other portfolios, any changes would need to be considered by the government as a whole.

Yours sincerely

Senator the Hon Michaelia Cash
3 / 6 /2015