

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING : 22 May 2017**

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(BE17/232) - Permanent Residency - Programme 2.3: Visas**

Senator Carr, Kim (L&CA) written:

Provide the benefits of permanent residency.

Provide the acceptable standard for assessing permanent residency visas.

Provide the average time taken to assess an application for permanent residency.

Provide the top 10 reasons an application for permanent residency will be rejected.

*Answer:*

Permanent residency permits the visa holder to expect that, as long as they abide by Australian law, they may reside in Australia on a continuing basis and enjoy many of the rights and freedoms that life in Australia has to offer. These include: respect for the equal worth, dignity and freedom of the individual; freedom of speech; freedom of association; freedom of religion and secular government; and, equality under the law.

A permanent resident has many of the rights and entitlements of an Australian citizen, however there are differences:

- A citizen has an automatic right of entry to Australia, however if a permanent resident chooses to travel internationally, they need to ensure they have a permanent visa with a valid travel authority if they wish to return to Australia as a permanent resident.
- A citizen can vote in Australian Government elections. In most cases permanent residents cannot, however if a permanent resident was enrolled to vote (as a British subject) prior to 1984, they may remain eligible to vote.

Permanent residency to Australia is available under the Migration Programme and delivered predominantly through the Skilled and Family streams:

- **Skilled** – designed to improve the productive capacity of the economy and fill skill shortages in the labour market, including those in regional Australia. This represents the majority of places offered.
- **Family** – is predominately made up of Partner visas, enabling Australians to reunite with family members from overseas, and provide them with pathways to citizenship.

Each visa subclass within the Migration Programme has its own unique characteristics and eligibility criteria and the processing time will naturally vary from one visa to another. Processing times are also impacted each month by changes in application

volumes, seasonal peaks, complexity, and the completeness of an application. In this context, there is no single acceptable standard that lends itself meaningfully to the time taken to assess an application for permanent residency. Listed below are the global average processing times to finalisation for each type of permanent residency visa as at 31 May 2017.

<b>Skilled visas</b>			
<b>Visa type</b>	<b>Stream (if applicable)</b>	<b>75% of applicants processed in</b>	<b>90% of applications processed in</b>
124 Distinguished Talent		Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
132 Business Talent	Significant Business History	Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
132 Business Talent	Venture Capital Entrepreneur	Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
186 Employer Nomination Scheme	Agreement	9 Months	13 Months
186 Employer Nomination Scheme	Direct Entry	9 months	13 Months
186 Employer Nomination Scheme	Temporary Residence Transition	8 months	9 Months
187 Regional Sponsored Migration Scheme	Temporary Residence Transition	9 months	11 months
187 Regional Sponsored Migration Scheme	Direct Entry	13 months	14 Months
187 Regional Sponsored Migration Scheme	Agreement	Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
188 Business Innovation and Investment (Provisional)	Significant Investor	13 Months	23 Months
188 Business Innovation and Investment (Provisional)	Investor	18 Months	19 Months
188 Business Innovation and Investment (Provisional)	Business Innovation	14 months	19 Months

188 Business Innovation and Investment (Provisional)	Premium Investor	Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
188 Business Innovation and Investment (Provisional)	Entrepreneur	Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
189 Skilled - Independent		4 Months	7 Months
190 Skilled - Nominated		7 Months	13 Months
489 Skilled - Regional (Provisional)	Skilled Regional - GSM	4 Months	7 Months
489 Skilled - Regional (Provisional)	State/Territory Nominated Visa Classes - GSM	6 Months	8 Months
858 Distinguished Talent		Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
887 Skilled - Regional		9 Months	12 Months
888 Business Innovation and Investment (Permanent)		Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
890 Business Owner		Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
891 Investor		Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
892 State/Territory Sponsored Business Owner		14 Months	16 Months
893 State/Territory Sponsored Business Investor		Unavailable due to low volume of applications.	Unavailable due to low volume of applications.

<b>Family and partner visas</b>		
<b>Visa type</b>	<b>75% of applicants processed in</b>	<b>90% of applications processed in</b>
100 Partner*	15 Months	25 Months
101 Child	9 Months	13 Months
102 Adoption	Unavailable due to low volume of applications.	Unavailable due to low volume of applications.

117 Orphan Relative	Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
143 Contributory Parent (Migrant)	35 Months	39 Months
173 Contributory Parent (Temporary)	41 Months	45 Months
300 Prospective Marriage	12 Months	17 Months
309 Partner (Provisional)	11 months	15 Months
801 Partner*	16 Months	21 Months
802 Child	8 Months	10 Months
820 Partner	17 months	19 months
837 Orphan Relative	Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
864 Contributory Aged-Parent (Residence)	Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
884 Contributory Aged-Parent (Temporary)	Unavailable due to low volume of applications.	Unavailable due to low volume of applications.
*Processing time for subclass 801 Partner (permanent) visa and 100 Partner (permanent) visa is from date of eligibility (2 years after the 820/801 or 309/100 application is lodged) to finalisation.		

In relation to the most common reasons for which permanent residency may be refused, this will vary from visa to visa and the single system indicator for an applicant being refused on one or more of the criteria is 'criteria not met'. No further disaggregation to identify which specific criteria were not met is available in a reportable form. Nevertheless, below are some broad categories which encompass criteria that are commonly not met by applicants and can result in refusal of a permanent residency visa application:

- **Relationship**

- Partner visas – applicant not in a genuine and continuing relationship.
- Child visas – a legal adoption process has not been followed.
- Carer visas – not satisfied that the care cannot be provided in Australia (including by an Australian relative).

- **Age**

- Skilled visas – applicant is over 50 years of age (unless exemptions apply), or
- Aged Parent visa – applicant is under 65 years.

- **Skills/qualifications**

- Skilled visas – applicant does not meet the required points test (skills and qualifications are elements considered as part of the points test).

- **English Language**

- Skilled visas – applicant does not have the requisite language skills levels as evidenced by specified tests results.

- **Health / Character**

- All visas – health examination shows the applicant does not meet health requirements.
- All visas – provided false or misleading information and/or bogus documents.