

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING : 17 October 2016

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE16/138) - Citizenship Applications - Programme 2.1: Citizenship

Senator Carr, Kim (L&CA) written:

How many citizenship applications are currently on-hand?

How many of these applications have successfully sat the citizenship test?

What is the median amount of time after someone has successfully completed the citizenship test and gaining citizenship?

What is the amount of time for the 10 per cent of applications that are shortest and longest in terms of time length between successfully sitting the test and attending a citizenship ceremony?

How many Ministerial determinations have been made under Section 26(3) in 2015/16? Please provide details of the last five years.

Please provide these determinations by Country of Birth and time since permanent visa grant.

Were all the determinations made for a period of 12 months?

What is the process behind making a determination?

Please provide a step-by-step outline of the process?

How are applicants notified about the determination?

Do applicants have to acknowledge the determination?

What factors are used in the determination?

If Character and Identity, have these factors been assessed already for visa grants?

Has recent national security legislation impacted on the process of issuing determinations? Have these determinations changed at all?

Answer

How many citizenship applications are currently on-hand?

As at 31 October 2016, there were 53,847 citizenship (conferral) applications on-hand.

How many of these applications have successfully sat the citizenship test?

A total of 7746 of these applicants have passed the test.

What is the median amount of time after someone has successfully completed the citizenship test and gaining citizenship?

The median number of days from passing the test to acquisition of citizenship for people who acquired citizenship from 1 July 2016 to 31 October 2016 was 119 days.

What is the amount of time for the 10 per cent of applications that are shortest and longest in terms of time length between successfully sitting the test and attending a citizenship ceremony?

The median time from passing the test to ceremony attendance for applicants who acquired citizenship from 1 July 2016 to 31 October 2016 was:

Description	Median no. of days
10% of people with the shortest term of time	47
10% of people with the longest term of time	259

How many Ministerial determinations have been made under Section 26(3) in 2015/16? Please provide details of the last five years. Please provide these determinations by Country of Birth and time since permanent visa grant.

The number of people whose attendance at a citizenship ceremony was deferred under subsection 26(3) of the *Australian Citizenship Act 2007* is only able to be extracted from departmental records at a point in time. It is not available retrospectively because the system event on a particular date may change.

The average time since approval of the permanent visas held by the 64 people subject to a deferral was approximately six years (as at 31 October 2016).

Were all the determinations made for a period of 12 months?

Determinations are usually made for the maximum period of 12 months. However, the determination may be revoked prior to this in some instances. Information regarding the likely revocation of determinations is not available in departmental systems.

What is the process behind making a determination?

A determination to delay a person making a citizenship pledge can only be made if the Minister (or a person delegated by the Minister) is satisfied that:

- A visa held by the person may be cancelled under the *Migration Act* whether or not the person has been given notice of the possible cancellation; or
- The person has been or may be charged with an offence under an Australian law.

Please provide a step by step outline of the process.

Where a citizenship officer is advised, after the approval of an application, that the applicant has been or may be charged with an offence under Australian law or is advised or becomes aware of the possible cancellation of a visa under the *Migration Act*, the officer has the discretion to make a determination to delay the person making a pledge in accordance with subsection 26(3) of the *Australian Citizenship Act 2007*.

If a determination is made to delay the person making a citizenship pledge the applicant will be notified in writing of the determination setting out the period in which they cannot make a citizenship pledge. If the applicant has already been invited to a ceremony the office may also call them to advise that the determination has been made.

If the applicant has been listed for ceremony the officer will advise the council conducting the ceremony that the person is to be removed from the list of conferees and is not able to make a pledge at this time.

The event is then recorded in the Departmental system and note made of how long the determination is in place for. Usually the determination would be made for the maximum period of 12 months. A determination may be revoked at any time during the 12-month period.

How are applicants notified about the determination?

Applicants are provided with written notification that the determination has been made stating the reason (their visa may be cancelled or the applicant has been or may be charged with an offence under Australian law) and the length of time it will be in force.

Do applicants have to acknowledge the determination?

No.

What factors are used in the determination?

There are only two factors that need to be considered:

- Does the applicant hold a visa which may be cancelled; or
- Has the applicant been charged or may be charged with an offence under Australian law.

If one of these factors applies, then a determination may be made to delay the applicant making a pledge.

If Character and Identity, have these factors been assessed already for visa grants?

A determination to delay a person making a pledge cannot be made on the basis of character or identity although the visa cancellation may be related to these issues. Where the applicant has been or may be charged with offences under Australian law, this may result in the applicant no longer meeting the character requirement for citizenship.

Has recent national security legislation impacted on the process of issuing determinations?

No.

Have these determinations changed at all?

No.