

## Explainer: how do Australia's proposed citizenship laws compare internationally?

Written by Sangeetha Pillai, Senior Research Associate, Andrew & Renata Kaldor Centre for International Refugee Law, UNSW Law School, UNSW

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Debate will resume in parliament this week over the [government's proposed changes](#) to Australian citizenship laws. Among the reforms is a requirement for migrants to be permanent residents of Australia for four years before applying for citizenship - an increase from the current requirement of one year.

In a [doorstop interview](#) in June, Immigration Minister Peter Dutton said such an increase:

... brings us short of where Germany is at eight years for example, in Canada it's something like four or five years, the United Kingdom four years as well.

It's not entirely clear whether he was referring to the time a prospective citizen must have spent as a permanent resident in those countries before being eligible to apply for citizenship, or the total time they must have lived in the country before being eligible. But how would the proposed changes to Australian citizenship compare on both measures?

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**Further reading:** [Explainer: the proposed changes to Australian citizenship](#)

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## Permanent residency and citizenship requirements in Australia

The changes would affect different groups of migrants in different ways. This is because there are big variations in the time it takes for a person to be eligible to apply for permanent residency after they come to Australia.

The quickest path to permanent residency does not require a person to have lived in Australia at all. For example, foreign workers who work in jobs listed on Australia's [skilled occupations list](#) may apply for permanent residency from outside Australia, where they are

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[invited to do so by the government](#)

, or

[nominated by an approved Australian employer](#)

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But most skilled migrants [apply from within Australia](#), and they face longer wait times. For example, a person on a temporary skilled

[457 visa](#)

can apply for permanent residency after working in Australia for

[two years](#)

, provided their employer wants to offer them a permanent position.

Refugees who arrived in Australia by boat have the longest wait. They must first apply for a temporary [Safe Haven Enterprise Visa](#), which allows them to apply for permanent residency after [three-and-a-half years](#) working or studying in regional Australia, provided they can also meet the eligibility criteria for a permanent visa.

So, the minimum time that migrants in these three groups must live in Australia before becoming eligible for permanent residency ranges from zero to three-and-a-half years.

Despite this, under current law, the minimum time in which different groups of migrants can become eligible for citizenship is actually pretty even: four years for skilled workers in either category, and four-and-a-half years for refugees who arrive by boat. This is because the current requirements take into account the time a person has spent living in Australia before becoming a permanent resident.

Under the proposed changes, things will get much more uneven, because the time a person spends in Australia before gaining permanent residency will no longer count. Migrants that face longer roads to permanent residency will be hardest hit by the changes. For example:

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Things stay the same for skilled workers with immediate access to permanent residency. They will need to live in Australia for at least four years before they can apply for citizenship.

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Skilled workers who start out on 457 visas will need to live in Australia for at least six years before they can apply for citizenship. That's two years longer than under current law.

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Refugees who arrive by boat will need to live in Australia for at least seven-and-a-half years. That's three years longer than under current law.

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**Further reading:** [Minister to get unprecedented power if Australia's new citizenship bill is passed](#)

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## Requirements in Germany

Migrants who live in Germany are usually entitled to permanent residency (known as a "settlement permit") after [five years](#) , provided they can meet particular [conditions](#) .

However, it is possible for some people to become permanent residents in less than five years. For instance, spouses of German citizens can acquire permanent residency in [three years](#) . Reduced periods also apply for [graduates of German universities](#) .

A person must be a [permanent resident](#) to become a citizen. But there's no legal requirement to have held permanent residency for any particular length of time.

To be eligible for citizenship, migrants must generally have lived in Germany for [at least eight years](#) . But this

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rule is relaxed in certain circumstances:

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People who complete a German integration course can apply for citizenship after seven years – or six years if they can prove a higher level of integration.

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[Families can apply together](#) – even if only one parent has met the eight-year residence requirement.

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Refugees can apply after [six years](#) .

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Spouses of German citizens can do so after [three years](#) .

German authorities also have the discretion to grant citizenship to a person who has lived in Germany for [less than eight years](#) but who doesn't fall into any of these categories.

## Requirements in Canada

In Canada, migrants applying for citizenship must have been present in Canada as a permanent resident for [1,460 days](#) – or four years – in the six years leading up to their citizenship application. But this is expected to [change in coming months](#) .

Canada recently [passed a law](#) reducing the permanent residency requirements for prospective citizens. When the law comes into effect, people will need to have been present in Canada as a permanent resident for 1,095 days – or three years – in the five years before their application.

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Canada's requirements are similar to the proposed Australian requirements in that a migrant must be a permanent resident for several years before they can apply for citizenship. But it is often possible to apply for permanent residence from outside Canada, or after relatively short residency periods.

For example, experienced [skilled foreign workers](#) , [family members](#) of Canadian citizens or permanent residents, and [refugees](#) can all apply for immediate permanent residence. Temporary foreign workers can apply for permanent residence after gaining [one year of work experience](#) in Canada.

## Requirements in the UK

Prospective UK citizens must generally have lived in the UK for at least [five years](#) , and been a permanent resident for at least one year leading up to their application.

It usually takes [five years](#) for a migrant to become eligible for permanent residency. This means it's generally necessary for an applicant to live in the UK for [s](#)  
[ix years](#) before they can apply for citizenship.

Some migrants can gain permanent residency in [less than five years](#) . For example, some [entr](#)  
[epreneurs and investors](#) become eligible after two-to-three years. People who take advantage of these shorter routes to permanent residency can apply for citizenship after five years.

The road to citizenship is much shorter for spouses of UK citizens, who can apply after living in the UK for [three years](#) , provided they have acquired permanent residency at [any point](#) during this time. Permanent residency timeframes are also relaxed: spouses of UK citizens or permanent residents need only have lived in the UK for [two years](#)

## How would Australia compare?

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So, the proposed Australian timeframe of four years' permanent residency before citizenship is:

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longer than Germany's requirements, which do not specify a minimum permanent residency period;

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the same as Canada's current requirement of four years, but longer than Canada's incoming requirement of three years; and

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longer than the UK's requirement of one year.

In terms of the *total* time it would take before being eligible to apply for citizenship in Australia (ranging from four years to up to seven-and-a-half years for refugees who arrive by boat), the proposed changes would be:

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similar to the German period of three to eight years;

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generally longer than both the current Canadian period of four to five years and the new period of three to four years; and

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similar to the UK period of three to six years.

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Whether or not a prospective citizen would face a longer wait in Australia compared to Germany, Canada or the UK comes down to their individual circumstances.

For example, some skilled migrants who can gain Australian permanent residency immediately and citizenship in four years may face longer waits in Germany and the UK. But that's untrue for other individuals and groups, such as refugees, who would face a longer wait in Australia.

*Sangeetha Pillai does not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and has disclosed no relevant affiliations beyond the academic appointment above.*

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