



## NEWLY ARRIVED RESIDENTS AND SOCIAL SECURITY

*This factsheet explains the waiting periods which newly arrived residents may be required to serve before they can receive social security payments.*

### WHAT IS A NEWLY ARRIVED RESIDENTS WAITING PERIOD?

If you have not lived in Australia as a permanent resident for a total of 104 weeks, you may be subject to a two year newly arrived resident's waiting period for the following payments and concession cards:

- Newstart allowance
- Sickness allowance
- Youth allowance
- Carer payment
- Special benefit
- Austudy
- Pension Education Supplement
- Mobility allowance
- Commonwealth seniors health care card
- Health care card

The newly arrived residents waiting period may apply to you, depending on the the date you entered Australia, the date you were granted a permanent visa, and whether you are a New Zealand citizen. If you arrived in Australia or were granted permanent residence (whichever is the later) before 4 March 1997, you will not have to serve a two year waiting period.

If you are an Australian citizen or you arrived in Australia before 4 March 1997 (or before 1 February 2000 if you are a New Zealand citizen - see below), and Centrelink decides that you have a newly arrived resident's waiting period, contact your local Welfare Rights Centre for advice.

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### WHO IS EXEMPT FROM THE NEWLY ARRIVED RESIDENT'S TWO YEAR WAITING PERIOD?

The newly arrived resident's waiting period may not apply to you if you:

- hold or previously held a permanent refugee visa or a specified subclass of special humanitarian visa;
- are a "family member"\* of a holder or former holder of a permanent refugee visa or a specified subclass of special humanitarian visa;
- were a "family member"\* of a former holder of a permanent refugee visa or a specified subclass of special humanitarian visa at the time the former refugee or humanitarian migrant arrived in Australia;
- are an Australian citizen;
- are a "family member"\* of an Australian citizen or of a permanent resident who has at least two years residence in Australia;
- hold a visa subclass 100, 110, 801, 814, 832 or 833;
- have become the sole "principal carer" of a child since becoming an Australian resident – for Newstart Allowance or Youth Allowance (unemployed) only;
- hold a visa subclass 116 or 836; or you hold a visa subclass 104 or 806 as a 'carer' or 'special need relative' – for Carer Payment only;
- became a handicapped person while in Australia – for Mobility Allowance only; or
- hold a specified sub-class of temporary visa – for Special Benefit only (see below).



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There are more exemptions from the newly arrived resident's waiting period for Special Benefit. See "Special Benefit" below.

\*A "**family member**" may include your partner (opposite sex or same sex) or your dependent child. Other people can be deemed to be your "family member", at Centrelink's discretion.

Please note: visa subclasses listed throughout this factsheet may change.

### WHAT IS A QUALIFYING RESIDENCE PERIOD?

**Age Pension, Disability Support Pension, Widow Allowance and Parenting Payment** do not have a newly arrived resident's waiting period. Instead, people applying for these payments generally have a **qualifying residence period**, unless they have a type of visa which gives an exemption (see below).

A qualifying residence period means that in order to be eligible for a particular payment, the person must have lived in Australia as a permanent resident for a specified period of time.

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#### AGE PENSION

The qualifying residence period for **Age Pension** is 10 years unless you:

- received a Widow B Pension, Widow Allowance, Mature Age Allowance or Partner Allowance immediately before reaching Age Pension age;
- were widowed in Australia, and both you and your partner were Australian residents at the time, and you lived in Australia for at least two years immediately prior to the claim;
- reached Age Pension age before 20 March 1997 and, immediately before 20 March 1997, received a Widow B Pension, Widow Allowance or Partner Allowance; or
- qualify under an International Agreement.

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#### DISABILITY SUPPORT PENSION

The qualifying residence period for **Disability Support Pension** is 10 years unless:

- your disability only started to significantly affect your capacity to work since you became an Australian resident;
- you were born outside Australia and at the time your disability began to significantly affect your capacity to work you were a dependent child of an Australian resident and you become an Australian resident while you are still a dependent child of an Australian resident; or
- you qualify under an International Agreement.

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#### WIDOW ALLOWANCE

The qualifying residence period for **Widow Allowance** is 10 years unless you:

- were widowed, divorced or separated from your partner while both you and your partner were Australian residents;
- entered Australia prior to 1 April 1996 and were an Australian Resident continuously during the 26 weeks prior to lodging your claim;
- entered Australia on or after 1 April 1996 and lodged your claim before 4 March 1997 and were an Australian Resident continuously during the 26 weeks prior to lodging your claim;



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- entered Australia on or after 1 April 1996 and lodged your claim on or after 4 March 1997 and have been an Australian Resident for a total of at least 104 weeks; or
- entered Australia on or after 1 February 2000 and have been an Australian Resident for a total of least 104 weeks.

### PARENTING PAYMENT

The qualifying residence period for **Parenting Payment** is 2 years unless you:

- have become the sole “principal carer” of a child since becoming an Australian resident.

### WHO IS EXEMPT FROM A QUALIFYING RESIDENCE PERIOD?

You may be exempt from a qualifying residence period if you:

- hold, or previously held, a permanent refugee visa or a specified subclass of special humanitarian visa;
- were a family member\* of a person who holds or formerly held a permanent refugee or specified subclass of special humanitarian visa, at the time the family member entered Australia (does not apply to Age Pension, Disability Support Pension or Special Benefit); or
- hold a visa subclass 100, 110, 801, 814, 832 or 833 (does not apply to Age Pension or Disability Support Pension).

\* You are a “family member” of a person, if you are their partner (opposite sex or same sex) or their dependent child. Other people can be treated as a “family member” in some situations.

### WHAT IF I AM EXEMPT?

If you believe you may be exempt from the newly arrived resident's waiting period or qualifying resident's period, you should claim the most appropriate social security payment, and supply evidence of your visa subclass (and if relevant, your former visa subclass).

The visa subclasses giving exemptions are complicated and can change. If in doubt about your visa number, or whether it will exempt you from a waiting period, claim anyway. Centrelink has to accept your claim form. If the Centrelink officer refuses, ask to see a supervisor and contact your local Welfare Rights Centre.

### SPECIAL BENEFIT & THE LOW INCOME HEALTH CARE CARD

Special Benefit is a payment which may be paid to people with no entitlement to another social security payment, including people serving a newly arrived residents waiting period or qualifying residence period. You must be in “severe financial hardship” and unable to earn a sufficient livelihood.

You may be eligible for Special Benefit if you:

- are in severe financial hardship; and
- are not able to earn enough money for yourself and your dependents because of age, disability or domestic circumstances, or other reason beyond your control; and
- are not eligible for another Social Security payment; and
- are an Australian citizen or an Australian resident; or
- hold a temporary visa subclass 070, 309, 310, 447\*, 451\*, 695\*, 785\*, 786, 787, 820, 826, or a 951.

The Low Income Health Care Card may also be “paid” in these circumstances.



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### EXEMPTIONS FOR THE NEWLY ARRIVED RESIDENTS WAITING PERIOD FOR SPECIAL BENEFIT

In addition to the exemptions listed above you may be exempt from the two year newly arrived resident's waiting period for Special Benefit if you:

- hold a temporary visa subclass 070, 447\*, 451\*, 695\*, 785\*, 786, 787, or a 951;
- hold a permanent visa subclass 832, 833 or 852;
- hold a permanent spouse or interdependency visa (subclasses 100, 110, 801 and 841) and you are the family member of an Australian citizen or of an Australian permanent resident who has at least two years residence in Australia (see below); or
- have a substantial change in circumstances beyond your control.

For Centrelink to decide whether you have had a "substantial change in circumstances" you will need to explain your personal situation to Centrelink. Centrelink applies very strict policy guidelines about Special Benefit. These guidelines are merely a guide for Centrelink to decide whether you can be paid. Whatever your situation, if you do not have adequate means of support, it is important to put in a claim for Special Benefit.

**\*Note:** temporary visa subclasses 447, 451, 695 and 785 were abolished on 9 August 2008. However, these visas remain valid until they expire or a new visa is granted. Most holders of these visas will be granted the new permanent refugee visa subclass 851 which has a qualifying residence exemption and an exemption from the newly arrived residents waiting period for all payments. If you are granted an 851 visa, you should contact Centrelink immediately to claim a payment other than Special Benefit.

### WHEN DOES MY WAITING PERIOD START?

The waiting period generally starts from the date you enter Australia, or the date permanent residence is granted, whichever is the later. If you are granted permanent residence after having held a temporary visa class 309, 310, 820 or 826, you will have no waiting period for most payments, and for Special Benefit your waiting period will start from the date you applied for that visa, not from the date you were granted permanent residence.

Generally, you cannot serve the waiting period while outside Australia. This means that any period you are overseas after the waiting period starts will add on to the waiting period.

### FAMILY TAX BENEFIT

Family Tax Benefit **is not subject** to the two year waiting period and it can be paid to people who hold the classes of temporary visa for which Special Benefit may be payable. It can also be paid to New Zealand citizens living in Australia, whatever their date of arrival (see below for further information about rules affecting New Zealanders).

You should claim Family Tax Benefit as soon as possible on arrival in Australia. **Carer Allowance** and **Double Orphan Pension** are also not subject to the two year waiting period.

### ASSURANCE OF SUPPORT

If an Assurance of Support was signed for you and you are granted a payment covered by the Assurance, the person who signed it will have a debt raised and will owe money to Centrelink. You should contact Centrelink for advice if your assessor cannot provide you with support or refuses to do so.



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### WHAT IF MY PARTNER CANNOT GET A SOCIAL SECURITY PAYMENT?

If you are a member of a couple and only one of you is eligible for a social security payment, it can be paid at the single rate in some circumstances. You should apply to Centrelink for the single rate to be paid under **section 24** of the Social Security Act.

### NEW ZEALAND CITIZENS & PERMANENT RESIDENTS

Most New Zealand passport holders are automatically issued with a Special Category Visa when they enter Australia. This visa previously allowed New Zealand citizens living in Australia to qualify for the full range of social security payments (subject to waiting periods). However, from 26 February 2001 New Zealand citizens' entitlement to social security changed.

See the factsheet **Social Security payments for New Zealand citizens living in Australia** for further information about the rules affecting New Zealand citizens' eligibility for social security payments.

### APPEAL RIGHTS

If you disagree with a Centrelink decision you have the right to appeal against it. Appealing is easy and free. For more information on appealing see the Factsheet **Appeals: how to appeal against a Centrelink decision**. You can contact your

**THIS FACTSHEET CONTAINS GENERAL INFORMATION ONLY. IT DOES NOT CONSTITUTE LEGAL ADVICE. IF YOU NEED LEGAL ADVICE PLEASE CONTACT YOUR LOCAL WELFARE RIGHTS CENTRE. YOU CAN FIND YOUR LOCAL WELFARE RIGHTS CENTRE AT [WWW.WELFARERIGHTS.ORG.AU](http://WWW.WELFARERIGHTS.ORG.AU). WELFARE RIGHTS CENTRES ARE COMMUNITY LEGAL CENTRES, WHICH SPECIALISE IN SOCIAL SECURITY LAW, ADMINISTRATION AND POLICY. THEY ARE INDEPENDENT OF CENTRELINK. ALL ASSISTANCE IS FREE.**

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