

s22 (out of scope)



Australian Government

Services Australia

Australian residence requirements for payment 106-06010000

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Background

s22 (out of scope)

The Dad and Partner Pay (DAP) information in this file is for historical assessments/information only. DAP was only available for customers with children born or entering care before 1 July 2023. Claims for DAP closed 30 June 2024.

This document outlines the meaning of residence and the residence rules that apply to the legal lodgement of a new claim for income support, family assistance or parental leave payments and concession cards and to the residential qualification for the payment. It also outlines exceptions to the normal rules.

Residence requirements for qualification for payment

The Australian social security system is not contribution based like most social security systems overseas. Australian payments are made to those who demonstrate a need for income support, subject to an income and assets test, and who satisfy defined residence requirements. All social security payments and concession cards and all family assistance and parental leave payments have residence requirements.

Generally, a person must be, and remain, an [Australian resident](#) in order to qualify for payment.

Exceptions to this rule are:

- Age Pension and some Disability Support Pension (DSP) customers who are [exempt from the ongoing residence requirement](#)
- Australian payments paid under the terms of an [international social security agreement](#)
- holders of [certain temporary visas that qualify customers for some payments](#)
- Family Tax Benefit (FTB), Child Care Subsidy (CCS), Double Orphan Pension (DOP) and Stillborn Baby Payment (SBP) for holders of a visa subclass 403 (granted under the Pacific Australia Labour Mobility stream and the person has been approved for Family Accompaniment)
- JobSeeker Payment (JSP) or Youth Allowance (YA) under the [New Zealand 10 year residence exemption](#)

Note: if a person is not qualified for any social security payments because they do not hold the required legal residence (for example they are a non-protected SCV holder) but they have a child who is an Australian citizen or permanent visa holder, they may be eligible to claim SpB for the child. See [Special Benefit \(SpB\) for Australian Citizen Child \(ACC\) and Australian permanent resident children](#).

All claim forms, including online claims, contain the necessary residence questions. Customers may be required to provide this information along with verification such as a passport or Australian citizenship certificate.

How residence affects payability outside Australia

A customer's residence status can affect whether their payment can be made outside Australia (whether it is portable).

For example, a former resident claiming Age Pension within 2 years of returning to Australia to live cannot be paid Age Pension if they leave Australia within 2 years of their return, unless they are eligible under an international agreement.

Customers who receive payment because they are the holder of [certain temporary visas that qualify customers for some payments](#) are either not payable outside Australia or only payable for an [approved reason](#).

How residence affects rate of payment

The total time a customer has resided in Australia during their working life may be used to determine the rate of payment if they are paid under an international agreement or outside Australia long term.

When residence information is needed for purposes other than a claim, there are a number of forms available or the information can be obtained over the phone. See [Working Life Residence \(WLR\)](#).

Cancellation of payment due to a residence related reason

Customers who were granted payment prior to December 2003 may not have had adequate residence information coded under the revised residence processing rules however, their payments have continued as they were given a quarantine at that time.

This quarantine stays in place until either the payment is cancelled (for example, a job seeker returns to work) or a residence assessment is made (for example, an update to **s47E(d)** **s 47E(d)** or **s47E(d)** screens).

Once a residence assessment is performed on the customer's record, the quarantine is lifted and their payment may cancel unless sufficient details are present to maintain qualification.

In these cases, cancellation of payments is usually incorrect and should **not** occur until a thorough investigation has been undertaken.

If an investigation shows that the customer did not have adequate residence at grant, but are being paid due to a [Qualifying Residence Exemption \(QRE\)](#) ensure all record updates are current including any QRE coding. For example, the customer is in receipt of Parenting Payment Single (PPS) and has a QRE due to becoming a lone parent since commencing Australian residence. In this event, the **s47E(d)** **s 47E(d)** screen should reflect this assessment.

Entitlement to a Comparable Foreign Pension (CFP)

Periods of residence in Australia can help a customer qualify for a foreign payment from an agreement country.

For example, a customer who worked 5 years in Austria would normally not be entitled to an Austrian Age Pension. However, using the agreement with Austria, the customer can add 10 years residence in Australia to qualify for a part Austrian payment.

When residence information is needed for purposes other than a claim, there are a number of forms available or the information can be obtained over the phone. See [Working Life Residence \(WLR\)](#).

Commencement of Identity

As part of the identity confirmation process, customers may be required to provide evidence that they have either:

- been born in Australia, using a proof of birth document, **or**
- have arrived in Australia, using a proof of arrival document

It is important to differentiate between the concepts of residence and the commencement of identity components of identity confirmation requirements. Proof of a customer's birth or arrival in Australia does not necessarily verify their residence status. The customer may have left Australia to live overseas and returned to live in Australia at a later date.

Australian citizenship and residence

Being born in Australia does not automatically mean that a person is an Australian citizen and being an Australian citizen **does not** fully satisfy the definition of an Australian resident.

While Australian citizenship satisfies the legal residence requirement, the person must still be [residing in Australia](#). They may not satisfy this requirement if their home, family ties, job or assets are mainly outside Australia.

Determining whether an absence is temporary

- A customer may still be an Australian resident while overseas temporarily, such as while overseas on a holiday or if temporarily posted overseas for work

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Claim indicates customer not residentially qualified

s 47E(d)

Immigration Datalink

A datalink with the Department of Home Affairs provides information directly to Services Australia about a customer or child's:

- visa
- citizenship (if available), and
- [movement information](#)

If this Immigration Datalink has provided the information, it will be automatically recorded on the customer or child's record. It will take precedence over any conflicting information given by the customer. The datalink will also automatically update any change in visa or travel in or out of Australia for any customer or child who has already been identified as a mutual customer.

Information from the datalink does not verify whether a person is [residing in Australia](#) but can be used to assist a Service Officer when determining periods of residence for the customer as well as verifying that a customer is 'in Australia' for NAWRP and claim lodgement purposes.

Cancelled Visa - s 47E(d)

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. Scenarios where this may be needed include:

- s47E(d)

. See [Recording](#)

[Legal Residence Status](#).

The [Resources](#) page contains a link to the International Programme homepage.

Contents

[Assessing if a customer is an Australian resident](#)

[Residence assessment for customers claiming Age Pension](#)

[Residence assessment for customers claiming Austudy](#)

[Residence assessment for customers claiming Carer Allowance \(CA\)](#)

[Residence assessment for customers claiming Carer Payment \(CP\)](#)

[Residence assessment for customers claiming Commonwealth Seniors Health Card \(CSHC\)](#)

[Residence assessment for customers claiming Disability Support Pension \(DSP\)](#)

[Residence assessment for customers claiming Family Tax Benefit \(FTB\) and Parental Leave Pay \(PPL\)](#)

[Residence assessment for adult customers claiming a Low Income Health Care Card \(LIC\), Foster Child Health Care Card \(FST\) or Ex-Carer Allowance \(child\) Health Care Card \(EHC\)](#)

[Residence assessment for customers claiming Farm Household Allowance \(FHA\)](#)

[Residence assessment for customers claiming JobSeeker Payment \(JSP\)](#)

[Residence assessment for customers claiming Mobility Allowance \(MOB\)](#)

[Residence assessment for customers claiming Parenting Payment \(PP\)](#)

[Residence assessment for customers claiming Pensioner Education Supplement \(PES\)](#)

[Residence assessment for customers claiming Special Benefit \(SpB\)](#)

[Residence assessment for customers claiming Youth Allowance \(YA\) and/or Tertiary Access Payment \(TAP\)](#)

[Requesting and coding additional residence data for Norfolk Island claims](#)

[Australian Residence Rules for New Zealand citizens](#)

[New Zealand 10 year residence exemption](#)

Related links

[Updating residence screens \(CLK\)](#)

[Portability of payments](#)

[Foreign pensions](#)

[Documents required for Centrelink new claims](#)

[Commencement of Identity](#)

[Newly Arrived Resident's Waiting Period \(NARWP\) and Qualifying Residence Period](#)

[Newly Arrived Resident's Waiting Period \(NARWP\) and Qualifying Residence Period Exemptions](#)

[Recording Legal Residence status](#)

[Deciding if a customer is residing in Australia](#)

[Referral of inconsistencies in overseas departure and arrival information to Centrelink International Services \(CIS\)](#)

[Special Benefit \(SpB\) for Australian Citizen Child \(ACC\) and Australian permanent resident children](#)

Process

The Dad and Partner Pay (DAP) information in this file is for historical assessments/information only. DAP was only available for customers with children born or entering care before 1 July 2023. Claims for DAP closed 30 June 2024.

This document outlines the meaning of residence and the residence rules that apply to the legal lodgement of a new claim for income support, family assistance or parental leave payments and concession cards and to the residential qualification for the payment. It also outlines exceptions to the normal rules.

Residence qualification for payment

Item	Description
1	<p>Residence requirements to lodge a valid claim + Read more ...</p> <p>To meet claim lodgement requirements for a social security payment, family assistance payment or concession card, a customer must generally be both:</p> <ul style="list-style-type: none">• an Australian resident (that is, a legal permanent resident who is residing in Australia), and

- either physically present [in Australia](#) or meet an [exception to the lodgement inside Australia rule](#)

Exceptions

- Customers claiming family assistance payments or Double Orphan Pension (DOP) may lodge a valid claim if they are:
 - an Australian resident and have not been temporarily overseas for longer than 6 weeks from the [original date of departure](#), or
 - a [non-protected Special Category visa holder residing in Australia](#) and have not been temporarily overseas for longer than 6 weeks from the [original date of departure](#), or
 - the holder of a visa subclass 403 (granted under the Pacific Australia Labour Mobility stream and the person has been approved for Family Accompaniment) [residing in Australia](#) and have not been temporarily overseas for longer than 6 weeks from the [original date of departure](#), or
 - a holder of [certain temporary visas that qualify customers for some payments](#), are [residing in Australia](#) and either physically present in Australia or overseas for less than 6 weeks for an allowable reason
- Customers claiming Parental Leave Pay (PPL) or Dad and Partner Pay (DAP) may lodge a claim if they are:
 - an Australian resident and have not been temporarily absent from Australia for longer than 56 weeks, or
 - a [non-protected Special Category visa holder residing in Australia](#) and have not been temporarily absent from Australia for longer than 56 weeks, or
 - a holder of [certain temporary visas that qualify customers for some payments](#), and are [residing in Australia](#)
- Customers claiming SpB or a Low Income Health Care Card (LIC) may lodge a legal claim if they hold [certain temporary visas that qualify customers for some payments](#), and are [residing in Australia](#)
- Customers claiming a Commonwealth Seniors Health Card (CSHC), Low Income Health Care Card (LIC) or Foster Child Health Care Card (FST) may lodge a legal claim if they are a [non-protected SCV holder residing in Australia](#) and they are either physically present in Australia or meet an [exception to the lodgement inside Australia rule](#)

Note: if a person is not qualified for any social security payments because they do not hold the required legal residence (for example they are a non-protected SCV holder) but they have a child who is an Australian citizen or permanent visa holder,

	<p>they may be eligible to claim SpB for the child. See Special Benefit (SpB) for Australian Citizen Child (ACC) and Australian permanent resident children.</p> <p>International Agreements</p> <p>To lodge a valid claim using an international agreement a customer must be:</p> <ul style="list-style-type: none"> • an Australian resident or resident of the agreement country, and • either physically in Australia or the agreement country <p>Some agreements allow lodgement of the claim from a third country with which Australia has an agreement. For more information, see Claims for Australian payments under International Agreements.</p>
2	<p>Qualification for payment + Read more ...</p> <p>To qualify for any social security payment, concession card, family assistance or parental leave payment, a customer must generally be an Australian resident.</p> <p>An Australian resident is a person who is residing in Australia and is either:</p> <ul style="list-style-type: none"> • an Australian citizen, or • the holder of a permanent residence visa, or • a protected Special Category visa holder <p>Residing in Australia</p> <p>A person is residing in Australia if they are living in Australia on an ongoing basis. The factors to consider when assessing this are contained in section 7(3) of the Social Security Act 1991. For assistance with determining if someone is residing in Australia, see Deciding if a customer is residing in Australia.</p> <p>A customer can qualify residentially for SpB, family assistance and parental leave payments or LIC if they hold certain temporary visas that qualify customers for some payments and they are residing in Australia.</p> <p>A customer can qualify residentially for Paid Parental Leave scheme payments, family assistance and concession cards other than Ex-Carer Allowance Health Care Card if they are a non-protected SCV holder residing in Australia.</p> <p>A customer can qualify residentially for Family Tax Benefit (FTB), Child Care Subsidy (CCS), Double Orphan Pension (DOP) and Stillborn Baby Payment (SBP) where they have been granted a visa subclass 403 under the Pacific Australia Labour Mobility stream and the person has been approved for Family Accompaniment.</p> <p>A customer who is a non-protected SCV holder residing in Australia may qualify for JobSeeker Payment (JSP) or Youth Allowance (YA) for up to 6 months if they meet certain requirements under the New Zealand 10 years residence exemption.</p> <p>A protected SCV holder is a New Zealand citizen who arrived in Australia using their New Zealand passport and were given a '444' visa subclass. If the customer was in Australia on 26 February 2001, they are considered to be 'protected'. There are a few</p>

	<p>other rules relating to residence around this date where a customer can also be considered protected. See Australian Residence Rules for New Zealand citizens.</p> <p>If a person is not qualified for any social security payments because they do not hold the required legal residence (for example they are a non-protected SCV holder) but they have a child who is an Australian citizen or permanent visa holder, they may be eligible to claim SpB for the child. See Special Benefit (SpB) for Australian Citizen Child (ACC) and Australian permanent resident children.</p>
3	<p>Residence and continuing qualification after grant + Read more ...</p> <p>Most payments except Age Pension and Disability Support Pension (DSP) for customers who are exempt from the ongoing residence requirement, require a customer to remain an Australian resident during all periods of payment after grant in order to remain qualified.</p> <p>Once the customer stops being an Australian resident, any payment other than Age or DSP for customers who are exempt from the ongoing residence requirement, will also cease. Note: Carer Payment (CP), Double Orphan Pension (DOP) and Parenting Payment Single (PPS) may still be able to be paid to a customer who is not an Australian resident using an international agreement as long as they are a resident of the agreement country.</p> <p>Where a customer ceased to be an Australian resident as their visa was cancelled and that visa is later reinstated, the customer's payment can be restored provided they are still otherwise eligible.</p> <p>A non-protected SCV holder who qualifies for JSP or YA under the New Zealand 10 year residence exemption must continue to hold a Special Category visa to maintain qualification to payment under this exemption.</p> <p>For more information on how an absence from Australia can affect ongoing qualification, see Item 6.</p>
4	<p>Assessing the type of residence requirement for each payment + Read more ...</p> <p>Most social security payments require a person to be an Australian resident for a minimum period before they qualify for payment. This is either a qualifying residence period or a Newly Arrived Resident's Waiting Period (NARWP).</p> <p>Qualifying residence period</p> <p>The following payments have a qualifying residence period:</p> <ul style="list-style-type: none"> • Age Pension • Disability Support Pension (DSP) • Parenting Payment (PP)

The qualifying residence period for Age Pension and DSP can be served outside Australia as long as the customer remains an Australian resident. The qualifying residence period for PP must be served in Australia.

The qualifying residence period for PP must also be served alongside the NARWP if no exemption applies. This only applies to customers granted their first qualifying visa on or after 1 January 2019.

NARWP

Customers who have recently arrived to live in Australia and are claiming a payment or concession are required to have been an [Australian resident](#) and physically in Australia for the required duration of the NARWP, either in one period, or in a number of periods before the payment or concession is payable.

Temporary absences from Australia in the waiting period do not restart the NARWP but the days that a customer is overseas do not count towards meeting the NARWP requirements. For example, a customer claiming JobSeeker Payment may have a 2 or 4 year NARWP. If they leave Australia temporarily for 3 weeks the NARWP period does not recommence, but the absence extends the NARWP end date by 3 weeks.

The requirement to have been in Australia for a period or periods totalling the required duration of the NARWP, allows for broken periods of residence in Australia to count **if** the person continued to be an [Australian resident](#). For example, a customer who has returned to live in Australia after several years living overseas may have previously lived in Australia as an Australian resident. The period of former Australian residence would count towards any current NARWP requirements.

Generally, it is not a requirement that the period of residence required for the NARWP occurred immediately before claiming.

Note: the NARWP only needs to be served once for the applicable payment.

Payments subject to the NARWP:

- Austudy (AUS)
- Carer Adjustment Payment (CAP)
- Carer Allowance (CDA)
- Carer Payment (CP)
- Commonwealth Seniors Health Card (CSHC)
- Dad and Partner Pay (DAP)
- Ex-Carer Allowance Health Care Card (EHC)
- Family Tax Benefit (FTB) Part A
- Farm Household Allowance (FHA)
- JobSeeker Payment (JSP)

- Low Income Health Care Card (LIC)
- Mobility Allowance (MOB)
- Parental Leave Pay (PPL)
- Parenting Payment Partnered (PPP)
- Parenting Payment Single (PPS)
- Pensioner Education Supplement (PES)
- Special Benefit (SpB)
- Tertiary Access Payment (TAP)
- Youth Allowance (YA)

Customers claiming a Low Income Health Care Card (LIC) can serve the NARWP during any period that they hold [certain temporary visas that qualify customers for some payments](#) or non-protected SCV.

A customer claiming SpB can serve the NARWP during any period that they hold [certain temporary visas that qualify customers for some payments](#).

No minimum residence period required

The following payments do not have any qualifying residence period requirement or NARWP:

- Child Care Subsidy (CCS)
- Double Orphan Pension (DOP)
- Family Tax Benefit (FTB) Part B

Coding for correct residence assessment

The system can generally correctly assess whether a customer has served the minimum residence period as long as the **s47E(d)** ^{17F/1A}

, which is populated by the Immigration Datalink.

The system can also correctly assess whether a NARWP applies and, if so, the projected end date. For coding assistance, see:

- [Recording legal residence status](#), and
- [Coding the Country of Residence \(CRES\) screen](#)

In some cases, certain [Qualifying Residence Exemptions \(QRE\)](#) must be manually recorded **s47E(d)**

	<p>Coding s 47E(d)</p> <p>s47E(d)</p> <p>For example, an absence in the last 2 years which extends the NARWP or a departure from Australia that needs to be assessed.</p> <p>For more information, see Activating the Department of Home Affairs datalink and contingency procedures if datalink is unavailable.</p>
5	<p>Qualifying residence + Read more ...</p> <p>Qualifying residence exemptions (QRE) allow certain customers to be exempted from needing a qualifying residence period or from serving the Newly Arrived Resident's Waiting Period (NARWP). s47E(d)</p>
6	<p>Residence and Portability + Read more ...</p> <ul style="list-style-type: none"> • Residence also impacts significantly on payments while a customer is outside Australia. Former resident rules limit portability if a customer has recently returned for residence and claimed a pension. See Former resident provisions • Generally, Age Pension and DSP for customers who are exempt from the ongoing residence requirement, can be paid to a customer who is leaving Australia to live in another country. However, customers who are receiving one of these payments because they are a refugee and do not have adequate qualifying residence, cannot receive payment if they are leaving to live in another country • Australian Working Life Residence (WLR) affects the rate of payment made to most customers who are outside Australia for more than 26 weeks • Australian Working Age Residence (AWAR) affects the rate of Age, DSP or CP paid to a customer in New Zealand long term
7	<p>Residence and international agreements + Read more ...</p> <ul style="list-style-type: none"> • The rate of payment to a customer granted under an international agreement may be determined using the customer's Australian Working Life Residence (WLR) or, for New Zealand, Working Age Residence (WAR) • Agreements allow customers to use certain periods of residence in the agreement country or contributions paid while working in the agreement country in place of or combined with Australian residence to qualify for an Australian payment

	<ul style="list-style-type: none"> • Agreements modify the need to be in, and a resident of, Australia to lodge a claim • Australian WLR can be used to add to contributions or residence from the agreement country to qualify for a payment from that country • See the relevant country file in International Social Security Agreements
8	<p>Additional information + Read more ...</p> <ul style="list-style-type: none"> • Even while physically present in Australia there will be some periods that cannot be classed as residence. For example a customer may be in Australia on a temporary visa, or not have established their resident status as required under Section 7(3) • A customer arriving in Australia on a New Zealand passport after 26 February 2001 will generally not be an Australian resident except in a few limited circumstances. A New Zealand citizen needs to be a protected SCV holder or obtain Australian citizenship or a permanent visa to satisfy residence requirements for most payments. A non-protected SCV holder may still be able to claim Paid Parental Leave scheme payments, family assistance and concession cards (other than Ex-Carer Allowance Health Care Card (EHC)) or a payment under the New Zealand Agreement • Only Service Officers working in designated teams may request a customer's Passenger Card information if this is critical to their investigation. See the Resources page for a link to the International Programme page, click on Immigration and citizenship resources • Assessing residing in Australia should take all the factors noted in Section 7 (3) of the Social Security Act into account

References

This page contains links to policy and legislation.

Policy

[Social Security Guide 3.1.1 Residence Requirements](#)

[Social Security Guide 3.1.2.40 Newly Arrived Resident's Waiting Period](#)

[Social Security Guide 3.1.2.45 NARWP Saving Provisions](#)

[Social Security Guide 3.1.2.70 Exemptions from Waiting Periods](#)

For the policy about Refugee visa categories, see [Social Security Guide 9.2 Visa Subclasses & Payment Eligibility for Visas Issued After 1/9/94](#)

[Family Assistance Guide 2.1.2.10 Residence Requirements](#)

[Paid Parental Leave Guide 2.4 PPL scheme Australian residency test & absences from Australia for PLP](#)

[Paid Parental Leave Guide 10 Births & adoptions before 1 July 2023](#)

Legislation

Links to the Federal Register of Legislation site go to an 'All versions' page. Select the 'Latest' version.

For the legislation requiring a social security claimant to be an Australian resident, see [Social Security \(Administration\) Act 1999 section 29, General rule](#).

In certain cases these requirements do not apply. See [Social Security \(Administration\) Act 1999 section 31, Exclusion of certain claims from requirements of section 29](#).

Some individuals are exempt from the qualifying residence requirement. See [Social Security Act 1991 section 7\(6\), Qualifying residence exemption, subsection \(6\), A person has a qualifying residence exemption for a social security pension...](#)

For the legislative definition of terms relating to this subject, see [Social Security Act 1991 section 7, Australian residence definitions](#).

[A New Tax System \(Family Assistance\) Act 1999 section 21, When an individual is eligible for family tax benefit in normal circumstances](#)

[Paid Parental Leave Act 2010 section 45, When a person satisfies the Australian residency test](#)

Resources

Intranet links

For useful information regarding residence, see [International Programme homepage](#).

Training & Support

Add the course number to the ^{s 47E(d)} field in the ^{s 47E(d)} in ESSentials:

- ^{s 47E(d)} Australian Residence
- Newly Arrived Resident's Waiting Period
- Residence requirements