

s 22 - Irrelevant material



Australian Government

Services Australia

Former resident provisions 061-01060010

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Background

s 22 - Irrelevant material

This document outlines the procedure to determine whether a customer is subject to special rules called former resident provisions when they depart Australia. It also explains action to be taken by the Service Officer and the customer before departure.

Former resident

A former resident is a customer who:

- returns to Australia to reside after a period of residence in another country, and
- is granted (or transfers from assessment under an international agreement) an affected pension payment under domestic qualification rules

These customers are affected by the former resident provisions if they leave Australia within 2 years of resuming Australian residence.

Payments affected by former resident provisions

The Australian Social Security system is based on residence in Australia and a customer's need for income support. These provisions prevent a person returning to Australia to gain access to an Australian pension which might be payable outside Australia indefinitely and return overseas immediately afterwards.

The payments affected are:

- Age Pension, and
- Disability Support Pension (DSP)

Generally, if a person is granted or transferred to Age Pension or DSP, **payment cannot be made for any absence** overseas that starts within 2 years of the date they return to resume residing in Australia. Normal portability rules apply after the customer has resided in Australia for 2 years.

There is no discretion for unforeseen circumstances.

Note: former resident rules do **not** mean a person has to be residing in Australia for 2 years before claiming a payment. A person can claim a payment at any time after returning to Australia to reside.

International agreements and former resident provisions

From 1 January 2014 customers who are paid:

- under an international agreement, and
- transfer to an autonomous payment when they return to live in Australia

are assessed as a former resident if they leave Australia again in 2 years of returning to live. This applies even if their payment type does not change on transfer. **Note:** the customer can be transferred back to the agreement if they are returning to an agreement country during their 2 year wait.

Customers who are granted a payment and continue to be paid under an international agreement are not affected by former resident provisions.

Customers not subject to former resident provisions

Customers who have been overseas long term while receiving DSP and return to Australia and transfer to Age Pension while in Australia, will not be subject to the former resident provisions even if they leave Australia in 2 years of returning. The normal portability rules will apply to any such absence.

Some customers who would otherwise not be payable because of the former resident provisions may be able to get payment under an international agreement if:

- they are going to an agreement country, and
- they qualify under that agreement, and
- the payment is portable under that agreement

Exception to former resident provisions

Customers who are receiving financial assistance under the Medical Treatment Overseas Program (MTO), either because they are receiving treatment or are accompanying such a person, are not affected by former resident provisions for the period MTO assistance is payable.

Portability Script - Departures and Returns

These rules are fully covered by the Portability Script - Departures and Returns. Use this procedure when the:

- script is not working, or
- customer wants an explanation of the rules.

The Resources page contains information about circumstances where customers are not subject to former resident provisions, information about former residents who may qualify for payment under an international agreement, a link to information about travelling overseas with

Pharmaceutical Benefit Scheme (PBS) medicine and contact details for Centrelink International Services (CIS).

Related links

[Age Pension customer going overseas](#)

[Disability Support Pension \(DSP\) customer going overseas](#)

[Portability of payments paid under International Agreements](#)

[Returning to Australia](#)

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

[View/update overseas travel online](#)

[Coding CRES, ARD and RSS screen](#)

Process

This page contains information on former resident provisions that apply to Australian residents who left Australia to live in another country and later return to live in Australia and then are transferred to or claim Age Pension or Disability Support Pension (DSP).

Transfer to or claim Age Pension or DSP

Step	Action
1	The customer advises of overseas departure + Read more ... The Portability Script - Departures and Returns will generally correctly assess if the former resident provisions apply to a customer. This procedure should only be used if the portability script is not working. Is the script working? • Yes, go to Coding departures and returns for customers leaving Australia • No, go to Step 2
2	Check if the customer is paid Age Pension or DSP + Read more ... Is the customer currently in receipt of Age Pension or DSP? • Yes, go to Step 3 • No, the customer's payment is not affected by former resident provisions. Continue portability processing. Go to Step 9
3	Financial assistance under the Medical Treatment Overseas Program (MTOP) + Read more ...

	Is the customer receiving financial assistance under the MTOP, either because they are receiving treatment or are accompanying such a person? • Yes, ○ the customer is not affected by former resident provisions while receiving financial assistance under the MTOP. If MTOP payment ceases within 2 years, in Customer First, create a manual review on s 47E(d) ○ The review will mature on the Due Date s 47E(d) ○ Continue portability processing. Go to Step 9 • No, go to Step 4
4	Determine date of grant or transfer + Read more ... Check s 47E(d) screen and the s 47E(d) screen. Was the original date of grant or the transfer from an international agreement assessment to autonomous assessment less than 2 years ago? • Yes, check the s 47E(d) screen to verify if the customer lived in a country other than Australia. If yes, go to Step 5 • No, the customer's payment is not affected by former resident provisions. Go to Step 9
5	Check if the customer's most recent arrival for residence in Australia was less than 2 years ago + Read more ... Was the customer's most recent arrival for residence less than 2 years ago?

	• Yes, go to Step 6 • No, the customer's payment is not affected by former resident provisions. Go to Step 9
6	Previous residence in Australia and return to Australia + Read more ... Check if the customer meets all the following criteria: • previously resided in Australia • left Australia and resided in a country other than Australia, and • returned to reside in Australia Does the customer meet all 3 criteria? • Yes, the customer's payment may be affected by former resident provisions, go to Step 7 • No, the customer's payment is not affected by former resident provisions, go to Step 9
7	Check if the customer granted or transferred to the pension since their most recent arrival for residence + Read more ... It is very important to understand that a customer who has been receiving DSP outside Australia on an indefinite basis, who returns to Australia for residence, is transferred to an Age Pension while in Australia and then leaves Australia within 2 years will not usually be subject to former resident rules. So long as the customer has remained qualified for payment continuously (without use of an international agreement), the former resident rules do not apply to this customer as the customer did not return to Australia purely to gain an indefinitely portable payment. If the customer was previously paid under an agreement and transferred to the same payment under autonomous assessment rules, then this is to be assessed as a transfer for 'former resident' purposes. This customer may be able to transfer back to agreement assessment, if travelling to an agreement country and qualifies under the agreement specific rules. If a customer has been in Australia for less than 2 years since their latest return, then it is possible that they did not actually return to Australia as a resident. In this case, check if the recent period in Australia has been incorrectly recorded on the ^{s 47E(d)} screen and remove if necessary. The former resident rules do not apply to this customer if they have not returned to Australia for residence. • Yes, customer's payment is affected by former resident provisions. Go to Step 8 • No, customer's payment is not affected by former resident provisions. Go to Step 9

8	Customer's payment is affected by the former resident provisions + Read more ... s 47E(d) If the customer returns to Australia within 13 weeks, payment can be restored from the date of return to Australia. Note: arrears cannot be paid for any part of the customer's absence from Australia unless they are payable under an agreement. An auto review will cancel the record when the customer has been outside Australia for 13 weeks. Note: all cases where a customer affected by the former resident provisions may be eligible for payment under an international agreement must be <u>referred to CIS</u>. For a list of agreement countries see the Contents section on the Background page in <u>International Social Security Agreements</u>. Record the decision in a DOC. Advise the customer of the decision and issue a Pre Departure Interview - Portability DecisionS 47E(d) letter. Procedure ends here.
9	Customer's payment is not affected by former resident provisions + Read more ... s 47E(d) Continue normal processing of portability absence. See <u>Age Pension customer going overseas</u> or <u>Disability Support Pension (DSP) customer going overseas</u>.

References

Policy

[Social Security Guide, 7.1.1.10, Overview of portability legislation](#)

[Social Security Guide, 7.1.2.10, General rules of portability](#)

[Social Security Guide, 7.1.4, Requirements for Former Residents of Australia Receiving a Portable Pension](#)

[Social Security Guide, 3.1.1.10, Residence requirements](#)

[Social Security Guide, 3.1.1.20, Residence in external territories](#)

[Social Security Guide, 10.1.10.80, Former Residents & Agreements](#)

[Social Security Guide, 7.2.1.10, Departure & Arrival Notification](#)

Legislation

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

[Social Security Act 1991](#)

- section 7, Australian residence definitions
- section 1220, No portability where claim based on short residence

[Social Security \(International Agreements\) Act 1999, Regulations](#)

Resources

Former resident provisions

Portability conditions attached to DSP

Table 1: This table describes information relating to a customer who has been overseas long term whilst in receipt of Disability Support Pension (DSP) and then returns to Australia and then transfers to Age Pension while in Australia.

Item	Scenario
1	Customer not subject to former resident provisions Generally, a customer who: • has been overseas long term whilst in receipt of DSP • then returns to Australia and transfers to Age Pension while in Australia

	will not normally be subject to the former resident provisions even if they leave Australia within 2 years of the return to Australia. This is because these customers have not normally returned to Australia as a permanent resident and so do not satisfy the former resident rules (which only apply if the customer resumes residence prior to the transfer). If the customer did return for residence consider the portability conditions attached to the previous payment paid during the earlier absence: • If that payment was portable indefinitely and the customer remained continuously qualified for payment until the transfer to Age Pension then the customer is not subject to the former resident provisions. This is because the customer has not gained an advantage by returning to Australia (their payment was already portable indefinitely) and it is accepted that the customer has not returned to reside in Australia purely to gain an indefinitely portable payment
2	Customer subject to former resident provisions If the previous payment was not portable indefinitely when the customer returned for residence (or if they lost qualification whilst in Australia and were subsequently re-granted) then the customer is subject to the former resident provisions. This is because by transferring to Age Pension the customer has gained access to what would otherwise be an indefinitely portable payment.

Cancellation of payment under former resident provisions

Table 2: This table describes information relating to former residents whose pension has been cancelled who may qualify for payment under an international agreement.

Item	Description
1	Cancellation of payment under former resident provisions A customer whose payment is to be cancelled under former resident provisions may be able to transfer to an international agreement if going to an agreement country, provided they are qualified and able to meet the scope and lodgement requirements of the agreement. For detailed information on each individual agreement, refer to the relevant country file in International Social Security Agreements.
2	Payments made under international agreements Payments made under an international agreement are not only affected by income and assets but are also paid a special rate determined by the relevant agreement. The rate paid in most cases is a proportional rate based on their Australian Working Life Residence (WLR). The New Zealand Agreement has different rules. Under the New Zealand Agreement the rate paid will be based on Working Age Residence

	(WAR). See Australian pensions paid outside Australia, the proportional rate and the relevant country file in International Social Security Agreements. Note: customers paid using the agreements with Greece, India or North Macedonia may also need to use a different working life residence calculation. Possible agreement cases are to be referred to CIS. See Centrelink International Services (CIS) - contact details for staff.
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Examples

Customers subject to or not subject to former resident provisions

Table 3: This table contains examples relating to information where customers are subject to or not subject to former resident provisions.

Item	Example
1	A DSP customer was granted indefinite portability under SSA 1218AAA (severe impairment) and left Australia to live in another country. Some years later the customer decided to return to Australia as a resident, and shortly afterwards qualified for and was transferred to Age Pension. If that customer decides to leave Australia within 2 years of the recent return they will not be subject to the former resident provisions. This is because their DSP was indefinitely portable at the date of return, and qualification has been maintained through to the transfer to Age Pension. The customer has not gained access to an indefinitely portable payment because they already had that access.
2	A DSP customer was granted indefinite portability under SSA 1218AA (terminal illness) and left Australia to live in another country. Some years later a medical review found the customer was no longer terminally ill and payment continued for a defined period under s1218AA(3). The customer decided to return to Australia as a resident whilst still in pay, and shortly afterwards qualified for and was transferred to Age Pension. If that customer decides to leave Australia within 2 years of the recent return they will be subject to the former resident provisions. This is because their DSP was not indefinitely portable at the date of return, even though qualification has been maintained through to the transfer to Age Pension. The former resident provisions act to prevent the customer regaining the access to an indefinitely portable payment that they lost.
3	A DSP customer was granted indefinite portability under pre-2004 legislation and that indefinite portability is 'saved' whilst they live in another country. Some years later the customer decided to return to Australia as a resident, and shortly afterwards qualified for and was transferred to Age Pension. The customer lost their '1 July 2004 savings provision' and thereby any future access to indefinite portability of DSP on their date of return.

	If that customer decides to leave Australia within 2 years of the recent return they will not be subject to the former resident provisions. This is because their DSP was indefinitely portable at the date of return for residence, and qualification has been maintained through to the transfer to Age Pension. The customer has not gained access to an indefinitely portable payment because they already had that access.
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Historical former resident rules

Table 4: This table describes historical former resident rules that no longer apply to new departures.

Item	Description
1	Bereavement Allowance (BVA), was subject to former resident provisions, Widow B and Wife Pensions were not BVA, Widow B and Wife Pensions were abolished 20 March 2020. BVA was subject to former resident provisions before being closed to new claims from 20 March 2020. This meant that if a person was granted or transferred to BVA (prior to the payments closing 20 March 2020), payment could not be made for any absence overseas that started in 2 years of the date they returned to resume residence in Australia after a period living overseas. Widow B or Wife Pension customers were not subject to former resident provisions. Nor were Widow B or Wife Pension customers who transferred to Age Pension or Disability Support Pension on or before 20 March 2020. This meant that if a Widow B or Wife Pension customer who had been overseas long term while in receipt of Widow B or Wife, returned to Australia and was transferred to Age Pension, they were not subject to the former resident provisions if they left Australia in 2 years of returning.
2	Norfolk Island residence and former resident rules Before 1 July 2016, customers who lived on Norfolk Island before arriving in Australia for the first time and being granted Age Pension, BVA or DSP were subject to the former resident rules. From 1 July 2016, Australia's social security system was extended to Norfolk Island and the external territory former resident rule became obsolete. However, the system incorrectly automatically applied former resident rules to customers who started living in Australia on 1 July 2016 after a period of residence in an area that was an external territory at the time of residence. Customers granted or transferred to Age, DSP or BVA before 1 July 2018, and • were living on Norfolk Island immediately before 1 July 2016 and either

- o lived in Australia or Norfolk Island for at least 2 years immediately before that date, or
- o never lived outside Australia or Norfolk Island before 1 July 2016?

were not affected by former resident provisions.^{s 47E(d)}
s 47E(d)

Examples of when the former resident rules did and did not apply to customers who had lived on Norfolk Island:

- A customer living on Norfolk Island was granted Age Pension between 1 July 2016 and 1 July 2018. They started living on Norfolk Island more than 2 years before 1 July 2016. The customer was not subject to former resident provisions because under the Norfolk Island reforms the date they took up residence in Australia is considered to include Norfolk Island.
- A customer living on Norfolk Island was granted Age Pension between 1 July 2016 and 1 July 2018. They started living on Norfolk Island less than 2 years before 1 July 2016. They were born in Vanuatu and in 1990 they started living in Australia on a permanent visa and later became an Australian citizen. On 1 January 2016 they started living on Norfolk Island.
In this example the customer lived in a combination of Australia and Norfolk Island for at least 2 years immediately before 1 July 2016 so the former resident rules do not apply and a former resident override was coded.
- A customer living on Norfolk Island was granted Age Pension between 1 July 2016 and 1 July 2018. They started living on Norfolk Island less than 2 years before 1 July 2016. Before that they only lived in Australia.
The customer was not subject to former resident provisions because under the Norfolk Island reforms they had never lived outside Australia. A former resident override had to be coded.
- A customer living on Norfolk Island was granted Age Pension from 1 July 2016. In this example they lived in Australia as a child, then went to live on Norfolk Island, had a period of residence in New Zealand and finally returned to Norfolk Island on 1 January 2016.
From 1 July 2016 Australia's social security system was extended to Norfolk Island. For former resident purposes, the customer effectively returned to live in Australia on 1 January 2016. The system automatically applied the former resident period from 1 July 2016 so the expiry date of the former resident period is to be manually changed on the ^{s 47E(d)} screen to 1 January 2018.
In this example, if the customer left Norfolk Island i.e. Australia, to travel to another country during the period 1 July 2016 to 31 December 2017, they were subject to former resident provisions.

3	Pre 20 September 2000 former resident rules For departures before 20 September 2000, the former resident period was 12 months (instead of the current 2 years) and applied to Age Pension, BVA, DSP, Widow B and Wife Pension. The former resident rules could be waived if the departure was for 'unforeseen circumstances'. Unforeseen circumstances were situations that the customer could not realistically have expected or foreseen when they returned to Australia. Examples of unforeseen circumstances were: • severe illness or death of an immediate family member overseas, or • situations where there was a natural disaster and an immediate family member was missing Since 20 September 2000 there has been no discretion to pay a pension outside Australia for any departure in the 2 years after a person has resumed Australian residence.
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Services Australia website

[Travelling overseas with PBS medicine](#)

[Payments while outside Australia](#)

Intranet links

[International Programme](#)

Contact details

[Centrelink International Services \(CIS\) - contact details for staff](#)

Training & Support

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

- s 47E(d) Travelling outside Australia

s22



Australian Government
Services Australia

Deciding if a customer is residing in Australia 106-25031032

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Background

s22

This document outlines how to decide if a customer is residing in Australia. This should be used when deciding if a customer is currently residing in Australia and/or if they were residing in Australia for any periods in the past.

Australian resident + Twisty...

A person is an Australian resident if they are **residing in Australia** and are:

- an Australian citizen
- the holder of a permanent visa, or
- the holder of a protected Special Category visa (SCV)

Residing in Australia and time spent in Australia as an Australian resident are essential for meeting the claim lodgement, qualification and payability requirements of most Australian social security, family assistance and parental leave payments and concession cards.

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

Residing in Australia + Twisty...

Residing in Australia means that Australia is where the person principally lives on a long-term basis.

Determining if a customer is residing in Australia requires a **discretionary decision**. This means the Service Officer **must**:

- consider the balance between the person's ties in Australia and their ties with another country
- weigh up all relevant factors, and

- decide which country the customer is residing in based on the balance of the information available

In general, it is not possible for a person to be residing in more than one country at the same time. In most cases, the balance of a person's ties will weigh more heavily in favour of one country than another.

Under section 7(3) of the Social Security Act 1991, there are 6 factors that **must** be considered when deciding whether a customer resides in Australia. These factors are:

- the nature of the accommodation used by the person
- the nature and extent of the family relationships the person has
- the nature and extent of the person's employment, business or financial ties
- the nature and extent of the person's assets
- the frequency and duration of the person's travel outside Australia
- any other matter relevant to determining whether the person intends to remain permanently in Australia

A customer's presence in Australia or their intent to reside in Australia is not sufficient evidence that they are residing in Australia. All other factors must also be considered.

s47E(d)

Customers who indicate they intend to move overseas soon, should generally be regarded as residing in Australia at the time of claim if they:

- have been long term Australian residents, such as residing in Australia for the past 20 years, and
- have strong ties to Australia

Responsibility for making a residing in Australia decision + Twisty...

All staff are responsible for:

- deciding if a customer resides in Australia, and
- coding the s47E(d) screen correctly

Staff must **not** refer cases to Centrelink International Services (CIS) to action.

When a residing in Australia decision needs to be made or reviewed + Twisty...

Staff can make a new residing in Australia decision at any time, however there are some instances when it must be checked or coded.

The decision should be reviewed when the customer advises a change of circumstances, or the agency becomes aware of a change to their circumstances, which may affect it.

The s47E(d) screen must be checked and/or coded:

- For all new claims of any Centrelink payment or concession card to enable correct assessment of:
 - current Australian residence status
 - [Qualifying Residence Periods](#)

- [Newly Arrived Resident's Waiting Period \(NARWP\)](#), and
- possible entitlement to a Comparable Foreign Payment (CFP)
- When a customer leaves to live in another country

Note: the [Portability Script - Departures and Returns](#) must be used to record any departure from Australia
- When a customer goes overseas
- When a customer who is living overseas, arrives in Australia to reside (for the first time), or returns to Australia to resume residence
- When a customer changes the country they are living in. **s47E(d)**
- When Age Pension or Disability Support Pension (DSP) customers go overseas and will continue to be payable for more than 26 weeks. This enables the system to determine the correct working life residence to be used when calculating the proportional rate after 26 weeks absence.

Note: although historical residence needs to be recorded, the customer's departure from Australia should only be coded on the **s47E(d)** screen if they intend to or have left Australia to live in another country
- If a customer is granted using an [international agreement](#), or will [transfer to an international agreement](#) after departure from Australia
- For any Age Pension and DSP customers who are departing within 2 years of returning to Australia for residence. This will enable [former resident](#) rules to be correctly assessed
- If the [Portability Script - Departures and Returns](#) prompts for it to be coded
- When a **s47E(d)**: CIS to assess long term overseas entitlement' manual follow up review is created. **s47E(d)**

The review

is for staff to check and update the customer's country of residence if determined they are no longer residing in Australia (and handle any consequential actions such as vacation of home property).

Note: if the **s47E(d)** screen is not coded when prompted by the script, the decision made by the script may be incorrect. This can result in the customer being given misleading information and Centrelink being liable for a compensation claim under [Customer compensation and act of grace for Centrelink payments](#).

Changing a previous residing in Australia decision + Twisty...

Determining a customer's country of residence is a discretionary decision.

s47E(d)

Changes in circumstances may be a reason to make a new decision about where a customer is residing now. But they should not be used to go back and change an existing decision.

Note: it **is** appropriate to update historical countries of residence if that period has **not** already been considered. See [Resources](#) for examples.

Immigration Datalink + Twisty...

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

- visa
- Australian citizenship (where available) and

- [movement information](#)

The Centrelink system will automatically apply the information to the customer's record when received via the Immigration Datalink. This information will generally take precedence over any conflicting information provided by the customer.

Information from the datalink **does not verify whether a person is residing in Australia**, however, it may provide necessary information to help a Service Officer make that decision.

Residents of Norfolk Island + Twisty...

From 1 July 2016

Norfolk Island became part of Australia for social security purposes on 1 July 2016. A person who resides on Norfolk Island and holds the relevant Australian legal status is an Australian resident.

Before 1 July 2016

Residents of Norfolk Island, who met certain criteria, were granted official Norfolk Island Resident Status by the Norfolk Island government or obtained this at birth. This was not an Australian permanent visa, but under the Norfolk Island reforms it is considered the same for Centrelink purposes.

For more information see [Requesting and coding additional residence data for Norfolk Island claims](#).

The [Resources](#) page contains:

- a residence assessment template to help with notetaking
- examples of what to consider when making residing in Australia decisions
- examples of appropriate historical CRES coding
- Request for Information (RFI) options and approved text

Related links

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

[Residence assessment for customers claiming Austudy](#)

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

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

[Residence assessment for customers claiming Child Care Subsidy \(CCS\)](#)

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

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

[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 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 \(TAP\)](#)

[Australian residence rules for New Zealand citizens](#)

[Residence and Portability screens](#)

[Recording legal residence status](#)

[Proof of Australian citizenship](#)

[Australian residence requirements for payment](#)

[Residence requirements](#)

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

[Coding the CRES, ARD and RSS screens](#)

[Completing, assessing and coding the Residence in Australia and other countries Mod O](#)

[Commencement of Identity](#)

[Activating the Department of Home Affairs datalink and contingency procedures if datalink is unavailable](#)

[International Social Security Agreements](#)

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

[Identifying customer vulnerability and risk issues](#)

Process

This document outlines how to decide if a customer is residing in Australia. This should be used when deciding if a customer is currently residing in Australia and/or if they were residing in Australia for any periods in the past.

On this page:

[Assessing residing in Australia](#)

[The frequency and duration of the person's travel outside Australia](#)

[The nature of the accommodation used by the person in Australia](#)

[The nature and extent of family relationships the person has in Australia](#)

[The nature and extent of the person's employment, business or financial ties with Australia](#)

[The nature and extent of the person's assets located in Australia](#)

[Any other matter relevant to determining whether the person intends to remain permanently in Australia](#)

[Make and record the decision](#)

Assessing residing in Australia

Table 1

Expand table

Step	Action
1	Residing in Australia + Read more... Use this process to assess whether a customer is residing in Australia either: - now, and/or - during any periods in the past Follow the tables below to consider the customer's circumstances for each of these factors: - travel patterns - accommodation - family relationships - employment, business, financial ties - assets

	- other relevant details relating to intentions Follow every table to make sure all factors are considered. Make notes about each factor to: - make comparison easier, and - enable a decision to be made about where a customer resides The Resources page has a Residence assessment template to help with notetaking. Contact the customer about any factor/s if: - current information on their record appears to be out of date. For example, if their record has a New Zealand bank account with a balance of \$300,000 that has not been updated since 2018, contact the customer to obtain the current balance - more information is needed s47E(d) If applicable, note any information you need to request/discuss with the customer, so you only call them once, at the end of the process. All staff at the APS3 level or above are responsible for making and coding residing in Australia decisions. Staff must not refer cases to Centrelink International Services (CIS) to action. See Table 2.
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The frequency and duration of the person's travel outside Australia

Table 2

Expand table

Step	Action
1	Check if the customer has ever travelled outside Australia + Read more... Request the Immigration Datalink on the s47E(d) screen. The datalink will provide details of travel since 1 September 1994 for most customers.

Arrivals and departures for a customer show on the following screens:

- s47E(d)

s47E(d)

s47E(d)

Note: if making a decision about periods prior to 1994, see [Assessing if a customer is an Australian resident](#) (Table 2 and 3) and [Completing, assessing and coding the Residence in Australia and other countries Mod O](#).

Does the customer have travel movements?

- **Yes,** [go to Step 2](#)
- **No,** make a note that the customer has not travelled, see [Table 3](#)

2

Examine frequency and duration of travel + Read more...

View travel movements on the s47E(d) and s47E(d) screens.

To continue to reside in Australia during an absence, a person must demonstrate continued physical ties to Australia:

- s47E(d)

Movements need further investigation if:

- s47E(d)

Is further investigation needed into the movements?

- **Yes,** [go to Step 3](#)
- **No,** make notes about the customer's travel. s47E(d)

3

Closely examine the movements + Read more...

Check travel patterns and time spent outside Australia.

The following screens may help to give a picture about the customers travel:

- s47E(d)

Note: these are the most common screens. The Service Officer should view any additional screens they deem shows information relevant to this factor.

Things to consider about duration of travel when examining this factor:

- s47E(d)

Check:

- s47E(d)

Find the reason for being overseas. This may be obtained from:

- s47E(d)

Make notes detailing the customer's travel between Australia and overseas, including reasons for travel.

See [Table 3](#).

The nature of the accommodation used by the person in Australia

Table 3

Expand table

Step	Action
1	Nature of the accommodation + Read more... Examine accommodation in and outside Australia. Consider if the customer: • s47E(d) Use the following screens to determine the nature of the customer's living situation: • s47E(d) Note: these are the most common screens. Review any additional screens that displays information relevant to this factor. s47E(d) Is further investigation needed to determine the accommodation situation for the customer in Australia and overseas? • Yes, go to Step 2 • No, make note of the accommodation used by the customer both in Australia and overseas, if applicable. s47E(d)
2	Closely examine the accommodation used in both countries + Read more... Examine all details around the customer's accommodation in both countries. s47E(d)

	s47E(d) s47E(d) Contact the customer to obtain more information if needed. Determine where the customer stays in both countries, and based on this, consider in which country the customer has more of a base. Make notes detailing accommodation in both countries. See Table 4.
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The nature and extent of family relationships the person has in Australia

Table 4

Expand table

Step	Action
1	The nature and extent of the family relationships + Read more... Use the following screens to help inform what family relationships the customer has: - s47E(d) Note: these are the most common screens. Review any additional screens that display information relevant to this factor. Consider all family members the customer is known to be close to. 'Close family' means the customer has a regular connection to that person, such as: - living with them - caring for them or - spending time with them on a regular basis

Generally, close family relationships include the customer's:

- partner
- child/ren
- parents
- siblings

They may also include any other family member who the customer has a close relationship with.

Details and assessment of close relationships may come from:

- s47E(d)

Does the customer have close family members outside Australia?

- **Yes**, [go to Step 2](#)
- **No**, make a note of this. see [Table 5](#)

2

Examine family relationships + Read more...

Consider the connection the customer has to each family member using factors such as:

- s47E(d)

[Contact the customer](#) to obtain more information, if needed.

Make notes about each relationship inside and outside of Australia, for example, a customer has:

- s47E(d)

See [Table 5](#).

The nature and extent of the person's employment, business or financial ties with Australia

Table 5

Expand table

Step	Action
1	The nature and extent of the person's employment, business or financial ties + Read more... It can be a strong indication that a person is living in another country if, in that country, they have: • ongoing work • a business or similar s47E(d) • investments Check employment, business and assets on both the customer and partner's (if applicable) records on the following screens: • s47E(d) Note: these are the most common screens. Check any additional screens that may display information relevant to this factor. Existing information on a customer's record may not be current. Contact the customer to obtain updated or further information, if needed. If a 'close family member', such as a partner has employment overseas, this may be relevant when deciding where the customer resides. Make notes of any employment, business details, shares, bank accounts and other financial investments inside and outside Australia. See Table 6.

The nature and extent of the person's assets located in Australia

Table 6

Expand table

Step	Action
1	The nature and extent of the person's assets + Read more... Consider whether the customer: • s47E(d) Assets may include: • property • household contents • car • boat • other personal effects Use the following screens to view existing information about the customer's assets: • s47E(d) Note: these are the most common screens. Check any additional screens that displays information relevant to this factor. Existing information on a customer's record may not be current. <a data-bbox="951 1528 1179 1554" href="#">Contact the customer to obtain updated or further information, if needed. Make notes about assets located both inside and outside Australia. See <a data-bbox="318 1696 399 1722" href="#">Table 7.

Any other matter relevant to determining whether the person intends to remain permanently in Australia

Table 7

Expand table

Step	Action
1	Any other details relevant to the customer's intention to remain in Australia + Read more... Consider any additional information that could be relevant to whether the customer intends to reside in Australia or another country, noting that ongoing Australian residence is a requirement to keep getting most payments. For example: • s47E(d) Note: customers who have been long term Australian residents when they lodge their claim, such as residing in Australia for the past 20 years, and have strong ties to Australia for the first 5 factors but intend to move overseas to live soon, should generally be regarded as residing in Australia at time of claim. Information about intention may be attained from: • Notes/DOCs about previous travel on the customer and/or partner's record • scanned images on the customer and/or partner's record • Benefit status (XBS) screen for historical payments • Telephone Details (TDS) screen for Australian and/or overseas contact numbers • contacting the customer to discuss their reasons for travel Make notes of any relevant details. See Table 8.

Make and record the decision

Table 8

Expand table

Step	Action
1	Decide which country the customer resides in + Read more... Based on the notes made, weigh up the information to decide if the customer resides in Australia or another country. Also consider from what date they started living there. This is a discretionary decision that must be made based on the information available at the time of the assessment. Previous residing in Australia decisions should not be changed unless: • s47E(d) Changes in circumstances may be a reason to make a new decision about where a customer is residing now. But they should not be used to change an existing decision. Note: it is appropriate to update historical countries of residence if that period has not already been considered. See Resources for examples. Contact the customer when considering their circumstances to: • obtain current information, and/or • make a correct assessment. While a factor may indicate they are not residing in Australia, exceptional circumstances or an explanation may prove otherwise. Contacting the customer will give them the chance to comment. It will also give the chance to advise them of any adverse decision and the potential impact on their payment The Resources page contains examples of decisions.
2	Code the record + Read more... Document the reasons for the decision in a Fast Note, including any discussion with the customer. Use Fast Note- select s47E(d) On the s47E(d) screen, record: • the country the customer resides in, and

	- from which date/s Note: code past periods of residence if they have also been determined. Finalise the activity. Is the customer residing in Australia? Yes, continue to assess the claim or any other started activities. Procedure ends here. No, go to Step 3
3	Customer is not residing in Australia + Read more... Consider if the customer may be entitled to other payments and services that do not require them to be residing in Australia. A customer who is not residing in Australia may still residentially qualify for: - certain payments under an international social security agreement - 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) - Child Care Subsidy (CCS) if: - they hold a temporary visa that qualifies customers for some payments - they are a Commonwealth sponsored foreign student, or - hardship/special circumstances exist - Australian Government Disaster Recovery Payment (AGDRP) if they hold a specified visa for AGDRP and DRA or are getting a social security payment - Disaster Recovery Allowance if they are hold a specified visa for AGDRP and DRA

References

Policy

For the general policy provisions, see:

- [Social Security Guide 3.1.1, Residence Requirements](#)
- [Social Security Guide 9, Citizenship, visas & assurances of support](#)

For a summary of general rules of residence requirements and the requirements for Special Benefit, Double Orphan Pension and Parent Payment, see [Social Security Guide 8.1.6, Residence Requirements](#).

Definitions

[Social Security Guide 1.1.A.320, Australia](#)

[Social Security Guide 1.1.R.200, Residence](#)

[Social Security Guide 1.1.R.210, Residence requirements](#)

Paid Parental Leave

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

Family assistance

[Family Assistance Guide 2.6.2.20, CCS - Australian Residency Exceptions](#)

[Family Assistance Guide 2.1.2.10, Residence requirements](#)

[Family Assistance Guide 2.1.2.20, Verifying residence/citizenship](#)

Legislation

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

[Social Security Act 1991](#)

- section 7, Australian residence definitions
 - subsection (2), 'An Australian resident is a person who...'
 - subsection (3), 'In deciding for the purposes of this Act whether or not a person is residing in Australia...'
 - subsection (6), 'A person has a qualifying residence exemption for a social security pension...' will provide information relating to refugees and former refugees having an exemption from the qualifying residence requirements
 - subsection (6B), 'A person is a refugee for the purposes of this section if the person...'

For the general rule relating to residence for claimants for a social security payment or concession card, see [Social Security \(Administration\) Act 1999, section 29, General rule](#).

For the exceptions to the general rule, see [Social Security \(Administration\) Act 1999, section 31\(1\), Exclusion of certain claims from requirements of section 29](#).

[Social Security Act 1991, section 23, General definitions](#)

Resources

Table 1: Copy and paste the template into a blank Word document for note-taking purposes.

Factor	Australia	Outside Australia
Travel Patterns		
Accommodation		
Own home, long term lease		
Temporary accommodation		
Family Ties		
Immediate family		
Extended family		
Employment/Business and Financial Ties		
Ongoing employment		
Bank Accounts		
Business interest		
Term deposit, other investments		
Other Assets		
Car, boat, caravan		
Household effects		
Any other matters		
Customer intention		

Miscellaneous		
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Australian residence examples + Twisty...

Table 2

Residence type	Description
Residing in Australia - Temporary absence	s47E(d)
Residing in Australia - New arrival	s47E(d) Factors to consider: • s47E(d) s47E(d)
Not residing in Australia - Australian citizen - recent arrival	s47E(d)

	s47E(d) Factors to consider: s47E(d) s47E(d)
Not residing in Australia - Australian citizen - shares time between 2 countries	s47E(d) Factors to consider: • s47E(d)

	s47E(d) s47E(d)
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Examples of appropriate historical coding of the ^{s47E(d)} screen where the past period has never been assessed + Twisty...

Table 3

Reason for update	Scenario
Qualifying residence period calculation	Susie has claimed Disability Support Pension (DSP). To meet DSP residence qualification rule, Susie requires 10 years of qualifying Australian residence. Susie's DSP claim is rejecting as the system calculates Susie has met 7 years 5 months is based on information on the ^{s47E(d)} and ^{s47E(d)} screens. The Service Officer notices that there was a period of 10 years from 2004-2014 where travel movements show Susie was in Australia. The ^{s47E(d)} screen has Susie recorded as residing in France from 2002-2016. After examining historical information on the record, including past payments on the ^{s47E(d)} screen, s47E(d), the Service Officer determines that an assessment had never been made as to where the customer was residing from 2004-2014. The Service Officer examines the 6 factors for that period and determines that the customer was residing in Australia and therefore updates the ^{s47E(d)} screen with Australia from 21st August 2004. This update is appropriate as it is making a new decision and is not 'backdating and overriding a previous decision' as a previous decision was never made.
AWLR calculation for portability	Joe was recently granted Age Pension. As Joe required 10 years historical residence to qualify for Age Pension, the Service Officer who assessed the NCL only coded the ^{s47E(d)} screen with enough recent residence to give the 10 years needed to qualify and did not make any decisions about past periods of residing in Australia. Joe contacts and advises they are going overseas for 8 months. As Joe's Age Pension will proportionalise according to the time spent in Australia between the age of 16 and Age Pension

age (Australian Working Life Residence - AWLR), historical residence in Australia must be determined to correctly calculate Joe's AWLR.

The Service Officer examines the 6 factors and codes all historical residence for all countries on the **s47E** screen.

This update is appropriate as it is making a new decision and is not 'backdating and overriding a previous decision' as a previous decision was never made.

Request for Information (RFI) options to collect additional residence information +

Twisty...

See [Request for Information - Process Direct](#) for complete list of available RFIs

Residing in Australia:

(FCC RFIs suitable for all claim types)

- FCC Intention to reside in Australia
- FCC Residence status - both
- FCC Residence status - customer
- FCC Residence status - partner
- Residence history - customer
- Residence history - partner

See [Request for Information \(RFI\) letter](#) - **Customer First - A-Z list of RFI documents available**

Training & Support

Add the course number to the **s47E(d)** field on the **s47E(d)**

- **s47E(d)** - Australian Residence
- **s47E(d)** - Residence requirements