

## Definition of eligible person

Under the *Health Insurance Act 1973* (the Act), entitlement to Medicare benefits is extended to eligible people.

A person who is eligible for Medicare under the Act:

- meets the definition of either:
  - Australian resident
  - eligible overseas representative (see subsection 3(1) of the Act), or
- has been declared eligible by a Ministerial Order (see subsection 6(1) of the Act), or
- is a visitor from a country with which Australia has signed a Reciprocal Health Care Agreement (RHCA) (see section 7 of the Act).

**See also:**

[Definition of Australian resident](#)

[Reciprocal Health Care Agreements](#)

## Definition of Australian resident

Under the *Health Insurance Act 1973* (the Act), 'Australian resident' means a person who resides in Australia and who is:

- (a) an Australian citizen; or
- (b) a person who is, within the meaning of the *Migration Act 1958*, the holder of a permanent visa; or
- (ba) a person who has been granted, or who is included in, a return endorsement or a resident return visa in force under the *Migration Act 1958*; or
- (c) a New Zealand citizen who is lawfully present in Australia; or
- (d) a person (not being a person referred to in (a), (b), (ba) or (c)) who is lawfully present in Australia and whose continued presence in Australia is not subject to any limitation as to time imposed by law; or
- (f) a person who:
  - (i) is, within the meaning of the *Migration Act 1958*, the holder of a temporary visa; and
  - (ia) is not covered by regulations made under subsection 6A(1); and
  - (ii) has applied for a permanent visa under that Act and the application has not been withdrawn or otherwise finally determined; and
  - (iii) has not, both:
    - (A) on or after the commencement of this paragraph, made an application for a protection visa under that Act (whether or not the person has applied for any other visa), other than an application that has been withdrawn or otherwise finally determined; and
    - (B) whether before or after the commencement of this paragraph, made an application for a parent visa under that Act (whether or not the person has applied for any other visa and whether or not the application for the parent visa has been withdrawn or otherwise finally determined); and
  - (iv) has not, whether before or after the commencement of this paragraph, made an application for a parent visa under that Act (whether or not the person has applied for any other visa), other than an application that has been withdrawn or otherwise finally determined; and
  - (v) in respect of whom either:
    - (A) another person, being the person's spouse, parent or child, is an Australian citizen or the holder of a permanent visa under that Act; or
    - (B) an authority to work in Australia is in force.

### Definition of residence

There is no definition of the term 'residence' in the *Health Insurance Act 1973*. What you need to establish is whether a Medicare applicant resides in Australia or, for a migrant or applicant for permanent residency that they intend to reside in Australia.

Where there is doubt that an applicant is residing in Australia, the applicant's residence in Australia must be established.

The following situations may throw doubt on an applicant's Australian residency:

- they provide an overseas address
- the passport indicates frequent travel outside Australia, or
- they have been living in another country and have recently returned to Australia.

## Refugees

See also: [Appeals to visa refusals](#)

### Family groups

For refugees who have applied for permanent entry status, documentation provided by the Department of Immigration and Border Protection (DIBP) does not identify persons covered by an application for permanent resident status.

Applicants must obtain a letter from the policy department identifying all family members included in the application.

### Asylum Seekers Assistance Scheme and the Red Cross

The Asylum Seekers Assistance Scheme was established to provide a basic level of care for persons who had entered Australia with limited financial resources. The Red Cross administers the scheme. Persons participating in this scheme are subject to constant review. The eligibility of these persons for Medicare benefits is no different to other persons from overseas, in that they are still required to produce the appropriate immigration documentation.

### Exemption from fees

Where a refugee is given an exemption from the \$30.00 application fee, the policy department will issue a receipt for a zero amount (that is, \$0.00).

Persons with an exemption from other immigration fees must obtain a letter from the 1 November Task Force processing centre which establishes that they have applied for a permanent entry visa and have been exempted from the application fee.

## Permanent protection visa holders and applicants for permanent protection visas without photo identification documents

The Department of Immigration and Border Protection (DIBP) no longer issue M56 travel documents.

Where a person wishes to enrol in Medicare and they have been granted permanent protection or they are an applicant for permanent protection visa and photo identification documents are not available, it is acceptable for the applicant to provide a statement by an authorised referee to confirm the applicant's identity.

The information should include:

- applicant's full name
- applicant's date of birth
- how the referee know the applicant
- period of time the referee has known the applicant.

An authorised referee may be any of the following:

- case worker (Salvation Army, Red Cross)
- social worker
- minister of religion
- police
- member of the legal profession.

**Note:** these requirements only apply to permanent protection visa holders and permanent protection visa applicants. All other enrolments required sighting of photo identification.

# Unauthorised Maritime Arrivals (UMAs)

## In this topic

### [Policy](#)

### [Documents required](#)

### [Important notes](#)

### [Unauthorised Maritime Arrivals with BVE - permission to work](#)

### [Unauthorised Maritime Arrivals with BVE - 'NO' work](#)

### [Bridging visas issued for 6 weeks procedure](#)

### [UMA clients who have applied for permanent residency](#)

## Policy

Unauthorised Maritime Arrivals (UMAs) are persons who arrived by boat and released into the Australian community from detention. They are issued with a bridging visa 'E' (BVE) while their refugee claims are assessed.

There are 3 UMA cohorts which are eligible for Medicare benefits under a Ministerial 6 (1) order. These include:

- Unauthorised Maritime Arrivals with BVE with permission to work
- Unauthorised Maritime Arrivals with BVE with permission to work issued for 6 weeks
- Unauthorised Maritime Arrivals with BVE with NO work.

## Appeals to visa refusals

### Appeals where permanent resident status refused

If a person's application for a permanent resident visa is refused, the applicant can have the decision reviewed.

While the decision is being reviewed:

- the person is **still deemed to be an applicant for permanent resident status**
- the Department of Immigration and Border Protection (DIBP) will usually issue a bridging visa to ensure the person remains a legal non-citizen (the bridging visa is likely to have the same conditions as the visa it replaced).

As a result, a person who was eligible for Medicare benefits as an applicant for permanent resident status, whose application is refused and who appeals against that decision, remains **eligible for Medicare** cover while the appeal is being considered.

See also: [Eligibility during appeal](#)

### Appeals where refugee status refused

A person who has their application for refugee status refused by the Onshore Refugee Status Division of the policy department can appeal the decision to the Refugee Review Tribunal.

If the Tribunal refuses an application for a protection visa, the applicant has a period of 28 days in which to appeal to the Federal Court.

See also: [Eligibility during appeal](#)

## Eligibility during appeal

During the appeal period, for Medicare purposes, the applicant is still regarded as an applicant for permanent resident status.

The applicant will still be regarded as an eligible person, provided that at least one of the following still applies:

- the applicant still has permission to work
- the applicant has a parent, spouse or child who is an Australian citizen or holds a permanent resident visa.

Medicare eligibility will lapse when either:

- no appeal is lodged at the expiry of the 28 day appeal period
- an appeal is lodged and the avenues of appeal are exhausted (this includes an application before the Federal Court, High Court and Ministerial intervention).

When an application goes to judicial review and a new visa is issued, work rights may be removed.

## Unauthorised Maritime Arrivals with BVE - 'NO' work

Ministerial Class Order dated 13 August 2012 allows UMA clients issued with a bridging visa 'E' (BVE) with NO work rights to enrol in the Medicare program until 31 December 2014.

The table below describes the information required to enrol an UMA with BVE and permission to work.

Enrolment processing procedures Field	Details
Entitlement start date	Date bridging visa 'E' was issued. <b>Note:</b> If this date is before 13/08/2012 the entitlement start date should be 13/08/2012
Entitlement end date	31 December 2014, regardless if the expiration is before this date or the visa has no expiration date.
Entitlement type	Ministerial Order UMA (no work)
Country code	Appropriate country codes, see <a href="#">Country codes</a> .

## Bridging visas issued for 6 weeks enrolment procedure

DIBP have advised that when an UMA applicant has been issued with a bridging visa 'E' for a 6 week period and they do not apply for permanent residency within that time, they will be granted an additional 4 week visa.

Where an UMA applicant has been issued with a 6 week bridging visa 'E' visa, CSOs must issue the initial Medicare card for a **10 week period** (not 6 weeks). The entitlement end date should reflect **10 weeks** from the bridging visa 'E' grant date. This policy is effective immediately.

CSOs are to inform applicants that once they have applied for permanent residency they must attend a DHS Service Centre to advise Medicare, who will amend eligibility status via the DIAC link.

## UMA clients who have applied for permanent residency

DIBP have advised that the UMA cohort that has work rights may apply for permanent protection visas. Where the client provides evidence or electronic DIBP data indicates they have lodged an application for permanent protection, for Medicare purposes they are regarded as applicant for permanent protection (entitlement type Z) from the date they lodged their application (providing normal eligibility criteria is met). See Applicants for permanent protection

**Note:** UMA entitlement is effective from the date bridging visa 'E' was issued until the day before application permanent protection was lodged.

Where the application for permanent protection has been refused by DIBP, before Medicare eligibility can be extended it is necessary for the applicant to provide evidence that they have lodged an appeal against the decision. The applicant **must** provide evidence from one of the following:

- Migration Review Tribunal
- Refugee Review Tribunal
- DIBP Minister's office (where the application is at Ministerial Intervention)
- appeal through the courts.

Where the applicant has been refused by one of the above and exhausted all avenues of appeal, they revert back to UMA status pending their removal out of Australia.

## Documents required

To enrol in Medicare, the applicant must provide a:

- completed Medicare Enrolment Application form
- evidence of identity and immigration status for all persons listed on the application, acceptable documents include either:
  - Evidence of Immigration status (EIS) ImmiCard - Identity card with photo issued to UMAs who have been granted a bridging visa 'E' (BVE). **Note:** A person's work status is not included on the ImmiCard, see [Important notes](#), or
  - PLO56 - Identity card with photo and (BVE) with permission to work or 'no work' condition. **Note:** A person's work status can be identified on the visa by:
    - Permission to work status = 'nil' or 'work limitation'
    - No work status = 'no work'
- letter from the Department of Immigration and Border Protection (DIBP). UMA clients are issued with either [BVE grant letter](#) or [DIAC-UMA letter](#). **Note:** If the applicant is unable to produce a DIBP letter contact your state Medicare Eligibility Tier 2 team for further advice.

## Important notes

- Customer Service Officers (CSOs) attending to those applicants presenting with the new ImmiCard must check if the applicant has their visa grant letter, as this provides information of the person's work status. If the applicant does not have their visa grant letter then CSOs must contact their Tier 2 Eligibility team to confirm their work status through VEVO before processing can continue.
- CSOs must not refuse UMA applicants Medicare enrolment. Contact your state Medicare Eligibility Tier 2 for further advice.
- Applicants may attend a DHS Service Centre with a Red Cross case worker or other Humanitarian Settlement Services agencies.
- Applicants may have been placed in emergency accommodation, therefore a 'care of' address can be provided as their Medicare address. **Example:** Red Cross and other Humanitarian Settlement Services agencies.
  - CSOs should advise the applicant to update their Medicare address when they have more permanent accommodation.

## Unauthorised Maritime Arrivals with BVE - permissions to work

Ministerial Class Order No 775 dated 17 April 2012 allows UMA clients issued with a bridging visa 'E' (BVE) and permission to work and to enrol in the Medicare program until 31 December 2014.

The table below describes the information required to enrol an UMA with BVE and permission to work.

Enrolment processing procedures Field	Details
Entitlement start date	Date bridging visa 'E' was issued. <b>Note:</b> If this date is before 25 November 2011, the entitlement start date should be 25 November 2011.
Entitlement end date	<ul style="list-style-type: none"> <li>• Expiration date of the visa, or where the visa is valid until 31 December 2014 or beyond this date, the entitlement end date should be 31 December 2014.</li> <li>• Where the visa does not have an expiration date, entitlement end date should be 31 December 2014.</li> </ul>
Entitlement type	Ministerial Order - UMA
Country code	Appropriate country codes, see <a href="#">Country codes</a> .