



## Commissioner's Inwards Decision Making

As at 15 September 2020

For your information, outlined below are scenarios where the Commissioner has generally approved inwards travel exemptions. This interim information is provided pending finalisation of endorsed Commissioner's guidelines to decision makers:

- Delivery of critical medical services, including air ambulance and delivery of supplies that regularly arrive into Australia from international ports.
- Non-citizens travelling at the invitation of the Commonwealth or State governments for the purpose of assisting in the COVID-19 response or whose entry would be in the national interest.
- People with critical skills, including nurses, doctors, medical specialists, engineers, marine pilots and crews. Skills must be critical to Australia's COVID-19 response or economic recovery. Support from a State, Territory or Commonwealth government authority has been given considerable weight.
- Strong economic or scientific benefit to Australia would result from the person being entering Australia (not including students). Support from a State, Territory or Commonwealth government authority has been given considerable weight.
- Non-citizens requiring urgent or critical medical treatment in Australia, including medical evacuations - subject to the capacity of receiving medical facilities and ensuring that there is no impact on Australian citizens and residents. An accompanying family member or other support person has also been approved where: a minor requires treatment; where a medical condition is life threatening; or where medical advice supports the requirement for the family member or support person to travel.
- Military personnel, including those who form part of the Status of Forces Agreement, Commonwealth Armed Forces, Asia Pacific Forces and Status of Armed Forces Agreement.
- The immediate family member of a non-citizen with critical skills in Australia, where the person in Australia holds a temporary or provisional visa. The impact to Australia has been considered – particularly where there is a high risk that the person with critical skills will depart Australia.
- Individuals who are part of elite sporting teams who are able to demonstrate there is a viable competition, the sporting code confirms how their entry and stay is critical to Australia, there is community interest and economic activity related to that sport.
- Non-crew members who are critical to the operation of a vessel and/or where the vessel operator can demonstrate the criticality of the person, or where a State or Territory authority or has provided support.
- Cases involving separation of minors from their family unit, including:
  - Minors needing to travel to Australia to reunite with their parent/s or guardian. One accompanying close family member (aunt, uncle, grandparent) has been approved, where parents cannot accompany the child.

- Cases demonstrating strong compassionate circumstances that, if not recognised, would result in serious, ongoing and irreversible harm and continuing hardship to a person lawfully in Australia, including:
  - Those seeking to attend a funeral of a close family member or visit a close family member in critical care at end of life. Up to four persons permitted to travel.
  - Those seeking to visit a close family member who is seriously or critically ill, particularly where there is little support in Australia.
  - The partner of a person who is in Australia (including Temporary visa holders) in the final trimester of their pregnancy or otherwise due to give birth.

Cases where the Commissioner has generally not approved exemption to inwards travel restrictions, include the following:

- If there is a threat to the health of the Australian community
- Non-critical illness of family members, where immediate family support is already available in Australia.
- Requests for Temporary visa holders' family members to join them in Australia
- Students who do not meet one of the above scenarios
- Requests for multiple travellers seeking to travel on compassionate grounds outside those articulated above
- Attending significant family events, such as weddings or major birthdays
- Any request that includes demonstrably false or misleading documentation or other demonstrably false or misleading evidence or statements of claim or history with the ABF or the Department
- Adverse alerts including PACE alerts

The Commissioner will personally consider requests for:

- Members of elite sporting teams
- People who are undertaking research (especially on a Student visa). Any request from a PhD research student should include evidence of support from a relevant Government agency outlining why the research is considered essential and/or in Australia's national interest and how their role is critical to the research
- Year 11/12 students (only where a letter of support from their Australian school and the relevant state or territory health authority is provided).
- Students who are in their final year of study of a medical, dental, nursing or Allied Health Profession university degree, where they have evidence of a confirmed placement in an Australian hospital or medical practice. Allied Health Professions include: Arts therapy, audiology, chiropractic, diagnostic radiographer/medical imaging technologist, dietetics, exercise physiology, genetic counselling, music therapy, occupational therapy, optometry, orthoptics, orthotics/prosthetics, osteopathy, perfusion, physiotherapy, podiatry, psychology, rehabilitation counselling, social work, sonography and speech pathology
- Anyone considered to be of 'social or cultural benefit'
- Visa holders who fall within the at risk/refugee/humanitarian cohort, e.g. Class XB visa holders
- People who are considered to be 'grant ready' for permanent residence, and who are proposing to travel to Australia for visa grant
- People providing critical skills in religious or theology fields, including special skills within a school context, people holding a senior religious position such as a senior cleric or bishop within a diocese, where no Australian worker is available
- Other novel, unusual or high risk requests