



## Outward Travel Restrictions Operation Directive

From 25 March 2020, all Australian citizens and permanent residents must not travel outside Australia unless exempt, either through being in an already exempt category or through obtaining an individual exemption by providing the Australian Border Force (ABF) Commissioner with a compelling reason to depart.

1. The authority for these restrictions is a determination signed by the Health Minister under s477(1) of the Biosecurity Act 2015.
2. The following categories of traveller are exempt from travel restrictions and are not required to apply for an individual exemption:
  - usually resident in a country other than Australia
  - members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel
  - New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia
  - engaged in the day-to-day conduct of inbound and outbound freight
  - travelling in association with essential work at an offshore facility in Australian waters
  - travelling on official Government business (including members of the Australian Defence Force and any Australian government official travelling on a diplomatic or official passport)

### Explanation

3. An authorised Officer of the Australian Border Force can determine whether people are in an exempt category or can grant an individual exemption in order for the person to depart Australia. Determinations should be made with reference to a reasonable standard of evidence in the circumstances.
4. Individual exemption requests should normally be submitted via the Travel Exemption Portal and assessed by a trained decision maker prior to the departure date.
5. Where a prospective traveller presents at the border and they are found to not be in an already exempt category and they do not hold an individual exemption, a Border Force Supervisor (APS6) or Inspector (EL1) who has received exemption decision training may decide a request for exemption from Australia's travel restrictions. The decision must be made in writing and recorded on departmental systems.
6. The following situations would generally be approved and can be assessed and decided by Border Force Supervisors (APS6):
  - a. is attending the funeral of an immediate family member (parent, child, sibling, spouse)
  - b. is travelling due to critical or serious illness of an immediate family member (parent, child, sibling, spouse)
  - c. is travelling for necessary medical treatment not available in Australia
  - d. needs to pick up a minor child (adoption, surrogacy, court order etc) and return to Australia with that child

- e. intends to commence or continue education overseas, where the education period is at least three months
  - f. intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract
  - g. is travelling to an Australian territory which is outside the migration zone
  - h. has a compelling reason and will remain overseas for at least three months
  - i. has had a previous request approved and the reasons for travel have not changed.
7. The following situations would generally be approved and can be assessed and decided by Border Force Inspector (EL1) or above:
- a. travel is in the national interest
  - b. travel is in response to the COVID-19 outbreak, including the provision of aid
  - c. travel is essential for the conduct of critical industries and business (including import and export industries)
8. It is up to the decision maker to determine the appropriate level of evidence required. The examples below are intended as a guide only.

Category	Details
<b>Usually resident in a country other than Australia</b>	<p>There is no numerical calculation as to whether someone is ‘usually resident’ in a country other than Australia – it is a matter of judgement.</p> <p>Acceptable evidence may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>a. government issued documentation (for example foreign driver’s licence) which is supported by one other type of documentation confirming:</li> <li>b. owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement)</li> <li>c. location of immediate family members</li> <li>d. employment contract</li> </ul> <p><b>Note:</b> Length of time spent onshore in Australia prior to last departure (movement record history) and significant ties offshore should all be taken into consideration when determining residency status.</p>
<b>Death/serious illness of an immediate family member</b>	<p>Travellers may provide evidence such as:</p> <ul style="list-style-type: none"> <li>• Proof of relationship such as birth and/or marriage certificates, or any other evidence of relationship</li> <li>• Death certificate, (or letter from a medical professional)</li> <li>• Letter from a medical professional, hospital records</li> <li>• Statement on when the individual intends to return to Australia</li> </ul>
<b>Medical treatment not available in Australia</b>	<p>Examples may include specific treatments or medical trials that people are participating in that are not available in Australia.</p> <p>Travellers may provide evidence such as:</p> <ul style="list-style-type: none"> <li>• A letter from the treating Doctor outlining treatment and clearly stating whether it is or isn’t available in Australia.</li> </ul>

<b>Surrogacy/adoption/pick up a minor child overseas</b>	<p>Travellers may provide evidence such as:</p> <ul style="list-style-type: none"> <li>• Medical certificates and adoption papers from the State (if available).</li> <li>• Evidence in the form of a letter from the hospital or from that country's government.</li> <li>• Proof of relationship such as birth and/or marriage certificates, or any other evidence of relationship</li> </ul>
<b>Commence or continue education overseas for at least three months</b>	<p>Travellers may provide evidence such as:</p> <ul style="list-style-type: none"> <li>• Letter from an educational institution confirming current enrolment in a course of study, or confirming commencement of study within three months of planned departure date</li> </ul>
<b>Existing work contract</b>	<p>Travellers may provide evidence such as:</p> <ul style="list-style-type: none"> <li>• Evidence of an existing work contract for employment outside of Australia</li> </ul>
<b>Travelling to an Australian territory outside the migration zone</b>	<p>Travellers may provide evidence such as:</p> <ul style="list-style-type: none"> <li>• Itinerary showing confirmed travel to an Australian territory outside the migration zone (e.g. Christmas Island)</li> </ul>
<b>Compelling reason to remain overseas for at least three months</b>	<p>'Compelling' takes its ordinary dictionary meaning. Compelling reasons may stem from compassionate factors or may arise, for example, from a person's circumstances or the circumstances of another person. Travellers should provide relevant documentary evidence that supports their compelling reason to remain overseas for at least three months.</p>
<b>Previous exemption approved and reason for travel has not changed</b>	<p>Travellers may provide evidence such as:</p> <ul style="list-style-type: none"> <li>• Letter from a medical professional</li> <li>• Employment contract, for example for fly-in-fly-out (FIFO) workers</li> </ul>
<b>Travel is in the national interest</b>	<p>The scope of requests under this category may be large. Consideration should include assessment of supporting documentation from employers, government authorities or private entities.</p> <p>Travellers may provide evidence such as:</p> <ul style="list-style-type: none"> <li>• specialised projects such as the Antarctic Repair Mission</li> <li>• participation in elite sporting teams</li> <li>• relief support for disasters, and emergency service support such as fire or police work.</li> </ul>
<b>Travel in response to the COVID-19 outbreak, including the provision of aid</b>	<p>An example may include medical or research personnel travelling overseas as part of the response to the COVID-19 pandemic.</p> <p>Travellers may provide evidence such as:</p> <ul style="list-style-type: none"> <li>• a letter from a government or private entity outlining the requirement for the individual to travel outside of Australia in response to COVID-19.</li> </ul>
<b>Travel in relation to critical industries and business</b>	<p>A person seeking an exemption on this ground may provide supporting evidence such as a letter from a government or private entity outlining the</p>

requirement for them to travel outside of Australia. Travellers should also provide details of their travel plans and anticipated return to Australia.

Travellers may provide evidence such as:

- workers who are required to travel to factories to ensure continuity of the supply of products;
- airline employees conducting critical 'crew type' activities;
- business leaders who can't be replaced by another person;
- other business that supports continuing legitimate trade and economic prosperity

9. The ABF Commissioner has been authorised by the Prime Minister (through the National Security Committee) to consider on a case by case basis requests for exemption to travel restrictions. Refer to the Commissioner's Guidelines for information relating to individual exemption requests.
10. Where a traveller presents at the border and has not submitted an application and the reason meets one of the above scenarios please refer to the section titled 'Decision Maker record for decisions made at the border' of the *Outward Travel Exemption – ABF Decision Maker Process Guide* (TRIM Reference: [REDACTED])
11. Where a traveller presents at the border and has not submitted an application and the reason does not meet one of the above scenarios please escalate to the Inspector (EL1) or contact the Duty Superintendent Border Measures on [REDACTED]
12. **For urgent assistance or advice** please call the Duty Superintendent Border Measures on [REDACTED]
13. For questions relation to this Operation Directive, refer to the *Outward Travel Exemptions – ABF Decision Maker Process Guide* (TRIM reference: [REDACTED]) attached for ABF decision makers in the first instance. If questions remain, please contact: [REDACTED] for guidance.
14. This Operation Directive supersedes any previous directions provided, to the extent that those guidelines dealt with this particular subject matter.