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)
   - individuals who are travelling directly to New Zealand and who were only in Australia or New Zealand for the 14 days immediately before the travel date.

Explanation

3. An authorised Officer of the Australian Border Force or the Department of Home Affairs 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 not to be in an already exempt category and they do not hold an individual exemption, an APS6 or EL1 officer 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. Effective Monday 19 April 2021, the Health Minister has revised the overseas travel ban in relation to travel to New Zealand. Australian citizens and permanent residents will be able to travel to New Zealand without applying for an outwards travel exemption in the following circumstances:

   A) An exemption from the outwards travel restrictions applies to a person who:
      i. is travelling directly to New Zealand; and
      ii. intends to travel from New Zealand only to return to Australia; and
      iii. has been only in either or both of Australia and New Zealand for at least 14 days immediately before the day the flight or voyage of the outgoing aircraft or vessel commences.
B) An exemption from the outwards travel restrictions applies to a person who:
   i. is travelling directly to New Zealand; and
   ii. does not intend to return to Australia; and
   iii. has been only in either or both of Australia and New Zealand for at least 14 days immediately before the day the flight or voyage of the outgoing aircraft or vessel commences.

7. Based on current health advice, the COVID-19 outbreak in PNG means travel to PNG from Australia presents a serious health risk to the Australian community. Individuals seeking an ‘exceptional circumstances’ exemption to travel from Australia to PNG will not be approved until further notice, except in extremely limited circumstances, for example:
   - for critical workers providing assistance to PNG’s COVID-19 response; and
   - persons undertaking safety critical roles.

The ‘exceptional circumstances’ individual exemption criteria, outlined in this document at paragraphs 9 to 10 inclusive, do not currently apply to individuals seeking to travel to PNG.

8. Based on current health advice, National Cabinet has decided that travel to high-risk COVID-19 countries presents a serious health risk to the Australian community, such that travel exemptions for any travel from Australia to these locations will be limited to very urgent circumstances only. This instruction applies with immediate effect to:

   Republic of India

Individuals seeking an ‘exceptional circumstances’ exemption to travel from Australia to these high-risk COVID-19 countries will not be approved until further notice, except in circumstances limited to:
   - critical workers providing assistance to the country of destination’s COVID-19 response;
   - persons undertaking travel in Australia’s national interest; or
   - persons seeking urgent medical treatment for a critical illness that is unable to be treated in Australia.

Travel exemption requests must include supporting documentary evidence. Any travel request submitted for travel to a high-risk COVID-19 country, which does not include appropriate supporting evidence will be refused.

The ‘exceptional circumstances’ individual exemption criteria, outlined in this document at paragraphs 9 to 10 inclusive, do not currently apply to individuals seeking to travel to any high-risk COVID-19 country listed above.

9. The following situation would generally be approved and can be assessed and decided by APS3 officers and above:
   a. has declared an intent to travel overseas for at least three months for a compelling reason

10. The following situations would generally be approved and can be assessed and decided by APS6 officers and above:
   a. is attending the funeral of a close family member (parent, sibling, partner, child or grandparent) regardless of length of intended travel
   b. is travelling due to critical or serious illness of a close family member (parent, sibling, partner, child or grandparent) regardless of length of intended travel
   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 complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract
f. is travelling to an Australian territory which is outside the migration zone

g. other compelling reason for travel where travel is for less than three months

h. is travelling on business, regardless of length of intended travel

i. has had a previous request approved and the reasons for travel have not changed.

j. travel is in the national interest

k. travel is in response to the COVID-19 outbreak, including the provision of aid

11. It is up to the decision maker to determine the appropriate level of evidence required. The examples below are intended as a guide only.

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
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<tbody>
<tr>
<td>Usually resident in a country other than</td>
<td>There is no numerical calculation as to whether someone is ‘usually resident’ in a country other than Australia – it is a matter of judgement. Acceptable evidence may include, but is not limited to:</td>
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<tr>
<td>Australia</td>
<td>a. government issued documentation (for example foreign driver's licence) which is supported by one other type of documentation confirming:</td>
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<td></td>
<td>b. owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement)</td>
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<td></td>
<td>c. location of immediate family members</td>
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<td></td>
<td>d. employment contract</td>
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<td></td>
<td><strong>Note:</strong> 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.</td>
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| Commence or continue education overseas for at least three months | Travellers may provide evidence such as:  
- 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 |
|---|---|
| Existing work contract | Travellers may provide evidence such as:  
- Evidence of an existing work contract for employment outside of Australia |
| Travelling to an Australian territory outside the migration zone | Travellers may provide evidence such as:  
- Itinerary showing confirmed travel to an Australian territory outside the migration zone |
| Other compelling reason for travel | ‘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 travel overseas |
| Travelling overseas for at least three months | Travellers must provide the following evidence:  
- Commonwealth Statutory declaration regarding the intended length and purpose of travel  
AND  
Any of the following documents that are relevant to the travel:  
- Employment contract; or  
- Lease or other evidence of longer term living arrangements overseas; or  
- Evidence of goods being transported overseas; or  
- Confirmed flight itinerary, with return date of least 3 months after departure date; or  
- Doctor’s certificate to support the claim for travel in order to provide care for sick family members; or  
- Enrolment details for study; or  
- Confirmation of leave from employment for over 3 months and compelling reason for essential travel; or  
- Any other evidence that supports an intention to travel overseas for at least 3 months, including a flight itinerary. |
| Travelling on business | Travellers may provide evidence such as:  
- Evidence of business meetings/conferences  
- Evidence of involvement in international trade such as purchase orders, non-disclosure agreements, order forms, invoices, legal contracts  
- Business reports, feasibility studies, marketing plans  
- Evidence of development of a new business, such as startup venture capital |
| Previous exemption approved and reason for travel has not changed | Travellers may provide evidence such as:  
- Letter from a medical professional  
- Employment contract, for example for fly-in-fly-out (FIFO) workers |
|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| Travel is in the national interest | The scope of requests under this category may be large. Consideration should include assessment of supporting documentation from employers, government authorities or private entities.  
Travellers may provide evidence such as:  
- specialised projects such as the Antarctic Repair Mission  
- participation in elite sporting teams representing Australia  
- relief support for disasters, and emergency service support such as fire or police work. |
| Travel in response to the COVID-19 outbreak, including the provision of aid | An example may include medical or research personnel travelling overseas as part of the response to the COVID-19 pandemic.  
Travellers may provide evidence such as:  
- a letter from a government or private entity outlining the requirement for the individual to travel outside of Australia in response to COVID-19. |

12. 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 https://covid19.homeaffairs.gov.au/travel-restrictions for information relating to individual exemption requests.

13. 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: )

14. 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 0466 237 045

15. **For urgent assistance or advice** please call the Duty Superintendent Border Measures on 0466 237 045


17. This Operation Directive supersedes any previous directions provided, to the extent that those guidelines dealt with this particular subject matter.