



Australian Government
Department of Immigration
and Border Protection

Incoming Assistant Minister's Brief

July 2016

INCOMING ASSISTANT MINISTER'S BRIEF

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Departmental Overview

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Australian Government
**Department of Immigration
 and Border Protection**

Portfolio Overview

The Department of Immigration and Border Protection (DIBP)

DIBP Mission

The Department's mission is to protect Australia's border and to manage the movement of people and goods across it. Through this mission, the Department contributes to ensuring Australia's national security, a strong economy, and a prosperous and cohesive society.

The Department's broad remit encompasses refugee and humanitarian assistance, immigration and citizenship (including compliance, enforcement and detention activities), trade and customs facilitation and enforcement, offshore maritime security and revenue collection. As such, the border is a strategic national asset, a complex continuum that includes the physical border, offshore operations and activities in Australian onshore, maritime and air domains.

DIBP Strategic Objectives

The Department's strategic objectives, as outlined in DIBP's *Strategy 2020*, direct policy, programme management and operational activity in pursuit of the mission. The objectives are to: protect Australia, promote responsive migration, advance trade and revenue, and lead border innovation.

The Department's vision is to be 'Australia's trusted global gateway'. The Department is the gateway between Australia and the world, facilitating trade, travel and migration while protecting Australia from threats to the border. The Department seeks to uphold the trust of the Australian people and Government that stems from the privileged place the Department holds at the border and in the community.

The Australian Border Force (ABF)

The ABF is the Department's operational arm with statutory responsibilities to enforce customs and immigration legislation and deliver specialised border capabilities including within the maritime domain. Together with partner agencies, the ABF deploys operational responses to border protection and enforcement activities to facilitate legitimate trade and travel, intervening only against those who attempt to breach the borders or circumvent the controls.

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The ABF Commissioner is responsible for managing operations and reports directly to the Minister on operational matters. The Commissioner also has the secondary role as Comptroller-General of Customs for the purposes of administering the *Customs Act 1901*, which includes enforcement of customs law and collection of border-related revenue. ABF officers are officers of the Department who have been delegated ABF powers—the ABF is not a separate agency.

The ABF works in cooperation with Commonwealth, state, territory and international law enforcement and intelligence agencies to target threats to the Australian migration and border environment including issues such as terrorism, illicit drugs, people smuggling, criminal exploitation of the visa programme, organised revenue evasion, asbestos, illicit firearms, tobacco and illegal foreign fishing.

The ABF College was established on 1 July 2015 and supports ABF operations by providing a centralised and integrated operational training function to prepare officers to perform their duties. To date, 11 Border Force Officer Recruit Training courses have commenced, with trainees graduating from December 2015 through to May 2016.

Portfolio Key Facts

The Department deals with significant volumes of trade and travel to Australia. The 2015–16 annual results are captured graphically below as at 30 June 2015:



*Note: Weekly (average) and annual statistics as at 30 June 2016 will be calculated in the initial months after the conclusion of 2015-16 financial year commensurate with time required for data collection and analysis for distinct data sets. 2015-16 statistics will remain under embargo until the 2015-16 Annual Report is finalised.

Key Portfolio Themes

Maritime Security

Between December 2007 and September 2013—prior to the establishment of Operation Sovereign Borders (OSB)—more than 50,000 illegal maritime arrivals (IMA) arrived in Australia. OSB commenced on 18 September 2013 and the last successful arrival of a people smuggling venture was in July 2014.

OSB is implemented through a layered system of deterrence, which is underpinned by enduring international engagement and strategic communications. OSB brings together 16 agencies and three task groups. Part of that layered approach, the anti-people smuggling strategic communication campaign targets potential illegal immigrants in source and transit countries for people smuggling activity, as well as diaspora communities in Australia.

In December 2015, the ABF officially opened its first sole use berthing facility and Marine Base at East Arm Wharf in Darwin which bolsters its capacity to respond to incidents on Australia's northern maritime borders. Additionally, a fleet of eight purpose-built Cape Class patrol boats (two of which are currently on loan to the Royal Australian Navy) are now in service to respond to the full range of civil maritime threats. The boats are superior to the former Bay Class fleet in terms of range, speed, communications, and crew and passenger sizes.

Regional Processing

The Department supports the Governments of Papua New Guinea and Nauru in the operation of the Regional Processing Centres (RPCs) located in their countries. The Australian Government does not run the RPCs—they are managed by their respective Governments under their domestic laws with support from the Australian Government.

Contract management and operational support for the Department's regional processing partners sits within the ABF for administrative purposes. Separate to the ABF, and within the Department, sits the Detention Assurance function which reports directly to the Secretary on assurance issues including child protection and oversight of contract arrangements for RPCs.

Regional processing and associated settlement arrangements (for those found to be owed protection) in countries, such as Cambodia, brings with it complex diplomatic challenges, which will require the personal involvement of the Minister and on occasion, that of the Prime Minister with his counterparts in key countries. Resettlement arrangements continue to be negotiated with third countries.

More information on the maritime security including regional processing is outlined in briefs 14-18. Brief 50 also covers the Department's role in child protection arrangements.

Visa and Citizenship Management

The Department manages the lawful movement of people across the Australian border. A robust visa processing system is crucial to ensuring that the Department delivers the economic, social and cultural benefits to Australia of a managed and controlled migration programme while simultaneously ensuring the integrity and security of the borders.

In 2015–16, the Department granted more than seven million visas for visitor and temporary residency purposes. At any given date, the total number of people in Australia on a temporary basis is approximately 1.9 million. Last financial year, 189,097 permanent visa places were granted through the Migration Programme and 13,750 Humanitarian Programme visas were granted.

The Department has granted just over 3500 visa during 2015-16 of the 12,000 visas for those displaced by conflicts in Syria and Iraq. This is in addition to the 4,723 visas granted to Syrians and Iraqis under the 2015–16 Humanitarian Programme (as at 31 May 2016).

Also noteworthy was the Department's assessment of more than 100,000 visitor visa applications in January 2016 ahead of Chinese New Year celebrations—an increase of 17 per cent in finalisations on the same month in 2015. 83 per cent of which were processed within five working days.

The Department has also commenced implementation of key migration initiatives outlined in *the White Paper on Developing Northern Australia*. A new Designated Area Migration Agreement—which will afford greater opportunities for industries in northern Australia to recruit foreign workers—is now in place in the Northern Territory, with agreements being encouraged for other regions. In November 2015, reforms were initiated to allow Working Holiday and Work and Holiday visa holders to work an additional six months with one employer in northern Australia in key industries, which significantly addressed concerns raised by industry.

The Department has also implemented significant reforms to migration settings including a simplified Student Visa Framework which came into effect on 1 July 2016, introduction of a Significant Investor and Premium Investor Visa, introduction of new visa arrangements with Singapore, enhanced tourism visa relations with China, family domestic violence visa changes and the introduction of an Allegiance bill.

The Department's work on citizenship remains instrumental, with Australia Day 2016 celebrations seeing more than 16,000 new citizens conferred from 150 countries at almost 400 ceremonies.

The management of this Department also brings with it substantial involvement in individual migration case decisions. The Minister's Office receives over 30,000 pieces of correspondence per year, many related to individual cases seeking intervention or assistance. Exercise of the Minister's non-delegable and non-compellable powers requires a heavy investment of time.

The Illegal Maritime Arrival Legacy (IMA) Caseload

Assessing the eligibility of the 30,000 IMA legacy caseload is a large and complex job, particularly given many individuals arrived in Australia without any identity documentation. Processing the IMA legacy caseload has required the implementation of a legislative reform to establish an onshore protection status determination process with strong integrity. This has included *i) reintroduction of Temporary Protection Visas (TPV) for illegal arrivals who engage Australia's protection obligations; and ii) introduced the Safe Haven Enterprise Visa (SHEV)—which came into effect on 1 July 2015—to provide temporary protection and encourage enterprise through earning and learning while strengthening regional Australia.* New South Wales and Tasmania are currently participating in the SHEV programme. Victoria, South Australia and Queensland have also announced their intention to opt in.

While some TPVs and SHEVs have been granted, most people in the IMA legacy caseload are yet to apply for a TPV or SHEV, or are at various stages of the assessment process. In the meantime the bulk of the group remain in the community on bridging visas. The Department will aim to accelerate the processing of claims in the coming period.

More information on the legislation of the migration system is outlined in brief 11. Your personal ministerial powers are in brief 10. Visa and citizenship services are outlined in the Migration section (brief 19-31 refer).

Border Management

Over the four years from 2014–15 to 2018–19 the number of international travellers processed at the border is expected to increase by 23 per cent. Over the same period the number of air cargo consignments reported is predicted to grow by 26 per cent and the number of sea cargo reports by 14 per cent. International mail rates continue to increase exponentially.

Automated border processing is a critical enabler to managing increasing traveller volumes. Australia has implemented SmartGate as the automated border processing system used in international airports. It uses facial biometrics technology to automate the manual checks normally conducted by an officer.

Arrivals SmartGates are available for use by 15 eligible nationalities throughout Australia's international airports. Since implementation in 2007 almost 28 million travellers have successfully cleared through Arrivals SmartGates.

The rollout of Departures SmartGates at Australia's international airports was completed by 6 July 2016. Over 6.5 million travellers have processed through the Departures SmartGates installed in Sydney, Brisbane, Melbourne and Darwin since implementation commenced in July 2015. Departures SmartGates are a world first technology that allows the majority of travellers, irrespective of passport type or nationality, to present for automated processing.

The Department is funded to commence replacement of the legacy arrivals SmartGates with next generation technology similar to that used in Departures. Rollout is scheduled to commence from mid-2017.

The Department is a world leader in cargo release times but further improvements in the economic efficiency of the border will be delivered by an Authorised Economic Operator programme; a trust-based system which allows accredited, reputable traders to benefit from low-touch, seamless, and economically advantageous preferential treatment in the facilitation of imports and exports across the border.

The Australian Trusted Trader (ATT) programme was launched in July 2015 with the pilot implementation phase concluding on 30 June 2016. The pilot originally included four sea exporters based in Melbourne and grew to 41 active participants. During the pilot, six businesses signed Trusted Trader agreements. Trusted Traders will receive a number of benefits that will help Australian businesses to be more competitive internationally. The ATT will grow to approximately 1000 traders representing 30 per cent of Australia's two-way trade in terms of transactional volume, and 50 per cent of Australia's two-way trade value, by 2020.

More information on the Customs Act is at brief 12 and further details on border management are outlined in briefs 32-39.

Compliance, Enforcement and Onshore Detention

In December 2015, the Department finalised a Client Services Decision Support Review designed to bolster the integrity of visa programmes. The Review also focused on ensuring visa programmes do not inadvertently create social and employment risks, or undermine social cohesion and national security, and to ensure officers have the tools to make defensible decisions— both positive and negative. The review recommendations are being implemented to improve visa and citizenship decision-making across the Department.

A Community Protection Division has been established to bolster the Department's response to community protection issues. Together with the Australian Border Force component functions, this Division has brought together a range of functions, resources and skills to bolster capabilities to respond to serious risks posed by a small number of non-citizens. Together the Department and the ABF have improved information exchange with other law enforcement agencies on serious criminal activity which has resulted in a 30 per cent increase in referrals to the Department over the past six months. This has included dedicated work on character and cancellation of key non-citizens of concern such as Outlaw Motorcycle Gang members.

The Department has a strong compliance, investigation and enforcement focus and has bolstered intelligence, programme and enforcement efforts against the threats posed by terrorism, illicit drugs, human trafficking, migration fraud, revenue evasion, illicit firearms and illicit tobacco. ABF led investigations are a core part of the immigration and customs compliance functions and these are often undertaken with key partners. One example is Taskforce Cadena, a joint agency approach between the Department and the Fair Work Ombudsman was established in June 2015 to detect, disrupt and deter visa, employment and other fraud surrounding the employment of foreign workers, and to respond to allegations of exploitation and sexual servitude.

The Department has introduced enhanced screening measures at Australia's airports as part of whole-of-government efforts to strengthen management of national security threats, including the stand-up of Counter Terrorism Unit (CTU) teams at each of Australia's eight major international airports. There are now 100 CTU officers whose primary role is to assist security and intelligence agencies by monitoring and intercepting persons from travelling unlawfully to participate in foreign conflicts, and to manage those persons seeking to return to Australia from conflict arenas.

Onshore Detention

The Department continues to reduce the number of people in detention. Across the detention network, numbers have decreased significantly over the past few years. As at 29 June 2016, there were 2212 people in onshore detention (both held and community). There were no IMA minors in held detention and 296 in community detention. As at 29 June 2016, there were 1286 IMAs (includes transferees and refugees) in regional processing centres. Of those, 49 were IMA minors (all located in Nauru). With the number of people in detention reducing, the average number of days people are spending in detention has increased. This is a reflection of the complexity inherent in individual cases, including those with adverse security assessments. The Department continues to work to find resolutions to these complex cases to further reduce detention numbers. People are not held in detention because they are waiting to be processed for protection. People are in the community on bridging visas unless they have a pose a particular threat to the community through criminal, character, identity or security concerns.

The legislative basis of the ABF Act is outlined in brief 13. More information on compliance, enforcement and detention is outlined in briefs 40-51. Brief 50 also covers the Department's role in child protection arrangements.

Corporate Services

Reform

Since the 1 July 2015 integration of DIBP and the Australian Customs and Border Protection Service and the establishment of the Australian Border Force, significant efforts have been advanced in bringing together the Department to focus on its mission. From 1 July 2016, the Department has moved from an 'integration' phase to a 'consolidation' phase.

However, continued reform is ongoing. The Department's ability to deliver future efficiencies in the face of increasing volumes, and to continue to facilitate movement while detecting illicit goods and people, will be reliant on a move to big data analytics, intelligence-led targeting, a strong intelligence capability, closer co-operation between domestic and international law enforcement agencies, closer partnership with industry, and the adoption of comprehensive biometrics and information sharing technologies.

Workforce

As at 30 June 2016 the Department employed 14,244 employees. Table 1 provides details of the workforce by employment type.

Table 1: Employee headcount by employment type as at 30 June 2016

Employment Type	Headcount
Ongoing	13,487
Non-ongoing	454
Casual (non-ongoing Intermittent/Irregular)	303
Total	14,244

Table 2 provides a breakdown of the total employee headcount by classification, as at 30 June 2016.

Table 2: Headcount by classification as at 30 June 2016*

Classification	Headcount	Percentage of total Headcount
Graduate	44	0.31%
ASP1-2/ Trainee/ Cadet	478	3.36%
APS 3	2,826	19.84%
APS 4	1,868	13.11%
APS 5	2,834	19.90%
APS 6	2,968	20.84%
EL 1	2,281	16.01%
EL 2	756	5.31%
SES	187	1.31%
Secretary/ Commissioner	2	0.01%
Total	14,244	100.00%

* The above table reflects any acting arrangements as at 30 June 2016.

In addition to the 14,244 employees, the Department utilises the services of 1,190 Locally Engaged Employees (LEEs) at overseas posts. LEEs are employed by the Department of Foreign Affairs and Trade or Austrade on behalf of the Department.

Table 3 provides details of the Department's workforce by region.

Table 3: Headcount by region as at 30 June 2016*

Location	31 May 2016 Headcount
ACT	5,613
New South Wales	2,807
Victoria	2,230
Queensland	1,278
South Australia	621
Western Australia	1,085
Tasmania	159
Northern Territory	222
Overseas	229
Ongoing and non-ongoing[^] total	14,244
Overseas (LEEs)*	1,190
Total (including LEEs)	15,434

[^] Non-ongoing includes casual employees.

* Updated LEE numbers unavailable for 30 June 2016, 31 May 2016 figures provided.

Workforce Profile

As at 30 June 2016, the Department's workforce consisted of:

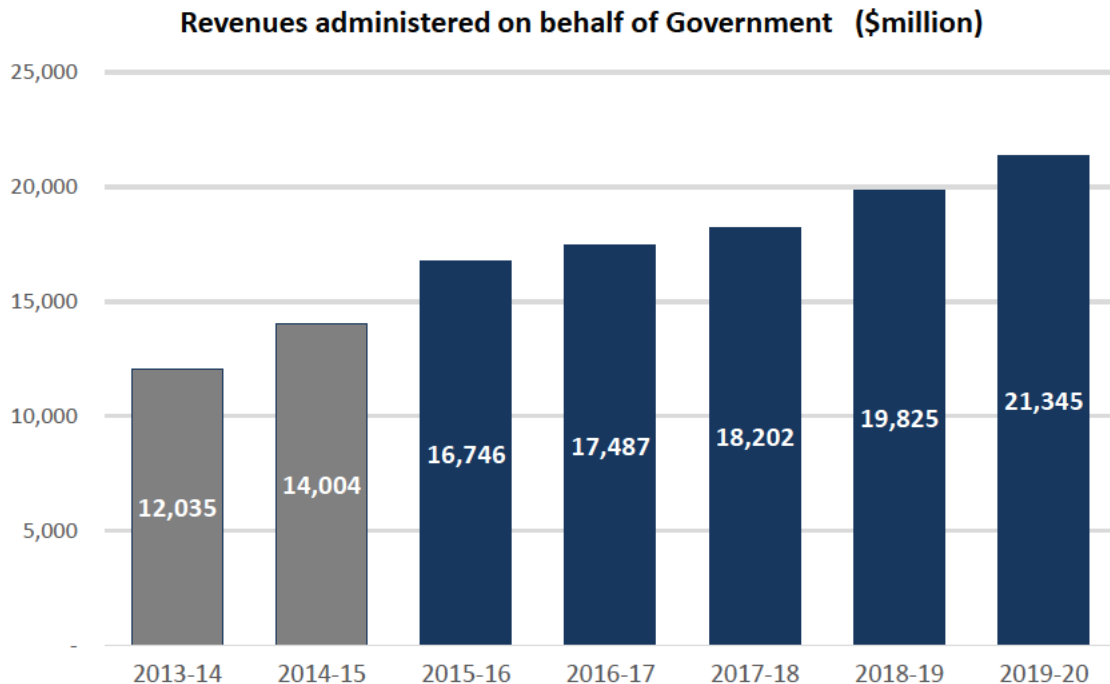
- 94.7 per cent ongoing employees and 5.3 per cent non-ongoing and casual employees.
- 54.3 per cent female and 45.7 per cent male employees.
- 2.0 per cent of ongoing employees who identify as having a disability.
- 1.6 per cent of ongoing employees who identify as Aboriginal and Torres Strait Islander.

Resourcing

The Department's total funding as at the Portfolio Budget Statements (PBS) 2016-17 is:

- \$5.1 billion in 2016-17, and
- \$15.8 billion over the forward estimates.

As at the 2016-17 Budget, the Department is forecast to generate administered revenue of \$17.5 billion in 2016-17 and \$76.9 billion over the forward estimates.



The total departmental expenses (excluding depreciation and amortisation) as at the 2016-17 PBS is \$2.5 billion in 2016-17 and \$9.6 billion over the forward estimates.

Average Staffing Level (ASL)

The total forecast ASL for the Department in 2016-17 is 13,445, representing a decrease of 305 ASL from the combined ASL for 2015-16. This is largely attributable to a reduction in ASL resulting from the integration of the Australian Customs and Border Protection Services and the

More information on reform and corporate services is outlined in briefs 52-62.

Secretary					Commissioner	
Deputy Secretary Strategic Reform Jenet Connell	Deputy Secretary Policy Deputy Comptroller-General Rachel Noble PSM	Deputy Secretary Corporate Chief Operating Officer Dr Jill Charker	Deputy Secretary Intelligence and Capability Maria Fernandez	Deputy Secretary Visa and Citizenship Services Michael Manthorpe PSM	Deputy Commissioner Support Cindy Briscoe	Deputy Commissioner Operations Michael Outram APM
Australian Border Force						
First Assistant Secretary Portfolio Change and Reform Charlotte Tressler	First Assistant Secretary Executive Division Maree Bridger	First Assistant Secretary Corporate Services Division Ben Wright	First Assistant Secretary Intelligence Division Cameron Ashe	First Assistant Secretary Visa & Citizenship Management Division Christine Dacey A/g	Assistant Commissioner Border Management Division Jim Williams	Commander Maritime Border Command RADM Peter Laver, RAN
Assistant Secretary Reform Communication and Engagement Branch Mark Jeffries	Assistant Secretary Media and Executive Coordination Branch David Seale A/g	Assistant Secretary Shared Services Branch Owen Lange A/g	Assistant Secretary Intelligence Assessments Branch Brett Marshall	Assistant Secretary Permanent Visa and Citizenship Programme Branch Frances Finney	Commander Operational Strategies Branch Bill Ries	ABF Commander Deputy Commander MBC Stephen Alexander
Assistant Secretary Strategic Reform Programme Office Audrey Gilrain	Assistant Secretary Ministerial, Parliamentary and Communication Branch Lisa Milin A/g	Assistant Secretary Property & Commercial Services Branch Brad Clark	Assistant Secretary Intelligence Production (Goods) Branch Dominique Poidevin	Assistant Secretary Temporary Visa Programme Branch Judith O'Neill	Commander Customs Compliance Branch Erin Dale	Deputy Commander MBC CDRE Brent Smyth RAN
Assistant Secretary Reform Strategy Catherine Seaberg	Assistant Secretary Governance and Evaluation Branch Agnieszka Holland	Assistant Secretary Information Management Branch Neil Phillips A/g	Assistant Secretary Intelligence Production (People) Branch Adam Meyer	Assistant Secretary Network Planning and Support Branch Tania Wilson A/g	Commander Immigration Compliance Branch Kylie Scholten	Assistant Commissioner Strategic Border Command Clive Murray
	First Assistant Secretary Strategic Policy and Planning Division Rachael Spalding	Assistant Secretary Corporate Reform Taskforce Paul Farrell	Assistant Secretary Intelligence Development Branch Jeff Carige	Regional Director NSW/ACT Mary-Jane Jones	Assistant Commissioner Border Force Capability Division Pete Docwra	Commander Operations Branch Mark Antill
	Assistant Secretary Strategy Branch Ben Evans	First Assistant Secretary People Division Murali Venugopal	Assistant Secretary Border Intelligence Fusion Centre Lynn Moore	Regional Director QLD Steve Biddle	Commander Air & Marine Branch David Luhrs	Regional Commands
	Assistant Secretary Capability Development Branch Mary Jeffries	Assistant Secretary Learning and Development Branch Allison Denny-Collins	First Assistant Secretary ICT Division Chief Information Officer Randall Brugeaud	Regional Director Central Jane Sansom	Commander ABF College Terry Wall	Regional Commander NSW Tim Fitzgerald
	Chief Economist Chief Statistician Assistant Secretary Policy, Research and Statistics Branch Jason Russo	Assistant Secretary People Strategy and Policy Branch Ben Wyers	Assistant Secretary ICT Plans Branch Mark Sawade	Regional Director VIC/TAS Peter Van Vliet	Commander ABF Change and Career Management Branch Tiffany Blight	Regional Commander VIC/TAS James Watson
	First Assistant Secretary Immigration and Citizenship Policy Division David Wilden	Assistant Secretary Workforce Management Branch Anne Leo	Assistant Secretary Corporate Systems Branch Tim Drury	Regional Director West Elizabeth Hoffman	Commander ABF Strategic Project Management Taskforce Craig Sommerville	Regional Commander QLD Terry Price
	Assistant Secretary Community Protection and Border Policy Branch Hamish Hansford	Assistant Secretary HR Capability Programme Branch Vidoshi Jana A/g	Assistant Secretary Border Systems Branch Anthony Warnock	First Assistant Secretary Refugee and Humanitarian Visa Management Division Libby Hampton A/g	First Assistant Secretary Children, Community and Settlement Services Division Cheryl-anne Moy	Regional Commander WA Rod O'Donnell
	Assistant Secretary Economic Policy Branch Susan Mathew A/g	Assistant Secretary Enterprise Agreement Taskforce David Leonard	Assistant Secretary ICT Service and Vendor Management Branch Duane Stokes	Assistant Secretary Refugee and Humanitarian Programme Steven Karras A/g	Assistant Secretary Community Support Branch Claire Roennfeldt	Regional Commander Central Rachel Houghton
	Assistant Secretary Humanitarian, Family and Citizenship Policy Branch Alice Ling	First Assistant Secretary Finance Division Chief Finance Officer Steven Groves	Assistant Secretary ICT Infrastructure Operations Branch Sean Hugo	Assistant Secretary Temporary Protection Visa Assessment Sally Babbage	Assistant Secretary Community Operations Branch Karen Hacker A/g	Assistant Commissioner Detention, Compliance and Removals Division Kingsley Woodford-Smith
	Assistant Secretary Planning, Design and Assurance Branch Michael Burke	Assistant Secretary External Budgets and Revenue Branch Lisa Harris	First Assistant Secretary Major Capability Division Michael Milford, AM	Assistant Secretary Onshore Protection Lynne Gillam (desig) Miranda Lauman A/g	Assistant Secretary Child Protection and Wellbeing Branch Garfield Prowse	Commander Detention Operations Branch Vanessa Holben A/g
	First Assistant Secretary Traveller, Customs and Industry Policy Division Linda Geddes	Assistant Secretary Management Accounting Branch Stephanie Cargill	Assistant Secretary Capability Coordination Branch Rhys Goodwin	First Assistant Secretary Community Protection Division Kaylene Zakharoff	First Assistant Secretary Detention Services Division David Nockels	Commander Field Compliance and Removals Branch Robyn Miller
	Assistant Secretary Traveller Branch John Gibbon	Assistant Secretary Financial Operations Branch Sam Hatherly	Assistant Secretary Intelligence, Identity and Biometrics Capability Branch Thomas Bryan	Assistant Secretary Status Resolution Branch Dora Chin-Tan	Assistant Secretary Services Management Branch Amanda Little	Commander Offshore Operational Coordination Branch Vicki Ludwig A/g
	Assistant Secretary Trade and Customs Branch Andrew Chandler	Assistant Secretary Procurement and Contracts Branch Ian Laverock	Assistant Secretary Operational Capability Branch Anthony Corbitt	Assistant Secretary Character Assessment and Cancellations Branch Fiona Andrew	Assistant Secretary Detention Estate Management Branch Fatime Shyqyr	Assistant Commissioner Investigations Division Wayne Buchhorn
	Assistant Secretary Trusted Trader and Industry Engagement Branch Teresa Conolan	First Assistant Secretary Legal Division General Counsel Pip de Veau	Future Traveller Capability Branch Michael Cristiano	Assistant Secretary Caseload Assurance Branch Peter Richards	Assistant Secretary Services Procurement Taskforce Lee-anne Monterosso A/g	Commander National Security Branch Don Smith
	First Assistant Secretary International Division Lachlan Colquhoun	Assistant Secretary Legislation and Framework Branch Greg Phillipson	Chief Scientist Vacant	First Assistant Secretary Digital Transformation and Channels Division Phil Thurbon		Commander Support and Technical Branch Chris Waters
	Assistant Secretary Asia Branch Robert McGregor	Assistant Secretary Litigation Branch Miriam Moore	First Assistant Secretary Identity and Biometrics Division Joe Franzi	Assistant Secretary Digital Business Strategies Branch James Peterswald		Commander Immigration and Customs Enforcement Branch Anthony Seebach
	Assistant Secretary Americas, Europe, Middle East and Africa Branch Brendan Dowling	Assistant Secretary Commercial and Employment Law Branch Alicia Wright	Assistant Secretary Enterprise Biometrics Branch Paul Cross	Assistant Secretary Channel Strategies and Management Branch Louise Smith		Commander Organised Crime Branch Lesley Dalton A/g
	Assistant Secretary Pacific & Transnational Issues Branch David Ness	Assistant Secretary Legal Advice and Operational Support Branch Steve McGlynn	Assistant Secretary Enterprise Identity Branch Michael Minns			Commander OSB JATF MAJGEN Andrew Bottrell, CSC DSM
	International	Special Counsel Ian Deane PSM		First Assistant Secretary Visa Reform Taskforce Peta Dunn		ABF Commander Deputy Commander OSB Jo Crooks
	Minister Counsellor Geneva Richard Johnson	First Assistant Secretary Integrity, Security and Assurance Division Chief Risk Officer Chief Audit Executive Steve Hayward		Assistant Secretary Visa Reform Implementation Tara Cavanagh		
	Minister Counsellor Asia Chris Wall	Assistant Secretary Integrity and Professional Standards Branch Claire Pitham A/g				
	Regional Director East Asia Michael Willard	Assistant Secretary Security Branch David Whitfield				
	Regional Director Middle East & Africa John Moorhouse	Assistant Secretary Risk and Assurance Branch Lisa-Ann Howgego				
	Regional Director South East Asia Annette Keenan	Assistant Secretary Detention Assurance Branch Justine Jones A/g				
	Regional Director South Asia Scott Matheson	Independent Health Adviser Dr Paul Alexander				
	Regional Director Europe Abi Bradshaw	Health Services & Policy Division Chief Medical Officer Surgeon General ABF Dr John Brayley				
	Regional Director Americas Robert Hoytink	Assistant Secretary Immigration Health Branch Deputy Chief Medical Officer Paul Douglas				
	Regional Director Mekong Region Greg Kelly	Assistant Secretary Health Services Branch Leonie Nowland				
	Commander South Pacific Phil Brezzo					

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GROUP OVERVIEWS

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Corporate

- The Corporate Group delivers integrated services around people, support, finance, legal, integrity, security and assurance that allow the Department to function effectively.

Intelligence and Capability

- The Intelligence and Capability Group provides integrated support, capability and services for the Department. These comprise of ICT and other major capability; intelligence services; advice, project and change management responsibilities for the reform process; and research and innovation for on cutting-edge technological and other solutions to help manage increasing volumes of trade and travel.

Policy

- The Policy Group provides comprehensive policy and planning development at strategic and operational levels, covering all Departmental areas. Our objective is to lead and influence government policy in all these areas.

Visa and Citizenship Services

- Visa and Citizenship Services Group has end-to-end responsibility for visa and citizenship programmes, including global service delivery and decision-making spanning the visa and citizenship lifecycle, from pre-lodgement, application, visa grant or refusal, visa cancellation, and conferral and revocation of citizenship. The Group also administers the Refugee and Humanitarian programme, including with respect to refugee intakes from Syria and Iraq.

Strategic Reform

- The Strategic Reform Group provides strategic oversight of the organisation's reform and change programmes, and ensuring all reform elements are coherent and integrated. The group is responsible for coordinating and overseeing communication and engagement activity pertaining to the Department's culture (values and behaviours) and supporting our external engagement. It also includes our work on the Detention Capability Review.

Australian Border Force Operations

- The Australian Border Force (ABF) Operations Group is responsible for all operational activity around the border, including the management of travellers, goods, cargo and onshore detention operations.

Australian Border Force Support

- The Australian Border Force (ABF) Support Group is responsible for the planning, support and continuity of specialist services across the Australian Border Force. We also manage detention-related services such as health, estate and regional processing and settlement.



Australian Government
Department of Immigration
and Border Protection

Onshore held detention - all facilities
(including Christmas Island)

Occupancy	13-Jul-16	7 day movement
MAs	504	↓ -2
Non-IMA	1,103	↓ -7
s501	494	↑ 5
Total occupancy	1,607	↓ -9
Of which:		
Minors (Age 0-17)	1	↓ -2
Escapes (since July 2013)	67	→ 0
Deaths (since July 2013)	11	→ 0

Onshore Incident Types

Incident Types	30-Jun-16	Monthly Movement
Abusive/Aggressive behaviour	74	↓ -11
Food/Fluid refusal	0	↓ -5
Self-harm - actual	23	↓ -4

Community detention

Occupancy	13-Jul-16	7 day movement
MAs	613	↑ 5
Non-IMA	14	↓ -2
Total population	627	↑ 3
Of which:		
Unaccompanied minors (Age 0-17)	54	↓ -1

¹ Protection decisions are based on both PV (Statutory) and RSA/POD (Non-Statutory) Process.

² RSD data as at 11/07/2016 and PV data as at 01/07/2016.

³ Fast track programme as at 11/7/2016. Does include one post-primary SHEV (XE-790) grant.

⁴ Includes PV invalids.

⁵ Does not include 17 TPVs granted to MAs in 2013-14.

⁶ Figures were extracted as at 10/06/2016 from live systems.

⁷ Includes onshore and offshore cancellations.

⁸ Assessed in indicates the applicant has been interviewed and meets the threshold criteria for visa grant subject to outcome of health, character and security assessments.

⁹ Arrivals data is provided by the Department of Social Services, and was extracted from departmental systems on 11 July 2016.

Regional Processing Centres

Occupancy	13-Jul-16	7 day movement
Manus Island	811	↑ 1
Nauru	425	→ 0
Total occupancy	1,236	↑ 1
Of which:		
Minors (Nauru only) (Age 0-17)	49	→ 0
Escapes (since September 2013)	107	→ 0
Deaths (since September 2013)	1	→ 0

s33(a)(iii)

RPC Incident Types

Incident Types	13-Jul-16	7 day movement
Abusive/Aggressive behaviour	0	→ 0
Food/Fluid refusal	0	→ 0
Self-harm - actual	0	↓ -1

s33(a)(iii)

s47E(d)

Quick Facts

14 July 2016

Illegal maritime arrival legacy caseload
(since 19 September 2013)¹

Processing status	13-Jul-16	7 day movement
Applications lodged (Non Fast Track) ²	2,946	↓ -103
Applications lodged (Fast Track) ³	6,224	↑ 192
No Application Lodged ⁴	18,132	↓ -206
Total	27,302	↓ -117
Total grants (TPV and SHEV) ^{3,5}	1,610	↑ 73

Visa compliance

	31-May-16	Monthly movement
Number of visa cancellations ^{6,7}	4,504	↓ -1,192
Of which: s501 Character cancellations ^{6,7}	108	↑ 24
Illegal worker warning notices issued	16	↓ -2

Bridging Visa E - in effect, IMAs only

	13-Jul-16	7 day movement
IMAs	26,214	↓ -87

Humanitarian programme (regular 13,750 intake)

Grants	30-Jun-16	Monthly movement
Offshore	11,762	↑ 449
Onshore	2,002	↑ 79
Total	13,764	↑ 528

Offshore humanitarian programme
(additional 12,000 intake)

Assessed In ⁸	11-Jul-16	7 day movement
Additional intake (Syrians + Iraqis)		
Assessed in	6,380	↓ 224
Visas granted	4,025	↑ 135
Arrived ⁹	884	↑ 126



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14 July 2016

Outcomes (as at 30 June 2016, unless specified)

Outcome 1	2015-16 YTD	Variance to Target
Number of Detections of Undeclared Firearms, Parts & Acc. (as at 30 April 2016)	1,312	N/A
Weight of Detections of Major Drugs & Precursors (kg) (as at 30 April 2016)	3,633.2	N/A
Weight of Detections of Tobacco & Cigarettes (Sea Cargo/International Mail-eqv tonnes) (as at 31 May 2016)	77.6	N/A
% of Passengers cleared within 30 Minutes (as at 31 March 2016)	86.6%	-5.9%
Total passenger and crew arrivals refused immigration clearance	3,059	N/A
Number of Visa Cancellations (as at 31 May 2016)	57,089	N/A
Illegal Worker Warning Notices Issued (as at 31 May 2016)	377	N/A
Number of IMAs and Non IMAs in Onshore Held Detention (as at 13 Jul 2016)	1,607	N/A
Number of IMAs in Offshore Processing Centres (as at 13 Jul 2016)	1,236	N/A

Outcome 2	2015-16 YTD	Variance to Target
Citizenship Acquisitions	133,126	N/A
Migration Programme (as at 31 May 2016)	178,626	7,679
Temporary Visas granted within service standard	89.7%	N/A
Deliver a Humanitarian Programme	13,764	14 (0.1%)
Deliver Visas Through the Women at Risk Subclass	1,277	77 (6.42%)

Outcome 3	2015-16 YTD \$'000	Variance to Target
Visa Application Fees (as at 31 May 2016)	1,732,418	N/A
Significant Revenue (as at 31 May 2016)	17,110,145	12.9%

Key Workload Statistics

Category	Year to Date			4 Yr Growth to 2018-19
	2014-15	2015-16	Variance	
Air & Sea Travellers (as at 31 May 2016)	35.08 (m)	37.48 (m)	6.8%	23%
Import Sea Cargo Reports (as at 30 April 2016)	2.50 (m)	2.57 (m)	3.1%	14%
Air Cargo Consignments (as at 31 May 2016)	30.99 (m)	31.97 (m)	3.2%	26%
Citizenship Conferral Lodgement	191,750	196,392	2.4%	N/A



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Detention Facility Characteristics - Mainland

	22-Jun	29-Jun	6-Jul	Current	Last 7 Day Movement
Occupancy	1,425	1,386	1,398	1,375	↓ -23 (-1.65%)
IMA Adult Males	451	435	427	423	↓ -4 (-0.94%)
IMA Adult Females	34	32	32	32	→ 0 (0%)
IMA Minors	0	0	0	1	↑ 0 (0%)
Non-IMA	940	919	939	919	↓ -20 (-2.13%)
s501	347	342	347	337	↓ -10 (-2.88%)
Avg days in Held Detention					
IMA	847	847	855	864	↑ 9 (1.05%)
Non-IMA	274	278	273	272	↓ -1 (-0.37%)
Avg days In Held Detention (Children)					
IMA	0	0	0	8	↑ 0 (0%)
Non-IMA	0	0	1	0	↓ -1 (-100%)
Escapes (Since July 2013)	64	64	64	64	→ 0 (0%)
IMA	30	30	30	30	→ 0 (0%)
Non-IMA	34	34	34	34	→ 0 (0%)
Deaths (Since July 2013)	10	10	10	10	→ 0 (0%)
IMA	7	7	7	7	→ 0 (0%)
Non-IMA	3	3	3	3	→ 0 (0%)

Cohorts in Held Detention - Mainland

	22-Jun	29-Jun	6-Jul	Current	Last 7 Day Movement
Family	123	120	121	119	↓ -2 (-1.65%)
Single Adult Male	1,192	1,166	1,177	1,150	↓ -27 (-2.29%)
Single Adult Female	110	100	100	106	↑ 6 (6%)
Unaccompanied Minor	0	0	0	0	→ 0 (0%)

Average Days in Held Detention - Mainland

	22-Jun	29-Jun	6-Jul	Current	Last 7 Day Movement
Family	658	659	643	652	↑ 9 (1.4%)
Single Adult Male	466	464	459	466	↑ 7 (1.53%)
Single Adult Female	291	306	310	292	↓ -18 (-5.81%)
Unaccompanied Minor	0	0	0	0	→ 0 (0%)

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Detention Facilities - Mainland

Weekly statistics are correct as at 7am AEST 14 July 2016 unless specified

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Key Observations

► Statistics reported in previous weeks may change as there can be some lag time between releasing a detainee into the community and the recording of this milestone in DIBP systems. In addition, quality control activities are continuously undertaken to rectify data incorrectly entered into DIBP systems.

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Held Detention and Child Populations

Weekly statistics are correct as at 7am AEST 14 July 2016 unless specified

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Held Detention Populations⁽¹⁾⁽²⁾⁽³⁾

Region	Facility	IMA Population	Non-IMA Population	Total Population	Operational Capacity	Contingency Capacity	DSP Contract Bandwidth ⁽⁵⁾	Capacity Rating
West (CI)	North West Point	48	184	232	348	592	251 - 500	Operational
	Construction Camp APOD ⁽⁴⁾	0	0	0	200	526	N/A	N/A
	Phosphate Hill APOD ⁽⁴⁾	0	0	0	144	182	N/A	N/A
West	Yongah Hill IDC	205	241	446	497	600	251 - 500	Operational
	Perth IDC	4	19	23	32	63	26 - 50	Operational
	Perth IRH	3	1	4	18	22	1 - 10	Operational
Central	Wickham Point APOD	0	56	56	1,160	2,112	601 - 800	Operational
	Adelaide ITA	3	23	26	20	48	1 - 25	Contingency
Vic/Tas	Maribyrnong IDC	24	86	110	90	135	76 - 100	Contingency
	Melbourne ITA & ITA3	86	96	182	282	454	151 - 250	Operational
NSW	Villawood IDC	87	347	434	373	396	251 - 480	Surge
Brisbane	Brisbane ITA	44	50	94	60	80	51 - 76	Contingency
Total		504	1,103	1,607	3,224	5,210		

(1) Immigration detention and RPCs operate in a dynamic environment. It can take several days for action taken on the ground to be reflected in DIBP systems. All figures are subject to change on a daily basis.

(2) Capacity information can change depending on the configuration of accommodation and the cohorts within a facility.

(3) All figures within this report are based on DIBP operational data.

(4) These are indicative capacity figures only, as Phosphate Hill & Construction Camp APODs are currently not operational, but are in hot contingency status. These sites can be brought into operational status to deliver basic services at 72 hours' notice, and the full range of services at 4-6 weeks' notice, depending on the cohort/s received.

(5) This field represents the expected occupancy rate (determined by the Department) for the current month. The contract provides sufficient bandwidth to cover all facilities at their maximum 'contingency capacity' utilisation.

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Detention Facility Characteristics - Christmas Island

	22-Jun	29-Jun	6-Jul	Current	Last 7 Day Movement
Occupancy	188	203	218	232	14 (6.42%)
IMA Adult Males	40	42	47	48	1 (2.13%)
IMA Adult Females	0	0	0	0	0 (0%)
IMA Minors	0	0	0	0	0 (0%)
Non-IMA	148	161	171	184	13 (7.6%)
s501	115	130	142	157	15 (10.56%)
Avg days in Held Detention	410	405	416	413	-3 (-0.72%)
IMA	803	815	817	814	-3 (-0.37%)
Non-IMA	304	298	305	308	3 (0.98%)
Avg days in Held Detention (Children)	0	0	0	0	0 (0%)
IMA	0	0	0	0	0 (0%)
Non-IMA	0	0	0	0	0 (0%)
Escapes (Since July 2013)	3	3	3	3	0 (0%)
IMA	3	3	3	3	0 (0%)
Non-IMA	0	0	0	0	0 (0%)
Deaths (Since July 2013)	1	1	1	1	0 (0%)
MA	1	1	1	1	0 (0%)
Non-IMA	0	0	0	0	0 (0%)

Cohorts in Held Detention - Christmas Island

	22-Jun	29-Jun	6-Jul	Current	Last 7 Day Movement
Family	8	9	10	11	1 (10%)
Single Adult Male	180	194	208	221	13 (6.25%)
Single Adult Female	0	0	0	0	0 (0%)
Unaccompanied Minor	0	0	0	0	0 (0%)

Average Days in Held Detention - Christmas Island

	22-Jun	29-Jun	6-Jul	Current	Last 7 Day Movement
Family	637	577	606	589	-17 (-2.81%)
Single Adult Male	400	397	407	404	-3 (-0.74%)
Single Adult Female	0	0	0	0	0 (0%)
Unaccompanied Minor	0	0	0	0	0 (0%)

Children in Held Detention - Christmas Island

	22-Jun	29-Jun	6-Jul	Current	Last 7 Day Movement
Children in Held Detention	0	0	0	0	0 (0%)
Age 0 to 10 years	0	0	0	0	0 (0%)
Age 11 to 17 years	0	0	0	0	0 (0%)

Detention Facilities - Christmas Island

Weekly statistics are correct as at 7am AEST 14 July 2016 unless specified

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Key Observations

► Statistics reported in previous weeks may change as there can be some lag time between releasing a detainee into the community and the recording of this milestone in DIBP systems. In addition, quality control activities are continuously undertaken to rectify data incorrectly entered into DIBP systems.

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IMAs in the Community

	22-Jun	29-Jun	6-Jul	Current	Last 7 Day Movement
Bridging Visa Category E - In Effect	26,407	26,394	26,301	26,214	↓ -87 (-0.33%)
Bridging Visa Category E - Ceased	1,752	1,767	1,819	1,826	↑ 7 (0.38%)
Community Detention	640	608	608	613	↑ 5 (0.82%)
Temporary Humanitarian Concern	424	424	424	424	→ 0 (0%)
TPV Grants	1,360	1,390	1,413	1,481	↑ 68 (4.81%)

IMA Bridging Visa Category E

	22-Jun	29-Jun	6-Jul	Current	Last 7 Day Movement
Total IMAs	28,159	28,161	28,120	28,040	↓ -80 (-0.28%)
In Effect	26,407	26,394	26,301	26,214	↓ -87 (-0.33%)
IMA BVE with working rights	26,379	26,366	26,273	26,185	↓ -88 (-0.33%)
Dependants	3,876	3,890	3,844	3,842	↓ -2 (-0.05%)
Ceased - In Community	1,752	1,767	1,819	1,826	↑ 7 (0.38%)
IMA BVE with a Code of Behaviour Condition	21,467	21,471	21,472	21,451	↓ -21 (-0.1%)
Signed Code of Behaviour forms received	23,611	23,602	23,570	23,515	↓ -55 (-0.23%)
Cancelled (Since 1 July 2013)	N/A	N/A	N/A	N/A	N/A
Ceased & Redetained (Since 1 July 2013)	N/A	N/A	N/A	N/A	N/A

Community Detention

	22-Jun	29-Jun	6-Jul	Current	Last 7 Day Movement
Minors ¹	313	296	297	299	↑ 2 (0.67%)
UAMs	57	56	55	54	↓ -1 (-1.82%)
CD Revoked (Since July 2013)	146	146	147	147	→ 0 (0%)

Cohorts In Community Detention

	22-Jun	29-Jun	6-Jul	Current	Last 7 Day Movement
Total in CD¹	655	623	624	627	↑ 3 (0.48%)
IMA Adult Males	181	175	175	176	↑ 1 (0.57%)
IMA Adult Females	155	146	146	147	↑ 1 (0.68%)
IMA Minors	304	287	287	290	↑ 3 (1.05%)
Non-IMAs	15	15	16	14	↓ -2 (-12.5%)

¹This number is inclusive of both IMA s and Non-IMA s.

Community Detention and BVE

Weekly statistics are correct as at 7am AEST 14 July 2016 unless specified

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Key Observations

The following incidents occurred between 07 July and 13 July 2016:

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Onshore¹/Offshore IMA Removals & Returns

	Pre 18 September 2013 ²	Post 18 September 2013	Last 7 Day Movement
Onshore Returns and Removals	646	1,852	2
Voluntary Removals	462	558	1
Involuntary Removals	29	118	1
Voluntary Returns	155	1,176	0
Onshore Crew Removals	1,499	253	0
RPC Returns and Removals	113	542	0
Returns (Direct)	57	535	0
Removals (via Australia)	56	7	0

IMA Removals and Returns

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Key Observations

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Onshore Regions

	Mar-16	Apr-16	May-16	Jun-16	Variance
Total	1,717	1,528	1,542	1,524	↓ -18 (-1.17%)
South Australia	45	43	35	56	↑ 21 (60%)
Victoria	265	248	268	280	↑ 12 (4.48%)
New South Wales	604	530	573	524	↓ -49 (-8.55%)
Queensland	390	208	212	196	↓ -16 (-7.55%)
Northern Territory	82	123	82	65	↓ -17 (-20.73%)
Western Australia	264	320	305	331	↑ 26 (8.52%)
Christmas Island	67	56	67	72	↑ 5 (7.46%)

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RPC and Onshore Detention Incidents¹

Monthly statistics are correct as at COB 30 June 2016 unless specified

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Key Observations

Manus & Nauru

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Protection Status

	20-Jun	27-Jun	04-Jul	Current	Last 7 Day Movement
Total Legacy Caseload	27,517	27,474	27,419	27,302	↓ -117 (-0.43%)
No Application Lodged ¹	18,666	18,501	18,338	18,132	↓ -206 (-1.12%)
Application Lodged (Non Fast Track) ²	3,116	3,088	3,049	2,946	↓ -103 (-3.38%)
Application Lodged (Fast Track) ³	5,735	5,885	6,032	6,224	↑ 192 (3.18%)

Application Lodged (Non Fast Track)⁴ (Data Date: RSD - 11 July 2016, PV - 1 July 2016)

	20-Jun	27-Jun	04-Jul	Current	Last 7 Day Movement
TPV/Deemed⁵ + SHEV Applications	3,116	3,088	3,049	2,946	↓ -103 (-3.38%)
TPV Applications/Deemed⁵	2,785	2,751	2,712	2,609	↓ -103 (-3.8%)
Onhand Primary	615	607	599	593	↓ -6 (-1%)
Onhand - awaiting primary assessment	58	58	47	46	↓ -1 (-2.13%)
Onhand - primary assessment met (awaiting checks)	557	549	552	547	↓ -5 (-0.91%)
Onhand - primary assessment not met	0	0	0	0	→ 0 (0%)
In Review Window	27	27	34	35	↑ 1 (2.94%)
Onhand Review	675	665	637	574	↓ -63 (-9.89%)
Remitted Awaiting Decision	1,262	1,251	1,241	1,209	↓ -32 (-2.58%)
Refused under 866.222 & not sought review	85	79	79	76	↓ -3 (-3.8%)
Miscellaneous	121	122	122	122	→ 0 (0%)
SHEV Applications	331	337	337	337	→ 0 (0%)
Onhand Primary	331	337	337	337	→ 0 (0%)
Onhand Review	0	0	0	0	→ 0 (0%)
Remitted Awaiting Decision	0	0	0	0	→ 0 (0%)

Applications Lodged (Fast Track) (Data Date: 10 July 2016)

	20-Jun	27-Jun	04-Jul	Current	Last 7 Day
Pre Application Processing¹					
S46A bar lifts ²	23,363	23,363	23,363	23,363	→ 0 (0%)
Invitations to apply	12,016	12,342	12,581	13,012	↑ 431 (3.43%)
Fast Track Applications³	5,735	5,885	6,032	6,224	↑ 192 (3.18%)
TPV Applications	1,718	1,736	1,760	1,790	↑ 30 (1.7%)
Onhand Primary	1,663	1,679	1,702	1,734	↑ 32 (1.88%)
Onhand Review	48	50	51	49	↓ -2 (-3.92%)
Remitted Awaiting Decision	7	7	7	7	→ 0 (0%)
SHEV Applications	4,017	4,149	4,272	4,434	↑ 162 (3.79%)
Onhand Primary	3,924	4,044	4,163	4,318	↑ 155 (3.72%)
Onhand Review	85	89	93	100	↑ 7 (7.53%)
Remitted Awaiting Decision	8	16	16	16	→ 0 (0%)

Legacy Caseload

Weekly statistics are correct as at COB 10 July 2016 unless specified

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Protection Outcome Since 19 September 2013²

	20-Jun	27-Jun	04-Jul	Current	Last 7 Day Movement
Finally Determined Decisions	3,249	3,302	3,352	3,490	↑ 138 (4.12%)
TPV Grant ^{3,6}	1,360	1,390	1,413	1,481	↑ 68 (4.81%)
SHEV Grant ⁷	117	120	124	129	↑ 5 (4.03%)
Refusals ⁸	1,772	1,792	1,815	1,880	↑ 65 (3.58%)
At JR or MI	803	811	822	840	↑ 18 (2.19%)
Not at JR or MI	969	981	993	1,040	↑ 47 (4.73%)

Protection Outcome⁸ (Data Date: RSD - 11 July 2016, PV - 1 July 2016)

	20-Jun	27-Jun	04-Jul	Current	Last 7 Day Movement
Primary Decision	3,152	3,159	3,159	3,162	↑ 3 (0.09%)
TPV Grant ^{3,6}	344	351	351	354	↑ 3 (0.85%)
SHEV Grant ⁷	1	1	1	1	→ 0 (0%)
Refusals ⁸	2,807	2,807	2,807	2,807	→ 0 (0%)
RRT Decision	3,666	3,675	3,701	3,769	↑ 68 (1.84%)
Remitted ^{9,10}	2,145	2,150	2,157	2,180	↑ 23 (1.07%)
Affirmed ⁹	1,521	1,525	1,544	1,589	↑ 45 (2.91%)

Protection Outcome - (Fast Track) (Data Date: 10 July 2016)

	20-Jun	27-Jun	04-Jul	Current	Last 7 Day Movement
Finally Determined Grants⁵	222	230	242	250	↑ 8 (3.31%)
TPV Grant ³	106	111	119	122	↑ 3 (2.52%)
SHEV Grant	116	119	123	128	↑ 5 (4.07%)
Primary Decision⁵	448	480	506	534	↑ 28 (5.53%)
TPV Grant ³	98	103	111	114	↑ 3 (2.43%)
SHEV Grant	111	114	118	123	↑ 5 (4.24%)
Refusals	239	263	277	297	↑ 20 (7.22%)
IAA Decision⁶	100	120	127	137	↑ 10 (7.87%)
Remitted	28	36	36	36	→ 0 (0%)
Affirmed	72	84	91	101	↑ 10 (10.99%)
Excluded⁶	1	1	2	2	→ 0 (0%)
Refusals	1	1	2	2	→ 0 (0%)

¹ Includes PV Invalids

² Protection Decisions are based on both PV (Statutory) and RSA/POD (Non-Statutory) Process

³ Does not include 17 TPVs granted to IMAs in 2013-14.

⁴ A remitted decision is a decision of a Merits Review Tribunal and a Protection Visa is granted only after health and character requirements are met.

⁵ RSD (Non-Statutory) data as at 11 July 2016 and PV (Statutory) data as at 1 July 2016.

⁶ Data as at 10 July 2016.

⁷ The sum of the components may be greater than the total due to some IMAs being in more than one process.

⁸ This includes IMAs in the non-statutory caseload

⁹ This excludes around 320 bar lifts made to IMAs who arrived pre 13 August 2012.

There were 2434 Primary Refusals and 420 Finally Determined Refusals between 19 September 2013 to 15 December 2014.



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Humanitarian Programme

	Year to Date		
	Actual	Pro-Rata Target	Variance
Total Humanitarian Programme	13,764	13,750	↑ 14 (0.1%)
Total Offshore	11,762	11,750	↑ 12 (0.1%)
Refugee	6,730	6,735	↓ -5 (-0.07%)
Women at Risk (subclass 204)	1,277	1,200	↑ 77 (6.42%)
Special Humanitarian Program (SHP)	5,032	5,015	↑ 17 (0.34%)
Total Onshore ¹	2,002	2,000	↑ 2 (0.1%)

Humanitarian Programme - Onshore / Offshore

	Year to Date		
	Onshore	Offshore	Total
Lodgements	19,701	74,682	94,383
Onhand	17,737	93,244	110,981
Grants	2,002	11,762	13,764
Refused / Other	4,963	31,386	36,349

Due to retrospective processing, metrics may change if extracted on a subsequent date.

Different dates due to a data load issue, however information is consistent with other available programme information for end of month reporting.

¹Only includes programme countable 866 visas.

Humanitarian Programme

Monthly statistics are correct as at COB 30 June 2016 unless specified

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Assessed In¹

Stream and Subclass	
Refugee	1,008
200 (Refugee)	952
201 (In-country Special Humanitarian)	2
204 (Woman at Risk)	54
SHP	2,233
202 (SHP)	2,233
Total	3,241

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2015–16 Offshore Humanitarian Program: Syrians

Weekly statistics are correct as at COB 10 July 2016 unless specified

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Key Observations

As at 23 February 2016, cases that have not yet been 'assessed in' are being managed separately and are excluded from the reported statistics. This enables us to provide a clearer picture of the status of those cases that can proceed to grant once all checks are completed that are within the current scope of the Syrian Taskforce.

1. Assessed in indicates the applicant has been interviewed and meets threshold criteria for visa grant subject to outcome of health, character and security assessments.

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Assessed In¹

Stream and Subclass	
Refugee	1,176
200 (Refugee)	1,122
201 (In-country Special Humanitarian)	13
204 (Woman at Risk)	41
SHP	1,963
202 (SHP)	1,963
Total	3,139

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2015–16 Offshore Humanitarian Program: Iraqis

Weekly statistics are correct as at COB 10 July 2016 unless specified

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Key Observations

As at 23 February 2016, cases that have not yet been 'assessed in' are being managed separately and are excluded from the reported statistics. This enables us to provide a clearer picture of the status of those cases that can proceed to grant once all checks are completed that are within the current scope of the Syrian Taskforce.

1. Assessed in indicates the applicant has been interviewed and meets threshold criteria for visa grant subject to the outcome of health, character and security assessments.
2. The location of principal visa applicants is applied to secondary visa applicants.
3. The religion of principal visa applicants is applied to secondary visa applicants. Religion is self-identified and as declared on application and may include generic responses.

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Compliance and Case Resolution

Monthly statistics are correct as at COB 31 May 2016 unless specified

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Compliance and Case Resolution - Integrity Activities¹

	Financial Year		Year to Date		Monthly	
	2013-14	2014-15	2014-15	2015-16	31-May-15	31-May-16
Programme Integrity Activities						
Source Information (dob-ins/allegations)	28,512	29,948	27,424	26,147	2,645	1,682
Field Actions - Visited/Executed ²	5,663	5,491	5,135	4,574	468	375
Locations ³	17,237	16,567	15,307	13,492	1,400	1,194
Employer Compliance/Sanctions Activities						
Location of Illegal Workers ³	2,552	2,661	2,461	1,755	211	145
Employer Awareness Activities ⁴	1,603	1,271	1,217	760	82	42
New VEVO registrations	15,934	11,648	10,790	9,935	887	751
VEVO organisation checks	2,302,508	2,641,245	2,393,275	2,821,296	230,615	281,660
VEVO self checks	2,195,464	1,660,205	1,511,091	2,759,836	145,252	281,542
Illegal Worker Warning Notices (IWWNs)	904	655	608	377	33	16

Source Information: In May 2016, there was 1,682 pieces of source information received, which is a 36% decrease from May 2015 of 2,645 and well below the average of 2,377 for the 2015-16 (Jul-May) period. Further analysis has identified an overall decrease in source information received via emails throughout 2015-16 (a 29% decrease compared to 2014-15 Jul-May) and a significant decrease in source information received via Webform specific to May 2016 of 937 (down 33% from 1,405 in April 2016).

Field Action: In May 2016, there were 375 field actions, a 20% decrease from May 2015 of 468 and below the average of 416 per month for the 2015-16 (Jul-May) period. In general field actions have decreased with 4,574 performed across the 2015-16 (Jul-May) period, an 11 % decrease compared to 5,135 in 2014-15 (Jul-May).

Locations: In May 2016, the number of locations of non-citizens was 1,194, a 15% decrease compared to May 2015 (1,400). In the 2015-16 Jul-May period, there were 13,492 locations of non-citizens, a 12% decrease from 15,307 in the 2014-15 Jul-May period.

Location of Illegal Workers: In May 2016, there were 145 locations of illegal workers, a 31% decrease from the 211 located in May 2015. In the 2015-16 Jul-May period, there were 1,755 locations of illegal workers, a 29% decrease from 2,461 in the 2014-15 Jul-May period.

Employer Awareness Activities: In May 2016, the Department conducted 42 employer awareness activities, a significant 49% decrease from the 82 employer awareness activities in May 2015. In the 2015-16 Jul-May period, a total of 760 employer awareness activities were conducted by the Department, a decrease of 38% from 1,217 employer awareness activities performed in the 2014-15 Jul-May period.

VEVO Registrations: In May 2016, there was 751 new VEVO registrations made by organisations, a 15% decrease compared to 887 new registrations in May 2015. Overall VEVO registrations have been decreasing. This slow down in new registrations could simply be a result of saturation effect in the up-take of VEVO across Australia (i.e. most organisations have registered previously). Overall usage of VEVO has continued steadily as industries and businesses become more aware of the benefits of using VEVO to check the work entitlements of non-citizens.

VEVO Checks: As a result of improvements to reporting processes in determining VEVO checks, 'Failed checks' and 'Self checks' are now being identified as part of the total VEVO checks reported. Failed checks occur when a search for a non-citizen in the VEVO system does not produce a match. In May 2016, 281,660 VEVO organisation checks were conducted (230,283 successful and 51,377 failed) compared to 230,615 in May 2015 (176,809 successful and 53,806 failed) a 22% increase. In addition, 281,542 VEVO checks were conducted by individual visa holders checking their visa conditions or status (244,203 successful and 37,339 failed) in May 2016.

IWWNs: In May 2016, the Department issued 16 Illegal Worker Warning Notices (IWWNs), a 52% decrease from the 33 issued in May 2015. In general, 2014-15 saw a 28% decrease in IWWNs performed compared to 2013-14, from 904 to 655.

¹ Figures for 2015-16 were extracted from Departmental systems as at 10 June 2016. As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting.

² Figure includes General field actions and Employer Awareness visits.

³ Some non-citizens may have been located more than once in any given programme year. Each location event is counted.

⁴ Employer Awareness activities includes field visits and administrative actions - Employer awareness field visits are also included as part of 'Field Actions - Visited/Executed'.



s47E(d)

Compliance and Case Resolution - Population¹

	Financial Year		Year to Date		Monthly	
	2013-14	2014-15	2014-15	2015-16	31-May-15	31-May-16
People entering the CCR Population						
Total Visa Cancellations ²	49,618	57,865	52,227	57,089	5,692	4,504
Visa Cancellations - s501: Character ^{2,3}	84	588	498	905	73	108
Visa Cancellations - BVE	151	294	262	361	26	34
Overstayers ⁴ (as at 31 Mar 2016)	14,940	13,750	9,780	10,850	1,250	1,310

	Financial Year		Year to Date	
	As at 30 June 2014	As at 30 June 2015	As at 31 May 2015	As at 31 May 2016
The CCR Population				
Compliance cases managed in the community (BVE) ⁵	11,633	12,440	12,301	12,219
Compliance cases managed in detention ⁵ (as at 31 Mar 2016)	456	892	753	1,006
Estimate of Unlawful Non-Citizens in Australia ⁶	62,100	62,000	N/A	N/A

	Financial Year		Year to Date (Jul-Mar)		Monthly	
	2013-14	2014-15	2014-15	2015-16	31-Mar-15	31-Mar-16
People leaving the CCR Population						
Compliance Departures from the Community ⁷	8,984	8,862	8,181	6,383	706	688
Compliance Removals from Detention ⁸	2,357	2,843	2,626	2,041	246	172

Overstayers: Overall compliance with Australia's immigration system was high in 2014-15. Of the 35 million border crossings, more than 99 percent of the more than 5.8 million temporary entrants complied with the requirement to maintain their lawful immigration status, or to depart Australia prior to their visa expiring. In the 2015-16 Jul-Mar period, there were 10,850 overstayers identified through interrogation of Departmental records, a 11% increase in the identified overstay population compared to the comparative period in 2014-15 (9,780).

Compliance cases managed in the community (BVE in effect): As at 31 May 2016, there were a total of 11,575 compliance cases being managed in the community (non-IMA BVEs in effect), a decrease of 6% from 12,340 BVEs in effect as at 31 May 2015. This notable reduction to the current compliance population managed in the community corresponds with an overall decrease in non-IMA BVE grants over the current Programme year. In 2015-16 (Jul-May) there have been 45,528 non-IMA BVE grants, compared to 48,595 in 2014-15 (Jul-May), a 6% decrease.

Compliance cases managed in detention: As at 31 March 2016, there were 1,006 compliance cases being managed in immigration detention, constituting around 8% of all onshore compliance cases being managed (i.e. both onshore detention and BVEs in the community).

Departures from Community/Removals from detention: In March 2016, there were 172 non-IMA compliance cases removed from Australia following immigration detention, compared to 246 in March 2015. In the 2015-16 Jul-Mar period, 2,041 were removed, comparable to the 2,093 removed in the Jul-Mar 2014-15 period. More than 95% of these removals (1,947) in the 2015-16 Jul-Mar period were voluntary, with non-citizens requesting removal following detention. In the 2015-16 Jul-Mar period, over 76% (6,383) of non-IMA compliance cases were managed departures (or 'returns') from the community (rather than detention).

1 Figures for 2015-16 were extracted from Departmental systems as at 10 June 2016. As data has been drawn from a live systems environment the figures provided may differ slightly in previous or future reporting.

2 The figures include all onshore/offshore visa cancellations. A visa may be recorded as cancelled more than once. An example of a visa being recorded as cancelled more than once is if the visa is cancelled, and the cancellation is subsequently revoked or set aside (this may occur for a number of reasons, including further legal proceedings, and administrative or jurisdictional errors, etc), and then the visa is cancelled again. Duplicates may also exist.

3 Figures include consequential cancellations under s501F following an s501 visa refusal decision.

4 Due to data availability this figure can only be provided quarterly. Some people may overstay a visa more than once within the reporting period. There are known errors in the overstay data, therefore these figures are provided as estimates only. Numbers are rounded to the nearest 10 which can result in rounding errors. This data does not include people who overstayed on a bridging visa (subclasses 010, 020, 030, 040, 041, 050, 051, 060). These figures may differ from previously published figures due to departmental system upgrades and data peaks.

5 Due to recent improvements to BVE reporting, the non-IMA BVE figures can be provided monthly. Comparable monthly figures for previous years are not available. This figure excludes IMAs, IMA crew, IMA BVEs, Illegal Foreign Fishers and other unauthorised arrivals.

6 Due to data availability this figure can only be provided yearly. There are known errors in the Estimate of Unlawful Non-Citizens and numbers are provided as an estimate only. Numbers are rounded which can result in rounding errors.

7 Due to data availability this figure can only be provided quarterly. Figures include Monitored departures from the community, Assisted Voluntary Returns (AVRs) and departures after disengagement, but does not include IMAs, IMA crew, IMA BVEs, Illegal Foreign Fishers and other unauthorised arrivals.

8 Due to data availability this figure can only be provided quarterly. Figures include voluntary and involuntary removals from immigration detention, but does not include IMAs, IMA crew, IMA BVEs, Illegal Foreign Fishers and other unauthorised arrivals.

Visa Cancellations: In May 2016, there were 4,504 visa cancellations, a decrease of 21% compared to May 2015 (5,692). In the 2015-16 Jul-May period, there were 57,089 cancellations which is a 9% increase from 52,227 cancellations in the 2014-15 Jul-May period. The vast majority of these were offshore cancellations, comprising 87% of the total. The increase can be attributed in part to the Department's introduction in early 2015 of a revised process for identifying long-term, offshore students using batch processing. This enables the Department to cancel a higher number of visas.

s501 Character Cancellations: In May 2016, there were 108 s501 visa cancellations, a 58% increase compared to 73 in May 2015. The 2015-16 Jul-May period has seen a major increase in s501 cancellations, from 498 in the comparative 2014-15 (Jul-May) period to 905 (a 82% increase). The increase is attributable to the Government's strengthening of cancellation provisions with the introduction of the s501(3A) power relating to mandatory cancellation. It is anticipated that overall s501 cancellation figures will remain high.

BVE cancellations: In May 2016, there were 34 BVE visa cancellations, a 31% increase compared to 26 BVEs cancelled in May 2015. In the 2015-16 Jul-May period, there were 361 BVE visa cancellations, a 38% increase compared to 262 in the 2014-15 (Jul-May) period.



Australian Government

Department of Immigration and Border Protection

Migration Programme

	Year to Date		
	2015-16	Planning Level	Variance
Migration Programme	178,626	170,947	↑ 7,679 (4.49%)
Family	55,933	52,617	↑ 3,316 (6.3%)
Partner	46,571	43,840	↑ 2,731 (6.23%)
Parents	8,498	7,952	↑ 546 (6.87%)
Other Family	864	825	↑ 39 (4.73%)
Skill	122,416	117,838	↑ 4,579 (3.89%)
Employer-Sponsored	45,203	44,229	↑ 974 (2.2%)
General Skilled	70,360	66,770	↑ 3,590 (5.38%)
Business Innovation	6,659	6,655	↑ 4 (0.06%)
Distinguished Talent	194	183	↑ 11 (5.82%)
Special Eligibility	277	518	↓ -241 (-46.52%)
Child	3,350	N/A	N/A

Citizenship (as at 30 June 2016)

	Year to Date		
	2014-15	2015-16	Variance
Citizenship Conferral Lodgement	191,750	196,392	↑ 4,642 (2.42%)
Citizenship Acquisitions	136,511	133,126	↓ -3,385 (-2.48%)
Descent Lodgements	21,058	21,545	↑ 487 (2.31%)
Evidence Lodgements	31,967	40,364	↑ 8,397 (26.27%)

Temporary Entrants (as at 30 June 2016)

	Temporary entrants in Australia as at		Visa Grants YTD			% within Visa Grants Service Std
	30-Jun-15	30-Jun-16	2014-15	2015-16	YTD Change	
Temporary	1,765,267	1,839,958	7,173,560	7,741,638	↑ 568,078 (7.92%)	89.7%
Visitor	226,395	262,445	4,308,107	4,799,173	↑ 491,066 (11.4%)	92.8%
Student	374,564	401,423	299,540	310,845	↑ 11,305 (3.77%)	73.3%
Temporary Skilled ¹	188,002	170,585	96,084	85,611	↓ -10,473 (-10.9%)	69.4%
Working Holiday Maker	143,918	137,376	226,812	214,583	↓ -12,229 (-5.39%)	70.3%
Temporary Graduate	26,260	37,717	22,895	32,436	↑ 9,541 (41.67%)	99.7%
Other Temporary	50,077	50,862	421,902	448,682	↑ 26,780 (6.35%)	90.6%
New Zealand	653,832	660,182	1,798,220	1,850,308	↑ 52,088 (2.9%)	N/A
Bridging Visa	102,219	119,368	N/A	N/A	N/A	N/A

¹ This metric is inclusive of independent executives.

Temporary Entrants, Migration & Citizenship

Monthly statistics are correct as at COB 31 May 2016 unless specified

s47E(d)

Key Observations

Key Observations

Key Observations



Australian Government

Department of Immigration and Border Protection

Freedom of Information

	Year to Date		
	2014-15	2015-16	YTD Change
Total Requests Received	17,536	19,793	↑ 2,257 (12.87%)
Total Requests Finalised	17,151	21,252	↑ 4,101 (23.91%)
Total Requests On Hand	14,963	31,247	↑ 16,284 (108.83%)

Key Observations:

DIBP continues to receive an increase in the number of FOI requests. The increase is largely due to IMA's seeking access to their documents prior to applying for a protection visa.

External Accountability (as at 30 April 2016)

	Year to Date		
	2014-15	2015-16	YTD Change
Total Requests Received	398	523	↑ 125 (31.41%)
AHRC	148	118	↓ -30 (-20.27%)
OO	227	395	↑ 168 (74.01%)
Privacy	23	10	↓ -13 (-56.52%)
Total Requests on Hand	223	258	↑ 35 (15.7%)
AHRC	138	133	↓ -5 (-3.62%)
OO	71	115	↑ 44 (61.97%)
Privacy	14	10	↓ -4 (-28.57%)
Total Requests Resolved	468	484	↑ 16 (3.42%)
AHRC	164	114	↓ -50 (-30.49%)
OO	296	350	↑ 54 (18.24%)
Privacy	8	20	↑ 12 (150%)

Key Observations:

FOI, External Accountability & Regulatory Reform

Monthly statistics are correct as at COB 31 May 2016 unless specified

s47E(d)

Regulatory Reform (quarterly as at 31 March 2016)

Key Observations

The Department of Immigration and Border Protection has reduced the regulatory compliance cost burden to businesses, individuals and community groups by more than \$146 million since September 2013. Regulatory reform initiatives recorded for the first quarter of 2016 include:

- Online Lodgement of Bridging Visas (A, B & C) - Digitalising and simplifying visa application processes (-\$993,000)
- Translating and Interpreting Service (TIS) Online - Self service capability (-\$534,000)
- Pathway to permanent residence and citizenship for New Zealand citizens (-\$1,870,000)

The Department has prepared a Regulator Performance Framework (RPF) as part of the Regulatory Reform Agenda to measure the Department's performance as a regulator. The self-assessment and external review measures to assess the Department's performance have been published on the Department's website.

Criteria for the adoption of international standards and risk assessments by the Department were published on the Department's website in February 2016. Many of the standards administered or enforced by the Department are consistent with international treaties and conventions.

PM&C has published the whole-of-government Annual Red Tape Reduction Report 2015. This report provides detail on the Department's regulatory reform activities in 2015.

What's next

The ANAO Report: *Implementing the Deregulation Agenda: Cutting Red Tape*, is scheduled to be tabled in early May and is expected to include portfolio red tape targets, which are currently Cabinet-in-Confidence. The report will show that we have achieved our Cabinet agreed targets to date, but reflected a significant discrepancy between savings to date and implemented. This is due to the fact that savings are harvested at time of decision, however, the measures are often implemented over a number of years.

The Department is likely to achieve a significant regulatory saving of \$42.2 million if Australian Trusted Trader is approved.

Issues to delivery

The Department continues to monitor possible regulatory increases which may affect the Department's ability to meet its portfolio target.



Australian Government

Department of Immigration
and Border Protection

Illicit Goods - Major Drugs & Precursors

Monthly statistics are correct as at COB 30 April 2016 unless specified

Major Drugs, Precursors & NPS

	Detections - End of Year							Detections - Comparative YTD		
	2010-11	2011-12	2012-13	2013-14	2014-15	5 Year average	3 Year Average	2014-15	2015-16	Variance (YTD)
Precursors	785	1,026	1,160	1,166	821	992	1,049	714	404	(43.4%)
ATS	1,077	1,078	1,998	2,365	3,479	1,999	2,614	2,955	2,555	(13.5%)
Cannabis	2,137	2,659	3,629	2,838	4,949	3,242	3,805	4,211	6,121	45.4%
Cocaine	486	979	2,003	1,518	1,781	1,353	1,767	1,487	2,252	51.4%
Heroin	232	179	237	180	291	224	236	245	136	(44.5%)
MDMA (Ecstasy)	110	964	4,140	3,249	3,578	2,408	3,656	3,118	2,254	(27.7%)
NPS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,096	N/A
Total	4,827	6,885	13,167	11,316	14,899	10,219	13,127	12,730	14,818	16.4%

	Weight - End of Year							Weight (kg) - Comparative YTD		
	2010-11	2011-12	2012-13	2013-14	2014-15	5 Year average	3 Year Average	2014-15 YTD	2015-16 YTD	Variance (YTD)
Precursors	3,470.47	2,079.22	1,929.57	1,764.98	1,136.43	2,076.13	1,610.33	965.72	1,099.62	13.9%
ATS	105.23	347.59	2,138.54	1,812.32	3,422.82	1,565.30	2,457.89	3,138.32	1,704.62	(45.7%)
Cannabis	69.59	16.94	21.55	162.90	60.18	66.23	81.54	55.67	69.69	25.2%
Cocaine	701.80	785.72	399.69	245.76	368.91	500.38	338.12	307.04	543.84	77.1%
Heroin	400.20	256.17	513.82	118.89	318.74	321.56	317.15	276.56	116.95	(57.7%)
MDMA (Ecstasy)	8.76	11.95	149.27	94.85	2,002.35	453.44	748.82	1,983.64	98.44	(95.0%)
Total	4,756.05	3,497.59	5,152.44	4,199.70	7,309.43	4,983.04	5,553.86	6,726.95	3,633.16	(46.0%)

Key Observations - Major Drugs & Precursors

- Organised crime groups (OCGs) and criminals operating domestically and transnationally continue to have a very high intent and capability to import illicit drugs and precursors into Australia; this is primarily driven by the high user demand and potential high profitability of the domestic illicit drug market relative to foreign markets. In addition to these actors, the ongoing proliferation of online encrypted marketplaces ('darknets') continues to enable opportunistic individuals to purchase illicit drugs directly from suppliers overseas.
- The consistently high inflow of ATS (predominantly methamphetamine) and related precursor chemicals can be attributed to the role of transnational OCGs, easy offshore availability, and the high street price of methamphetamine in Australia. Clandestine laboratories manufacturing methamphetamine in Australia are likely continuing to drive the demand for ATS precursor chemicals. However, a reduction in precursor imports is occurring with an increasing supply of good quality and cheap ATS products imported both directly and indirectly from mainland China, Hong Kong, and to a lesser extent Mexico.
- The increase in global availability of MDMA is driving a steady resurgence of MDMA importations to Australia—with the likely re-establishment and expansion of the domestic market. A very large detection of MDMA—second largest in Australia—was made in November 2014 and has strongly influenced the 2014-15 MDMA detected weight outcome.
- While heroin detections have increased since FY 2013-14, weights detected are either comparable with or below the ones observed in preceding years. Stable domestic demand will likely continue to drive trafficking of heroin to Australia.
- Despite reports indicating that the production of cocaine is in decline, record detections internationally suggest that global availability remains high. In addition, the Australian market continues to be attractive to OCGs due to consumers' willingness to pay a higher price for cocaine than in other markets, such as Western and Central Europe.
- The majority of cannabis detections at the border will highly likely continue to be comprised of cannabis seeds imported by individuals or opportunistic offenders.

LEGEND

Published/Verified Statistic

Key Observations - Major Drugs & Precursors

- Major illicit drug (amphetamine-type stimulants (ATS), cannabis, cocaine, heroin and MDMA) and precursor detections decreased by 4.4%, with 1716 detections in April 2016, compared to 1795 detections in March 2016. International mail accounted for 1655 of the April detections, with 47 detections in air cargo, 11 detections in air passengers and 3 detections in sea cargo.
- By weight, a total of 379.6 kg of major drugs and precursors were detected in April. This represents a 41% increase from the 269.2 kg detected in March.
- There was one significant detection in the sea cargo stream which saw the seizure of 140kg crystal methamphetamine in two sister containers.

* On 5 September 2015, legislation amendments came into force which allows Border Force officers to search for and seize New Psychoactive Substances (NPS) & Substances Represented as Serious Drug Alternatives (SDA).

NB: Improved collection of Drugs & Precursors and Firearms. To mitigate known reporting discrepancies, reporting time frames have now been harmonised between Drugs & Precursors and Firearms. This approach will allow for both quality assurance of multi-source data and ensure DIBP statistics accommodate seizure processing timeframes prescribed by legislation. Under the new reporting process, statistics will be provided two months after the end of the reporting period.

Released by DIBP under the
Freedom of Information Act 1982



Australian Government

Department of Immigration and Border Protection

Detections of Undeclared Firearms, Parts & Accessories¹

	Detections - End of Year					Comparative		
	2010-11	2011-12	2012-13	2013-14	2014-15	5 Year average	3 Year Average	2015-16 YTD
Handguns	35	33	31	49	13	32	31	29
Rifles	39	35	24	21	14	27	20	8
Shotguns	17	8	9	10	3	9	7	2
Other Whole Firearms	0	0	0	0	1	0	0	0
Parts & Accessories	332	520	960	525	486	565	657	585
Magazines	756	748	1,379	1,132	1,258	1,055	1,256	688
Total	1,179^A	1,344	2,403	1,737	1,775	1,688	1,972	1,312
Disposals	670	105	586	151	121	327	286	5

^A The Annual Report for 2010-11 has the 'undeclared detections' as 2,029. Up to 2010-11 the Annual Report figure quoted included both conventional and replica firearms. A regulatory change in 2010 amended the classification of 'replicas' to 'imitation' firearms to achieve consistency with state/territory legislation. From that time, the Annual Report figure for conventional firearms no longer included 'replica/imitation firearms'.

NB: Improved collection of Drugs & Precursors and Firearms. To mitigate known reporting discrepancies, reporting time frames have now been harmonised between Drugs & Precursors and Firearms. This approach will allow for both quality assurance of multi-source data and ensure DIBP statistics accommodate seizure processing timeframes prescribed by legislation. Under the new reporting process, statistics will be provided two months after the end of the reporting period, extending the current process by one month. For example, July statistics, previously reported in August, will now be reported in September.

¹ Firearm statistics are referred to in terms of 'undeclared detections' rather than seizures. An imported firearm is considered an 'undeclared detection' when it has been detected and identified by DIBP as a prohibited or restricted firearm and where it has not been declared to DIBP in accordance with the import requirements.

Illicit Goods

Monthly statistics are correct as at COB 30 April 2016 unless specified

Key Observations - Firearms, Parts & Accessories

Imports of conventional, non-air firearms are not normally subject to seasonal variation, and rises or falls in detections are more dependent on market variables and the needs of individuals. s47E(d) for importations of detected undeclared conventional, non-air firearms, parts, accessories and magazines. The majority of all imports pass across the border s47E(d). More than 80 per cent of all detected undeclared conventional, non-air firearms, parts, accessories and magazines were released when appropriate importation permission documentation was verified. The numbers of parts of and accessories have increased from the previous two financial years. While the number of detected undeclared handguns has more than doubled from 13 in 2014-2015 to 29 in 2015-2016, 18 detections were for black powder, two were blank firing and seven were deemed to be conventional handguns. The increase in handgun detections does not indicate that more illicit firearms are being imported as 18 of the 29 detected were released on the provision of a permit.



Australian Government
Department of Immigration
and Border Protection

Illicit Goods

Monthly statistics are correct as at COB 31 May 2016 unless specified

Tobacco Smuggling (Sea Cargo)

	End of Year					Comparative		
	2010-11	2011-12	2012-13	2013-14	2014-15	5 Year average	3 Year Average	2015-16 YTD
Number of detections*	55	45	76	78	91	69	82	82
Tobacco (tonnes)	258	177	183	183	150	190	172	29.03
Cigarette sticks (millions)	82	141	200	147	40	122	129	43.47
Duty Evaded (\$m) (ex GST)	135	125	151	142	103	131	132	41.55
Equivalent Weight (tonnes)	324	290	344	301	182	288	276	63.81

*From 1 July 2015 Detection statistics now include Detections of less than 2000 sticks. Prior to this period a threshold of 2000 sticks was used to determine a Detection.

Tobacco Smuggling (International Mail)

	Jan 2016 - May 2016
Number of detections	22,323
Tobacco (tonnes)	4.96
Cigarette sticks (millions)	11.01
Duty Evaded (\$m) (ex GST)	9.19
Equivalent Weight (tonnes)	13.76

LEGEND

Published/Verified Statistic

Key Observations

During this financial year, the trend in smuggling smaller, more frequent quantities using less than full container load (LCL) shipments, or embedding illicit tobacco within other goods in full container load (FCL) sea cargo and other non-sea shipments is continuing.

A sharp decline is evident among the equivalent tobacco weight of detections through sea cargo in 2015/16. This is primarily due to a decline in leaf tobacco detections. In May 2016, within the sea cargo stream there were:

- five detections of cigarettes;
- no detections of leaf tobacco; and
- four detections of molasses tobacco.

The equivalent tobacco weight of detections in May 2016 was 11.2 tonnes, equating to potential duty evasion of \$7.5 million - this represents the highest monthly figure for this financial year.

The total number of cigarettes detected was 6.5 million sticks, s47E(d)

. A total of six tonnes of molasses tobacco was detected; there were two large detections of s47E(d).



Australian Government
Department of Immigration
and Border Protection

Manage the Lawful Movement of Goods

Air Cargo

	End of Year					Year to Date		
	2010-11	2011-12	2012-13	2013-14	2014-15	2014-15	2015-16	Variance
Import Inspection Rate	11.0%	8.2%	5.2%	5.2%	6.0%	6.1%	5.6%	(7.1%)
Inspections	1,528,590	1,513,678	1,502,521	1,593,696	2,018,886	1,876,807	1,798,529	(4.2%)
Examinations	73,793	80,707	84,365	85,810	86,395	79,510	73,207	(7.9%)
Detections*	1,930	1,932	2,752	2,806	3,912	3,636	2,041	(43.9%)
Exam Detection Rate	2.6%	2.4%	3.3%	3.3%	4.5%	4.6%	2.8%	(39.0%)

Sea Cargo

	End of Year					Year to Date		
	2010-11	2011-12	2012-13	2013-14	2014-15	2014-15	2015-16	Variance
Import Inspection Rate	4.1%	3.9%	3.8%	3.6%	3.4%	3.4%	3.9%	14.1%
Inspections	101,889	102,247	101,842	102,288	101,273	93,243	88,413	(5.2%)
Examinations	14,227	14,544	14,220	14,788	15,581	14,224	11,733	(17.5%)
Detections*	796	848	662	571	515	484	391	(19.2%)
Exam Detection Rate	5.6%	5.8%	4.7%	3.9%	3.3%	3.4%	3.3%	(2.1%)

International Mail

	End of Year					Year to Date		
	2010-11	2011-12	2012-13	2013-14	2014-15	2014-15	2015-16	Variance
Inspections	61.5 (m)	41.0 (m)	41.8 (m)	52.1 (m)	55.5 (m)	51.2 (m)	51.3 (m)	0.3%
Examinations	181,195	215,643	223,150	212,142	248,933	231,381	194,051	(16.1%)
Detections*	41,071	58,128	68,055	54,630	60,283	55,506	61,060	10.0%
Exam Detection Rate	22.7%	27.0%	30.5%	25.8%	24.2%	24.0%	31.5%	31.2%

Air Traveller

	End of Year					Year to Date		
	2010-11	2011-12	2012-13	2013-14	2014-15	2014-15	2015-16	Variance
Examinations	N/A	143,709	125,309	104,438	95,465	96,882	103,166	6.5%
Detections*	N/A	18,645	15,951	13,663	12,103	11,149	10,039	(10.0%)

LEGEND

Published/Verified Statistic

Intervention

Monthly statistics are correct as at COB 31 May 2016 unless specified

Key Observations

Air Traveller Inwards Facilitation Rate (FAL) – 92% of passengers will be processed within 30 minutes of joining the inwards queue.

Result for May 2016; Unavailable at time of printing.

For the financial year 2015-16, as at 31 March 2016, the national FAL figure is 86.6% against a PBS target of 92%. Notable factors that have impacted airports capacity to achieve FAL to date include protected industrial action, unscheduled staff absences and Ebola screening requirements. Flexible deployment and recent recruitment activities are expected to alleviate some of the ongoing pressures faced by the aviation traveller environment.

The World Health Organisation declared Guinea Ebola free on 29 December 2015. Following this announcement the Chief Medical Officer (CMO) has approved the removal of Guinea from the list of Ebola affected countries. As a result of this announcement, all Ebola screening measures to identify and refer travellers ceased as of 8 January 2016. Ebola related questions at the e-gate ceased as of 8 June 2016.

Regional Commands continue to use flexible deployments to manage competing priorities across precincts.

Sea Cargo Inspections and Examinations – 101,500 and 15,500

Result for May 2016; 8,681 Twenty-foot Equivalent Units (TEU) inspected and 1,152 TEU examined.

Nationally, the inspections conducted during May 2016 were 6.9% above target, with a financial year to date result of 94.1% of target.

Examinations conducted during May 2016 were 6.6% below target, with a financial year to date result of 83.1% of target.

Air Cargo Inspections – 2 million

Result for May 2016; 153,764 consignments inspected.

The inspection results for May 2016 were 12.9% below the monthly target, which brings the financial year to date result to 1.7% below target. Nationally, resourcing issues continue to have an impact on inspection rates, with Border Force Officers being flexibly deployed to precincts such as airports to assist in peak processing.



Australian Government

Department of Immigration and Border Protection

Vessel Patrol Days

	Detections -- End of Year					Year to Date		
	2010-11	2011-12	2012-13	2013-14	2014-15	2014-15	2015-16	(%)
Southern Ocean	211	121	229	329	142	138	303	119.6%
ACV Triton	252	312	304	326	289	268	N/A	N/A
Ashmore Guardian	329	331	341	168	331	306	271	(11.4%)
ACBPS Patrol Days	2,343	2,315	2,108	1,847	1,691	1,559	1,802	15.6%

Aircraft Coverage (NM²)

	Detections -- End of Year					Year to Date		
	2010-11	2011-12	2012-13	2013-14	2014-15	2014-15	2015-16	(%)
Coverage	147.76 (m)	140.44 (m)	141.36 (m)	151.56 (m)	149.01 (m)	136.77 (m)	100.18 (m)	(26.8%)

Satellite Coverage (NM²)

	Detections -- End of Year					Year to Date		
	2010-11	2011-12	2012-13	2013-14	2014-15	2014-15	2015-16	(%)
Coverage	12.02 (m)	11.28 (m)	10.98 (m)	8.76 (m)	9.69 (m)	9.10 (m)	N/A	N/A

Illegal Foreign Fishers & Vessels

	Detections -- End of Year					Year to Date		
	2010-11	2011-12	2012-13	2013-14	2014-15	2014-15	2015-16	(%)
Sightings (as at 31 March 2016)	4,721	7,265	6,051	7,910	10,603	7,688	7,486	(2.6%)
IFF Vessels Apprehended	14	12	7	26	6	6	15	150.0%
IFF Apprehended & Processed	86	68	53	169	25	25	0	(100.0%)

LEGEND

Published/Verified Statistic

Vessel Patrols, Aerial Surveillance & Operations

Monthly statistics are correct as at COB 31 May 2016 unless specified

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Australian Government

Department of Immigration and Border Protection

Investigations, Compliance & Integrity

Monthly statistics are correct as at COB 31 May 2016 unless specified

Prosecutions by ABF Investigations (as at 30 April 2016)

	End of Year					Year to Date		
	2010-11	2011-12	2012-13	2013-14	2014-15	2014-15	2015-16	Variance
Successful Prosecutions	90.0%	93.6%	92.2%	88.5%	96.9%	97.7%	97.4%	(0.3%)
Referrals Accepted	230.0%	18.4%	21.3%	27.6%	41.7%	40.2%	39.9%	(0.7%)
High Priority Accepted*	N/A	N/A	40%	100%	100%	100.0%	87.9%	(12.1%)

*A revised Case Priority Model was introduced on 01 July 2013 which was aimed at ensuring that matters of high criminality and complexity were targeted by Investigations Branch.

Infringement Notices Served (as at 30 April 2016)

	End of Year					Year to Date		
	2010-11	2011-12	2012-13	2013-14	2014-15	2014-15	2015-16	Variance
Number of infringement notices served	N/A	269	471	494	1,227	913	574	(37.1%)
Value of Infringement notices served	N/A	N/A	N/A	N/A	3.76 (m)	2.63 (m)	1.67 (m)	(36.5%)

Detector Dog Program

	End of Year					Year to Date		
	2010-11	2011-12	2012-13	2013-14	2014-15	2014-15	2015-16	Variance
Taskings	24,139	23,935	22,122	19,572	16,043	15,190	15,406	1.4%
Detections	455	1,063	2,276	1,674	1,680	1,513	1,254	(17.1%)

Undeclared Currency

	End of Year					Year to Date		
	2010-11	2011-12	2012-13	2013-14	2014-15	2014-15	2015-16	Variance
Value of Undeclared Currency	N/A	5.48 (m)	7.66 (m)	16.71 (m)	16.85 (m)	14.90 (m)	16.01 (m)	7.5%
Number of Detections of Undeclared Currency	N/A	279	307	430	795	694	730	5.2%

LEGEND

Published/Verified Statistic

Key Observations

UNDECLARED CURRENCY

► Once detected, all undeclared currency cases are referred to the AFP, who then determines whether to issue a fine, a warning, or take no further action.

► There were a total of 45 detections of undeclared currency in May, amounting to AUD \$1,047,973 00. Of the 45 detections, 19 were outward and 26 were inward. Nearly 80% of the outward detections (15) were travellers to the Middle East, with 47.4% (9) of these detections heading to Lebanon specifically. Inwards detections continue to originate mostly from China (16), equating to 61.5% of all inward detections in May. The largest single detection was AUD\$138,800.00, involving a passenger travelling from Singapore to Melbourne. The average amount of undeclared currency for inwards passengers was AUD\$23,781.00, while for outwards it was AUD\$23,288.00.

► The number of detections in May decreased by 19 detections from the previous month (64), however the total value of detections has not changed substantially.

► The ABF's Counter-Terrorism Unit (CTU) has increased outbound monitoring of flights/attending outbound alert notifications; this is likely to result in increased detections of currency. CTU detections may not necessarily relate to terrorism financing, however, are reported as "national security" based on CTU's reporting regime.

► Ongoing activities are underway which specifically seek to target individuals carrying undeclared cash on selected high risk flights.

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Australian Government
Department of Immigration
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CONTACTS

s47E(d)

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Contacts

Subject Area	Contact	No.
Assistant Secretary	Jason Russo, AS	s22(1)(a)(ii)
Director	s22(1)(a)(ii)	
Policy Research and Statistics Branch	CPR@border.gov.au or portfolio.reporting@border.gov.au	

DIBP Contacts

Subject Area	Contact	No.
Community Operations	Karen Hacker, A/g AS	s22(1)(a)(ii)
Regional Processing Centre	Vicki Ludwig, A/g Commander	
Offshore Refugee Settlement	Vicki Ludwig, A/g Commander	
Removals	James Watson, AS	
Community Detention	Karen Hacker, A/g AS	
Bridging Visa Category E	Karen Hacker, A/g AS	
Humanitarian & Onshore Protection	Elizabeth Hampton, AS	
Compliance	Jason Russo, AS	
Character Refusals	Fiona Andrew, AS	
Temporary Entry & Migration Programme	Jason Russo, AS	
Citizenship	Frances Finney, AS	
Portfolio Deregulation	Agnieszka Holland, AS	
Freedom of Information & AHRC	Neil Phillips, A/g AS	
Strategic Threat Assessment	Brett Marshall, AS	
Illicit Goods	Matt O'Connor, A/g AS	
Intervention	Mark Antill, Deputy Commander	
Vessel Patrol Days	Suzanne Duffy, A/g AS	
Satellite & Aircraft Coverage	Stephen Alexander, Commander	
Target Patrols & Foreign Fishers Apprehended	Mark Antill, Deputy Commander	
Foreign Fishing Vessels & Sightings	Stephen Alexander, Commander	
Investigations Division	Chris Waters, Commander	
Detector Dog Program	Terry Wall, AS	
Undeclared Currency	Paul Farrell, AS	

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Australian Government
Department of Immigration
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Michael Pezzullo, Secretary

Michael Pezzullo was appointed as the Secretary of the Department of Immigration and Border Protection with effect from 13th October 2014. From 1st July 2015, the remit of the Department was expanded to cover immigration, citizenship, customs, border protection and civil maritime security, and on that day the Department was merged with the former Australian Customs and Border Protection Service (ACBPS). This merger also saw the establishment of the Australian Border Force as the Department's operational arm.

Prior to his appointment as Secretary, Mr Pezzullo was Chief Executive Officer of ACBPS from February 2013, having joined the Service as its Chief Operating Officer in July 2009. As CEO, Mr Pezzullo was charged with implementing and overseeing reforms in ACBPS's business processes and systems, and its workforce culture and capability. In his prior role as Chief Operating Officer, Mr Pezzullo was responsible for civil maritime security, ACBPS's intelligence, national security and law enforcement programmes, integrity and professional standards, and corporate operations.

Prior to joining ACBPS, Mr Pezzullo was Deputy Secretary Strategy in the Department of Defence—a position to which he was appointed in January 2006. In this position, he was responsible for defence strategy and planning, force structure development, the policy aspects of Australian Defence Force operations, defence diplomacy and international engagement, and the delivery of national security programmes in areas such as export controls and counter-proliferation. He also oversaw the Department's ministerial support and public affairs programmes.

Mr Pezzullo joined the Department of Defence as a graduate in 1987. He worked in Defence until 1992 in a variety of strategic policy and intelligence positions. He then transferred to the Department of the Prime Minister and Cabinet, International Division.

In March 1993, he joined the staff of the Foreign Minister, Senator the Hon Gareth Evans QC. He remained in Parliament House until December 2001, including serving five years as Deputy Chief of Staff to the Leader of the Opposition, the Hon Kim Beazley MP.

In February 2002, he rejoined the Department of Defence as an Assistant Secretary in the Corporate Services and Infrastructure Group (now Defence Support Group). In March 2004, he was promoted to the position of Head Infrastructure. In July 2004, he was transferred into the newly formed role of Chief Of Staff Australian Defence Headquarters and Head of Coordination and Public Affairs Division.

Between February 2008 and May 2009 he led the Defence White Paper team and was also the principal author of the 2009 Defence White Paper.

Mr Pezzullo has a BA (Hons) in History from Sydney University. He enjoys spending time with his family, watching cricket and rugby league, and reading.

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**Australian
BORDER FORCE**



Roman Quaedvlieg APM, Commissioner

Mr Roman Quaedvlieg is the Australian Border Force Commissioner, a role he was appointed to when the Australian Border Force (ABF) started operations on 1 July 2015. Prior to becoming the ABF Commissioner, Mr Quaedvlieg was the Chief Executive Officer of the Australian Customs and Border Protection Service, a role he commenced in October 2014.

Mr Quaedvlieg first began with the Australian Customs and Border Protection Service in May 2013, after being appointed the Deputy Chief Executive Officer Border Enforcement.

Prior to this appointment, Mr Quaedvlieg was the Chief Police Officer of ACT Policing as an Australian Federal Police (AFP) Assistant Commissioner. Mr Quaedvlieg commenced at the AFP in 2006 as the Manager Economic Operations, with responsibility for financial and economic investigations including money-laundering and large-scale fraud against the Commonwealth.

Mr Quaedvlieg was promoted to Assistant Commissioner in 2007 and assumed responsibility for Border Operations, combatting major drug importation and trafficking, people-smuggling activity, sexual servitude, and child sex tourism offences. Mr Quaedvlieg has also performed the roles of Assistant Commissioner Aviation and the AFP Chief of Staff.

Prior to his appointment with the AFP, Mr Quaedvlieg undertook a three year tenure with the Australian Crime Commission with responsibility for covert operations.

A career police officer, Mr Quaedvlieg began his policing career as a sworn member of the Queensland Police Service for 15 years, where he performed duties in a range of positions investigating and combating serious and organised criminal activity.

Mr Quaedvlieg has a Bachelor of Justice from the Queensland University of Technology, and is undertaking a Master of Business Administration at the Melbourne Business School. He was awarded an Australian Police Medal in 2011 for serving the Australian community with distinction, particularly in the areas of police operations and administration.

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Australian Government
Department of Immigration
and Border Protection



Rachel Noble PSM, Deputy Secretary Policy and Deputy Comptroller-General

Rachel Noble is the Deputy Secretary Policy Group and the Deputy Comptroller-General in the Department of Immigration and Border Protection. Prior to her SES Band 3 appointment, she was the First Assistant Secretary Executive Division.

Rachel joined the Australian Customs and Border Protection Service (ACBPS) in May 2013 as the National Director Intelligence and Chief Information Officer. Her previous role was as First Assistant Secretary Ministerial and Executive Coordination and Communication, at the Department of Defence, where she was responsible for providing advice on Parliamentary, media, information management, records management policy, FOI and executive coordination issues.

Prior to rejoining Defence, Rachel was the National Security Chief Information Officer and Cyber Policy Coordinator in Prime Minister and Cabinet, responsible for improving information sharing among the national security community and coordinating whole of government policy on cyber. Rachel received a Public Service Medal for this work.

Rachel previously held several SES positions in the Department of Defence including Assistant Secretary Governance, responsible for the overall governance and assurance framework for Defence; Assistant Secretary Americas, North and South Asia, Europe in the International Policy Division, and Deputy Chief of Facility at the Joint Defence Facility Pine Gap.

Rachel has also worked for the Bureau of Meteorology on international policies to address global climate change and started her career in private industry working for Optus.

Rachel has a Masters of Business Administration in Technology Management and a Bachelor of Science with Honours.

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Australian Government
**Department of Immigration
and Border Protection**



Dr Jill Charker, Chief Operating Officer and Deputy Secretary Corporate

Dr Jill Charker is the Chief Operating Officer and Deputy Secretary Corporate Group at the Department of Immigration and Border Protection. Prior to this role, she was Chief Executive Officer of ComSuper, a statutory authority, which provides superannuation administration services for Australian Government superannuation schemes.

Jill has also occupied senior roles in the Australian Bureau of Statistics and has prior experience across a range of agencies in the Queensland Government.

She holds a PhD from Griffith University, and a Class 1 Honours degree in psychology, majoring in statistics. In addition, she has completed an Executive Masters degree in Public Administration through the Australia and New Zealand School of Government (ANZSOG). She is a graduate of the Australian Institute of Company Directors, and a Level-two qualified executive coach through the Institute of Executive Coaching and Leadership.

In 2012, Jill was a national winner of the Australian Financial Review BOSS Young Executive of the Year award. In 2013, she was awarded one of two national scholarships to attend the Harvard University Women's Leadership Programme.

Outside work, Jill enjoys spending time with her family, travelling and pursuing a range of hobbies.

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Australian Government
**Department of Immigration
 and Border Protection**



Maria Fernandez, Deputy Secretary Intelligence and Capability

Maria Fernandez commenced in the role of Deputy Secretary Intelligence and Capability Group on 27 April 2015. Maria joined the Department's leadership team from Defence where from June 2012 she was Director of the Australian Geospatial-Intelligence Organisation. In this role Maria was responsible for the provision of geospatial-intelligence to Government, the Australian Defence Force and National Security Agencies for Operational and Contingency Support, National Security purposes and Emergency Management support.

Prior to this, Maria was First Assistant Secretary Capability, Investment and Resources Division, Capability Development Group. In this role she was responsible for the management of the Defence Capability Plan (major capital equipment plan of \$260 billion over 10 years) and the provision of independent advice to the Chief of the Defence Force and the Secretary of Defence on capability related matters, including the overall balance of investment on current and future capability and major investment proposals and priorities.

Maria served as the Australian Signals Directorate (ASD) Deputy Director Intelligence responsible for the provision of all signals intelligence for Defence and National Security purposes. She has considerable experience in the Defence portfolio, principally at the strategic level. Prior to joining ASD she was First Assistant Secretary Defence White Paper responsible for the overall management of several reviews into the enabling and support functions of the Defence organisation and for the coordination of the costing of the 2009 Defence White Paper.

For several years Maria served as Chief of Staff to the Minister for Defence where she worked closely with the Defence senior leadership to deliver several significant outcomes in the acquisition of a number of major capabilities, favourable changes to Defence funding arrangements and important policy changes in the areas of Defence Industry and Australian Defence Force (ADF) recruitment and retention. Maria also served as Chief of Staff to the Minister of Education, Science and Training where again she worked closely with the senior leadership to deliver significant education policy initiatives.

Prior to this she held several SES positions in the Higher Education Group of the Department of Education, Science and Training.

Maria spent several years as a senior consultant and manager with a software development firm and worked in the United Kingdom for two years consulting to the UK government on the design, development and implementation of financial systems.

Maria is a graduate of the Harvard Business School Advanced Management Program.

Maria is married with two sons and enjoys skiing, travelling and spending time with her family. Born in Spain she speaks Spanish.

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Australian Government
**Department of Immigration
 and Border Protection**



Michael Manthorpe PSM, Deputy Secretary Visa and Citizenship Services

On 2 March 2015, Michael became the Deputy Secretary of Visa and Citizenship Services Group, which has end-to-end responsibility for visa and citizenship programmes, including service delivery and decision-making spanning the visa and citizenship life cycle, from pre-lodgement, application, visa grant or refusal, visa cancellation, and conferral and revocation of citizenship. Michael is also responsible for the administration of the Refugee and Humanitarian Program. As Indigenous Champion he has cross-portfolio responsibility to advance the recruitment and retention of Aboriginal and Torres Strait Islander peoples in the Department.

In 2014, Michael was the Deputy Secretary of the Portfolio Reform Task Force and reported to the Department's Secretary and the Chief Executive Officer of the Australian Customs and Border Protection Service, on the work to integrate the two agencies into one organisation, and the establishment of the new Australian Border Force, from 1 July 2015.

Michael joined the Department of Immigration and Border Protection in July 2013 as Deputy Secretary of the Portfolio Coordination and Innovation Group, which oversaw the Department's strategic planning, innovation and research and evaluation functions, as well as communication, parliamentary and ministerial support, accountability to external agencies and other cross-departmental tasks.

Prior to joining the Department Michael worked in the Department of Education, Employment and Workplace Relations and its predecessors for 25 years, where he worked across programme, policy, corporate, crisis management and strategy roles.

He was awarded the Public Service Medal in 2010 for his leadership of the government's handling of the insolvency of ABC Learning childcare centres.

Michael grew up in Queensland and studied journalism and history at the University of Queensland.

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Australian Government
**Department of Immigration
and Border Protection**



Jenet Connell, Deputy Secretary Strategic Reform

Jenet Connell is the Deputy Secretary, Strategic Reform Group in the Department of Immigration and Border Protection. Prior to this, she was the Deputy Secretary, Detention Capability Review.

Ms Connell joined the Department's leadership team in May 2015 from the Department of Finance, where she was appointed Chief Operating Officer and Deputy Secretary in July 2010.

Prior to this Ms Connell was an Executive Manager within the Biosecurity Services Group of the Department of Agriculture, Fisheries and Forestry from December 2007.

Ms Connell joined the APS in 2003 having worked in the private sector in Western Australia, spending almost five years as Group Manager within the (then) Department of Employment and Workplace Relations. Prior to her three-year stint in the private sector (IT and web development), Ms Connell spent 12 years as a senior executive within the Western Australian Public Service, working in workplace relations and small business policy.

Ms Connell has extensive experience in organisational development and design; strategy and governance; project management; programme and service design and delivery; systems and process improvement; industrial relations (programme delivery and compliance); and policy development and implementation (small business, industrial relations).

Ms Connell holds a Masters Degree in organisational psychology and is also a keen cyclist.

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**Australian
BORDER FORCE**



Cindy Briscoe, Deputy Commissioner Support

Cindy Briscoe commenced in the role of ABF Deputy Commissioner Support Group when the ABF started operations on 1 July 2015. The Support Group has responsibility for providing planning, support and specialist services across the ABF to ensure operational continuity across the border continuum and the operational management responsibility for detention services management including health, detention estate management, and regional processing and settlement.

Prior to this, Cindy was the DIBP Deputy Secretary, Immigration Status Resolution Group, a role she commenced on 16 February 2015 and in the months leading up to 1 July, she was also the Executive lead on standing up the ABF.

This followed on from her tenure (June–October 2014), as the First Assistant Secretary, Portfolio Reform Task Force, which was responsible for developing the high-level organisational design, workforce model, and operational workforce plans for the consolidated Department of Immigration and Border Protection and the Australian Customs and Border Protection Service.

Prior to her SES Band 3 appointment and work on leading the high-level organisational design and workforce planning ahead of the Department's integration, Cindy had joined the Australian Customs and Border Protection Service in May 2013, as the National Director, Support Division, where she was responsible for workforce management and managing a range of corporate services.

Cindy has more than 25 years' experience in the Australian Public Service. She has been a member of the SES since 1998, and has held senior positions at the Department of Human Services, the Australian Taxation Office and ComSuper.

Cindy holds a Bachelor of Arts in Computing Studies and is a graduate of the Australian Institute of Company Directors, and is an Australia and New Zealand School of Government Executive Fellow.

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**Australian
BORDER FORCE**



Michael Outram APM, Deputy Commissioner Operations

Michael joined the Immigration and Border Protection Portfolio on 9 March 2015 and was sworn in as a Deputy Commissioner of the Australian Border Force (ABF) on 1 July 2015. Michael leads the Operations Group, which is responsible for compliance and enforcement operations relating to the movement of travellers and goods throughout the border continuum, including on-shore detention operations.

Michael brings to the ABF over 30 years of law enforcement experience in a diverse range of specialised areas, including community policing, covert operations, criminal intelligence, protective and major event security, public order management, and the investigation of terrorism, transnational organised crime, corruption and other serious crime types.

Prior to joining the Department, from 2011 Michael served as an Assistant Commissioner with the Australian Federal Police (AFP) and had responsibility for the AFP's national protection function. He was responsible for the delivery of a range of protective services including close personal protection, the National Witness Protection Program, uniform protection and special event planning. Michael also led the AFP's operational work in support of the G20 Summit in Brisbane in 2014, and in the immediate aftermath of the downing of Malaysian Airlines Flight 17 over the Ukraine in 2014, Michael led the AFP's operational response in conjunction with a range of Commonwealth and international partners.

Michael has also worked at the national and international level in relation to establishing and overseeing joint agency investigations, intelligence operations and task forces dealing with serious organised crime; in 2004 Michael was appointed as Executive Director, Serious and Organised Crime, at the Australian Crime Commission (ACC), where he was responsible for the investigative and intelligence functions of the Agency. Michael played a leading role in developing and implementing national approaches for managing crime targets and with peers from the AFP and ATO, established Operation Wickenby in 2004, which created a framework for future joint agency operations, which led to significant recovery of revenue and behavioural in the sector.

Following a secondment to the New South Wales Police Service in 2000, Michael migrated to Australia in 2002 and commenced work at the Independent Commission Against Corruption in NSW as the Executive Director Strategic Operations, with responsibility for investigations and intelligence operations targeted towards enhancing corruption resistance across the sector.

Michael commenced his law enforcement career with the London Metropolitan Police Service (MPS) in 1980, where he spent 20 years in a variety of areas and leadership roles, including serving at Scotland Yard's Specialist Operations Department. He served as a detective from 1989 to 2002, rising to the rank of Detective Chief Inspector in the Anti-Corruption Command, Anti-Terrorism Branch and Major Investigation Teams.

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Ministerial Office and Ministerial Responsibilities

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Australian Government

Department of Immigration
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Ministerial Office Workflow

Ministerial Correspondence

In the 12 months to 30 June 2016, the Department received approximately 31,800 items of correspondence. Approximately 2800 responses were prepared for the Ministers' signature. Of these 2800 responses, approximately 400 were signed by the Assistant Minister.

Ministerial Submissions

In the 12 months to 30 June 2016, the Department prepared approximately 3400 ministerial submissions covering a broad range of policy, legislative and other matters, including Ministerial Intervention and Character cancellation.

Ministerial Intervention (MI)

In the 12 months to 30 June 2016, the Department received approximately 5000 requests for MI. Approximately 2000 requests were referred to the Minister for consideration. Of these 2000 requests, approximately 716 were determined by the Assistant Minister.

Section 501 Character Cancellation

In the 12 months to 30 June 2016, approximately 271 s501 Character submissions were referred to and actioned by the Minister. Of these, 133 were revocation decisions. Arrangements for the referral of character cases for ministerial consideration are set by the Minister for Immigration and Border Protection.

Ministerial Briefs

In the 12 months to 30 June 2016, the Department provided 533 briefs, consisting of 250 client/detainee briefs, 130 meeting briefs, 51 event briefs and 102 background briefs.

Parliamentary Products

In the 12 months to 30 June 2016, the Department prepared 216 Question Time Briefs, 1191 Senate Estimate Briefs, 351 Senate Questions on Notice and 135 Parliamentary Questions on Notice.

Freedom of Information (FOI) Requests

The Department receives the most FOI requests in the Commonwealth. In the 12 months to 30 June 2016, the Department received approximately 24,000 FOI requests. The majority of requests are from individuals seeking access to their own personal information. A small number of requests are from the media regarding sensitive issues. A weekly report for Media/Sensitive FOI cases is distributed each week to the Ministers' offices.

Cabinet and National Security Committee (NSC) of Cabinet

The Minister for Immigration and Border Protection has carriage of all Portfolio Cabinet business.

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Australian Government

Department of Immigration
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ASSISTANT MINISTER'S OFFICE SUPPORT

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Key Issues

- The Prime Minister will write to you shortly to notify you of the Departmental Liaison Officers (DLOs) arrangements for the portfolio. Previously, the portfolio has been allocated the following:
 - One EL2 equivalent and two EL1 equivalents in the Minister's office.
 - One EL1 equivalent in the Assistant Minister's office.
- Under existing arrangements, the Department funds DLOs, temporary staff, IT and other support services (e.g. news subscription services). Ministerial travel and longer term staffing are paid for via arrangements with the Department of Finance, although the Department provides assistance with travel arrangements.
- The Department's Parliamentary Liaison Network (PLN) acts as a dedicated contact point for Members of Parliament, Senators and their Electorate Office staff to direct constituent case related enquiries. During 2015–16 (July 2015–March 2016), the PLN responded to just under 20,000 enquiries from Parliamentarians.
- The PLN is overseen by one EL2 and one EL1 officer based in Canberra, with a number of APS6 – APS4 staff based in the Department's State and Territory Offices:
 - Headquarters (Parliamentary.Liaison.Network@border.gov.au)
 - New South Wales (Parliamentary.NSW@border.gov.au)
 - South Australia (Parliamentary.SA@border.gov.au)
 - Western Australia (Parliamentary.WA@border.gov.au)
 - Victoria (Parliamentary.VIC@border.gov.au)
 - Tasmania (Parliamentary.TAS@border.gov.au)
 - Queensland (Parliamentary.QLD@border.gov.au)
- A team of five PLN officers in NSW (Parramatta) respond to the largest volume of Parliamentary enquiries within the network. For the 2015–16 year, the NSW team responded to:
 - 14,983 enquiries on case-specific matters
 - 1016 items of case-specific ministerial correspondence
 - In order of volume, the majority of NSW Parliamentary enquiries relate to:
 - 1) Refugee and Humanitarian visas
 - 2) Partner and Other Family visas
 - 3) Visitor visas and
 - 4) Citizenship matters.

Contact Details

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Phone: s22(1)(a)(ii)



Australian Government

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PERSONAL MINISTERIAL POWERS

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Migration Act

National Interest Powers

- Section 198AB of the *Migration Act 1958* (Migration Act) provides the Minister with a non-delegable power to designate that a country is a regional processing country.
 - section 198AD(5) – where there are two or more regional processing countries, the Minister must direct which regional processing country an unlawful maritime arrival (or class of unlawful maritime arrival) must be taken to. At present only the Republic of Nauru and Papua New Guinea have been designated as regional processing countries.
- Section 501(3) of the Migration Act provides the Minister with a non-delegable power to refuse or cancel a visa where the Minister reasonably suspects the person does not pass the character test and the Minister is satisfied that the refusal or cancellation is in the national interest.
- Section 501A of the Migration Act gives the Minister a personal, non-compellable discretion to set aside a decision, made by a delegate or the Administrative Appeals Tribunal (AAT) not to refuse or cancel a visa on character grounds, and to personally refuse or cancel the visa where the Minister believes it is in the national interest to do so. This power may be exercised with or without natural justice.
 - If natural justice is not given in the exercise of the Minister's powers, the Minister must, under section 501C, invite the person to make representations as to whether the original decision should be revoked. The Minister may revoke the decision if, from those representations, the person satisfies the Minister they pass the character test.
- Section 501BA of the Migration Act gives the Minister a personal, non-compellable power to set aside a decision of the delegate or the AAT to revoke a mandatory cancellation of a visa made under section 501(3A), and to cancel the visa, if the Minister is satisfied that the person does not pass certain grounds of character and the Minister is satisfied that cancellation of the visa is in the national interest.
- Section 501B empowers the Minister to set aside a decision made by a delegate, to refuse or cancel a visa on character grounds, and to personally refuse or cancel the visa where:
 - the Minister reasonably suspects the person does not pass the character test;
 - the person does not satisfy the Minister that they pass the character test; and
 - the Minister is satisfied that the refusal or cancellation is in the national interest.

The practical effect of exercising this power is that, unlike an adverse delegate decision, the Minister's decision is not merits reviewable.

Refer to the factsheet: 'Section 501 (character) Cancellations and Refusals' for an overview of section 501 processes, decision-making, and programme statistics.

Public Interest Powers

- The Migration Act contains a number of non-compellable discretionary powers only exercisable by the Minister personally.
- Several provisions in the Migration Act enable the Minister to intervene, following a decision of a merits review tribunal, to substitute the tribunal decision with a decision that is more favourable to the applicant, where the Minister believes it is in the public interest to do so.

- These powers include:
 - section 351 – to substitute a decision of the Migration and Refugee Division of the AAT (for example to affirm a delegate's decision to refuse to grant a visa) in relation to a decision reviewable under Part 5 of the Migration Act (which relates to non-protection visa decisions that are not character related);
 - section 417 – to substitute a decision of the Migration and Refugee Division of the AAT (for example to affirm a delegate's decision to refuse to grant a visa) in relation to a decision reviewable under Part 7 of the Migration Act (which relates to protection visa decisions that are not character related);
 - section 501J – to substitute a more favourable decision following a decision of the General Division of the AAT in relation to a character related protection visa decision.
- About 4,000 – 6,000 requests (persons) are finalised under section 351 and section 417 each financial year. About 90 per cent of requests are finalised by the Department without referral to a Minister as they do not present unique or exceptional circumstances.
- In 2015-16, of the 5596 requests finalized under section 351 and section 417, 5053 requests had negative outcomes. Over the same period, only 543 visas were granted by a Minister (9.7 per cent of all requests finalised). There are currently approximately 2,300 requests (persons) on hand with the Department, most requiring presentation to a Minister on a submission. Additional resources have been allocated to address the backlog of requests.
- Section 195A of the Act allows the Minister to grant a visa to a person in immigration detention, if he thinks it is in the public interest to do so. The Minister's power under section 195A is non-delegable and non-compellable, meaning that he or she is under no obligation to exercise or consider exercising his power. It is also at the Minister's discretion to define what is in the public interest.
 - The Minister's power under section 195A is also sometimes applied in community cases, where there are compelling or compassionate circumstances and no other resolution options are available. In order to use the Minister's power in community cases, the Department is required to administratively detain the person/s.
 - Two distinct types of section 195A submissions will be referred for consideration; those covering individual complex cases and group submissions to grant Bridging E (subclass 050) visas to Illegal Maritime Arrivals (IMAs) in bulk form.
 - In certain cases, such as those involving IMAs or persons refused immigration clearance, it is only through Ministerial intervention under section 195A that a visa can be granted to release a person from immigration detention.
 - Cases are only referred to you following an assessment by the Department that the case meets the section 195A guidelines.
 - In the 2015-16 financial year (to 30 June 2016), the Department referred approximately 243 submissions for Ministerial consideration under section 195A of the Act. In the same period, 169 visas have been granted by the Minister under section 195A of the Act.
- Other frequently exercised intervention powers in the public interest include:
 - section 48B – the Minister may lift the bar preventing repeat protection visa applications to allow a further protection visa application to be made by a person who was refused a protection visa or had a protection visa that was cancelled, and who is still in the migration zone.
- Examples of other frequently used non-compellable public interest powers in the Migration Act include:
 - section 46A(2) – The Minister may lift the bar to allow a valid visa application to be made by an unlawful maritime arrival who is in Australia and is an unlawful non-citizen or the holder of certain visas (such as a bridging visa);
 - section 46B(2) – The Minister may lift the bar to allow a valid visa application to be made by a transitory person who is in Australia and is an unlawful non-citizen or the holder of certain visas (such as a bridging visa). A transitory person is an individual who has been transferred back to Australia from a regional processing country for a temporary purpose (e.g. medical treatment).

The exercise of these ministerial powers to lift the application bar in sections 46A and 46B has represented a significant workload, and although this workload is diminishing as no boats have arrived in Australia for some time, approximately 12,000 cases remain that still need to be processed. Submissions to the Minister to intervene are usually presented in batches rather than for individuals to ensure any proposed lifting of the bar is managed as efficiently as possible.

- Other non-compellable public interest powers in the Migration Act include:
 - section 72(1)(c) – The Minister may make a determination that a non-citizen is an eligible non-citizen in certain circumstances, thereby permitting the non-citizen to make an application for a Bridging visa E;
 - section 91Q – The Minister may lift the bar in section 91P that prevents a person who could avail themselves of protection in a third country from applying for a visa;
 - sections 133A(1) and (3) and sections 133C(1) and (3) – The Minister may cancel a visa on the grounds contained in section 109 (incorrect information) or section 116 (various grounds) of the Migration Act, with or without natural justice;
 - section 133F – if the Minister cancels a visa without natural justice under section 133A or 133C the Minister must invite the individual to make representations on whether or not to revoke the original decision to cancel. The Minister may revoke the cancellation where the Minister is satisfied the grounds for cancellation did not exist.
 - section 197AB – The Minister may make a 'residence determination' to the effect that a person who is or may be detained under section 189 of the Migration Act may reside at a place other than an immigration detention centre;
 - section 197AD – the Minister may revoke or vary a 'residence determination'; and
 - section 198AE – The Minister may determine that a person who is an unlawful maritime arrival does not have to be taken to a regional processing country.
- Ministers have previously issued guidelines to the Department to illustrate the types of circumstances where they may wish to consider the exercise of specific non-compellable intervention powers under the Migration Act.

Citizenship Act

Non-delegable powers under the *Australian Citizenship Act 2007* (Citizenship Act) include:

- Subsection 22A(1A) and 22B(1A) provide the Minister with a non-compellable power to apply alternative special residence requirements in relation to citizenship applicants who engage in activities of benefit to Australia, or who, due to their engagement in particular kinds of work requiring regular travel outside Australia, are unable to meet the general residence requirements.
 - Non-citizens are generally required to have lived in Australia as a lawful non-citizen for four years (including as a permanent resident for 12 months immediately before the day the non-citizen makes the citizenship application) before being eligible for Australian citizenship.
- While the power to revoke a person's citizenship under sections 34 (revocation for offences or fraud), 34A (where alternative residence requirements were applied) or 36 (revocation of a child's citizenship) may be delegated, these powers have never been delegated to a departmental officer and remain powers that may only be exercised by the Minister.
 - The Department currently has 15 cases which are actively being considered for referral to the Minister for revocation of Australian citizenship because of convictions of fraud or serious offences.
- Section 23A of the Citizenship Act provides that the Minister must, by written determination, approve a citizenship test.
 - There is currently a written determination in place approving three citizenship tests:
 - a standard computer based test;
 - an assisted test for people with limited literacy skills; and
 - a course-based test for vulnerable applicants who have difficulty with a computer test.

There are additional non-delegable powers under the Citizenship Act following the enactment of the *Australian Citizenship Amendment (Allegiance to Australia) Act 2015*. Examples include:

- Power under section 33AA to rescind the notice informing a person that they have renounced their Australian citizenship by acting inconsistently with their allegiance to Australia, and to exempt the person from the effect of the citizenship renunciation under section 33AA.
- Power under section 35 to rescind the notice informing a person that their Australian citizenship has ceased due to the person serving in, or fighting for, the armed forces of a country at war with Australia or a declared terrorist organization, and to exempt the person from the effect of citizenship cessation under section 35.
- Power under section 35A to determine that a person ceases to be an Australian citizen because of conviction for terrorism offences and certain other offences.
- Power under section 35A to revoke a determination as above if the conviction which was the basis for the cessation is later overturned on appeal, or quashed by a court and no other appeal to a court can be made.
- Power under section 35AA to declare an organisation to be a *declared terrorist organisation*, which is relevant to the renunciation and cessation provisions in sections 33AA and 35.

Customs Act

Public Interest powers under the Customs Act 1901 include:

- section 77EA(1) – the Minister may order a Collector to detain goods specified in the order if the Minister considers that it is in the public interest to do so;
- section 77ED(1) – the Minister may authorise the delivery into home consumption of detained goods (i.e. they are no longer subject to customs control);
- section 77EE(1) – the Minister may authorise the export of detained goods; and
- section 77EF(2) – the Minister may authorise the export of goods that have not, under the Minister's authority, been delivered into home consumption or exported.

Maritime Powers Act

Under the Maritime Powers Act 2013, the Minister has non-delegable powers, exercisable in the national interest, to:

- section 75D - determine that maritime powers may be exercised between Australia and another country in specific circumstances;
- section 75F - give specific and general directions about the exercise of powers in sections 69, 71 and 72 of the Act to detain and move vessels and persons; and
- section 75H - exempt certain vessels involved in maritime enforcement operations from the inappropriate application of the Marine Safety (Domestic Commercial Vessel) National Law, the *Navigation Act 2012* and the *Shipping Registration Act 1981*.

Australian Border Force Act

Under the *Australian Border Force Act 2015*, the Minister has non-delegable powers to give written directions to the Australian Border Force Commissioner about the policies that should be pursued or the priorities that should be followed in relation to the operations of the Australian Border Force.

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Australian Government

Department of Immigration
and Border Protection

MIGRATION ACT AND THE FUNDAMENTALS OF MIGRATION

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Key Issues

- Australia's immigration policy has, since Federation, been one of managed migration where the government determines the number and composition of people who may enter and stay in Australia, principally on the basis of economic, social and cultural benefit to Australia.
- Managed migration supports Australia's economic and social well-being goals. In addition, the comprehensive and cohesive nature of our managed migration approach has played an important role in maintaining public confidence in and support for migration as being to Australia's benefit.
- Australia has a universal visa system under which all non-citizens intending to travel to, enter and/or remain in Australia must hold a valid visa, with only very few exceptions.
- Some non-citizens, such as New Zealand (NZ) citizens, are not required to hold a visa before travel to Australia, but are taken to have applied for a Special Category visa (subclass 444), and may be granted such a visa while in immigration clearance by presenting their valid NZ passport and completing an Incoming Passenger Card, or if the application is made using an authorised system, by answering the health and character questions asked by the authorised system..
- The Department has a range of channels by which visa applications can be submitted, both within Australia and offshore. These include online lodgement, lodging at a departmental office and lodging an application with a Service Delivery Partner (SDP). SDP arrangements outsource administrative tasks to third parties, such as commercial companies.
- Under the Department's biometrics programme, applicants (unless excluded or exempt), are required to provide a ten-digit fingerprint scan and a digital photograph as part of their visa application. This enhances immigration integrity by protecting against security threats and preventing identity and immigration fraud.
- The Department's long-term vision is to enable all visa applications, supporting documentation and payments to be received electronically.

Migration Act 1958

- The primary purpose of the *Migration Act 1958* (the Act) is to regulate, in the national interest, the coming into, and presence in, Australia of non-citizens.
- The Act and associated Regulations establish a universal visa system under which all non-citizens who wish to travel to, enter and/or remain in Australia must hold a valid visa. Non-citizens must meet visa criteria in order to be granted a visa and comply with visa conditions while in Australia.
- The Act and Regulations enable the Department to impose a range of visa conditions on visa holders, including limitation on the ability to engage in work and study.
- The Act and Regulations also provide grounds to refuse a visa application where an applicant does not satisfy visa criteria, and grounds for cancellation, including where a visa holder breaches their visa conditions. Unlawful non-citizens in the migration zone are subject to detention and/or removal from Australia.
- This managed approach to the movement of non-citizens across the border provides a robust framework for protecting Australia from threats and furthering Australia's short and long term economic and social goals through permanent and temporary migration, humanitarian resettlement and responses to irregular movement.
- To maximise the longer term benefits to Australia of well managed migration, eligible permanent residents are able to apply for Australian Citizenship.

Visa and Citizenship Services

- Australia's **managed migration programmes** are comprised of a range of permanent and temporary categories which provide a comprehensive selection basis for who may enter and stay and under what conditions. Broadly, our migration categories are:
 - Permanent migration (skilled, family, humanitarian)
 - Temporary migration (visitor, temporary worker, student and other temporary purpose)
 - Special Category visa for NZ citizens (temporary visa that allows work, study and indefinite stay; holder has limited access to social services and generally needs to apply for and be granted a permanent visa to access citizenship).
- The current **permanent migration programme** focuses on bringing in the skills Australia needs to grow our economy and compete in a global market, and on facilitating family reunion for Australians with close family links overseas.
- The permanent skilled and family migration programmes are complemented by **temporary migration programmes** that meet a range of economic, cultural and social goals, including: supporting tourism; enabling Australian employers to supplement domestic skilled labour from global labour markets; and allowing international students to study in Australia.
- The **temporary migration programmes** are designed to balance maximised economic and social benefit with strong programme integrity. For example, the Temporary Work (Skilled) (subclass 457) visa programme has been reformed over the decades following its introduction to ensure the programme is calibrated to the needs of Australian employers and business and to facilitate the movement of skilled workers to where they are needed in Australia.
- The permanent **humanitarian programme** reflects Australia's commitment to working with the international community to help address the global plight of refugees and displaced persons.
 - The offshore component of the programme provides permanent resettlement to refugees and others in refugee-like situations who have close links to Australia.
 - The onshore component of the programme provides protection to people who arrive in Australia lawfully and who engage Australia's protection obligations.

Fundamentals of compliance

- The Department's approach to compliance is focused on maximizing voluntary compliance, prevention and deterrence with escalation to enforcement measures for deliberate or serious non-compliance.
- The overall aim of this approach is to achieve a response to non-compliance which is evidence-based, proportional to the level of risk and cost effective.
- The Department's compliance field activities through the Australian Border Force (ABF) are aimed at locating unlawful non-citizens and non-citizens working in breach of visa conditions. Such activities are prioritised according to risk. High risk clients include those with histories of criminality, repeated non-compliance with visa conditions or where organised non-compliance is indicated.
- Where unlawful non-citizens are identified and located the Department can take action such as granting a Bridging visa or may detain a person to effect their removal from Australia.
- Voluntary return is the preferred approach to resolving the status of those who have no legal entitlement to remain in Australia and officers engage with prospective returnees early to establish and maintain cooperative relationships. Where a person refuses to cooperate on voluntary return, the Department needs to effect an involuntary removal.

- There are criminal offences, civil penalties or infringements for businesses who allow to work or refer for work an unlawful non-citizen or a non-citizen who is working in breach of a visa condition that limits work. There are also aggravated offences where the worker is exploited.

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FUNDAMENTALS OF MANAGED MIGRATION: ADDITIONAL RELEVANT BACKGROUND

Australia's immigration policy has, since Federation, been one of managed migration where the government determines the number and composition of people who may enter and stay in Australia, principally on the basis of economic, social and cultural benefit to Australia.

The paradigm of managed migration has served us well in the context of meeting Australia's economic and social well-being goals, both now and into the future. In addition, the comprehensive and cohesive nature of our managed migration approach has played an important role in maintaining public confidence in and support for migration as being to Australia's benefit.

Universal visa system

Australia has a universal visa system under which all non-citizens intending to travel to, enter and/or remain in Australia must hold a valid visa, with only a few exceptions. The universal visa system provides the foundation of Australia's managed migration programme, allowing the department to screen and approve potential migrants before they reach the border, as well as rendering non-citizens who don't hold a valid visa in Australia liable to mandatory detention and removal.

Visa applicants must satisfy a range of visa criteria to be granted a visa. These criteria vary according to the type of visa. The visa framework aims to provide a balance between facilitating the movement of people into Australia, and protecting the integrity of the immigration system and the Australian community. Generally, applicants who wish to enter Australia temporarily (for example, for short tourist visits) will not be required to provide the same level of information as applicants who wish to become permanent residents.

Some non-citizens, such as New Zealand (NZ) citizens, are not required to hold a visa before travelling to Australia, but are taken to have applied for, and can be granted a Special Category (subclass 444) visa while in immigration clearance by presenting their valid NZ passport and completed Incoming Passenger Card, or if the application is made using an authorised system, by answering the health and character questions asked by the authorised system.

The Australian Government is occasionally lobbied by other governments to provide visa-free or visa on arrival access to Australia. To assist in managing these requests, the Department is committed to streamlining visa requirements wherever possible but maintaining the universal visa system. Non-citizens from a range of countries have access to the Electronic Travel Authority (ETA) for short-term visits. The ETA constitutes the closest offering the Department has for a visa-free travel facility, with online lodgement, auto-grant facilities, and a service fee of \$20AUD.

Permanent and temporary migration programmes

Australia's managed migration programmes are comprised of a range of permanent and temporary categories which provide a comprehensive selection basis for who may enter and stay and under what conditions. Broadly, our migration categories are:

- Permanent migration (skilled, family, humanitarian)
- Temporary migration (visitor, temporary worker, student and other temporary purpose)
- Special Category visa for NZ citizens (temporary visa that allows work, study and indefinite stay; holder has limited access to social services and generally needs to apply for and be granted a permanent visa to access citizenship).

Our **current permanent migration programme** focuses on bringing in the skills Australia needs to grow our economy and compete in a global market, and on facilitating family reunion for Australians with close family links overseas.

Our permanent skilled and family migration programmes are complemented by **temporary migration programmes** that meet a range of economic, cultural and social goals, including: supporting tourism; enabling Australian employers to supplement domestic skilled labour from global labour markets; and allowing international students to study in Australia.

The temporary migration programmes are designed to balance maximised economic and social benefit with strong programme integrity. For example, the Temporary Work (Skilled) (subclass 457) visa programme has been reformed over the decades following its introduction to ensure the programme is calibrated to the needs of Australian employers and business and to facilitate the movement of skilled workers to where they are needed in Australia.

The Visitor (subclass 600) visa is designed to provide flexibility and streamlined processing while maintaining integrity in a high volume caseload. The standard visitor visa provides 12 month validity, multiple entry and 3 months stay (i.e., the visa is valid for a 12 month period before ceasing; the visa holder may enter Australia as many times as they wish during this period; but may only stay in Australia for 3 months during each visit).

These settings can be varied for different caseloads:

- The standard visitor visa for Chinese business visitors, or successful online tourist applicants, provides up to 3 years validity, multiple entry and 3 months stay;
- The standard visitor visa for parents of Australian citizens and permanent residents has up to 5 years validity, multiple entry and a maximum 12 month stay in any 18 months.

In all cases, applicants must meet relevant visa criteria to be granted a Visitor visa. However, in addition to the above policy settings, visa processing officers may use their discretion when assessing individual cases, and may grant beyond the standard product if appropriate, depending upon individual circumstances (for example, high net-worth visitors or visitors with a demonstrated history of visa compliance).

The permanent **humanitarian programme** reflects Australia's commitment to working with the international community to help address the global plight of refugees and displaced persons.

- The offshore component of the Programme provides permanent resettlement to refugees and others in refugee-like situations who have close links to Australia.
- The onshore component of the Programme provides protection to people who arrive in Australia lawfully and who engage Australia's protection obligations.

Australia consistently ranks in the top three resettlement countries, along with the United States of America and Canada.

Refusals and Cancellations

The Migration Act sets out the power and circumstances when a visa must be refused, and contains various visa cancellation powers. The Migration Act and Regulations provide a framework for a visa to be refused or cancelled in circumstances including, but not limited to: where a person may pose a security, health or safety risk to the Australian community; where their identity cannot be resolved; if they have committed fraud in dealing with the department; if they breach their visa conditions; or if they are affected by travel sanctions.

Under legislative and regulatory amendments enacted in December 2014, the failure by a person to provide a penal/police certificate or to respond to all character, health and security questions can now form the basis for refusing a visa. Other associated amendments have substantially strengthened the ability to refuse or cancel visas for persons of character concern or those who are or may be, or would or might be, a risk to the Australian community or a segment of that community. A range of other visa integrity measures are currently being developed and you will be briefed on these separately.

Compliance

The Department's compliance approach is built on responsive regulation where action is focused on prevention and deterrence to maximise voluntary compliance, with escalation to enforcement measures for deliberate or serious non-compliance. The overall aim of the approach is to achieve a balanced response to non-compliance which is evidence-based, proportional to the level of risk and cost effective.

Compliance field activities are aimed at locating unlawful non-citizens and non-citizens working in breach of visa conditions. Such activities are prioritised according to risk, with high risk clients including those with histories of criminality or repeated non-compliance with visa conditions.

Detention

Under the Migration Act, any person who is an unlawful non-citizen (i.e. does not hold a valid visa) is liable for detention. In particular mandatory detention is used to ensure that essential health, character, identification and security assessments are conducted in relation to people who seek to enter Australia without the appropriate authority to do so; to manage those who pose unacceptable risks to the community; or to manage those who have exhausted avenues to remain here and are uncooperative with efforts for their return or removal.

Detention is prescribed in legislation and subject to full parliamentary scrutiny and accountability including: by the Commonwealth Ombudsman, the Australian Human Rights Commission; the Office of the United Nations High Commissioner for Refugees; the Australian Red Cross and the Minister's Council on Asylum Seekers and Detention.

Returns and Removals

Voluntary return is the preferred approach to resolving the status of those who have no legal entitlement to remain in Australia and officers engage with prospective returnees early to establish and maintain cooperative relationships. In most cases, it is appropriate to engage with an individual prior to them being taken into immigration detention. Assisted voluntary returns and reintegration services are available for those who have no further matters before the Department and require financial support to depart. Assistance can include airfares, reception and onward travel assistance in country of return, and reintegration assistance for Unauthorised Maritime Arrivals (UMAs). The Department has engaged the International Organization for Migration (IOM) to deliver these services. We also work with IOM to deliver voluntary returns services to persons transferred to PNG and Nauru.

Where a person refuses to return voluntarily, the Department needs to effect an involuntary removal. However, there are a range of events and situations that may impact on the Department's ability to progress a removal. Some of these include:

- The status of a removee's health will sometimes mean they are not fit for travel. In such cases, removal is delayed until the Department and health services provider are satisfied that the removee is fit to travel.
- The removee may be of criminal justice interest and required to remain in Australia, either to face charges or appear as a witness.
- Detainees may be entitled to seek review of visa decisions, through merits review, or judicial review. Such proceedings may prevent removal under legislation or policy, and removal will only continue at such time as the proceedings are finalised and it is reasonably practicable to do so.
- While the Department works closely with a range of source countries to facilitate removal of their nationals (both through relevant missions in Australia and through our posts overseas), some source countries do not cooperate with Australia on the involuntary return of their nationals - including through refusing to issue travel documents. This is problematic in relation to seeking the return of failed asylum seekers to significant UMA source countries (for example, Iran).

New Zealand Citizens

Since the 1920s there has been virtually unrestricted movement of people between Australia and NZ under various reciprocal entry arrangements. The Trans - Tasman Travel Arrangements (TTTA) were introduced in 1973. The TTTA allows Australian and NZ citizens to enter each other's country freely to visit, live, work, study and remain indefinitely.

On arrival in Australia, in immigration clearance, NZ citizens apply for a Special Category (subclass 444) visa by presenting their valid NZ passport and a completed Incoming Passenger Card, or if the application is made using an authorised system, by answering the health and character questions asked by the authorised system.

If the NZ citizen has a criminal conviction or active Tuberculosis (TB) that is not retreated, they are required to apply for a visa prior to travel. If they do not, and then declare a criminal conviction or TB on arrival, or there is an alert in effect they will be referred to an immigration officer and may be refused entry.

The Special Category visa is not a permanent visa and holders generally need to apply for, and be granted, a permanent visa in order to be eligible for Australian citizenship. However, NZ citizens who were in Australia on 26 February 2001, or who meet other transitional criteria, may be considered permanent residents for the purposes of obtaining Australian citizenship or sponsoring family for permanent visas.

While NZ citizens can apply for permanent visas, many settle in Australia and later in their life cannot meet Australia's criteria for permanent residence.

In recognition of the special relationship between Australia and NZ, NZ citizens are eligible to access certain government benefits for which many other temporary visa holders are ineligible, including Medicare and some social security benefits. However, they do not have access to all the benefits and protections available to permanent residents or Australian citizens, such as payments under the National Disability and Insurance Scheme and the right to vote.

Lodgement Channels

The Department has a range of channels by which visa applications can be submitted, both within Australia and offshore. These include online lodgement, lodging at a Departmental office and lodging an application with a Service Delivery Provider (SDP) overseas. The available method of lodgement depends on the visa being applied for, the location of the applicant at time of lodgement, and nationality.

Some visas are processed where the client is located and other visas are processed by specialised centres in Australia. Outside Australia, visas are processed at one of the Department's overseas offices where it is more efficient and effective to ensure compliance and enforcement of border controls (for example, due to specialised, local knowledge and capacity for face-to-face interviews).

All citizenship applications are processed at Departmental offices in Australia, with the exception of offshore applications for citizenship by descent which are processed offshore.

SDP arrangements outsource administrative tasks to third parties, such as commercial organisations. SDPs operate Visa Application Centres (VACs) on the Department's behalf and deliver services including the provision of information to clients, collection of visa and citizenship applications and fees, data entry and, in some instances, biometric collection. SDPs do not make decisions on visa or citizenship applications. The Department shares VACs with Five Country Conference (FCC) members (United Kingdom, United States of America, NZ and Canada) in a number of locations in order to realise savings efficiencies and maximise the offshore service delivery footprint.

Biometrics

In 2010, an offshore biometric enrolment programme to collect biometrics from visa applicants was introduced. Biometrics are now collected in over 30 designated countries. Clients residing in one of these countries, unless excluded or exempt, are required to provide a ten-digit fingerprint scan and a digital photograph as part of their visa application. Once collected, biometrics are linked to individual client records and visa applications.

The benefits of biometric collection include strengthened security and visa integrity, prevention of identity fraud, reduced forum and visa shopping and improved accuracy of records. Biometric enrolment channels include shared SDP facilities and mobile biometric units used for Refugee and Humanitarian clients in nine countries. The Government has approved the expansion of biometric collection. By 2018, the Department will collect biometrics in more than 60 countries.

Visa Evidence

The Department's commitment to digital border processing has removed the need for visa labels as evidence of a visa holder's right to travel to, enter and remain in Australia.

Visa Entitlement Verification Online (VEVO) Service

The Department's Visa Entitlement Verification Online (VEVO) service is an important digital initiative by the Department. It enables visa holders, employers and other registered organisations online access to visa entitlements and status information 24 hours a day for no charge.

VEVO is particularly critical in the context of:

- the Department's move towards label free arrangements – with VEVO providing an alternative for clients to have a visa label in their passport; and
- promoting compliance with visa conditions – with Work Entitlements (approximately 62%) remaining the largest category of VEVO checks conducted by organisations.

2016

The Department continues to transform the way it delivers services to improve client service, programme integrity, efficiency and consistency. The long-term vision is to enable all visa applications, supporting documentation and payments to be received electronically and to work toward providing clients a 24/7 service through a global, virtual model of visa processing centres.

The Department continues to roll-out more online service options, streamline visa and citizenship processing, expand SDP arrangements (including in conjunction with FCC partners).

The Department is currently implementing recommendations of the internal Client Services Decision Support Review completed in 2015. The review's 22 recommendations focus on strengthening the legal, regulatory and policy framework for decision making, better supporting decision-making staff through the increased use of information and intelligence and the development of fit-for-purpose support tools and investing in building staff capability. The review complements and, in some cases, extends many areas of work already under way within the Department to improve visa and citizenship services.

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Australian Government

Department of Immigration
and Border Protection

CUSTOMS ACT AND THE FUNDAMENTALS OF CUSTOMS

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Key Issues

- The *Customs Act 1901* (the Act) is the primary legislative basis for controls on the import and export of goods. It is principally concerned with establishing a framework for regulating the movement of goods across the border. This extends to the ships and aircraft carrying the goods and to passengers and crew of those ships and aircraft.
- The framework regulates the reporting, movement, declaration and clearance of all imported and exported goods, including mail items and the ships and aircraft they are carried on. The Customs Act also imposes customs duty on imported goods.
- The Minister for Immigration and Border Protection administers the Act with the exception of Parts XVB and XVC, which relate to anti-dumping matters. These two Parts are administered by the Minister for Industry, Innovation and Science.
- The Act establishes the concept of customs control. Customs control is a legal status and does not mean that the Department has physical custody of goods. All cargo on board a ship or aircraft arriving in Australia from overseas comes under customs control. Cargo remains subject to customs control through the process of being discharged from the ship or aircraft until satisfying the requirements under the Act enabling it to be released. Customs control also covers goods for export until the goods are exported. It is an offence to move, alter or interfere with goods subject to customs control without permission.
- Generally, it is while goods are subject to customs control that staff of the Department are able to exercise various powers under the Act including the power to ask questions and the power to examine the goods.
- Other key pieces of legislation in the customs framework include:
 - *Customs Tariff Act 1995*
 - Customs Regulation 2015
 - Customs (International Obligations) Regulation 2015
 - Customs (Prohibited Imports) Regulations 1956
 - Customs (Prohibited Exports) Regulations 1958
- The Customs Act requires that all ships and aircraft intending to arrive in Australia provide a report to DIBP that sets out the details of the vessel or aircraft and the passengers, crew and cargo being carried on board. Similar obligations apply to departing ships and aircraft. These reports are made in the Integrated Cargo System (ICS).
- Owners of goods on board the ship or aircraft must lodge a declaration in the ICS setting out the type of goods, their origin and the value of the goods. This information is required by Government agencies including the Department and the Department of Agriculture and Water Resources and the Australian Taxation Office (the ATO) for risk assessment, to calculate duties and taxes and to determine if the goods need a permit. Payments of duties and taxes are made through the ICS.
- Owners can employ the service of a licensed customs broker to undertake these activities on their behalf. The Department manages the process for licensing customs brokers.
- Excise equivalent goods (EEGs) are imported alcohol, tobacco and fuel that, if produced or manufactured in Australia, would be subject to excise duty. On 1 July 2010, responsibility for the administration of EEGs that are warehoused moved from the Department to the ATO. The ATO issues the warehouse licences, collects revenue and undertakes compliance activity. There was no change to the legislation to give effect to this arrangement as the ATO undertakes these activities under delegation from the Comptroller-General of Customs. The Department continues to administer EEGs that are cleared at the border and not warehoused.

- The *Customs Tariff Act 1995* (Customs Tariff Act) sets out a system for classifying all imported goods according to a unique eight digit numerical classification system, which is based on the internationally agreed Harmonized System of tariff classification. There is a specific rate of customs duty against each classification in the Customs Tariff Act. The most common rate of duty is 5 per cent. The Customs Tariff Act also allows for a wide range of concessional rates of duty where the goods meet particular criteria. The Customs Tariff Act is the means by which Free Trade Agreements (FTAs) are given practical effect. Under current agreements, goods originating in the United States, Thailand, Chile, Singapore, Korea, Myanmar (Burma), Brunei Darussalam, Vietnam, Malaysia, Philippines, Laos, Cambodia, Japan and China are duty free unless otherwise specified. General policy on FTAs rests with the Department of Foreign Affairs and Trade.
- In addition to customs duty, importers are also required to pay import processing charges and goods and services tax (GST) on most imported goods. Customs duty, import processing charges and GST are not payable on imported goods where the value of the consignment does not exceed \$A1000. This is known as the low value threshold. The 2016-17 budget announced a change to the GST treatment of low value imported goods that will be implemented from 1 July 2017. Certain overseas retailers will be required to register for and collect GST on sales of low value goods to purchasers in Australia. It is not intended that there be any changes to border clearance arrangements for these goods. Revenue policy is a matter for the Treasury portfolio.
- There is a Tariff Concession System that reduces costs to the general community by allowing duty-free entry for certain goods where there is no local industry that produces those goods. Importers must apply for a Tariff Concession Order (TCO) to obtain access to the free rate of duty.
- TCO decisions and tariff classification rulings are the main source of appeals to the Administrative Appeals Tribunal (AAT). The majority of the Department decisions are upheld by the AAT.
- Importers or exporters may need permits for their goods before they can be imported or exported. The requirements for these are set out in the Customs (Prohibited Import) Regulations and Customs (Prohibited Export) Regulations. This is an efficient mechanism for managing the policy and approval for permits for more than 50 different government agencies. The requirements cover a vast range of goods from drugs and therapeutic substances, wildlife, goods with environmental concerns, intellectual property, weapons, defence strategic goods and consumer goods.
- The Customs Regulation 2015 and Customs (International Obligations) Regulation 2015 set out more detailed requirements that are prescribed for certain sections of the Customs Act. These provisions are contained in regulations as they are easier to update making them more flexible and adaptable to changing requirements. The Customs (International Obligations) Regulation 2015 covers for example, Australia's FTAs, UN Sanctions and World Customs Obligations.

Overview of the import and export matters

- The Act establishes the concept of customs control. Customs control is a legal status and does not mean that the Department has physical custody of goods. All cargo on board a ship or aircraft arriving in Australia from overseas comes under customs control. Cargo remains subject to customs control through the process of being discharged from the ship or aircraft until satisfying the requirements under the Act enabling it to be released. Customs control also covers goods for export until the goods are exported. It is an offence to move, alter or interfere with goods subject to customs control without permission.
- Generally, it is while goods are subject to customs control that staff of the Department are able to exercise various powers under the Act including the power to ask questions and the power to examine the goods.

- The Act sets out reporting requirements for arriving and departing ships and aircraft and all goods on board those ships and aircraft. The reports must be provided within strict time frame to enable a full risk assessment prior to the goods being released from customs control. Goods are assessed for a range of risks including illegal or illicit substances, community safety concerns and revenue evasion.
- The Act also contains requirements for import and export declarations. These declarations contain detailed information on the importer or exporter and on the goods and enable further risk assessment. In the case of imported goods the declaration information is used to calculate the amount of duty and goods and services tax that must be paid before the goods can be released from customs control. The declaration information also assists in determining if permits are required for the import or export of the goods.
- The Act sets out the detailed rules to be followed in determining the customs value of imported goods and other matters concerning the calculation of customs duty.
- The Act provides for a scheme enabling exporters of goods to claim back customs duty paid on the import of those goods or on imported components used in the manufacture of the exported goods (duty drawback scheme). This scheme applies the principle that duty is only payable if goods are destined for the domestic economy, and supports exporters.
- The Act establishes a framework for claiming refunds of customs duty under a range of circumstances.
- The Act also establishes the Tariff Concession System, which enables duty-free entry of certain goods where there is no local industry producing those goods. This helps reduce the costs to the community and assists industry to become more internationally competitive.

Obligations, offences and compliance tools

- The Act sets out what information different parties need to supply for the reporting and clearances of imports and exports. This includes relevant timeframes within which the information must be provided.
- The Act specifies many offences including failure to meet relevant timeframes, false and misleading statements, interference with goods subject to customs control, failure to retain documents and importing or exporting prohibited goods.
- The Act establishes a suite of powers that can be deployed to ensure compliance with the requirements of the Act. This includes the ability for officers to physically examine goods, call for documents to be provided before clearance is given or conduct an audit after the goods have been released.
- In the event of an offence being detected, and depending on the severity of the offence, an officer may seek to prosecute for the offence or may have the option to issue an infringement notice for particular strict liability offences.
- To support the customs control framework the Act outlines the requirements for licensing depots and warehouses, which are special places for the short and long term storage of goods while they are subject to customs control. These requirements include “fit and proper person” checks of the key staff in the business operating the premises as well as detailed security requirements. “Fit and proper person” checks cover a range of matters including criminal history.
- The Act also regulates licensed customs brokers who are able to lodge import declarations on behalf of importers.

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Powers of Officers

- The Act sets out a definition of “officer of Customs” as the central concept for describing who may exercise powers under the Act. An officer of Customs can be any employee of The Department however these powers are generally used by staff in the Australian Border Force undertaking operational activities.
- Powers allowed for under the Act include:

Ships and Aircraft

Officers have extensive powers to board and search ships and aircraft.

Powers in relation to goods

Officers have a general power to examine goods subject to customs control. This includes opening packages, testing or analysing goods, using dogs to examine goods using technology such as x-ray and taking copies of documents.

Officers can exercise monitoring powers, by consent or with a warrant.

Officers can undertake searches with a warrant.

Officers have the power to seize, with a warrant, forfeited goods and certain goods in transit.

Officers are able to seize without warrant, narcotic goods or special forfeited goods.

Officers have the power to impound certain forfeited goods and release them upon payment of duty and a penalty.

Officers have the power to detain goods instead of seizing them.

Power to carry arms

Subject to directions from the Comptroller-General of Customs, certain officers may be issued arms and personal defence equipment.

Powers in relation to passengers

Officers have the power to ask questions.

Officers have the power detain for a frisk search, an external search or an internal non-medical scan.

Officers can apply to a judge for an order for a medical internal search.

Power of Arrest

Officers have the power of arrest for a range of offences.

Background

- The *Customs Act 1901* was the 6th Act of the Federation, primarily drafted by Sir Harry Newton Phillips Wollaston, the first Comptroller-General of Customs and Charles Cameron Kingston, the first federal Minister for Trade and Customs.

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Australian Government
Department of Immigration
and Border Protection

THE AUSTRALIAN BORDER FORCE ACT 2015

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Key Issues

- **Part 1** of the *Australian Border Force Act 2015* (ABF Act) contains machinery clauses and sets out the meaning of key terms and phrases including 'Immigration and Border Protection worker'¹, 'Australian Border Force', 'protected information', and 'serious misconduct'.
- **Part 2** of the ABF Act deals with the ABF Commissioner. It provides that the ABF Commissioner has the control of operations of the ABF and the power to do all things necessary or convenient in connection with the performance of his or her duties. The person occupying the position of ABF Commissioner is also the Comptroller-General of Customs.

Practical matters relating to the terms and conditions of employment for the ABF Commissioner are also set out in Part 2.

Other matters dealt with by Part 2 include:

- the Minister may give written directions to the ABF Commissioner;
 - The ABF Commissioner may request a person who is in the ABF or performing services for the ABF to make an oath or affirmation; and
 - The ABF Commissioner may give directions to Immigration and Border Protection workers to do with the administration and control of the operations of the ABF. These directions may relate to essential qualifications required by ABF officers.
- **Part 3** of the ABF Act deals with APS employees resigning from the Department. It provides that an APS employee must give at least 14 days' notice of his or her resignation from the Department. It also provides that an employee's intended date of resignation may be substituted where there are reasonably believed to be serious misconduct issues and the Secretary is considering terminating the employee's employment.
- **Part 4** deals with termination of employment for serious misconduct. If the Secretary terminates the employment of an APS employee for serious misconduct, the Secretary or Commissioner may make a declaration to that effect. The effect of the declaration is that provisions of the *Fair Work Act 2009* dealing with unfair dismissal, and notice of termination or payment in lieu, will not apply to the APS employee.
- **Part 5** deals with alcohol and drug tests, and provides that all Immigration and Border Protection workers may be required or directed by an authorised person to undergo an alcohol screening test, an alcohol breath test, an alcohol blood test or a prohibited drug test.
- **Part 6** deals with secrecy and disclosure provisions. It provides that an entrusted person must not make a record of, or disclose protected information unless the making of that record or disclosure is authorised by a provision of Part 6, is in the course of the person's employment or service, is required or authorised by law, or is required by an order or direction of a court or tribunal. Further information on Part 6 is provided in [Attachment A](#).

¹ "Immigration and Border Protection worker " means:

- (a) an APS employee in the Department; or
- (b) a person covered by paragraph (d), (e) or (f) of the definition of officer of Customs in subsection 4(1) of the *Customs Act 1901*; or
- (c) a person covered by paragraph (f) or (g) of the definition of officer in subsection 5(1) of the *Migration Act 1958*; or
- (d) a person who is:
 - (i) an employee of an Agency (within the meaning of the *Public Service Act 1999*); or
 - (ii) an officer or employee of a State or Territory; or
 - (iii) an officer or employee of an agency or authority of the Commonwealth, a State or a Territory; or
 - (iv) an officer or employee of the government of a foreign country, an officer or employee of an agency or authority of a foreign country or an officer or employee of a public international organisation; and whose services are made available to the Department; or
- (e) a person who is:
 - (i) engaged as a consultant or contractor to perform services for the Department; and
 - (ii) specified in a determination under subsection 5(1); or
- (f) a person who is:
 - (i) engaged or employed by a person to whom paragraph (e) or this paragraph applies; and
 - (ii) performing services for the Department in connection with that engagement or employment; and
 - (iii) specified in a determination under subsection 5(2).

- **Part 7** deals with other matters. It contains clauses which relate to the functions and powers of the Minister, the Secretary and the Comptroller-General of Customs, as well as practical matters such as delegations and making Rules. It also provides that the Secretary may give directions to Immigration and Border Protection workers to do with the administration and control of the Department or the performance or exercise of powers by such workers under a law of the Commonwealth. The Secretary or the ABF Commissioner may terminate the engagement of a person as a consultant or contractor if the person fails to comply with a direction under the ABF Act.

Background

- The ABF Act came into effect on 1 July 2015.
- The purpose of the ABF Act is to establish the role of the ABF Commissioner, enable the operation of the Australian Border Force, and provide legislative support for the management of a professional and disciplined workforce that exercises its powers and functions with the highest standards of integrity. The ABF is a part of the Department.
- The ABF Commissioner, a statutory officer, has control of the operations of the ABF and is directly accountable to the Minister in relation to those operations. The ABF Commissioner has a dual role as Comptroller-General of Customs with responsibility for enforcement of customs laws and collection of border related revenue.
- The ABF is a single, integrated, frontline operational border entity within the Department that is charged with enforcing customs and immigration laws. The ABF oversees the gateway between Australia and the world, facilitating trade, travel and migration while also protecting Australia from threats to the border.
- Immigration and Border Protection workers make decisions that affect the safety, rights and freedoms of individuals as well as trade and commerce in Australia. They hold a privileged place at the border and in the community, with access to secure environments and law enforcement databases. They also exercise significant powers under the *Customs Act 1901*, *Migration Act 1958* and *Maritime Powers Act 2013* and other Commonwealth law, such as detention, arrest, boarding a vessel, entry, search, questioning, seizure, use of force and removal from Australia.
- The ABF Act contains a number of integrity provisions to increase resistance to criminal infiltration and corruption and to enhance government and public confidence in Immigration and Border Protection workers, as well as the confidence of other partners including intelligence organisations and foreign governments. The ABF Act also includes provisions that enable the setting of standards for a highly trained, disciplined and flexible workforce.

Attachments

Attachment A – Secrecy and Disclosure Provisions

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Secrecy and Disclosure Provisions

- The secrecy and disclosure provisions are outlined in Part 6 of the ABF Act. These provisions co-exist with other portfolio and Commonwealth legislation that applies to the integrated departmental workforce.
- The ABF Act prohibits 'entrusted persons' from recording or disclosing protected information subject to the provisions of Part 6.
- Protected information is defined in the ABF Act as information that was obtained by a person in their capacity as an entrusted person.
- The penalty for breach of the secrecy provision is imprisonment for 2 years.
- Exceptions to the secrecy provision are where the disclosure or making of the record is:
 - authorised by a relevant provision in Part 6 of the ABF Act; or
 - in the course of employment or service as an entrusted person; or
 - required or authorised by a law of the Commonwealth, a State or a Territory; or
 - required by a court or tribunal.
- In addition to APS employees in the Department, a person who is engaged to perform services for the Department may be characterised as an entrusted person under the ABF Act.
- Depending on the nature of individual arrangements, consultants, contractors and subcontractors may be characterised as entrusted persons and therefore bound by the secrecy provisions. This has caused particular discontent with doctors and other medical staff with mandatory obligations to report concerns of child abuse to child protection agencies. The ABF Act does not override mandatory reporting requirements found in State or Territory legislation.
- The secrecy and disclosure provisions of the ABF Act are designed to ensure confidence in the Department's ability to protect information and carry out its operations effectively. These provisions are consistent with those of other agencies with law enforcement and national security responsibilities, such as the Australian Federal Police.
- Other Commonwealth laws prohibit Commonwealth employees and contractors from making unauthorised disclosures. For example, section 70 of the *Crimes Act 1914* prohibits disclosure of information gained through a person's employment or service with the Commonwealth where they have a duty not to disclose. The secrecy provision in the ABF Act is comparable to these provisions.
- The *Public Interest Disclosure Act 2013* (PID Act) provides protections for officials including contractors, who wish to make a disclosure in the public interest under the PID Act. The ABF Act does not override the protections of the PID Act.



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Australian Government

Department of Immigration
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SENIOR EXECUTIVE SERVICE (SES) STAFFING

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Key Issues

- In May 2014, The Minister announced the integration of the Australian Customs and Border Protection Service (ACBPS) and the Department of Immigration and Border Protection by 1 July 2015.
- On integration of the two entities on 1 July 2015, the Department's Australian Public Service Commissioner's (APSC) SES cap was increased to 148, reflecting the previous Department's SES Cap of 98 plus the ACBPS SES Cap of 50.
- The Department's SES Cap report for 30 April 2016 is outlined at Table 1. These figures do not include employees performing higher duties for periods of less than three months.
- The current SES cohort within the integrated organisation reflects a strong blending of backgrounds and experiences, being comprised of SES officers from the former ACBPS, the former DIBP as well as a number of SES officers from other APS organisations.
- Table 1: Breakdown of reported SES cap

April Cap Return (as at 30 April 2016)	
(a) substantive SES (including on leave)	144
(b) acting SES	13
(c) SES on long term Leave	14
TOTAL (a+b-c) SES reported 30 April 2016	143
APSC Approved Cap	148

Reducing SES numbers

- Current planning for the integrated Department is to further reduce SES numbers by December 2016.
- Options to reduce SES numbers to date have included natural attrition, time limited positions to support the Department reform and integration, transfers and secondments to other departments, reduction in classification or offers of incentives to retire.

SES Recruitment

- Some targeted recruitment has been necessary to fill specific vacancies. Recruitment is currently under way to fill several SES Band 2 and SES Band 1 roles.

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Australian Government
Department of Immigration
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WORKFORCE PROFILE

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Key Issues

- The Department is responsible for a diverse range of outcomes within a complex and rapidly changing environment. The Department's employees are located across every Australian State and Territory and 42 overseas posts.
- To facilitate the delivery of its outcomes, the Department's workforce comprises a diverse range of skills and capabilities.
- The estimated 30 June 2016 total employee headcount, including ongoing, non-ongoing and casual employees, is 14,025.
- In addition to the 14,025 employees, the Department utilises 1193¹ Locally Engaged Employees (LEEs) at overseas posts. LEEs are employed on behalf of the Department by the Department of Foreign Affairs and Trade or Austrade.
- The Department recognises the importance of having a diverse mix of staff, and as outlined in the *People Strategy 2020*, there is emphasis on:
 - Increasing Indigenous representation to meet the Departments 2.5 per cent employment target by 2018, and providing greater career advancement opportunities for Indigenous Australians.
 - Ensuring appropriate gender balance in senior leadership roles including in the Australian Border Force.
 - Encouraging people with disability to join the Department and ensuring the necessary workplace adjustments are made.
- Recently released whole-of-service strategies are informing the development of the Department's initiatives to strengthen workplace diversity and inclusion. This includes the *Commonwealth Aboriginal and Torres Strait Islander Employment Strategy*, *Balancing the Future: The Australian Public Service Gender Equality Strategy 2016–19*, and the *As One: Making it Happen APS Disability Employment Strategy 2016–19*.
- With the Department's operational footprint across Australia, there are many opportunities for employing Indigenous Australians, allowing them to maintain their connection to community and country.
- The Department is progressing employment initiatives for Indigenous Australians, including:
 - Investigating options for an Indigenous ranger programme to meet border protection compliance objectives in Northern Australian.
 - Examining partnerships with educational institutions to create pathways for school leavers into the Australian Border Force.

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¹ This figure is an estimate only as at 30 June 2016, based on 30 April 2016 data. This figure will be updated after 30 June 2016.



Australian Government

Department of Immigration
and Border Protection

PORTFOLIO REFORM

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Key Issues

- In May 2014 significant changes were announced on how we protect and manage Australia's borders to enhance our national security and to create an even stronger national economy.
- This included the 1 July 2015 integration of the Department of Immigration and Border Protection (the Department) and the Australian Customs and Border Protection Service (ACBPS) and the establishment of the Australian Border Force (ABF).
- To support these changes, a \$1.1 billion six year programme of capability reforms as follows:
 - Trader - implementation of a Trusted Trader Programme.
 - Traveller - a new immigration and customs border clearance IT platform.
 - Decision and interdiction support - improved capability to anticipate traveller and goods threats and risks, particularly ahead of the border.
 - Surveillance - an expanded and partially digital CCTV network.
 - Maritime - delivers vessels, vehicles, crews and support personnel to improve coverage of border patrols in remote areas of Australia.
 - Workforce - a more streamlined process for assessing organisational suitability.
 - Enabling - delivers the underlying infrastructure (including the Department Headquarters), legislation, and technical support required to effectively implement the other reforms.
- As the second largest revenue collection agency, it was also agreed to an additional investment of \$10.2 million to assist with revenue uplift over the 2014–15 and 2015–16 financial years.
- Further agreed savings over the forward estimates period of \$270 million, comprising a return to government of \$200 million and a departmental reinvestment fund of \$70 million for ongoing reform.
- Integration is scheduled to be completed and savings realised by July 2016.

Background

Integration

- On 14 May 2015, Parliament passed legislation that establishes the legal framework for the Department, including the operation of the ABF.
- The *Australian Border Force Act 2015* (ABF Act) established the role of the ABF Commissioner and enabled the operation of the ABF within the Department. The ABF Commissioner has a dual role as the Comptroller-General of Customs, and in that capacity has responsibility for enforcing customs law and collecting border related revenue.
- The ABF Act also supports the implementation of a new professional integrity framework for the Department (including the ABF) to help protect our people, property, systems and information from infiltration and criminal activity.

Future reforms

- In the 2016–17 Budget:
 - \$69.9 million over four years for the Department to fully implement an ongoing Australian Trusted Trader (ATT) Programme.
 - \$80.1 million over three years from 2016-17 in capital funding to enhance the onshore immigration detention network.
- The Government will achieve efficiencies of \$68.2 million over five years from 2015-16 through consolidation of the onshore immigration detention network.

- The Department will deliver savings of \$180 million over three years through a range of service delivery reforms to the visa and migration framework.

Other reforms include:

- Implementation of a significant programme of reform over the next two to three years arising out of the recommendations of the Detention Capability Review, which was finalised in June 2016.
- The recently delivered Future Operating Model (FOM), which outlines how the Department's strategic objectives will be realised over time from 2016 through to target end states 2017 and 2020.

Reform Governance

- Due to the magnitude of reform and ongoing complexity of the Department's operations, the Strategic Reform Group (SRG) was established effective 1 December 2015.
- Under the accountability of Deputy Secretary Jenet Connell; the SRG is to monitor delivery and provide a strategic view on the progress and impact of all significant change projects and reform activity.

Contact Details

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Australian Government

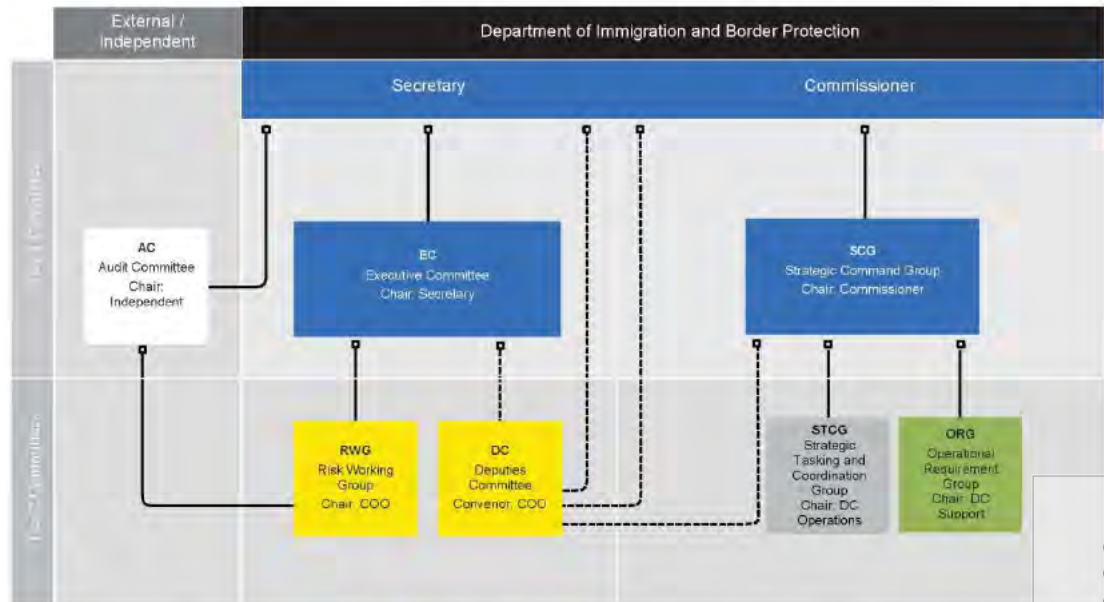
Department of Immigration
and Border Protection

OVERVIEW OF PORTFOLIO SENIOR GOVERNANCE FRAMEWORK

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Key Issues

- The Department's Executive governance structure consists of a range of governance bodies that provide for a transparent and accountable decision making process.
- The *Public Governance, Performance and Accountability Act 2013* (PGPA Act) sets out requirements for the governance, reporting and accountability of Commonwealth entities and for their use and management of public resources. It vests many of the powers and responsibilities for the financial management of a Commonwealth entity in the hands of the Accountable Authority, and sets out a series of duties that they must meet.
- The Secretary is the 'Accountable Authority' under the PGPA Act, and is supported by the:
 - Executive Committee
 - Audit Committee
 - Deputies Committee
 - Risk Working Group.
- The Commissioner of the Australian Border Force (ABF) is supported by the:
 - Strategic Command Group
 - Strategic Tasking and Coordination Group
 - Operational Requirement Group.



Executive Committee (EC)

- The Executive Committee (EC) is the Department's premier forum for discussion and advice to the Secretary and the Commissioner on all corporate and department-wide matters and high-level strategy, planning, resource allocation, operations, implementation, assurance and evaluation.
- The EC is chaired by the Secretary who is the Accountable Authority under the PGPA Act. The EC meets monthly or as required. The Secretary is the final decision maker on department-wide matters brought before the EC.

Audit Committee (AC)

- Section 45 of the PGPA Act requires the Secretary to ensure the Department has an audit committee. The role of the Audit Committee (AC) is to provide independent assurance and assistance to the Executives on the Department and the ABF risk oversight and management, system of internal controls, financial reporting and performance reporting. The AC does not have executive powers, except for the power delegated to it by the Executives.
- The AC is directly responsible and accountable to the Executives for the exercise of its responsibilities. In carrying out its responsibilities, the AC must at all times recognise that primary responsibility for the management of DIBP and ABF rests with the Executives.
- The AC is chaired by an external member who reports to the Secretary after each meeting on the AC's operations and activities. The AC will meet a minimum of four times per year, typically on a quarterly basis. Additional special meetings are held as necessary to clear the financial statements.

Deputies Committee (DC)

- The Deputies Committee (DC) is the Department's forum for consultation and coordination on major corporate and department-wide matters including high level strategy, planning, performance, resource allocation, financial management, people, culture, operations, implementation, assurance and evaluation.
- The DC is convened by the Chief Operating Officer whose role is to sponsor agenda items in line with accountabilities, facilitate open discussion, problem solving, and resolution of issues. The DC meets every two weeks.

Risk Working Group (RWG)

- The Risk Working Group (RWG) advises the Secretary and the Commissioner, through the Executive Committee on all aspects of risk management within the Department.
- The RWG will present advice relevant to the risk framework and the operation of that framework to the Department's Audit Committee as a standing agenda item. Consideration of risk issues and proposal will be undertaken from a range of perspectives, including, but not limited to, strategic, operational and corporate perspectives.
- RWG meetings will be held quarterly with additional meetings or out of session clearance of matters as required.

Strategic Command Group (SCG)

- The Strategic Command Group (SCG) is responsible for endorsing input into the Department's Strategic Plan, and setting the ABF operational priorities for the financial year.
- The Commissioner is the Chair and is the responsible officer for the decisions and directions of the SCG.
- The Chair is responsible for conducting each meeting in accordance with the agenda and organisational requirements to enable participation, discussion, problem solving and resolution of issues. The chair is the final decision maker on all matters. The SCG meets once every three months.

Operational Requirement Group (ORG)

- The purpose of the ORG is to coordinate the provision of advice and information for the Department's supporting capabilities (including raise/train/sustain aspects).
- The ORG sets the capability direction aligned to the SCG operational priorities for the ABF, providing an awareness and assessment of the existing and future capability needs for the ABF. In addition, the ORG identifies the ABF priorities for delivery, sustainment, and investment (including training and workforce issues as well as capability and asset deployment).
- The Chair of ORG is the Deputy Commissioner Support Group. The Chair is responsible for the decisions and directions of the ORG. The ORG meets once a month.

Strategic Tasking and Coordination Group (STCG)

- The Strategic Tasking and Coordination Group (STCG) supports the work of and reports to the Strategic Command Group (SCG). The STCG is responsible for developing, implementing and monitoring the operational priorities authorised by the SCG, and used as a basis to provide direction to all organisational units responsible for ABF operational output.
- The STCG is responsible for ensuring the completion and monitoring of the implementation of enforcement strategies and the Intelligence, Disruption, Enforcement and Compliance Plans for the operational priorities that are set by the SCG.
- The Chair of STCG is the Deputy Commissioner Operations Group. The Chair is responsible for the decisions and directions of the STCG. The STCG meets once a month.

Background

- The senior committees may be supported by a number of subordinate governance bodies

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Compliance, Enforcement and Detention

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and Border Protection

VISA CANCELLATION AND CHARACTER SETTINGS

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Key Issues

- Provisions under section 501 of the Act give the Minister of the day or the Minister's delegate the power to refuse or cancel a visa if a non-citizen fails the character test.
 - A person can fail the character test on a number of grounds, including on the basis of their criminal record, association with criminal organisations or because their general conduct poses a risk to the Australian community.
 - In addition, the Minister has special personal powers to override a departmental or tribunal decision in the national interest. The Minister also has a power to refuse or cancel a visa without first providing natural justice in the national interest.
- The Department will seek the Minister's views as to which character cases he/she wishes to be referred for personal consideration. Ministerial decisions are not merits reviewable but can be judicially challenged. Delegate decisions are subject to natural justice requirements and are merits reviewable in the Administrative Appeals Tribunal.
- The National Character Consideration Centre (NCCC), which is based in the Department's Melbourne office, is responsible for managing most section 501 cases, including preparation of submissions for decision.

Key Caseloads

Mandatory Cancellation

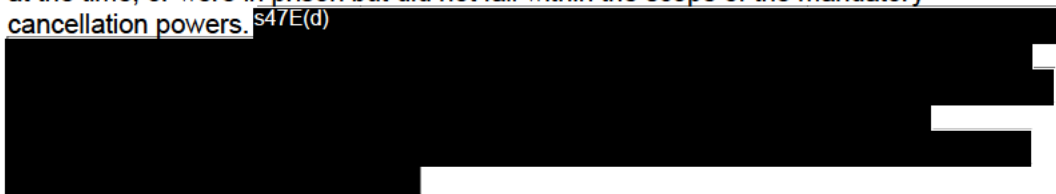
- Mandatory cancellation provisions, introduced in December 2014, require that a non-citizen's visa must be cancelled if they are serving a full-time term of imprisonment for an offence committed in Australia and they have, at any time, been sentenced to a period of 12 months or more in prison, or have been found guilty of, a sexually based crime involving a child.
- Mandatory cancellation has significantly increased the number of character cancellations, and consequently, the numbers of non-citizen criminals entering immigration detention from State and Territory prisons.

Revocation

- Non-citizens who have had their visa mandatorily cancelled under section 501 may seek revocation of the decision. Where a cancellation decision is revoked, the non-citizen's visa is reinstated. The original mandatory visa cancellation decision may be revoked if the Minister (or his/her delegate) concludes that the non-citizen has made lawful representations and the Minister is satisfied that the non-citizen passes the character test, or that there is another reason why the original decision should be revoked. Non-citizens awaiting revocation decisions may be in criminal custody or held in immigration detention on the completion of their custodial sentence. Those awaiting revocation decisions are encouraged to seek voluntary removal while awaiting the outcome of the revocation decision.
- Decision makers are guided by Ministerial Direction 65, which directs the factors that must be considered when deciding to revoke a cancellation. Factors include the need to protect the Australian community from harm, ties to the Australian community and impact of any decision on children or families.

Community

- A large proportion of non-citizens awaiting a section 501 decision reside in the community. The community caseload is not subject to the mandatory cancellation provisions enacted in December 2014 because the non-citizens were either not in prison at the time, or were in prison but did not fall within the scope of the mandatory cancellation powers.^{s47E(d)}



Visa Applicants

- The NCCC also considers visa applications lodged either onshore or offshore where there are character considerations.

s47E(d)



Attachments

Attachment A – Community caseload statistics

Attachment B – Case prioritisation model

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Community Caseload Statistics

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Case Prioritisation model

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Border Management

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Australian Government

Department of Immigration
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TOURIST REFUND SCHEME REFORM PROGRAMME

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Key Issues

- The Tourist Refund Scheme (TRS) allows passengers departing Australia to claim back the Goods and Service Tax (GST) and Wine Equalisation Tax (WET) component on goods purchased in Australia and exported overseas as accompanied baggage.
- TRS is open to all overseas visitors and Australian residents, except for operating air and sea crew. Overseas visitors and Australian residents can claim a GST and WET refund by visiting the TRS facility in international airports or cruise liner terminals.
- The Department of Immigration and Border Protection (the Department) administers the TRS on behalf of the Australian Taxation Office (ATO). Australian Border Force (ABF) officers at Australian international airports and seaports are responsible for the delivery of TRS claim processing at the border including routine data entry of invoices. TRS facilities are located after immigration processing.
- The real time data entry of passenger invoices has created significant congestion and queuing at TRS facilities in international airports. Passengers seeking a claim can become frustrated and angry with the process.
- Tourism is a high value contributor to the Australian economy. As tourism and passenger numbers increase, there is a need to drive key reforms in the tourism sector, including the TRS. The Department is developing interim reform options to deliver short-term improvements to the passenger's airport experience.
- Interim reform options will also address the recommendations from the Commonwealth Ombudsman's own motion investigation into the 30 minute rule (the Rule) applied at TRS facilities.
- The Rule was developed in consultation with airlines and airport operators when the TRS was implemented in 2000. If a passenger arrives at the TRS facility within 30 minutes of the scheduled departure of their aircraft, they may have their claim declined. The arrangement minimises delays to flight departures and associated on-costs to airlines, along with passengers missing flights from being off loaded.
- The Ombudsman's investigation concluded in May 2016. The Ombudsman recommended that the Department cease applying the Rule and consider alternative arrangements that would allow passengers to lodge their claim if queuing is extensive. Alternative arrangements are being developed in conjunction with the short-term reform options to enhance the TRS for all stakeholders.

Background

- Australia's TRS has experienced strong growth in the number of claims in recent years. For the 2014–15 financial year, compared to the previous 12 months, there was:
 - 1.52 million tax invoices presented, an increase of 270,000 or 21 per cent
 - 737,00 claims approved, an increase of 89,000 or 14 per cent
 - \$166 million refunded, an increase of \$42 million or 34per cent.
- For the 2014–15 financial year approximately 31 per cent of TRS claimants were Australian passport holders. In the same period approximately 33 per cent of all claimants were Chinese passport holders.
- It is estimated that there will be a 23 per cent growth of passengers in and out of Australia over the next four years. It is anticipated that TRS claims will continue to grow as a result of these increasing international passenger volumes.

- To make a claim, tourists can pre-enter up to ten invoices for their claim using the TRS web or mobile applications (mTRS). mTRS users may join a priority queue and present their goods, tax invoices and the quick response (QR) code generated by mTRS to an ABF officer at the TRS counter for inspection. The officer scans the QR code before the invoice data is transferred to the Department's TRS system. A priority queue is generally available at Sydney and Melbourne airports when staffing levels and other operational demands allow. Approximately 25 per cent of all claims are made using the applications.
- Tourists who did not pre-enter the details of their claim using mTRS join a queue to present their goods and tax invoices to an ABF officer at the TRS counter for inspection. ABF officers assess the claim and enter each eligible invoice in the TRS system.

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Visa and Citizenship

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Australian Government
Department of Immigration
and Border Protection

PERMANENT SKILLED VISA PROGRAMME

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Key Issues

- 128,550 places (68 per cent) of the Migration Programme are made available for the Skilled Visa Programme. The skilled stream includes the General Skilled Migration (GSM), the Permanent Employer Sponsored Entry (PESE), the Business Innovation and Investment Programme (BIIP) and Distinguished Talent programme (DT).

2015/16 Skilled Migration Programme	
GSM	72,840
PESE	48,250
BIIP	7,260
DT	200
Total	128,550

General Skilled Migration (GSM)

- The GSM programme is designed to build human capital within the Australian labour market by allowing migrants to apply to enter Australia on a permanent skilled visa independent of employer sponsorship.
- GSM consists of four visa subclasses:
 - Skilled Regional (provisional) subclass 489 visa which includes two streams:
 - Family Sponsored stream, and
 - State or Territory nominated stream.
 - Skilled Independent(permanent) subclass 189 visa
 - Skilled Nominated (permanent) subclass 190 visa
 - Skilled Regional (permanent) subclass 887 visa
- Each of the four subclasses has different assessment criteria. In addition to the assessment criteria, the Skilled Regional subclass 489, the Skilled Independent subclass 189 and the Skilled Nominated subclass 190 also includes a points test based on English language ability, skills and age. This allows for a ranking of potential applicants.
- The management of GSM is a multi-staged process part of which is managed through SkillSelect which is a departmental online pre-application IT system introduced in 2012.
- The general process for clients applying for a GSM visa is to first register their interest in coming to work in Australia by creating an expression of interest (EOI) in SkillSelect.
- GSM occupation ceilings prevent programme domination by a small number of occupations. The ceilings for occupations have been set at six per cent of the current number of people employed in the occupation in Australia. This overall employment figure is provided by the Australian Bureau of Statistics.

Permanent Employer Sponsored Entry (PESE)

- The PESE encompasses two visas:
 - the Employer Sponsored Scheme (ENS) subclass 186 visa, and
 - the Regional Sponsored Migration Scheme (RSMS) subclass 187 visa.
- The ENS subclass 186 visa is open to applicants Australia wide, while the RSMS subclass 187 visa is only for skilled workers who want to work in regional Australia.
- RSMS is designed to help businesses in regional, remote or low population growth areas (outside the major metropolitan centres of Brisbane, Gold Coast, Sydney, Newcastle, Wollongong and Melbourne) to recruit the skilled workers they need to manage and grow their operations.

- ENS and RSMS are skill based demand-driven programmes in that they are driven by the demands of Australian industry rather than the supply of independent skilled migrants. This allows employers to nominate skilled workers for permanent residence to fill genuine vacancies in their business. These skilled workers can be from overseas or already living and working in Australia as temporary visa holders. As with the rest of Australia's skilled migration programme, it is economically focused and encompasses occupations that require a trade or higher qualification.
- ENS and RSMS visas are employer nominated and do not require state or territory nominations. Visa applicants do not need to create an EOI in SkillSelect but rather apply directly through the creation of an ImmiAccount in the Department's online services.
- There is no point test for the PESE programme.

Business Innovation and Investment Programme (BIIP)

- The BIIP is designed to increase entrepreneurial talent and diversify business expertise in Australia. It is positioned to target migrants that have a demonstrated history of success in innovation, investment and business and are able to make a significant contribution to the national innovation system and to the Australian economy.
- Most business innovation and investment migrants enter Australia on a provisional visa for a minimum of four years and, after satisfactory evidence of a specified level of business or investment activity, can apply for permanent residence.
- The BIIP programme includes three visa subclasses:
 1. Business Innovation and Investment (provisional) subclass 188 visa which includes four streams:
 - Business Innovation stream
 - Investor stream
 - Significant Investor stream
 - Premium Investor stream
 2. Business Innovation and Investment (permanent) subclass 888 visa which includes the same four streams as the subclass 188 which can be used to transition to permanent residency, and
 3. The permanent Business Talent subclass 132 visa which has two streams:
 - Venture Capital stream, and
 - Significant Business History stream.
- The Business Innovation and Investor streams of the Business Innovation and Investment (provisional) subclass 188 visa require the applicant to meet a points test based on elements such as human capital and measures of business performance.
- The points test does not apply to any of the other streams in the BIIP.

Distinguished Talent (DT)

- The Distinguished Talent visa (subclass 124 (offshore) and subclass 858 (onshore)) is a permanent visa for those who are internationally recognised in their field including professions, sports, the arts, or academia and research.
- There is no points test for DT.

Background

General Skilled Migration (GSM)

- In the 2015–16 programme GSM was allocated 72,840 places.
- The GSM process includes the following stages:
 - **EOI:** prospective migrants register their interest in coming to Australia and outline their skills via an EOI. An EOI is not an application. EOI numbers are not capped. EOI's remains live for 2 years. After 2 years the EOI is deactivated. Individuals may reapply if their EOI lapses.
 - **Points test:** for some visa sub-classes a points test will be undertaken at the same time as the EOI and is based on English language ability, skills and age. This allows for a ranking of potential applicants.
 - **Nomination:** state and territory governments nominate clients for occupations they deem in shortage and require visa holders.
 - **Invitation to apply:** the Department controls the number of invitations issued against EOIs to ensure we manage the number, quality and rate of GSM applications.
- The following GSM visas require a nomination by a state or territory government and must meet a points test pass mark:
 - Skilled Regional (provisional) subclass 489 – State or Territory nominated stream only
 - Skilled Nominated (permanent) subclass 190
- If a client is nominated by a state or territory government or is directly invited by the Department they can then lodge a visa application.
 - Applicants invited by the Department can only apply for occupations listed on the Skilled Occupation List (SOL). The Department of Employment determines occupations on the SOL. In essence the SOL list is a range of highly targeted occupations that are deemed to have short to medium skill needs within the Australian labour market.
 - Applicants nominated by state or territory governments can apply for occupations on the Consolidated Sponsored Occupation List (CSOL). The CSOL is a broader list that contains all SOL occupations as well as other occupations deemed in shortage by the state and territory governments and employer groups.
- The following GSM visas do not require a state or territory nomination but must meet the points test pass mark and are subject to a ranking system where, depending on their ranking, the Department will issue an invitation to apply.
 - Skilled Regional (provisional) subclass 489 – Family Sponsored stream only
 - Skilled Independent(permanent) subclass 189 visa
- The Skilled Regional (permanent) subclass 887 visa is not subject to a points test or state or territory nomination because it is designed for applicants who already hold a Skilled Regional (provisional) subclass 489 visa and would like to transition to permanent residency.

Employer Nomination Scheme (ENS - Subclass 186 visa)

- In the 2015–16 programme ENS and RSMS was allocated 48,250 places.
- The Employer Nomination Scheme (subclass 186 visa) is for skilled workers who want to live and work in Australia. This visa involves a two-step process:
 1. nomination by an approved Australian employer of a job role, and
 2. the lodging of a visa application by the client which must meet skills and English language requirements.
- Both ENS and RSMS require that the nominated occupation is of an appropriate skill level 1, 2 or 3. Skill levels are categorised as per the Australian and New Zealand Standard Classification of Occupations (ANZSCO). The only exception is for the Agreement stream (see below).

- ENS 186 visa has three streams:
 1. Temporary Residence Transition stream: for subclass 457 visa holders who have worked for two years, while consistently holding the visa in the same occupation and their nominating employer wants to offer them a permanent position in that occupation.
 2. Direct Entry stream: for people who have never, or only briefly, worked in Australia, or are temporary residents who do not qualify for the Temporary Residence Transition stream.
 3. Agreement stream: for people sponsored by an employer through a negotiated and tailored Labour Agreement. Labour Agreements are the only migration pathway for employers seeking to recruit overseas workers for semi-skilled positions, or skilled positions where concessions to certain requirements for example English language, are sought. These occupations may be at a lower skills level (i.e. skill level 4).
- For ENS streams other than the Agreement stream, eligible occupations must be listed in the *Consolidated Sponsored Occupation List (CSOL)* and must be at a skill level 1, 2 or 3.
- The terms and conditions of employment applicable to the nominated position must be no less favourable than the terms and conditions provided to an Australian Citizen or permanent resident performing equivalent work in the same workplace at the same location.
- Employers must meet a training benchmark which is dependent on the stream clients are sponsored on and sits between 1–2 per cent of the payroll. The funds can be allocated to an industry training fund or to expenditure on training employees of the business.

Regional Sponsored Migration Scheme (RSMS - Subclass 187 visa)

- Requirements for RSMS are similar to those of ENS except that applicants may only work in regional, remote or low population growth areas (outside the major metropolitan centres of Brisbane, Gold Coast, Sydney, Newcastle, Wollongong and Melbourne). RSMS includes some concessions that may assist employers located in regional areas attract the skilled workers they need. Some of the differences are:
 - No nomination fee for RSMS employer nominations (currently \$540 for ENS)
 - Eligible occupations at skill level 1, 2 and 3 listed in ANZSCO (CSOL occupations only for ENS)
 - No training benchmark requirement for RSMS
 - Employers require a positive assessment by a Regional Certifying Body to determine that the position requirement is genuine.

Note: ENS is a nationwide programme and employer nominations / visa applications can also be made for positions located in regional areas, however the above concessions may not apply.

Business Innovation and Investment programme (BIIP)

- The BIIP is for successful business innovators and investors who intend to invest or enter into business in Australia and contribute to the growth of the Australian economy. In the 2015–16 BIIP programme there were 7,260 places allocated.
- The BIIP enables states and territories to attract and nominate the kinds of business people they are seeking to help in the economic development of their regions.
- The BIIP programme includes the provisional Business Innovation and Investment subclass 188 visa, the permanent Business Innovation and Investment subclass 888 visa, and the permanent Business Talent subclass 132 visa.
- The subclass 188 and 888 visas both have the same four primary streams. The provisional visa holder may be eligible to apply for the equivalent stream in the permanent 888 visa if they have complied with their provisional visa requirements.
 - **Business Innovation stream:** for people with a successful business career and a genuine and realistic commitment to be involved as an owner in a new or existing business in Australia.

- **Investor stream:** for people with a successful record of qualifying business or eligible investment activity who will make a designated investment in a state or territory of Australia and have a realistic commitment to continue to maintain business or investment activity in Australia after the designated investment has matured.
 - **Significant Investor stream:** for people who are willing to invest at least \$5 million into complying investments in Australia and want to maintain business and investment activity in Australia after the original investment has matured.
 - **Premium Investor stream** (commenced 1 July 2015): for a small number of people who are willing to invest at least AUD15 million. Available only through invitation by Austrade on behalf of the Australian government.
- The Business Talent (subclass 132) visa is made up of two streams:
 - a. The **Significant Business History stream:** aimed towards high calibre business people who are owners or part owners of an overseas business and have a genuine and realistic commitment to participate in the management of a new or existing business in Australia.
 - b. The **Venture Capital Entrepreneur stream:** which facilitates the entry of migrant entrepreneurs with a high potential business idea who have sourced venture capital funding in Australia. Migrant entrepreneurs will be required to have sourced at least \$1 million in venture capital funding through a member of the Australian Venture Capital Association Limited (AVCAL), for early phase start-up, product commercialisation or business development and expansion.
- The BIIP process includes the following stages:
 - **EOI:** prospective migrants register their interest in a BIIP visa stream and outline their business interest or investments via an EOI on SkillSelect. The client can indicate that they seek nomination from a particular state or territory government or Austrade, or the client may leave that option open which allows any state or territory government or Austrade to nominate.
 - **Nomination:** state and territory governments or Austrade nominate clients.
 - **Invitation to apply:** once nominated the client will be issued an invitation to lodge an application online. Supporting documents (including but not limited to) evidence that funds for intended investments are lawful and unencumbered, business investments and assets and complying investments are then requested in paper form to be sent to the Department.
- Applications from clients in the People's Republic of China (PRC), Hong Kong (SAR), Macau (SAR) or Taiwan are processed in the department's Hong Kong office. All other applications are processed in the Adelaide Business Skills Processing Centre.

Distinguished Talent (DT)

- The Distinguished Talent visa (subclass 124 (offshore) and subclass 858 (onshore)) is a permanent visa for applicants who can evidence they have an internationally recognised record of exceptional and outstanding achievement in a profession, sport, the arts, or academia and research.
- Applicants must still be active and have prominence in their field and would be able to gain employment or become established independently in that field in Australia.
- The applicant must be nominated by an Australian eligible person or organisation with a national reputation in that field.

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Australian Government
Department of Immigration
and Border Protection

STUDENT VISA PROGRAMME

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Key Issues

- International education is Australia's largest services export, generating about \$19 billion in 2015.
- The Student Visa Programme provides pathways for international students to study in any of Australia's education sectors including Schools, Vocational Education and Training (VET), Higher Education, Postgraduate studies and English Language Intensive Courses for Overseas Students (ELICOS).
- The Student Visa Programme is a demand driven programme. There is no legislative restriction on the number of student visas that can be granted, particular nationalities or particular sectors.
- On 1 July 2016, the simplified Student Visa Framework (SSVF) came into effect. The policy settings for the SSVF were developed by the Department in collaboration with the international education sector and include the following key changes:
 - A reduction in the number of subclasses from eight to two. This less complex visa regime will assist Australia to remain an internationally competitive market for international students.
 - The introduction of a new immigration risk model to guide which students are required to provide evidence of financial and English language capacity with their visa application.
 - Online lodgement for all Student visa applications.

Student visa (Subclass 500)

- International students are required to apply online for a Student visa (subclass 500).
- The genuine temporary entrant requirement is the programme's key integrity measure. It applies to all student visa applicants and requires an officer to consider the individual circumstances of the student and their intention is for a temporary stay in Australia.
- An assessment is made; taking account a number of individual characteristics of the student, such as their immigration history, circumstances that might encourage the student to return to their home country and conditions that might encourage them to remain in Australia.
- Other key requirements include:
 - Enrolment in a registered course of study. Exceptions to this requirement apply to Foreign Affairs and Defence sponsored students; secondary exchange students; and postgraduate research students required to remain in Australia for marking of their thesis.
 - Having sufficient funds to cover course fees and living costs in Australia. Student visa holders are able to work up to 40 hours per fortnight while their course is in session and should not rely on working to cover their course fees and living costs.
 - Being of good character and health. Students must also obtain Overseas Student Health Cover (OSHC) before their visa can be granted.
- Generally, the period for a student visa grant is dependent on course length but will not generally be granted for more than five years.

Student Guardian visa (Subclass 590)

- The Student Guardian visa caters for those who need to come to Australia to provide care and support to a student visa holder who is generally younger than 18 years of age.
- A student visa holder can only have one student visa guardian with them at any given time. Student guardians are permitted to stay in Australia for the same length of time as the student or until the student turns 18.
- Student guardians are not permitted to work while in Australia but can generally study for up to three months.

Temporary Graduate visa (Subclass 485) and Recognised Graduate visa (Subclass 476)

- The Temporary Graduate visa (Subclass 485) gives students who study in Australia and meet all requirements an opportunity to gain work experience or further their professional studies. The Temporary Graduate visa is granted for 18 months to four years depending on the applicant's qualification.
- The Recognised Graduate visa (Subclass 476) encourages engineers who have trained overseas at top universities to come to Australia to obtain work experience for 18 months.

Background

- Growth in the programme is likely to continue, with the grant rate (90.3 per cent) for the programme to remain high. The education and trade portfolios support genuine growth in the industry and reforms are likely to be made to simplify the legislation governing education providers.
- Through improved information sharing procedures with education regulators and other key Government partners, targeting of non-compliant providers by education regulators will continue.
- The Department has noted a growth in lodgements for visas to study a course in the Vocational Education and Training sector. In 2015–16 (to 31 May 2016) lodgements grew by 16.3 per cent when compared to the same period in 2014–15. While the growth itself is not of concern, an increasing number of applicants were found to be non-genuine, which has contributed to a decline in visa grant rates in key source countries including India, Thailand and Indonesia. This trend is likely to continue as Vocational Education and Training providers generally have lower entry requirements and are therefore more likely to attract non-genuine students than other sectors.
- As barriers to applying for a student visa in Australia have been removed under the SSVF, the Department is predicting a rise in the number of these types of applications. To manage this trend, new global risk systems have been implemented to give officers in Australia access to the same information and intelligence as officers in the student's home country.
- We are likely to see a rise in applications from primary schools students from key markets including China. The SSVF and in particular the removal of barriers to younger students studying in Australia, has attracted media attention in China. Under policy, visas to primary school students will only be granted for two years. This gives the Department an opportunity to 'check in' on primary school students more regularly. Officers also apply robust provisions relating to welfare arrangements and consider whether visa holders may be intending to stay in Australia permanently. School sector representatives advise that they are unlikely to enrol significantly more young students.
- The student visa reforms are an important component of Australia's first *National Strategy for International Education 2025* and builds upon the principles of the *Strategic Review of the Student Visa Programme 2011* (the Knight Review). The reforms are designed to ensure Australia's student visa programme remains internationally competitive and provides the platform to support the sustainable growth of the international education sector.
- The student visa reforms contain the policy levers necessary to facilitate the entry of genuine students while also allowing the Department to better manage risk and integrity. This includes greater emphasis on the use of internal risk analytics to identify both high and low risk applications.
- The Department has undertaken a comprehensive roadshow in Australian capital cities and key overseas locations to ensure that stakeholders are informed about the student visa reforms. Following implementation, the Department will continue to work closely with the international education sector to ensure that the intended outcomes are realised.

- The SSVF has been well received by the international education sector. The Productivity Commission has also endorsed the SSVF as being a major improvement on current policy in its *2015 Barriers to Growth in Service Exports* – Research report.
- For further detail regarding the student visa reforms, see: <http://www.border.gov.au/Trav/Stud/student-visas-1july2016>.

Attachments

Attachment A – Key facts and Statistics

Contact Details – The Student Visa Programme

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Contact Details – Student Visa Future Directions

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Student Visa Programme – total lodgements and grants

	2012/2013	2013/2014	2014/15	2015/16 (to 31 May)
Lodgements	290,761	317,570	332,188	309,187
Grants	259,278	292,060	299,540	276,419

- Significant growth in applications lodged outside Australia has been in Brazil (up 16.6 per cent), and Thailand (up 10.9 per cent).
- In 2015–16 to 31 May 2016, visas granted to applicants outside Australia have increased by 7.8 per cent when compared with the same period in the previous year.
- Student visa grants to applicants from China continue to increase (up 6.7 per cent). China is likely to continue to be our top source country. While the number of visa grants to applicants from India remains high, we have noted recent a decrease of 4.4 per cent when compared to last year. The decrease in Indian student visa grants is because applicants were found to be non-genuine.
- On 31 May 2016, there were 459,677 student visa holders in Australia, an increase of 9.2 per cent when compared with 31 May 2015 (420,841 student visa holders).

Student visa holders in Australia as at 31 May 2016

Country	Student visa holders	% of total
China	120,322	26.2
India	54,735	11.9
Vietnam	21,918	4.8
Malaysia	19,408	4.2
South Korea	18,902	4.1
Sub-total: Top 5 countries	235,285	51.2
Total: All countries	420,841	459,677

- In 2015–16 (to 31 May 2016) 1549 student visas were cancelled when the student was in Australia. This should be considered in light of the 459,677 students in Australia at 31 May 2016.
- Temporary Graduate (subclass 485) visa lodgements have increased compared to the same period last year as more international students completed their studies and became eligible for the Post-Study Work stream.



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FAMILY VISA PROGRAMME

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Key Issues

- The Family stream forms part of the Department's annual Migration Programme and enables family formation and reunion by allowing the migration of partners, children, parents and certain other extended family members. Sponsors must be Australian citizens, Australian permanent residents, or eligible New Zealand citizens.
- Demand for family visas continues to exceed the number of available places, resulting in an increase in waiting times across most visa categories.
- The order of processing priorities within the Family stream is
 - Child and Partner visa applications (Priority 1);
 - Contributory Parent applications (Priority 2)
 - Parents (Non-Contributory) and Other Family (Priority 3)

Within the Other Family category, priority is given to Carer visa applications over Aged Dependent Relative or Remaining Relative visa applications.

- Intercountry Adoption Australia (IAA), came into effect on 18 May 2015 to guide and support prospective adoptive parents via a new website and a 1800 phone service. As part of IAA the department established an Adoption Liaison Team onshore to provide enhanced assistance to adopting parents referred by the new Service on immigration or citizenship issues and procedures.

Community Issues

- The Migration Programme limits the number of places that may be granted for most Family Stream visas in a programme year. The department can only grant a visa if there is a place available.
- Strong demand and limited supply continues to create longer processing times and increased complaints from Partner visa applicants and sponsors. In order to keep visa grants within the planning level set in the Migration Programme, the average processing time for Partner visa applications lodged onshore exceeds 12 months.
- Extended processing times reduce operational efficiency and add costs for clients, due to the increased volume of client queries and cases where medical and character clearances expire and have to be redone. As processing times increase, applicant inquiries to the Department and Ministers Office seeking to have their applications expedited continues to increase.
- Partner visa applications are generally processed in date of lodgement order. However, in line with Ministerial Direction 62, applications may be prioritised if there are compelling or compassionate circumstances.
- Ministerial Direction 62 gives lowest priority to Family stream applications sponsored by Illegal Maritime Arrivals and there are no exceptions for compelling or compassionate circumstances.
- There is ongoing pressure from sponsors, visa applicants and their family members to shorten the queue and increase the number of places allocated to the Parent and Other Family (Carer, Remaining Relative & Aged Dependent Relative) visas.
- Based on the 2015–16 allocations for Non-Contributory Parent and Other Family visas continue and are currently:
 - 30 years for a Parent or Aged Parent visa
 - 4.5 years for a Carer visa
 - 50 years for an Aged Dependent Relative or Remaining Relative visa.
- India and China are two major source countries for Parent and Other Family visa applications. Most of the representations from community groups about these visas come from these two nationalities.

Background

- The Migration Programme provides a planning level for the number of permanent visas that are funded for a financial year, which is currently 190,000.
- Child visas are no longer subject to a planning level under the Migration Programme in 2015–16 and will be demand driven in future programme years.
- Orphan Relative visas continue to be subject to a Migration Programme planning level.
- Contributory Parent visas have higher Visa Application Charges (VACs), shorter processing times and higher programme numbers than non-contributory Parent visas. The higher VACs contribute to future health, welfare and other costs incurred by the visa holder.
- The Department notes an increase in complaints from Contributory Parent visa applicants which has been caused by continued strong demand for this visa type. Currently the average processing time for the initial temporary and permanent visas is approximately 2 years.
- The Minister of the day has the power to limit the number of visas that can be granted for Parent and Other Family categories each programme year by imposing a cap. Once the cap for a visa subclass has been reached, no further visas can be granted in that year. Applicants then wait in a queue for visa grant consideration in a following year, subject to places becoming available. Applications are considered for grant in order of their queue date as places become available.
- Non-Contributory Parent and Other Family category visas continue to be capped by legislative instrument in the 2015–16 financial year.

Family visas overview (2015–16 figures projected to be granted as at 30 June 2016)

Visa category	Total migration programme places			Approx. wait time
	2013-14	2014-15	2015-16	
Partner (including Prospective Marriage)	47525	47825	47825	Exceeds 12 months
Child*	3850	3885	-	Less than 10 months
Orphan Relative	-	-	400	12 months
Contributory Parent	6675	7175	7175	18-24 months
Parent	2250	1500	1500	30 years
Other Family	585	500	500	**50 years
Total Family stream within the managed migration programme	60885	60885	57400	
Child* (outside the managed migration programme)	-	-	3485	Less than 10 months
Total Family stream	60885	60885	60885	

* Prior to 2015-16 Orphan Relative visas were included in the Child category. From the 2015-16 programme year, Child visas (excluding Orphan Relative visas) are outside the managed migration programme but counted in total visas for migration programme statistics

** Waiting time for Carer visas is 4.5 years and Remaining Relative/Aged Dependent Relative visas is 56 years

Contact Details
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Australian Government

Department of Immigration
and Border Protection

TOURISM PROGRAMME - ELECTRONIC TRAVEL AUTHORITY (ETA)

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Key Issues

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- The Department is implementing measures to strengthen the ETA, including implementing new functionality to risk profile ETA applicants prior to grant. In April 2016 three Security Checking Handbook (National Security) profiles were put in place for the ETA. Initial sample analysis shows that 0.085 per cent of the ETA caseload was affected by these profiles. Most affected applicants chose to move to other e Visitor visa products, ensuring those applicants were subjected to a more rigorous assessment before any visa was granted.
- The new risk profiling process now allows the Department to prevent auto grant for high risk cohorts within the ETA while still providing timely decision making and facilitating travel for bona fide travellers. Ensuring this balance is crucial to both National Security and the travel and tourism industries.
- Further improvements to the ETA can be achieved by introducing:
 - further risk profiling capabilities: identifying both general and ETA specific risks and bringing the ETA further into line with other visa products;
 - better control of auto grants: changing business processes and applicant behaviour to take certain applications out of auto grant queues across our broader visa application suite;
 - better data collection and validation, especially where data can be used to appropriately anchor identity; and
 - additional deliberate channel management: more purposefully controlling the flow of ETA applications through channels of our choice by 'channel shifting'.
- Actions to strengthen the ETA application process in the short to medium term will allow us to continue to support high-volume tourism caseloads and support bilateral agreements as Australia's visa facilitation option.
- Any major decisions on the future of the ETA will have bilateral implications and these will need to be carefully managed, most likely at the Cabinet level.
- travelled to Iran, Iraq, Sudan or Syria on or after 1 March 2011 will not be able to enter the USA under the program and will need to apply for a visa and undergo a face-to-face interview.

¹ Auto grant is a facilitative component of online visa applications where applications are granted systematically without manual intervention.

Background

- The Electronic Travel Authority (ETA), introduced in 1996, is a light touch visa product that has been extremely successful in facilitating visa applications for high volume (2.23 million grants in 2014–15), low (immigration) risk nationals whilst maintaining Australia's universal visa system. Further data is provided at [Attachment A](#).
- ETAs represent around 50 per cent of Visitor visa grants and 30 per cent of all visa grants.
- There are three channels clients can access to apply for an ETA: via the industry channel through an established network of over 300,000 travel agents and over 85 airlines globally (approximately 75 per cent of all ETA applications), online through the ETA website (25 per cent) and at a Departmental posts overseas (0.3 per cent).
- The ETA is only available to a limited set of 34 eligible nationalities based on historical low immigration risk (refer Attachment B). Only a sub-set of these eligible nationalities can apply via the internet as the Department provides an alternative product for European Union nationalities via this medium.
- The ETA is a key element in bilateral arrangements as Australia's visa free/visa waiver facilitation option. This has resulted in a number of countries accepting the ETA as affording their nationals the equivalent of 'visa free' entry to Australia. In this way the ETA has led to reciprocal visa free arrangements for Australians to all ETA eligible countries.
- The ETA IT infrastructure and web channel (ETAS) is managed by an External Service Provider, SITA Group, who also provides the Department with the critical Advance Passenger Processing (APP) service and other related border systems services.
- The risk environment has changed significantly since the ETA was introduced 20 years ago. While the ETA has been highly effective in facilitating high-volume low risk travel, as it is intended to do, the level of assurance it provides in relation to potential security threats needs to be enhanced in response to the evolving threat environment.
- Other countries are also considering their light touch/no touch visas and are looking to strengthen them. For example the United States recently introduced changes to its visa waiver program to apply stricter eligibility rules for their Electronic Travel Authorization System (ESTA) based on nationality and recent travel history. Nationals of and those who have

Attachments

Attachment A - Further ETA background and statistics

Attachment B - ETA eligible passports

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ETA background and statistics

The Electronic Travel Authority (ETA) was introduced in 1996 to facilitate a visa application process for low (immigration) risk nationals, while maintaining Australia's universal visa system.

- The ETA was initially introduced for Singapore and US passport holders and is now available to passport holders from 34 countries and regions which were considered to be low (immigration) risk.

The ETA (visa subclass 601) permits travel to Australia for short-term visits (up to three months) for tourism or business visitor purposes. It provides travellers a seamless process for obtaining a visa through participating travel agencies, airlines and the internet.

In 2014–15, around 2.23 million ETAs were granted (50.0 per cent of Visitor visas granted and 30.2 per cent of all Temporary visa grants).

In the order of 75 per cent of ETA applications are lodged through the industry channel (agents and airlines) with around 25 per cent made online via the ETA website. In a small number of cases clients are granted their ETA through a post or through the Department's 24/7 Border Operations Centre (BOC), in exceptional circumstances at traveller check-in where there may be a systems issue.

ETA applications lodged by Lodgement Channel

	2013-14	Share	2014-15	Share	2015-16 Jul-May	Share
ETAS – Industry	1,656,197	77.5%	1,660,505	74.6%	1,646,169	74.2%
Internet	472,409	22.1%	558,413	25.1%	567,788	25.6%
Paper	7,608	0.4%	7,427	0.3%	5,686	0.2%
TOTAL	2,136,214		2,226,345		2,219,643	

The ETA visa processing system is hosted by SITA, under contract with the Department. Under that contract SITA also provides global Advance Passenger Processing (APP) for all travellers to and from Australia.

Most ETAs are issued immediately by computer links between SITA, the Department, travel agents, airlines and specialist service providers around the world. In a small number of cases, some additional processing by the Department is required.

ETA eligible passports

To apply for an ETA, an applicant must hold a passport issued by one of the countries or regions listed below. If an applicant holds a non-citizen passport or other travel document, such as a Certificate of Identity, they are not eligible to apply for an ETA.

Eligible passports are issued by:

Eligible passport	
Andorra	Malaysia
Austria	Malta
Belgium	Monaco
Brunei	Norway
Canada	Portugal
Denmark	Republic of San Marino
Finland	Singapore
France	South Korea
Germany	Spain
Greece	Sweden
Hong Kong (SAR of China)	Switzerland
Iceland	Taiwan*
Ireland	The Netherlands
Italy	United Kingdom—British Citizen
Japan	United Kingdom—British National (Overseas)
Liechtenstein	United States
Luxembourg	Vatican City

*must not purport to be an official or diplomatic passport

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Australian Government

Department of Immigration
and Border Protection

CITIZENSHIP PROGRAMME AND CEREMONIES

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Key Issues

- For the 2015–2016 programme year, around 140,000 people are expected to become citizens by conferral.
- While ceremonies can occur at any time during the year, there are two key dates for holding citizenship ceremonies and to promote the value of Australian citizenship:
 - Australian Citizenship Day (17 September)
 - On Australian Citizenship Day 2015, more than 80 ceremonies were held, welcoming more than 3500 new citizens.
 - Australia Day (26 January)
 - On Australia Day 2016, more than 390 ceremonies were held welcoming more than 16,000 new citizens.
- Ceremonies are apolitical, bipartisan, secular and non-commercial.
- While the Department hosts some ceremonies, local government councils undertake the majority of citizenship ceremonies on behalf of the Department.
- *The Australian Citizenship Act 2007* (the Act) outlines the responsibilities for the Minister of the day (the Minister), including citizenship ceremonies (Sections 26 - 28).
- In their role, the Minister is responsible for the entire process of becoming a citizen by conferral, involving several related steps which rely upon the Minister's delegate being satisfied of the applicant's identity. These stages are:
 - Application lodgement
 - Identity verification
 - Undertaking the Australian Citizenship Test (where applicable)
 - Character checks
 - Security checks
 - Decision (approval/refuse)
 - Allocation to a ceremony (generally at a local government council)
 - Acquisition of citizenship at a citizenship ceremony
 - Recording of citizenship on Departmental databases.
- Conferral of Australian citizenship legally rests with the Minister. The Minister authorises other people to legally receive the pledge of commitment through the legislative *Instrument of Authorisation* (Subsection 27(5)) which is included for your information at [Attachment A](#).
- The *Australian Citizenship Ceremonies Code* (the Code) provides the legal and other requirements for the conduct of Australian citizenship ceremonies. The following three legal requirements are mandatory at a ceremony:
 - presiding officer must be authorised by the Minister
 - presiding officer must read the preamble for citizenship ceremonies (Schedule 1 of the Australian Citizenship Regulations 2007)
 - candidates for citizenship must make the pledge of commitment before the presiding officer.
- Review of the Code:
 - The current version of the Code was issued in 2011.
 - A review of the Code on 9 December 2013, was to provide guidance relating to avoiding sitting dates of Parliament when hosting a ceremony and a dress code for ceremonies.
 - The ANAO Audit report *Verifying Identity in the Citizenship Program* was published on 10 June 2015 and recommendation 4 relates to citizenship ceremonies.
 - In response to the recommendation the Code, council training and supporting tools, are being improved to emphasise the importance of, and strengthen the activities related to, identity verification at a ceremony.

- In situations of alleged breaches of the Code, the Department and/or the Minister liaise with ceremony organisers through written/phone and/or face to face communication to determine the appropriate action to be taken.

Background

- The Minister must be invited to attend all Australian citizenship ceremonies. More than 3000 citizenship ceremonies are held annually in Australia.
 - If able to attend, the Minister has precedence to preside and confer citizenship.
 - If unable to attend, the Minister may nominate a representative to read the Minister's message.
 - If no representative is nominated the Minister's message will be read by the presiding officer.
- For most people, attending a citizenship ceremony is the final legal step in obtaining citizenship by conferral.
- There is no direct funding provided to local governments for costs associated with citizenship, the Australian Government (through the Department of Infrastructure and Regional Development) provided \$1.14 billion in FY 2015–16 in untied funding to local governments under the Financial Assistance Grant programme.
- The waiting time for a ceremony can vary depending on demand in a particular location, however most applicants will receive a ceremony invitation within six months of their application being approved.
- Applicants are encouraged to participate in a public citizenship ceremony wherever possible as they provide an important opportunity to formally welcome them as new citizens and full members of the Australian community.
- Urgent citizenship ceremonies are only organised in exceptional circumstances where there are genuine compelling or compassionate circumstances, including where these circumstances have arisen beyond the applicant's control and since the application was approved.
- Under the Act, there is a period between the approval of the citizenship applications and the ceremony where the Department can still defer or cancel the approval of an application when new information comes to light. The Department has had circumstances where a small number of applicants have been prevented from attending ceremonies anywhere from two weeks to two days before attending so further checks could be undertaken.
- The Australian Citizenship Affirmation, which is based on the pledge made by new Australian citizens, allows everyone to affirm their loyalty and commitment to Australia and its people.

*As a Australian citizen,
 *I affirm my loyalty to Australia and its people,
 Whose democratic beliefs I share,
 Whose rights and liberties I respect,
 And whose laws I uphold and obey.*

*Non-Australian citizens can join in the Affirmation at this line

Attachments

Attachment A – Instrument of Authorisation 2015 (Subsection 27(5))

Contact Details
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**Commonwealth of Australia***Australian Citizenship Act 2007***INSTRUMENT OF AUTHORISATION 2015***(Subsection 27(5))*

I, *PETER DUTTON*, Minister for Immigration and Border Protection, acting under subsection 27(5) of the *Australian Citizenship Act 2007* (the Act):

1. REVOKE Instrument number IMMI 11/079 (F2011L02759), signed on 12 December 2011; and
2. AUTHORISE:
 - a) a class of persons; or
 - b) a person;holding, or occupying, or performing the duties of, a position specified in the Schedule to this Instrument, to receive a pledge of commitment.

This Instrument, IMMI 15/064, commences on the day after registration on the Federal Register of Legislative Instruments.

Dated: 17 August 2015

Peter Dutton
HON. PETER DUTTON MP
Minister for Immigration and Border Protection

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SCHEDULE

Persons or classes of persons authorised to receive a pledge of commitment under subsection 27(5) of the Act:

1. Governor-General of the Commonwealth of Australia.
2. All Members of the House of Representatives of the Parliament of the Commonwealth of Australia.
3. All Members of the Senate of the Parliament of the Commonwealth of Australia.
4. An entrusted person of the Department of Immigration and Border Protection, as defined in section 3 of the Act, who is located in a State or Territory Office, or Regional Office, excluding Headquarters:
 - (a) an Australian citizen;
 - (b) performing duties under, or for the purposes of, the *Australian Citizenship Act 2007*; and
 - (c) holding, or occupying, or performing the duties of, a position classified as:
 - (i) Senior Executive Service, Band Three, Two or One;
 - (ii) Executive Level Two or Executive Level One (EL2 or EL1); or
 - (iii) Australian Public Service, Levels Six, Five or Four (APS6, APS5 or APS4).
5. An entrusted person of the Department of Immigration and Border Protection, as defined in section 3 of the Act, who is located at Headquarters:
 - (a) is an Australian citizen;
 - (b) is the holder of, or is performing the duties of, a position classified as:
 - (i) Secretary;
 - (ii) Senior Executive Service, Band Three (SES B3);
 - (iii) Senior Executive Service, Band Two (SES B2), Visa and Citizenship Management Division, Visa and Citizenship Services;
 - (iv) Senior Executive Service, Band One (SES B1), Permanent Visa and Citizenship Programme Branch; or
 - (v) Permanent Visa and Citizenship Programme Branch:
 - A. Citizenship Operations Section:
 - a. Executive Level Two (EL2); or
 - B. Citizenship Programme Management Section:
 - a. Executive Level Two (EL2); or

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- C. Stakeholder Engagement and Citizenship Ceremonies Section:
 - a. Executive Level Two (EL2); or
 - b. Executive Level One (EL1); or
 - D. Citizenship Delivery Section:
 - a. Executive Level Two (EL2).
- 6. An entrusted person of the Department of Immigration and Border Protection, as defined in section 3 of the Act, who is in an Australian Immigration and Border Protection Office Overseas or an Australian Diplomatic Mission:
 - (a) an Australian citizen; and
 - (b) the holder of, or is performing the duties of, one of the following positions within the Department of Immigration and Border Protection:
 - (i) Senior Executive Service, Band Three, Two or One;
 - (ii) Executive Level Two or Executive Level One (EL2 or EL1); or
 - (iii) Australian Public Service, Levels Six (APS6).
- 7. A person who is an Australian citizen, and who is holding, or occupying, or performing the duties of any of the following offices at an Australian Diplomatic Mission:
 - (a) Australian Diplomatic, Consular and Trade Representative;
 - (b) High Commissioner;
 - (c) Deputy High Commissioner;
 - (d) Ambassador;
 - (e) Consul General;
 - (f) Chargé d'Affaires;
 - (g) Chargé d'Affaires ad interim;
 - (h) Consul, at a post at which he or she is the Senior Australian Diplomatic Representative; or
 - (i) Trade Commissioner at a post where there is no representative from the Australian Government Department of Foreign Affairs and Trade or from the Australian Government Department of Immigration and Border Protection.
- 8. A person who is an Australian citizen, and who is holding, or occupying, or performing the duties of any of the following offices:
 - (a) In the Australian Capital Territory:
 - (i) Members of the Australian Capital Territory Legislative Assembly; or
 - (ii) Director, Australian Capital Territory Office of Multicultural Affairs.

- (b) In New South Wales:
- (i) Governor of New South Wales;
 - (ii) Lord Mayor of a City;
 - (iii) Mayor of a local government council;
 - (iv) Deputy Mayor, or Deputy Lord Mayor of a local government council;
 - (v) General Manager or CEO of a local government council; or
 - (vi) Administrator of a local government council in cases where a local government council has been placed under administration.
- (c) In the Northern Territory:
- (i) Administrator of the Northern Territory;
 - (ii) Lord Mayor of a City;
 - (iii) Principal member of a local government council;
 - (iv) Deputy principal member of a local government council;
 - (v) Chief Executive Officer of a local government council;
 - (vi) Chair, Nhulunbuy Town Board;
 - (vii) Customs Officer, resident on Groote Eylandt; or
 - (viii) Sub-Collector of Customs, Groote Eylandt.
- (d) In Queensland:
- (i) Governor of Queensland;
 - (ii) Lord Mayor of a City;
 - (iii) Mayor of a local government;
 - (iv) Deputy Mayor of a local government;
 - (v) Chief Executive Officer of a local government;
 - (vi) Councillor, Brisbane City Council;
 - (vii) Administrator of a local government in cases where a local government has been placed in administration;
 - (viii) Councillor, Torres Strait Island Regional Council;
 - (ix) Chair, Weipa Town Authority
 - (x) Deputy Chair, Weipa Town Authority; or
 - (xi) Superintendent, Weipa Town Authority.

- (e) In South Australia:
- (i) Governor of South Australia;
 - (ii) Lord Mayor of a City;
 - (iii) Deputy Lord Mayor of a City;
 - (iv) Mayor or Chairperson of a local government council;
 - (v) Deputy Mayor or Deputy Chairperson of a local government council;
 - (vi) Administrator of a Municipality, or local government council in cases where a Municipality or local government council has been placed in administration;
 - (vii) Chief Executive of a local government council;
 - (viii) Secretary, Woomera Board; or
 - (ix) President, Andamooka Progress and Opal Miners Association.
- (f) In Tasmania:
- (i) Governor of Tasmania;
 - (ii) Lord Mayor of a City;
 - (iii) Deputy Lord Mayor of a City;
 - (iv) Mayor of a local government council;
 - (v) Deputy Mayor of a local government council;
 - (vi) General Manager of a local government council; or
 - (vii) Administrator of a local government council in cases where a local government council has been placed in administration.
- (g) In Victoria:
- (i) Governor of Victoria;
 - (ii) Lord Mayor of a City;
 - (iii) Mayor of a local government council;
 - (iv) Deputy Mayor of a local government council;
 - (v) Chief Executive Officer of a local government council;
 - (vi) General Manager of a local government council;
 - (vii) Governor-in-Council appointed Administrator of a local government council;
 - (viii) Councillor, Robinvale Ward, Swan Hill, Rural City Council; or
 - (ix) Administrator of a local government council in cases where a local government council has been placed in administration.
- (h) In Western Australia:
- (i) Governor of Western Australia;
 - (ii) Lord Mayor of a City;
 - (iii) Mayor of a City, Municipality or Town;
 - (iv) Deputy Mayor or Deputy President of a City, Municipality, Shire or Town;
 - (v) Chief Executive Officer of a City, Municipality, Shire or Town;

- (vi) President of Shire Council;
 - (vii) Chairman of Commissioners in cases where a local government council has been placed under administration;
 - (viii) Administrator of a local government council in cases where a local government council has been placed under administration;
 - (ix) Councillor, Coastal Ward, Shire of Coorow;
 - (x) Councillor, Shire of East Pilbara;
 - (xi) Councillor, Shire of Moora;
 - (xii) Councillor, Leinster Ward, Shire of Leonora;
 - (xiii) Councillor, Town of Fitzroy Crossing, Shire of Derby/West Kimberley;
 - (xiv) Councillor, Town of Kununurra, Shire of Wyndham/East Kimberley;
 - (xv) Councillor, Shire of Ashburton; or
- (i) In Australian External Territories:
- (i) Station Leader, Australian Antarctic Base, Casey;
 - (ii) Station Leader, Australian Antarctic Base, Davis;
 - (iii) Station Leader, Australian Antarctic Base, Mawson;
 - (iv) President, Shire of Christmas Island;
 - (v) President, Shire of Cocos (Keeling) Islands;
 - (vi) Chief Executive Officer, Shire of Cocos (Keeling) Islands;
 - (vii) Administrator, Norfolk Island; or
 - (viii) Vice Chairman, Lord Howe Island Board.



Australian Government

Department of Immigration
and Border Protection

MIGRATION REFORMS

Productivity Commission and
Northern Australia White Paper

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Key Issues

- A robust permanent and temporary managed migration system is critical to ensuring the Department delivers the economic, social and cultural benefits to Australia, while simultaneously ensuring the integrity and security of Australia's borders.
- Two major reports provide recommendations identifying future options for the intake of temporary and permanent migrants: the Productivity Commission's Inquiry, *Report on Migrant Intake into Australia* and the *White Paper on Developing Northern Australia*.

Report on Migrant Intake into Australia

Overview

- The final report from the Productivity Commission's Inquiry, *Report on Migrant Intake into Australia* (the PC Inquiry) was handed to the Government on 15 April 2016.
- The PC Inquiry reports on, and makes recommendations into the costs and benefits of permanent and temporary migration, and options for alternative methods to determine the intake of permanent migrants.
- The Department worked with a number of agencies to shape the terms of reference for the PC Inquiry ([Attachment A](#)) and provided a submission to the Productivity Commission on 29 March 2016 ([Attachment B](#)) in response to the release of the draft report.
- The PC Inquiry contains various formal recommendations of interest to the Department, and for this reason the Department will develop the whole of government response in collaboration with other portfolios.
 - The Departments of the Prime Minister and Cabinet, Treasury, Finance, Social Services and Employment, along with the Australian Bureau of Statistics, the Fair Work Ombudsman and CSIRO all have interest in the recommendations.
- The *Productivity Commission Act 1998* requires the Government to table the final report of the PC Inquiry in each House of the Parliament within 25 sitting days of receipt. This is yet to occur with the PC Inquiry report remaining under embargo until that point.

Attachments

Attachment A – Terms of reference for the PC Inquiry

Attachment B – DIBP submission to Productivity Commission's draft report

White Paper on Developing Northern Australia

Overview

- The *White Paper on Developing Northern Australia* (the White Paper) was released on 18 June 2015 and outlines a policy platform for developing the north of Australia.
- The Department has delivered two White Paper visa reforms in November 2015 and March 2016 respectively. Further initiatives will be implemented by the end of 2016 and in 2017.
- New Visitor and Working Holiday Maker initiatives seek to improve access to labour for businesses in northern Australia and to promote increased tourism to Australia by targeting the world's fastest growing outbound tourist markets, China and India, with new types of visas and services.
- The White Paper proposed four reforms to Visitor visas for Chinese and Indian nationals, including further roll out of e-lodgement for both countries and trialling a fast track service, a 10-year validity Visitor visa and a trial of Chinese language visa lodgement in China.

- Longer validity multiple entry visas and a trial to allow visa applications to be lodged in Chinese will help Australia remain competitive in China's booming outbound tourism market.
- It is expected that these reforms will make Australia more attractive as both a first time and a repeat visitor destination and will help grow the tourist economy, including in northern Australia. The measures will also help Australia capitalise on the increased affluence of Asia and the northern Australia's proximity to the region.

Project Status

- Designated Area Migration Agreements
 - A new Designated Area Migration Agreement, which will afford greater opportunities for industries in northern Australia to recruit foreign workers, is now in place in the Northern Territory.
 - The Department is ready to fast track agreements for other regions subject to endorsement by the relevant state government.
- Working Holiday Maker/Work and Holiday Maker (visa subclasses 417 and 462)
 - On 21 November 2015, the Department implemented reforms to allow these visa holders to work for 12 months with the same employer in certain industries, in northern Australia. This is an increase from the previous limit of six months.
 - By the end of 2016, the Department will implement further reforms to allow Subclass 462 visa holders the opportunity to access a second 12 month visa if they work for three months in agriculture or tourism in northern Australia (Subclass 417 visa holders already have access to a similar but not identical scheme).
 - These initiatives will help address seasonal and temporary labour shortages in northern Australia.
- Initiatives for China
 - In March 2016, the Department commenced a trial of a Fast-Track service (48 hour processing) for Visitor visa (subclass 600) applications lodged in China for a service fee of \$1000, in addition to the base visa application charge of \$135.
 - The Department will trial a 10-year validity Visitor visa (subclass 600) for Chinese nationals applying from within China. The visa will provide for multiple entries and a three month stay period, for a fee of \$1000. This initiative will serve as a trial for rolling out to other nationalities, subject to analysis of results. Implementation is expected by December 2016.
 - The Department will trial online lodgement of visitor visa applications in Simplified Chinese through a third party Service Delivery Partner. This will be a point of distinction between Australia and its competitors who either do not offer Chinese Language forms or offer forms in Simplified Chinese but require them to be completed in English. The trial is expected to be implemented by the end of 2016.
- Online lodgement for China and India
 - A pilot via trusted agents commenced in China in December 2014 and has expanded to further groups of agents. Full implementation of online lodgement of Visitor visa applications for individuals from China is expected by December 2016.
 - An agent trial commenced in India in April 2015 and it is expected that individuals from India will be able to lodge online by the end of 2017.

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Terms of Reference

I, Joseph Benedict Hockey, Treasurer, pursuant to Parts 2 and 3 of the *Productivity Commission Act 1998*, hereby request that the Productivity Commission undertake an inquiry into the greater use of charges relative to quotas and qualitative criteria to determine the intake of temporary and permanent entrants into Australia.

Background

The intake of temporary and permanent entrants is currently regulated through a mix of qualitative requirements (e.g. skills, family connections, refugee-status, health, character and security), quotas (e.g. the size of the Migration and Humanitarian Programmes, and of components within these Programmes) and imposts (including the cost of investing under the Significant Investor Visa).

The Australian Government's objectives in commissioning this inquiry are to examine and identify future options for the intake of temporary and permanent entrants that improve the income, wealth and living standards of Australian citizens, improve the budgets and balance sheets of Australian governments, minimise administration and compliance costs associated with immigration, and provide pathways both for Australian citizens to be altruistic towards foreigners including refugees, and for Australia's international responsibilities and obligations to foreign residents to be met.

Scope of the inquiry

In undertaking this inquiry, the Productivity Commission should use evidence from Australia and overseas to report on and make recommendations about the following:

1. The benefits and costs that the intake of permanent entrants can generate with respect to:
 - a. the budgets and balance sheets of Australian governments, including from:
 - i. entry charges;
 - ii. government services used (including public health, education, housing, social and employment services) now and in the future;
 - iii. taxes paid now and in the future;
 - iv. the dilution of existing, government-held assets and liabilities across a larger population; and
 - b. the income, wealth and living standards of Australian citizens, including with respect to:
 - i. impacts on the salaries and employment of Australian citizens, knowledge and skill transfer, productivity, foreign investment, and linkages to global value chains;
 - ii. cultural, social and demographic impacts; and
 - iii. agglomeration, environmental, amenity and congestion effects.
2. An examination of the scope to use alternative methods for determining intakes – including through payment – and the effects these would have. This should include examination of a specific scenario in which entry charges for migrants are the primary basis for selection of migrants, such that:
 - a. there would be no requirements relating to skills and family connections;
 - b. qualitative requirements relating to health, character and security would remain;
 - c. all entrants would have the right to work;

- c. entrants would have limited access to social security or subsidised education, housing or healthcare; and
- d. the charge could be waived for genuine confirmed refugees, whose entry would remain subject to current constraints.

The scenario should examine the way in which the above charges could be set, and what they might be, to maintain the current levels of the migrant intake or to maximise the benefits for Australian citizens. The scenario should also examine the impacts of such charges – based on assessment of the factors listed in (1) above and also taking account of:

- e. opportunities for Australian citizens to be altruistic towards foreigners including refugees;
 - f. the administration and compliance costs associated with immigration, including costs associated with criminal behaviour and the use of migration agents; and
 - g. interactions with citizenship criteria and existing and potential bilateral agreements.
- 3. The benefits and costs of temporary migration with an examination of the use of charges as the primary basis for regulating the level and composition of this migration, having regard to:
 - a. achieving flexibility in responding to structural and cyclical adjustments in the Australian economy.
- 4. Mechanisms for achieving an optimal interaction between temporary and permanent migration noting that temporary migration is an established pathway to permanent migration.

Process

The Commission is to undertake an appropriate public consultation process including holding hearings and roundtables (where appropriate), and releasing a draft report to the public.

The final report should be provided within 12 months of receipt of these terms of reference.

J. B. HOCKEY Treasurer



Australian Government

**Department of Immigration
and Border Protection**

Productivity Commission Inquiry: Migrant Intake into Australia

**Department of Immigration and Border Protection
Submission, Responding to Draft Report — February 2016**

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Introduction

The Department of Immigration and Border Protection (the Department) welcomes the opportunity to respond to the Productivity Commission's Inquiry on the Migrant Intake into Australia.

Australia is a nation that is built on migration; over the last 70 years Australia's planned migration programmes have been a major force in shaping Australian society. However, Australia is entering a new era of migration, one where we will have to deal with the combined effects of increased mobility, greater international competition and population ageing.

The successful management of migration in this more challenging environment is therefore crucial in ensuring that its benefits are fully realised, and that it continues to contribute to the future prosperity of this nation. Reports such as this, which provide new insights and evidence on important and emerging issues as well as fresh policy ideas, are welcome.

In providing our response we have:

- **provided additional information**—throughout the report there have been requests for additional data and information. While we could not provide complete information, there are numerous areas of inquiry where we have been able to assist.
- **responded to draft recommendations**—for each of the draft recommendations that relate to the work of the Department, the Department has provided a considered response.

The intent of all our comments is to be constructive, and to provide advice, information and data that will assist the Productivity Commission in finalising its report.

Approach taken

As indicated in the Introduction there were two areas of activity involved in compiling our response:

- provision of additional information
- responding to draft recommendations.

Responses relating to these areas of activity are presented in Section 1 and Section 2 of this document.

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Section 1 – Provision of additional information

Request 5.2

The Commission is interested in information on policies that are likely to be more effective in attracting highly skilled immigrants to live and work in Australia.

Response

Australia's skilled migration policies are informed by research and analysis and through collaboration with partners—including industry stakeholders, State and Territory Governments and the public through a range of consultative forums.

As part of current work in this area, the Department is undertaking significant reform of the Skilled Migration and Temporary Activity (SMTA) visa programmes that will deliver benefits for clients and business and are expected to improve Australia's competitiveness and ability to attract highly skilled migrants. These reforms are centred on a new simplified SMTA visa framework that:

- reduces overlapping visa pathways
- deregulates visa requirements
- cuts red tape for businesses and clients
- improves the visa application process
- incorporates new policy that is designed to meet Australia's future labour market needs
- is supported by clear public information that will improve an applicant's ability to self-identify visa pathways and pre-determine eligibility.

By having a focus on simplicity and flexibility the new framework will incorporate policies that serve Australia's future migration agenda. This includes policy that will improve access for entrepreneurs, improve pathways for graduates in fields of identified future need, improve outcomes for regional Australia and significantly simplify processes for SMTA sponsors. Collectively, these reforms will increase the attractiveness of each visa within the framework, which will in turn enhance Australia's ability to attract highly skilled migrants.

The SMTA reforms have close linkages with broader national priorities and will be implemented in three stages beginning 1 July 2016. The Department will share further information on these new policies with the Productivity Commission as the supporting details are finalised.

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Request 9.1

How widespread and valid are the concerns raised by ISLPR® Language Services regarding the current acceptable English tests for immigrants to Australia? What are the likely benefits and costs of introducing ISLPR® or other validated English language tests as an accepted test for assessing the English language proficiency of those seeking a temporary visa?

Response

This request seeks information on two distinct matters which have been answered separately below.

1. How widespread and valid are the concerns raised by ISLPR® Language Services regarding the current acceptable English tests for immigrants to Australia?

In its submission to the Productivity Committee Migrant Intake Enquiry ISLPR® raised concerns about the suitability of the IELTS exam for migration purposes and allege that some applicants are required to take the IELTS exam between 10 and 50 times before achieving the requisite pass mark.

The IELTS exam is used for migration purposes internationally and is one of the five English language exams accepted by the Department as evidence of a migrant's English speaking ability. The level of English that applicants must demonstrate is set independently for each subclass within the Skilled stream of the Migration Programme. The Department does not have visibility of the total number of attempts each migrant takes in order to demonstrate the level of English applicable to their individual circumstances.

The Department considers the IELTS exam to be an appropriate test of a migrant's English speaking ability.

2. What are the likely benefits and costs of introducing ISLPR® or other validated English language tests as an accepted test for assessing the English language proficiency of those seeking a temporary visa?

In November 2014 the former Assistant Minister for Immigration and Border Protection finalised a review which identified the following three exams as alternative English language tests for the Skill stream of the Migration Programme.

- Test of English as a Foreign Language Internet Based Test
- Cambridge English: Advanced
- Pearson Test of English Academic.

The addition of these alternative tests has increased the number of testing places available throughout the year and increased competition in the English language testing market. The Minister for Immigration and Border Protection is satisfied with the outcomes of this review and does not intend on conducting any further reviews at this point in time.

Request 9.2

The Commission seeks feedback on the merit of caps on temporary 457 visa numbers for specific occupations. It is particularly interested in participants' views on whether the recommendations from the Independent Review into Integrity in the Subclass 457 Programme (the Azarias Review)—and which have been supported by the Australian Government—are likely to lead to the more accurate identification of genuine labour market shortages for occupations on the Consolidated Sponsored Occupations List (CSOL).

Response

The Government supported the Azarias Review's recommendations to retain the CSOL and to put in place mechanisms to make the list more transparent, responsive and better aligned to labour market needs.

MACSM has been tasked to review the effectiveness of the CSOL to ensure that the composition of the list is better aligned to industry needs. MACSM is currently acting on this recommendation and will report back over the coming months.

Request 10.1

The Commission seeks information on the potential impacts of tightening the points test for the onshore independent visa subclass of the Skill stream of the Migration Programme, including granting more points for:

- superior English language proficiency
- better academic results, qualification in under supplied fields.

Response

As part of the reform of the Skilled Migration and Temporary Activity visa programmes identified in Request 5.2, the Department is examining the skilled migration points test, to ensure the Skill stream of the Migration Programme continues to be effective in meeting the needs of the Australian economy.

In its current form, English language settings in the points test are informed by research that demonstrates strong links between better English and an ability to integrate within the Australian community and participate in the Australian labour market. The awarding of points for English proficiency accounts for the strength of this relationship and makes the distinction between competent, proficient and superior levels of English.

Points for differing levels of educational attainment are awarded to encourage the migration of highly skilled applicants. It also contributes towards making Australia an attractive destination for international students.

It has been demonstrated through the Department's experiences with the now defunct Migration Occupations in Demand List that targeting subsets of occupations causes the Skill stream of the Migration Programme to be dominated by a small number of occupations. The Department has introduced tools to mitigate this risk; these include occupational ceilings and the SkillSelect application management system.

Request 11.1

The Commission seeks feedback on the use of the CSOL in the immigration pathway from temporary to permanent employer sponsored skilled immigration. Is the list sufficient to allow both temporary skilled (subclass 457) visas and employer nominated permanent visas to meet their stated objectives?

Response

The CSOL currently underpins the Temporary Work (Skilled) visa (subclass 457), the permanent sponsored Employer Nomination Scheme (subclass 186), the Permanent State and Territory Skilled Nominated visa (subclass 190) programme, the Skilled Regional programme and the Training and Research visa Occupational Trainee stream.

In response to recommendations from the Azarias Review of the 457 programme, the Department is supporting MACSM in a review of the composition of the CSOL. The aim of this review is to consider the effectiveness of the CSOL in identifying eligible occupations for skilled migration to Australia.

Request 11.2

The Commission is seeking information on the English language requirements for the Temporary Residence Transition (TRT) stream of the Employer Nominated (subclass 186) visa, including:

- the benefits and costs of having a lower English language requirement than other skilled immigration streams ('vocational' rather than 'competent')
- the benefits and costs of the exemption from English language testing for immigrants who have undertaken five years education with all tuition in English.

Response

The English language requirement for the Employer Nomination Scheme (ENS) TRT stream is currently set at the 'vocational' level. This is to allow a smoother transition from a subclass 457 visa (for which the English language requirement is an average score of five, and no less than 4.5 for each component) to the ENS. In addition there are a number of English language exemptions in the ENS TRT stream, including for immigrants who have undertaken five years education with all tuition in English.

Request 13.1

The Commission seeks participants' views on the potential impacts of the following alternative visa charging models in conjunction with retaining the qualitative criteria under the current system.

- Option 1: a market-based price for each visa subclass
- Option 2: a fiscally-reflective charge by visa subclass
- Option 3: an additional charge in exchange for relaxing specific selection criteria

- Option 4: a uniform levy across visa classes
- Option 5: a new visa subclass with a limited number of places and a very high charge, with only health, character and security checks.

Response to options

General Remarks

In considering this response, the Productivity Commission should note that pricing structures currently used in the Migration Programme have been subject to discussions over the years, and have included considerations of the purpose or intent of different visa products and the pricing of these products. Charging structures that introduce administrative complexity and depart from the primary intent of the Migration Programme are not favoured by the Department.

With any review of pricing, it is imperative that Australia remains competitive in its price point, and attractive to potential overseas migrants.

Option 1 –

While in principle, market-based pricing may be appropriate, in practice there is a range of factors that come into play when setting the price of a visa. These are (and will continue to be) fiscal considerations, the policy intent of different categories of migration, industry/sector sensitivities, and international agreements amongst others. Currently pricing decisions are informed by a market-based approach (that is, analysis of visa demand, international benchmarking, the market's propensity to pay, sector sensitivities, and other macro-economic factors). However, final price settings often consider broader Government and migration policy objectives.

A pure market-based approach would at times run contrary to these objectives and would be complex to administer.

Option 2 –

This approach is already used with the Contributory Parent Visa, and is also used to an extent as a consideration in setting charges for a Partner visa. This process has not been more broadly adopted as price has not always been the primary driver to manage demand.

The complexity in adopting this option more widely comes with the variability and predictability of the potential cost of an individual, their partner and their dependants, offset against the range of benefits that they provide through the taxation system. To measure this, a sophisticated pricing approach would be required to account for how differences in age, income and health contribute to net cost. Long-term Government costs, the structure of labour markets, and other complex assumptions would also need to be factored in for the life of an applicant. Changes to Government health, social, tax, and other policies would need to flow through and could result in significant price fluctuations. All this additional complexity is arguably not an efficient use of departmental resources which are needed to prioritise timely visa processing. Slower visa processing plus the significant costs imposed on applicants may then have an unintended impact on the Migration Programme.

Option 3 –

This approach has been previously used in the area of skilled migration. To reintroduce this would require a significant deviation from the current policy directive and may lead to undesirable policy outcomes. While some criteria currently used in the Significant and Premium Investor Visa streams are less onerous than in other streams, these visas require capital investments within Australia, as opposed to large payments to the Government.

Option 4 –

The approach of a uniform levy for all migrants has some similarities to Option 2, and would align our visa pricing with some other countries while providing a measure to offset the cost of government services used post-arrival. However, as with Option 2, it may be difficult to determine an appropriate amount that actually relates to service provision. Unlike the other options proposed, the introduction of this approach is in line with the intent of the Migration Programme.

Option 5 –

This approach is similar to the Significant and Premium Investor Visa Programmes; the difference being that it would generate significant revenue for the Government through charges rather than broader economic benefits through investments. This change would, however, require a significant deviation from the current policy directive and is not consistent with the purpose and primary intent of the Migration Programme, or arguably, in the national interest. Under such an arrangement, migration opportunities may for example, be limited to older and wealthier migrants, without commensurate consideration of the actual benefit they bring to Australia.

Section 2 – Responses to Recommendations

Recommendation 9.1

The Australian Government should commission a public inquiry into the labour market and broader economy-wide effects of work rights for international students, temporary graduate visa holders and working holiday makers.

Response

The Department notes the current Senate inquiry into 'the impact of Australia's temporary work visa programs on the Australian labour market and on the temporary work visa holders' is due to report on 25 February 2016. The issue of foreign worker exploitation is one of its central considerations.

Recommendation 9.2

The Australian Government should assess the effectiveness of changes implemented as a result of the recommendations made by the Independent Review into Integrity in the subclass 457 Programme (the Azarias Review) after sufficient time for those changes to take effect.

Response

The Government supported 49 of the 51 sub-recommendations of the Azarias Review, which are being implemented throughout 2015 and 2016. Given the scope and scale of reforms, and the staggered implementation, it would not be feasible to review their impact before 2017. The Government has already committed to report on the impact of the new offences for charging for a migration outcome by mid-2017, and is also reviewing the occupation list which underpins the subclass 457 Programme. We expect that it will be challenging to assess the impact of some reforms due to difficulties in distinguishing between the impact of economic factors and the reforms themselves, as well as a lack of underpinning data. This reflects the Department's experience with the current Post Implementation Review of July 2013 changes to the subclass 457 visa programme.

Recommendation 9.4

The Australian Government should implement recommendation 4.24 of the 2012 joint study by the Australian Productivity Commission and the New Zealand Productivity Commission on Strengthening Trans-Tasman economic relations.

Response

The Australian Government regularly reviews all visa settings for all holders including non-Protected Special Category Visa holders living long-term in Australia.

Recommendation 10.1

Following the implementation of the current simplification of skilled visa subclasses the Australian Government should continue to collect information on the labour market outcomes of permanent skilled immigrants through the independent points-tested and employer-nominated visa subclasses, including onshore and offshore applicants.

The Australian Government should use this information to assess the effectiveness of the various skilled immigration visa subclasses and should adjust the selection criteria to choose the immigrants who make the largest economic contributions. This could include tightening the criteria for certain visa subclasses in relation to: English-language proficiency, academic results, qualifications in occupations that are in a state of labour shortage.

Response

Through its Continuous Survey of Australia's Migrants (CSAM) the Department is fully committed to continue collecting information on the labour market outcomes of permanent skilled migrants, as a way of informing future policy and evaluating policy change. A tender process to appoint a contractor for the CSAM, which will ensure its continued funding through to 2018, is currently being conducted.

Data from the CSAM, is currently used to evaluate the labour market performance of different skilled migration categories and subclasses, both through regular reports and ad-hoc requests, and there is sufficient detail in the data collected to establish which migrant characteristics are associated with greater economic contributions.

Complementing the labour market outcome data from the CSAM, the Department conducts surveys on temporary migrant cohorts and utilises data from the following Australian Bureau of Statistics data collections:

- The Australian Census and Migrants Integrated Dataset
- The Australian Census and Temporary Migrants Integrated Dataset (forthcoming)
- The Characteristics of Recent Migrants Survey
- The Australian Census Longitudinal Dataset
- The Personal Income Tax and Migrants Integrated Dataset

Recommendation 10.2

The Australian Government should review the Business Innovation and Investment Programme to assess whether it is meeting its objectives. To complete this review, the Australian Government will require more detailed information on the characteristics and impacts of immigrants through this programme. The Australian Government should collect and publish information on indicators including: turnover, employment, wages paid to employees, location, innovation, and links with international markets.

Response

The visa framework for the Business Innovation and Investment Programme (BIIP) will be considered in the third stage of the skilled migration and temporary activity visa programme review, currently being undertaken by the Department.

Any recommendations to changes to the BIIP will guide further reviews into the objectives of the BIIP and the evaluation of the efficacy, effectiveness and appropriateness of the amendments to the programme that came into effect on 1 July 2015.

The Department is working with Federal and State and Territory agencies to find ways to implement better information sharing and programme performance reporting for the BIIP. This will be the subject of further discussions with the relevant agencies.

Recommendation 10.3

The Australian Government should abolish the Significant Investor Visa and Premium Investor Visa streams.

Response

There is currently insufficient evidence to evaluate the effectiveness of the Significant Investment and Premium Investor visas (SIV and PIV), and to support the conclusions of the Productivity Commission.

The purpose of the SIV and PIV is to boost the Australian economy through an increased inflow of investment. Since the commencement of the programme on 24 November 2012, AUD 5.375 billion has been invested in complying investments.

The policy settings of the SIV were recently reviewed to identify measures for further improvement in the programme. The Australian Trade Commission has policy responsibility for the complying investment framework, to ensure this aligns with Australia's key investment priorities. On 1 July 2015, the Government implemented a new complying investment framework for SIV and introduced the PIV stream, to improve the effectiveness and competitiveness of the programme.

Under the previous SIV settings, investments were mostly going into passive investments like government bonds and into residential real estate schemes—areas that already attract large capital flows. The new complying investment framework aims to deliver better results in terms of investment into the commercialisation of Australian ideas, research and development. The new arrangements are designed to leverage and better direct additional foreign investment while maintaining safeguards to ensure the Migration Programme is not misused.

As noted, it is too soon to evaluate the effectiveness of the SIV. The SIV was only introduced in November 2012, and has a provisional visa period of four years. One purpose of the SIV is for the families of high net worth individuals to anchor themselves in Australia, and to pass on generational wealth and expertise. Given the relatively short period of time since the SIV's inception, there has not yet been an opportunity for SIV holders to transition to the permanent Business Innovation and Investment visa. The Department has committed to undertaking an evaluation of the SIV in July 2016.

The Premium Investor Visa was introduced to attract a small number of highly talented and entrepreneurial individuals who can translate those skills and talents into areas which deliver a long-term economic benefit to Australia.

There have been no applications or grants of the PIV to date. Therefore the Department considers it premature to conclude that the PIV has been unsuccessful in meeting its policy objectives. It was a condition of the introduction of the PIV that it would be evaluated a year after its inception in July 2016. This will provide an appropriate mechanism to consider whether the settings remain appropriate.

Recommendation 12.1

The Australian Government should not use price as the principal mechanism for allocating permanent visas.

Response

This recommendation is an endorsement of the methods of selection currently used by the Department.

The Department agrees with the Productivity Commission analysis showing that a system, where price was the principal method of selection, could attract migrants without the characteristics that underpin successful integration, and crowd out skilled applicants who have the capacity to make a greater economic contribution to Australia.

The Department also agrees that while such a system would provide a short-term fiscal benefit, over the longer term, recipients of these visas would, on average, be more dependent on government services than migrants coming to Australia under present arrangements.

The Department's own modelling indicates that a Migration Programme with a strong emphasis on skills, oriented towards applicants of prime working age, provides substantial fiscal benefits to Australia that extend well beyond the initial period of settlement.

Recommendation 13.1

The Australian Government should articulate the objective of its visa charging system and publish information in the form of a retrospective report covering the past 10 years of visa charges, the number of applications and the characteristics of immigrants by visa subclass plus biennial reports on changes in visa charges and the underlying visa charging methodology, changes in other visa terms and conditions, the number of applications and the characteristics of immigrants by visa subclass.

Response

The Department welcomes a discussion with the Productivity Commission to get an understanding of the background of this recommendation, as much of this information is already reported through this Department, and through other Commonwealth agencies such as Tourism Australia, the Department of Education, and the Department of Employment.

While visa prices change from time to time, the policies associated with individual visas are constantly being adjusted, with the conditions, eligibility and design of many visa subclasses changing significantly for a variety of economic and social reasons. It has been previously shown that these policy changes have had a clear impact on lodgement volumes and the characteristics of applicants. Moderate price changes, when applied separately to policy changes, have been shown to have a negligible impact on the trend in lodgement volumes. Given this, it is very difficult to conclude what, if any, impact price has played in the characteristics of applicants over time.

Previous changes to Visa Application Charges (VACs) have been informed by analysis of visa demand, international benchmarking, the market's propensity to pay, sector sensitivities, and other macro-economic factors, but ultimately have been informed by a mix of economic and policy factors. Revenue collected through the visa charging system is considered general taxation and all revenue is returned to the Consolidated Revenue Fund (CRF), and may be used by Government to improve services and strengthen national security; however the initiatives are not limited to improving services that facilitate cross border movements. VACs are in no way linked to cost recovery.

The Department has and continues to publish key performance related information within its Annual Report, including details on both the number of visas issued and the revenue earned in the financial section of the report. The Department also provides regular reports on its website which provide statistics and research on those who visit, study, work and live in Australia. When visa charges or conditions are changed the Department takes significant measures to inform prospective applicants through its website and through its global network.



Australian Government

Department of Immigration
and Border Protection

MIGRATION REFORM - ENHANCING VISITOR VISAS

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s47C



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Australian Government

Department of Immigration
and Border Protection

THE OMARA REVIEW IMPLEMENTATION

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Key Issues

- Key issues for the profession as identified in the *2014 Independent Review of the Office of the Migration Agents Registration* (the Review) relate to:
 - Lifting professional standards of registered migration agents
 - Dual regulation of lawyers
 - Consumer education and protection
 - Facilitation of regulatory capacity (powers to enforce compliance are limited as is the capacity to exchange information across government).
- Key issues for implementation of the Review recommendations relate to the extensive requirement for changes to legislation and/or regulations, for example, those relating to the removal of lawyers from the regulatory system.

Background

- The Office of the Migration Agents Registration Authority (OMARA) is the registration and regulatory body for registered migration agents who provide immigration advice and assistance in Australia. It is now consolidated in DIBP within the Visa and Citizenship Services Group. Its functions are set out in s316 of the *Migration Act 1958*:
 - Assess whether applicants meet criteria for registration
 - Monitor standards of professional behaviour and conduct of registered migration agents
 - Investigate and address all complaints against registered migration agents
 - Take appropriate disciplinary action
 - Monitor adequacy of the Code of Conduct.
- The Review was conducted by Dr Christopher N Kendall, a Perth-based barrister. Dr Kendall's report made 24 recommendations encompassing a number of significant deregulatory measures, together with various proposals to strengthen the integrity, accountability and professionalism of the migration advice sector and consumer protection outcomes. On 8 May 2015 the report was released by the former Assistant Minister for Immigration and Border Protection, Senator the Hon Michaelia Cash.
- Work on implementation of s47C continues to be progressed. To 24 May 2016, the following significant outcomes have been achieved:
 - The legislation relating to the removal of lawyers from the regulatory scheme (Recommendation 1) is yet to be tabled. It had been granted 'A' status for the Winter 2016 Parliamentary sittings. The previous Assistant Minister agreed that there would be no refund of the registration fee for lawyers when they are removed from the OMARA regulatory scheme.
 - The Independent Reference Group (IRG), established in response to the Review's recommendation that some form of independent reference group continue to play an active role as an advisory body to the OMARA (Recommendation 24), has now met twice and is working well. The members are Ms Helen McCulloch (from the business sector), Dr Rodger Fernandez (from the education sector), Mr Rod Stowe (NSW Fair Trading), Mr Glenn Ferguson (Law Council of Australia) and Ms Angela Julian-Armitage (Migration Institute of Australia).
 - The consolidation of the OMARA into the Department (Recommendation 23) has been finalised. The outstanding issues relating to systems are being actively pursued.

- Recommendations relating to the transfer of information between OMARA and the Department (Recommendations 8 and 19) have been finalised as a result of the consolidation under Recommendation 23. This has resulted in more effective and efficient transfer of information within the single organisation.
- Recommendations 2, 3 and 5 relating to fees are nearing finalisation. The OMARA completed a review of fees, which established that fees are broadly comparable to other similar professions in Australia and to migration advice professionals overseas.^{s47C}
[REDACTED]
- Recommendation 9, requiring that further analysis be undertaken by the Department and its New Zealand counterpart to ensure that the respective schemes in both countries are applied as closely as is possible so that they reinforce each other's integrity objectives, has been finalised. Those registered with the New Zealand Immigration Advisers Authority may register with the OMARA without needing to meet any further registration requirements through the application of the *Trans-Tasman Mutual Recognition Act 1997*. A comparative paper analysing the variations in regulations relating to Registered Migration Agents in Australia and those relating to Immigration Advisors in New Zealand has been completed by OMARA, identifying differences in practice together with any risks arising. Risk mitigation strategies are in place and the finalisation of this recommendation has been endorsed by the Visa and Citizenship Board. Regular ongoing meetings are held at the senior executive level to continue to progress harmonisation as recommended.
- Recommendations 10, 11, 12, 13 and 16 relating to entry level to the profession, the prescribed period, the implementation of a capstone exam and continuing professional development are being progressed by OMARA based on the guidance and advice provided by the IRG at their most recent meeting.
- ^{s47C} [REDACTED]

Attachments

- Attachment A – 2014 Independent Review of the Office of the Migration Agents Registration Authority (OMARA): ^{s47C} [REDACTED]

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