

s. 22(1)(a)(ii)

Subject: FA 19/03/00642 (1) [DLM=For-Official-Use-Only]
Date: Thursday, 2 May 2019 11:16:01 AM

For-Official-Use-Only

For-Official-Use-Only

From: s. 22(1)(a)(ii)

Sent: Friday, 15 June 2018 6:50 PM

To: s. 22(1)(a)(ii)

Age Group	Percentage of respondents who believe that the government should do more to protect the environment
18-29	88%
30-49	85%
50-69	82%
70+	80%

Subject: UPDATE - URGENT - Migration Program count check - stop grants [DLM=For-Official-Use-Only]

For-Official-Use-Only

Dear Regional Directors

I am writing to update you on the delivery of the 2017/18 Migration Program following on from the outcomes reporting analysis conducted this week.

Based on the current delivery forecasts for the Skilled program, the stop grant notice on Partner visas that I sent on 7 June will need to remain in effect until 1 July.

For urgent cases, for example where the department has asked an applicant to travel offshore for grant, could you please have your staff contact me to discuss before they finalise. Other urgent cases can also be escalated and will be considered, however the capacity to approve these is extremely limited.

I appreciate the difficult position this may put some of your teams in during the final two weeks

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of the program year, I will turn urgent requests around as quickly as possible, also happy to discuss by phone if needed.

Regards

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Director | Family Migration Program Management Section
Skilled and Family Visa Program Branch | Immigration and Visa Services Division
Immigration and Citizenship Services
Department of Home Affairs

s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

Sent: Thursday, 7 June 2018 12:51 PM

To: s. 22(1)(a)(ii)

Cc: s. 22(1)(a)(ii)

s. 47E(d)

s. 22(1)(a)(ii)

Subject: URGENT - Migration Program count check - stop grants [DLM=For-Official-Use-Only]

Importance: High

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Dear Regional Directors

s. 47E(d)



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EFFECTIVE IMMEDIATELY there are to be no further grants in the Family stream until such time as the exact delivery position is confirmed and I come back to you with the number of places left available to grant before 30 June 2018.

s. 47E(d)



s. 22(1)(a)(ii)

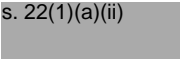
. Refusals can continue, which should assist you to get closer to finalisation targets and assessments can also continue to allow you to have cases ready for grant in the new program year.

With regard to the program numbers for 2018/19, my team is currently developing AIPL proposals for each Region and I intend to come out to you in the week commencing 18 June with a first cut for your consideration. As discussed with some of you already, this first cut will include a component of onshore Partner visa applications, in line with arrangements piloted this year in a number of Regions and the Tranche 2 process.

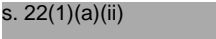
I hope to be able to advise when grants can resume by the end of next week. Please let me know if you have any concerns with this program count check, I am happy to discuss further.

Regards

s. 22(1)(a)(ii)




s. 22(1)(a)(ii)



Director | Family Migration Program Management Section
Skilled and Family Visa Program Branch | Immigration and Visa Services Division
Immigration and Citizenship Services
Department of Home Affairs

s. 22(1)(a)(ii)



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s. 22(1)(a)(ii)

Subject: FA 19/03/00642 (2) [DLM=For-Official-Use-Only]
Date: Thursday, 2 May 2019 11:16:29 AM

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For-Official-Use-Only

From: s. 47E(d)
Sent: Thursday, 14 February 2019 3:27 PM
To: s. 47E(d)
Cc: s. 22(1)(a)(ii)

Subject: Ministerial Direction 80 - Processing Partner visa applications [DLM=For-Official-Use-Only]

For-Official-Use-Only

Ministerial Direction 80 - Processing Partner visa applications

Dear Colleagues,

The purpose of this email is to provide policy clarification around Direction 80 with regards to processing priorities for Partner visa applications sponsored by former Illegal Maritime Arrivals (IMAs).

As you would be aware, Ministerial Directions 80 and 83, which relate to the order for considering Family visas (including parent and retiree visas) came into effect on 21 December 2018. These Directions revoke Directions 72 and 49 respectively and are now live in Legend.

With regards to Ministerial Direction 80, the order of priority has not changed, and Partner visa applications sponsored by former IMAs are still given the lowest priority processing. Subsection (9)(b) of the previous Ministerial Direction 72 allowed the delegates to depart from this order of priority where an application would not be disposed of within a reasonable time. However, this subsection has been removed from Direction 80.

Extract from Ministerial Direction 80 is provided below:

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9. Exceptions

Notwithstanding [sections 7 and 8](#), when deciding the order for considering and disposing of Family visa applications, a delegate is to depart from the order of priority set out in section 8 in the case of a particular application if:

(a) the applicant has satisfied the delegate that:

- (i) the application involves special circumstances of a compassionate nature; and
- (ii) there are compelling reasons to depart from the order of priority set out in section 8, having regard to the special circumstances identified in paragraph 9(a)(i) and to any other matters that the delegate considers relevant.

We have sought clarification regarding the removal of subsection 9(b) from Direction 80 from Family Policy and they have advised that whilst subsection 9(b) has been removed from the Ministerial Direction, the obligation to dispose of applications within a reasonable time is still a requirement within the Migration Act. As such, Direction 80 does not change processing arrangements, and processing of IMA sponsored Partner applications should continue to not be delayed beyond a reasonable time.

The departure from the order of priority based on compassionate and compelling circumstances also continues to operate under subsection 9(a) of the Direction. The terms 'compassionate' and 'compelling' are not defined in either the Migration Act or the Migration Regulations. As such, the ordinary meaning of the terms applies.

In January 2019, Family Program Management sought specific examples from overseas posts where priority processing was afforded due to compassionate and compelling circumstances. Based on the feedback from the network, we have provided the following as examples of compassionate and compelling circumstances for the purpose of section 9. These are intended as examples, noting compassionate and compelling circumstances may vary from post to post:

-
- Life threatening/debilitating medical condition/serious deteriorating physical health (coma, cancer, amputation, pregnancy with complications, premature birth with complications for the baby/mother);
- Any other circumstances that are significantly detrimental to a former IMA sponsor or member(s) of the family unit if these circumstances are permanent and have significant long term impact.

The above examples should be used as a guide only, as every case should be assessed on its individual circumstances. It is at the discretion of the decision maker to determine whether there is sufficient evidence to support the applicant's claims and whether the case falls within the provisions of section 9 of the Direction.

In addition to the above examples, age of the application is a relevant factor and cases should be processed in date order as a general rule. For example, Dubai has a number of IMA sponsored Partner visa applications with compassionate and compelling circumstances which date back to 2013. Cases that were lodged in 2013 are currently being processed by Dubai in date of lodgement order.

In conclusion, Direction 80 does not change the existing processing arrangements for Partner visa applications sponsored by former IMAs and processing of these cases should continue as per existing procedures developed by each processing office.

Please contact Family Migration Program Management if you require further clarification.

Regards,

Family Migration Program Management Section
Skilled and Family Visa Program Branch | Immigration and Visa Services Division
Immigration and Visa Services Group
Department of Home Affairs

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s. 22(1)(a)(ii)

Subject: FA 19/03/00642 (4) [SEC=PROTECTED, DLM=Sensitive]
Date: Thursday, 2 May 2019 11:24:55 AM
Importance: High

PROTECTED, Sensitive

PROTECTED, Sensitive

From: s. 22(1)(a)(ii)

Sent: Wednesday, 6 February 2019 12:03 PM

To: s. 47E(d)

s. 22(1)(a)(ii)

Cc: s. 47E(d)

Subject: URGENT - Migration Program count check - Stop Grants extended for month of February [SEC=PROTECTED, DLM=Sensitive]

Importance: High

PROTECTED, Sensitive

Dear All

Importance – High

I write to you following on from my message of 21 January 2019 directing the temporary pause on grants for first stage Partner s. 22(1)(a)(ii).

As you may be aware, while the 2018-19 Migration Program has 190,000 permanent visa places, s. 47E(d), this is a ceiling, not a target. The Government's focus is on quality not quantity and the Minister wants to maintain s. 47E(d)

Please note:

- The temporary pause on grants continues for first stage Partner, s. 47E(d)
- To address compelling/compassionate cases during the pause, for the month of

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February (while these changes are being evaluated), processing locations (both on and offshore) can grant a maximum of **five** urgent/compelling/compassionate cases to any first stage Partner or s. 22(1)(a)(ii). This includes visa applicants who have been advised to go offshore in order to be granted the visa or have expiring health or character checks. The pause may need to be extended but I will advise later in February;

- Revised AIPLs will be provided in early March;
- If you need additional urgent places please ask other posts in your region (for offshore processing areas) if their places can be allocated to you. If you do arrange for a re-allocation of places, you need to advise us;
- While assessments of applications may continue, do **not** advise applicants that the case is ready for visa grant. The words below can be used to respond to any applicants asking why their visa is being delayed.

Your visa application is still under consideration and you will be advised in due course as to the outcome.

If there are any changes to your circumstances in the meantime, please advise immediately

Please continue processing any second stage Partner, s. 22(1)(a)(ii). Also, please continue other finalisations, including refusals, withdrawals and queue assessments.

This information should be treated sensitively.

Regards

s. 22(1)(a)(ii)

A/g Director Family Migration Program Management
Skilled & Family Visa Program Branch
Immigration & Visa Services Division
Department of Home Affairs

s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

Subject: FA 19/03/00642 (5) [SEC=PROTECTED, DLM=Sensitive]
Date: Thursday, 2 May 2019 11:25:29 AM
Importance: High

PROTECTED, Sensitive

PROTECTED, Sensitive

From: s. 22(1)(a)(ii)

Sent: Monday, 21 January 2019 9:47 AM

To: s. 22(1)(a)(ii)

[Redacted]

Cc: s. 22(1)(a)(ii)

[Redacted]

s. 47E(d)

Subject: URGENT - Migration Program count check - stop grants [SEC=PROTECTED, DLM=Sensitive]

Importance: High

PROTECTED, Sensitive

Importance: High

Dear Regional Directors

s. 47E(d)


[Redacted]


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s. 47E(d)



s. 22(1)(a)(ii)

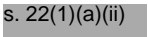


 Refusals can continue, which should assist you to get closer to finalisation targets and assessments can also continue to allow you to have cases ready for grant in the new program year. Second stage Partner visa grants can also continue where a Subclass 820, 300 or 309 has already been granted as these do not count towards the Migration Program.

I hope to be able to advise when grants can resume shortly. Please let me know if you have any concerns with this program count check, I am happy to discuss further.

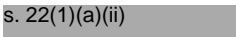
Regards

s. 22(1)(a)(ii)



A/g Director Family Migration Program Management
Skilled & Family Visa Program Branch
Immigration & Visa Services Division
Department of Home Affairs

s. 22(1)(a)(ii)



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s. 22(1)(a)(ii)

Subject: FA 19/03/00642 (6) [DLM=For-Official-Use-Only]
Date: Thursday, 2 May 2019 11:26:09 AM

For-Official-Use-Only

For-Official-Use-Only

From: s. 22(1)(a)(ii)

Sent: Friday, 15 June 2018 6:50 PM

To: s. 22(1)(a)(ii)

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Cc: s. 22(1)(a)(ii)

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Subject: UPDATE - URGENT - Migration Program count check - stop grants [DLM=For-Official-Use-Only]

For-Official-Use-Only

Dear Regional Directors

I am writing to update you on the delivery of the 2017/18 Migration Program following on from the outcomes reporting analysis conducted this week.

Based on the current delivery forecasts for s. 22(1)(a)(ii) the stop grant notice on Partner visas that I sent on 7 June will need to remain in effect until 1 July.

For urgent cases, for example where the department has asked an applicant to travel offshore for grant, could you please have your staff contact me to discuss before they finalise. Other urgent cases can also be escalated and will be considered, however the capacity to approve these is extremely limited.

I appreciate the difficult position this may put some of your teams in during the final two weeks

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of the program year, I will turn urgent requests around as quickly as possible, also happy to discuss by phone if needed.

Regards

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Director | Family Migration Program Management Section
Skilled and Family Visa Program Branch | Immigration and Visa Services Division
Immigration and Citizenship Services
Department of Home Affairs

s. 22(1)(a)(ii)

For-Official-Use-Only

From: s. 22(1)(a)(ii)

Sent: Thursday, 7 June 2018 12:51 PM

To: s. 22(1)(a)(ii)

[Redacted]

Cc: s. 22(1)(a)(ii)

[Redacted]
s. 47E(d)
; s. 22(1)(a)(ii)

Subject: URGENT - Migration Program count check - stop grants [DLM=For-Official-Use-Only]

Importance: High

For-Official-Use-Only

Dear Regional Directors

s. 47E(d)

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s. 47E(d)



s. 47E(d)



s. 47E(d)



With regard to the program numbers for 2018/19, my team is currently developing AIPL proposals for each Region and I intend to come out to you in the week commencing 18 June with a first cut for your consideration. As discussed with some of you already, this first cut will include a component of onshore Partner visa applications, in line with arrangements piloted this year in a number of Regions and the Tranche 2 process.

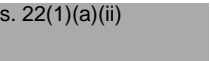
I hope to be able to advise when grants can resume by the end of next week. Please let me know if you have any concerns with this program count check, I am happy to discuss further.

Regards

s. 22(1)
(a)(iii)




s. 22(1)(a)(ii)



Director | Family Migration Program Management Section
Skilled and Family Visa Program Branch | Immigration and Visa Services Division
Immigration and Citizenship Services
Department of Home Affairs

s. 22(1)(a)(ii)



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s. 22(1)(a)(ii)

Subject: FA 19/03/00642 (7) [DLM=For-Official-Use-Only]
Date: Thursday, 2 May 2019 11:27:23 AM
Attachments: [Copy of 2018-19 AIPL proposal \(MS 22 June\).xlsx](#)

For-Official-Use-Only

For-Official-Use-Only

From: s. 22(1)(a)(ii)

Sent: Friday, 29 June 2018 7:26 PM

To: s. 22(1)(a)(ii)

[Redacted email body content]

Cc: s. 22(1)(a)(ii)

[Redacted email body content]

Subject: 2018-19 Migration Program - draft AIPLs [DLM=For-Official-Use-Only]

For-Official-Use-Only

Dear Regional Directors

s. 47E(d)

ACTION: Please review the attached spreadsheet and indicate what capacity your region has to deliver AIPLs across the various programs on a post-by-post basis. In considering this document, please refer to the additional information provided for each category below. **Responses are requested on a regional basis by 23 July 2018 – please respond to**

s. 47E(d) with cc to

Partner

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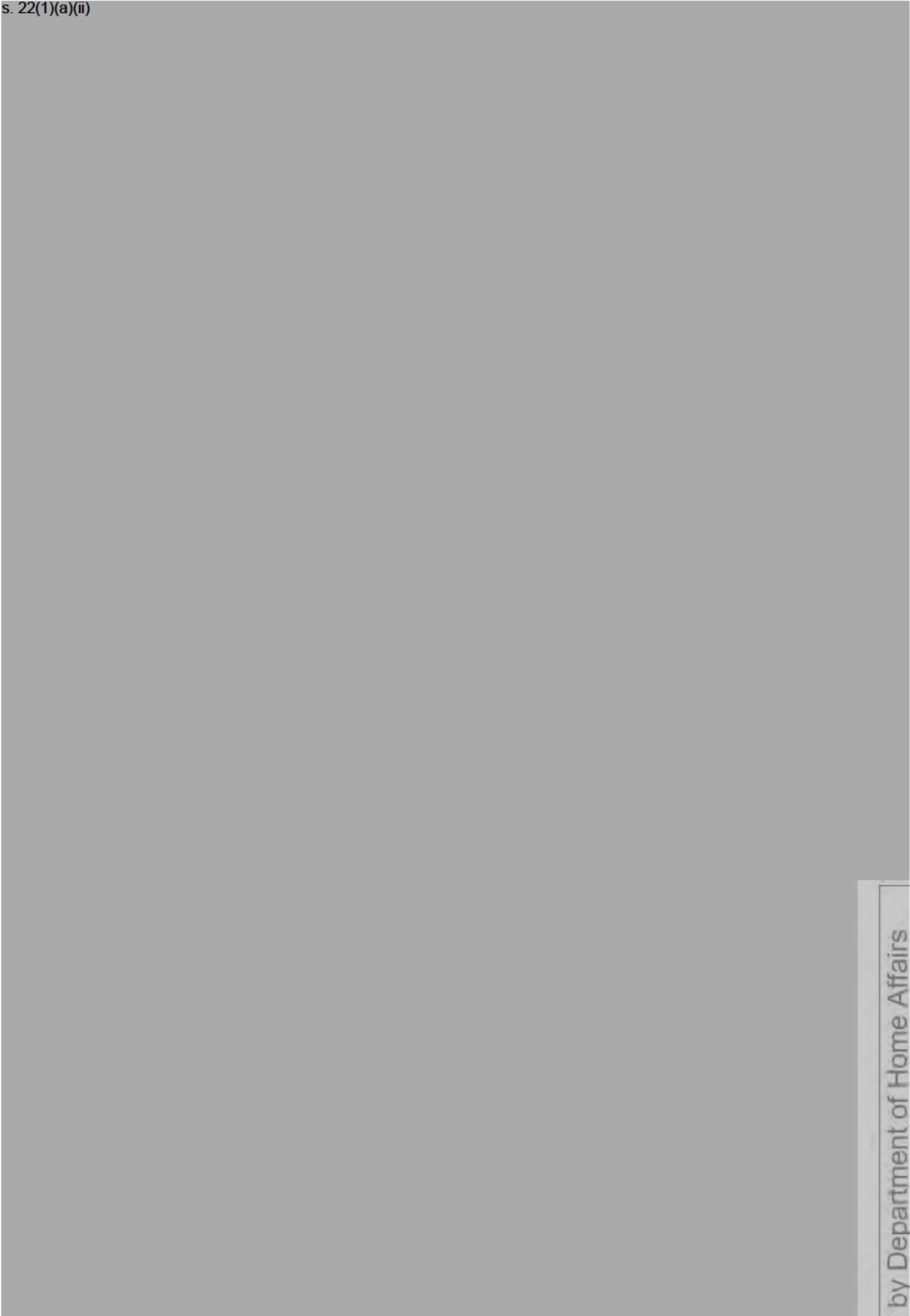
As you would be aware from the year just gone, the challenge for 2018-19 will be to deliver the same number of visa grants with a consistent global processing time, given the ongoing decline in application rate offshore and an increasing number of applications being lodged onshore. We must also find ways to increase finalisations where possible to reduce second stage backlogs and generate revenue. We therefore seek your advice on what a reasonable and realistic Partner AIPL is for your post, taking into account existing pipeline, predicted caseload for 2018-19, and local procedural requirements and timeframes. **If you can deliver a higher AIPL than what is indicated on the attachment, please advise.**

Things to consider:

- Once 2018-19 commences you can start granting again, without waiting for AIPLs to be finalised.
- In line with the work done this year, we are keen to continue to process onshore Partner cases offshore to balance workloads and maximise finalisations globally. This will also assist us to prepare for visa reform and any other changes that may occur to the Partner program in the interim.
- Those posts that took 820s in 2017-18 have been notionally allocated more this year and we are keen to hear if you have capacity to deliver these numbers again and/or if you require additional cases to supplement those you have remaining from 2017-18.
- 820s that were processed offshore in 2017-18 were distributed on the basis of s. 47E(d) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] that is being trialled in Melbourne at the moment. If you are interested in taking 820s we can provide further information on the proposed s. 47E(d) [REDACTED]
- A particular focus for the Division in 2018-19 is maximising revenue through backlog reduction and as such there is scope to transfer some **second stage** Partner cases offshore for posts that can deliver finalisations on top of AIPLs. Please let us know if your region would have capacity and interest in this piece of work and we can provide further detail.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)



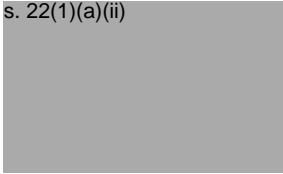
Please contact me directly or Family Migration Program Management Section, via mailbox
s. 47E(d) , if you would like clarification of any aspect

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of this email. I look forward to receiving your response and to shortly thereafter being in a position to confirm 2018-19 Family stream AIPLs.


Regards

s. 22(1)(a)(ii)



Director | Family Migration Program Management Section
Skilled and Family Visa Program Branch | Immigration and Visa Services Division
Immigration and Citizenship Services
Department of Home Affairs

s. 22(1)(a)(ii)



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s. 22(1)(a)(ii)

Subject: FA 19/03/00642 (8) [SEC=UNCLASSIFIED]
Date: Thursday, 2 May 2019 11:30:55 AM

UNCLASSIFIED

UNCLASSIFIED

From: s. 47E(d)
Sent: Monday, 29 January 2018 11:04 AM

s. 47E(d)

Cc: s. 47E(d)

s. 22(1)(a)(ii)

s. 47E(d)

Subject: Reg. 1.20KC assessments – temporary streamlining of processes [SEC=UNCLASSIFIED]

UNCLASSIFIED

FOR ATTENTION OF:	1. Partner visa decision makers; Partner Sponsorship Assessment Unit (SAU) 2. All PMOs and SMOs
CC:	1. Director, Partner Program Delivery; Regional Directors
IMPORTANCE:	Medium
ACTION REQUIRED:	For implementation
SUBJECT:	Reg. 1.20KC assessments – temporary streamlining of processes
DEADLINE:	Immediate implementation
AUTHORISED BY:	s. 22(1)(a)(ii)

Background

Reg. 1.20KC was introduced to partner category visa applications in November 2016 as a stop-gap measure to fulfil an election promise to reduce the risk of family violence to women (and their children) migrating to Australia as partners of Australian citizens, PRs and ENZCs.

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Reg. 1.20K permits the Minister to not approve partner category sponsorships where the sponsor has committed a *relevant* offence AND has a *significant* criminal record, taking into account matters including:

- the time since any sentence was completed
- the best interests of any children of the sponsor or applicant
- the length of the sponsor and applicant's relationship

Reg. 1.20KC further prescribes that, in determining whether a sponsor has been convicted of a relevant offence and has a significant criminal record, the Minister may request the sponsor to provide Australian and/or foreign police checks, as appropriate.

A decision was taken that implementation of reg. 1.20KC would include requesting police checks from all sponsors, which has enabled the Department to gauge the resources required for full implementation and determine the percentage of sponsors affected by the sponsorship limitation

Preliminary findings

s. 47E(d)



Using this information 12 months on, we are now in a better position to predict the likely ratio of sponsors who might be affected by reg. 1.20KC and what level of risk management is required to maintain a balance between resources and risk to implement a more streamlined process for assessing Partner visa sponsors.

Action

The next step is to test various streamlining strategies and assess the effectiveness of the nominated approach.

The first strategy to be tested will be in two parts. Applications processed:

s. 47E(d)

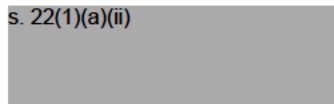


Further Information

This streamlined approach will run for the remainder of the 2017/18 program year and then be reviewed for its overall effectiveness. We will keep you updated on the outcomes.

Regards,

s. 22(1)(a)(ii)



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Family Migration Program Management Section
Family & Citizenship Program Branch
Department of Home Affairs
s. 22(1)(a)(ii)

Mon, Tues, Thurs, Fri

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