



Interpreting for PV interviews: What do I need to know?

Introduction

The Protection Visa (PV) interview is considered an important tool in PV processing and the assessment of whether a PV applicant is found to engage Australia's protection obligations. This document aims to give you an overview of the PV interview process. Your understanding of the process will help you to prepare for your interpreting role during a PV interview. It will help you to know what to expect and what will be expected of you. This document also aims to help you understand the importance of the interpreter role in a PV interview context.

You can familiarise yourself with some of the commonly used PV terminology at the end of this document. It is expected that this document will help you to overcome some of the challenges of providing your service in what can sometimes be a challenging and confronting environment.

What is the purpose of a PV interview?

The assessment of whether a PV applicant engages Australia's international obligations involves consideration of information in the application and country information. The PV interview is a further opportunity for a PV applicant to provide detailed evidence to support the claims made in their written application. It is **not** the point at which a final decision will be made on a PV application.

It is also for the case officer or decision maker (hereafter called 'interviewer') to explore the claims, particularly the issues that will be critical to the decision, and to give the applicant the opportunity to respond to any relevant adverse information. The role of the interpreter is critical in facilitating the exchange of this information.

When conducted face-to-face, the interview is also an opportunity to physically see the applicant and examine their identity documents.

Effective communication is essential to the integrity of the interview process. Many PV applicants are from non-English speaking backgrounds and will require an interpreter during the interview. The use of interpreters ensures that applicants have the best opportunity to clarify their protection claims.

What is the interpreter's role?

An interpreter needs to be aware that during a PV interview, the interviewer will be exploring a PV applicant's claims and that the PV applicant will be offering information on their situation. Effective communication is essential to the integrity of the PV interview process. This means an interpreter's role is to enable the exchange of information back and forth to the interviewer and interviewee without manipulating, controlling, modifying, improving, demeaning, condensing or summarising the words.

What are the interpreter's responsibilities?

- It is important to arrive on time and be ready for the PV interview to begin when scheduled. Rooms are booked in time slots and the full time allocation may be needed to complete the interview.
- You may be asked to stay longer, depending on your availability, if the interview needs to go over the allocated time. If you need to pay for parking, ensure you adequately cover yourself in case you may need to stay a bit longer.
- Please turn off your mobile phone during the PV interview. If you need to leave your mobile phone on for a personal situation during this time, please discuss this with the PV interviewer before the interview.
- Advise TIS in plenty of time if you can't attend a PV interview booking that you are scheduled to attend.
- Interpret all conversations during the PV interview. All discussions must be interpreted, including conversations with third parties and information about breaks etc. Do not enter into side conversations with the PV applicant.
- Bring to the attention of the interviewer any problems or issues you may have during the PV interview that may compromise the process of the PV interview. For example, you may find that you are unable to interpret a phrase or sentence even though you understand the dialect of the PV applicant. If you are attending a face-to-face or video conference interview you could do this by raising your hand. If you are interpreting by telephone you may need to verbally interject at a convenient moment.
- Adhere at all times to the Australian Institute of Interpreters and Translators (AUSIT) Code of Ethics.

What is accurate interpreting?

Accurate interpreting means you will interpret the spoken words between the interviewer and the PV applicant as accurately as possible.

For example, if the PV applicant has spoken for a lengthy period, everything that the PV applicant has said should be interpreted. A summary is not an accurate interpretation. If you are attending a face-to-face interview, you can raise your hand at any time if you need the PV applicant to finish at a suitable point or if either the interviewer or the applicant has talked for a lengthy period and you need to begin interpreting. If you are interpreting by telephone you may need to verbally interject at a convenient moment to gain attention instead of raising your hand. You can also ask the interviewer if you can clarify wording with the PV applicant that you haven't understood. The important thing is to interpret all your discussions with the PV applicant.

If the PV applicant is struggling to find words to describe an incident or express a feeling, you should interpret their words without trying to fill in what you may think they are trying to say. This includes times when you may think the PV applicant hasn't answered the question properly or what they have said does not make sense. Resist trying to help them by adding your own words.

Accurate interpreting also applies to the interviewer's questions. The interviewer will determine, based on the PV applicant's response, whether a question needs to be reworded. It is important for the interviewer to know how the PV applicant has responded even if their response may seem incoherent to you.

It is also important to allow the applicant or interviewer to finish speaking before beginning to interpret and for you to speak clearly. This is to ensure accuracy of interpreting but also to enable a clear recording that can be reviewed at a later stage if required.

Accurate interpreting for a PV interview is important because the interviewer uses this time to explore and evaluate a PV applicant's claims and their credibility. The interviewer also provides PV applicants with relevant information for comment. For example, the interviewer may give the PV applicant the opportunity to respond to adverse information that is relevant to their claims.

What is consecutive interpreting?

In consecutive interpreting, you listen to a speaker for a relatively short time, that is, one or two sentences, understand what they mean, interpret the meaning in your mind, and translate it into words in the target language. Once you are done with your interpreting, you then allow the speaker to continue for another sentence or two and then repeat the process.¹

Consecutive interpreting is preferred in a PV interview context as it gives the speakers the opportunity to be interactive rather than focus on the interpreter in a continual translation.

Why do I need to interpret in the first person?

Interpreting in the first person means you are to use the same grammatical person as the speaker. So if the PV applicant says: 'I went to the shop', you will interpret as: 'I went to the shop', rather than 'He went to the shop'.

Interpreting in the first person means it is clear to the interviewer when the PV applicant is talking about themselves or another person.

What if the PV applicant reverts to English throughout the PV interview?

The interviewer is responsible for determining whether they are satisfied with the proficiency of the PV applicant's English.

For example, if the PV applicant reverts to English during the PV interview, it is the responsibility of the interviewer to remind the PV applicant to use the interpreter, or to decide whether they will accept the information in English.

What if an interviewer asks me to verbally translate a document?

An interviewer may ask you to verbally translate a document during a PV interview. They will only make this request if it is necessary or advantageous to have a verbal translation completed at that time. You may agree to do incidental verbal translations of up to 100 words during any PV interview if you wish. It is recommended that you only provide a verbal translation in the language you are accredited in.

The translation will be used for the purposes of the interview only. It will not be a substitute for an endorsed and official translation into English by a National Accreditation Authority for Translators and Interpreters (NAATI) accredited translator.

¹ Interpreting in a Refugee Context, Self-study Module 3 – 1 January 2009, p56.

Can I provide information about my home country to the interviewer?

It is not appropriate for you to provide information to the interviewer about the circumstances of your home country, or any other country you may have information about, during the PV interview process. While there may be occasions where you feel that you could provide information from your own experience which is relevant to the applicant's claims, your role is limited to interpreting all conversations during the PV interview.

What should I do if I know the PV applicant?

The interviewer will ask the PV applicant, at the beginning of the PV interview, whether they have met you. If you have met or know the PV applicant, you need to let the interviewer know as soon as possible. If there is a relationship, the interviewer will assess the nature of the relationship and the risk of any conflict of interest. If there is such a risk, another interpreter will be engaged and the interview will be rescheduled if necessary.

Can I interact with the PV applicant without the presence of the interviewer?

TIS advise that interpreters are not to have a conversation with the PV applicant without the PV interviewer present. It is not appropriate to discuss anything to do with the PV applicant's case.

Do I need to use particular terminology for minority groups?

The Organization for Refuge, Asylum & Migration has a *Sexual Orientation, Gender Identify and Gender Expression: Essential Terminology for the Humanitarian Sector* document that you may find useful. It is in the English, French, Turkish, Farsi, and Arabic language.

See the 'Further information/useful links' section at the end of this document.

It is not appropriate to use derogatory or demeaning terminology for minority groups.

Should I discard my notes at the end of the PV interview?

Note-taking is useful to support your memory capacity during a PV interview. Please remember to bring paper if you are going to take notes. To maintain confidentiality, at the end of the interview and before leaving the building, please hand any notes relating to the case to the interviewer to be discarded into a secure bin.

Who is the interviewer?

The interviewer at a PV interview is a departmental officer who has the delegation to make the decision to grant or to refuse to grant a PV. However, the officer who makes a decision on a PV application may not necessarily be the person who has interviewed the PV applicant.

What is the interviewer's role?

The role of the interviewer is to clarify issues related to a PV application with the applicant, including any gaps in the information provided and unclear or contradictory statements made in the application.

The interviewer leads the interview process and will provide direction to all attendees. This will include when the PV interview will begin, when and whether there will be any breaks, and when the interview will cease.

The interviewer will use different questioning techniques such as open questions, probing questions, and closed questions in order to gather evidence on key aspects of the claims. During this process the

interviewer may also test the credibility of the PV applicant's statements. Credibility is part of the considerations that go to whether an interviewer can be satisfied that the applicant is a person in respect of whom Australia has protection obligations.

Who will attend a PV interview?

The interviewer will manage the interview. The PV applicant may attend with an approved friend or relative as support. Any friend or relative of the applicant who is present as a support person does not have any formal role in the interview and will not be actively involved in the process.

If the PV applicant has a migration agent, the migration agent may attend, in person, or by video conference or teleconference. The migration agent may have assisted the applicant to prepare their application and may give supporting statements or submissions at interview.

Observers may also attend, such as a departmental officer, a volunteer or an observer from another agency. Observers do not have any formal role in the interview and will not be actively involved in the process.

What will happen at a PV interview?

Before the PV interview, the interviewer will state their name and request that the PV applicant and any other person present at the interview show their identity documents. They will ask the PV applicant for their consent to make an audio recording of the interview, and if the PV applicant agrees, they will turn on the recorder. The recording may be used for review purposes at a later stage by the Department of Immigration and Border Protection (the Department) or by a review body such as the Administrative Appeals Tribunal (AAT).

The interviewer will 'open' the interview and introduce everyone present. A PV applicant, on rare occasions, may object to using a particular interpreter. This could be for a variety of reasons, such as ethnicity, nationality, religion, gender or dialect. Ultimately the decision maker will decide whether an objection is reasonable and whether a different interpreter or reschedule of the interview is required.

The 'introduction' part of the interview can be lengthy while the interviewer provides information to the PV applicant. The information will include how the interview process works; the purpose of the interview; what to expect during the interview; what is expected of the PV applicant during the interview; and how personal information is protected by Australian privacy law.

The interviewer may ask the PV applicant to make an oath or affirmation that the information provided as part of their protection application is true. If they do, you may be provided with a copy of the Oath and Affirmation sheet translated in the relevant language.

The interview proper will then begin and the interviewer will ask questions specific to the claims raised in the PV applicant's application.

The average length of time for a PV interview is up to two and a half hours, though it can take longer, depending on the complexity of the case.

What topics will be discussed at a PV interview?

During PV interviews, PV applicants will likely talk about what has happened to them before they arrived in Australia and specifically about what has caused them to apply for protection. Some PV applicants may be survivors of torture or trauma and victims of physical or sexual violence. Some applicants may discuss the death of family members and other traumatic experiences. Naturally, these topics will be difficult to discuss and your ability as an interpreter to remain impartial and professional will assist greatly in discussing this

information. An applicant's response to questions can range from anger to fear and shame, or showing no emotion at all. Their experiences may also affect their ability to discuss the situation.

Be aware that a PV applicant may start talking unexpectedly about something distressing or graphic, with little warning. The interviewer should show patience and understanding when discussing traumatic incidents with PV applicants and, if a PV applicant becomes distressed, the interviewer may ask whether they would like to take a break from the interview. If you feel that you require a break during interview proceedings, please ask the interviewer.

Interpreting at a PV interview can be extremely demanding and it may require great concentration during emotionally charged situations. TIS National provides free and confidential short term counselling for interpreters and their immediate families through the Employee Assistance Programme (EAP).

If there are particular topics which you are not comfortable discussing, you should advise TIS National so that they can keep this in mind when assigning interpreting jobs.

Will there be a break during the PV interview?

The interviewer may call a break for around 10 minutes at the end of the PV interview to give time for the PV applicant to consider everything that has been discussed during the PV interview, and will turn off the recorder.

When the break is over the interviewer will turn the recorder back on and ask if the PV applicant if they would like to provide any further comments or information before closing.

Anyone attending the interview can request a break any time if required. Water will be provided during the PV interview.

What if the PV interview is at a detention centre?

When you are booked into a DIBP facility which you are not familiar with, you should check whether there are any specific requirements for that facility. For example, you may need to undertake an induction or safety briefing or there may be a dress code in place. Each detention centre may have slightly different procedures but you should be given instructions on what to do when you arrive.

What if the PV applicant or a third party becomes threatening?

Each office of the Department has guidelines on how staff should respond if a threatening situation or an attempt of self-harm occurs. All threats are taken seriously and interviewers should immediately terminate an interview if an incident occurs. Please follow all instructions from the interviewer throughout the PV interview, who will manage the conduct of parties throughout the interview.

How can I give feedback about a PV interview?

You can lodge feedback on the TIS National website www.tisnational.gov.au at the bottom of the home page. Click on 'Provide feedback'.

Further information/useful links

Further information about Australia's refugee and humanitarian programme is on the Department's website: <http://www.border.gov.au/Trav/Refu>

The meaning of ‘protection obligations’:

<http://www.border.gov.au/Trav/Refu/protection-application-information-and-guides-paig/meaning-of-protection-obligations>

The PV interview:

<http://www.border.gov.au/Refugeeandhumanitarian/Pages/the-interview.aspx>

Using particular terminology for minor groups:

<http://oramrefugee.org/wp-content/uploads/2016/04/Glossary-PDF.pdf>

Further information about Australia’s asylum seekers process is at Attachment A.

A list of protection visa terminology is at Attachment B.

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Attachment A

Who is a refugee?

To be a refugee in Australia, an asylum seeker must be assessed as meeting certain legal criteria. The meaning of a 'refugee' in the *Migration Act 1958* (the Act) is a person in Australia who is:

- outside their country of nationality or former habitual residence (their home country)
- owing to a 'well-founded fear of persecution', is unable or unwilling to return to their home country or to seek the protection of that country.

This definition is forward-looking. Even if a person has suffered persecution in the past, they are not a refugee by the meaning in the Act unless they have a well-founded fear of persecution and there is a real chance they will be persecuted in their home country, if they were to return. However, past events could establish a real chance of persecution if the person were to return.

What is Complementary Protection?

Under 'Complementary Protection' provisions, protection may also be provided for asylum seekers who do not meet the definition of a refugee.

A person may be granted a PV on the basis of complementary protection if there are substantial grounds for believing that there is a real risk the person will suffer 'significant harm' if they were removed from Australia to their home country. Significant harm is defined as: arbitrary deprivation of life; the death penalty; torture, cruel or inhuman treatment or punishment; or degrading treatment or punishment.

For further information regarding the legal framework which the Department uses to assess PV applications, please see the 'further information/useful links' section at the end of this document.

PV applicants in Australia go through an assessment process by the Department to determine whether they engage Australia's protection obligations, and meet the requirements for the grant of a PV.

Why does Australia have a protection programme?

Australia is a party to, and has international obligations under, the 1951 Convention relating to the Status of Refugees, and the 1967 Protocol relating to the Status of Refugees. Under these agreements, Australia has international obligations not to expel or return a person to a place where their life or liberty will be threatened for a reason for which a person may be determined to be a refugee.

Australia's refugee and humanitarian programme is an important part of our contribution to the international protection of refugees. It is designed to ensure that Australia can respond effectively to global humanitarian situations and that support services are available to meet specific needs.

What does 'protection obligations' mean?

Not all people who seek Australia's protection, known as 'asylum seekers', are found to engage Australia's protection obligations. A person will engage Australia's protection obligations if they are found to be a refugee or meet the required criteria under Complementary Protection provisions.

PV applicants who have been assessed as engaging Australia's protection obligations either under the Refugees Convention or the Complementary Protection provisions may be entitled to a permanent protection (lawful arrivals) or temporary protection (illegal arrivals) visa. If assessed as engaging Australia's protection obligations, applicants would also need to satisfy other criteria, including health, character and security requirements in order to be granted a visa.

For more information about protection obligations see the 'Further information/useful links' section at the end of this document.

Do asylum seekers who are found not to engage Australia's protection obligations by the Department have rights to merits review?

An asylum seeker may be a lawful arrival. For example, they may have arrived by air or sea and hold a visa. If an asylum seeker is a lawful arrival the decision to refuse the permanent Protection visa application is reviewable by the Migration and Refugee Division (MRD) of the AAT or the General Division of the AAT.

If an asylum seeker is an illegal arrival (illegal maritime and unauthorised air arrival), the decision to refuse a Temporary Protection visa (TPV) or Safe Haven Enterprise visa (SHEV) may be reviewable. The decision may be reviewed by the Immigration Assessment Authority (IAA) or the MRD of the AAT or the General Division of the AAT, depending on the date of arrival.

The decision to refuse a TPV or SHEV is not reviewable when it involves an 'excluded fast track review applicant'. An example of an 'excluded fast track review applicant' is someone who entered Australia on or after 13 August 2012, but before 1 January 2014, who has not been taken to a regional processing country, and has made a claim for protection in a country other than Australia that was refused by that country.

What is procedural fairness?

Procedural fairness, in a PV interview context, is a legal requirement for dealing fairly with visa applications. Interviewers are required to give certain relevant information to the PV applicant for comment. An example of relevant information the interviewer is required to put to the PV applicant for comment is information provided by a PV applicant's family member on their visa application which is specifically about the applicant and directly contradicts their claims.

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Attachment B

Protection visa terminology

The below explanations may assist with understanding some of the commonly used terminology which may be used during PV interviews, or in Departmental documents.

Term	Explanation
Administrative Appeals Tribunal (AAT)	Certain applications for a visa that are refused may have a legal right for the decision to be reviewed on the 'merits of the case'. This means that another 'decision maker' considers the facts of the case within the bounds of the law and comes to a fresh conclusion. The AAT conducts independent merits review of administrative decisions made under Commonwealth laws. It also reviews decisions made by Australian Government ministers, departments and agencies and, in limited circumstances, decisions made by state government and non-government bodies.
Asylum seeker	An asylum seeker is a person who says they are a refugee but whose claims have not yet been decided by the country in which they have submitted it, or by the UNHCR.
Australia's protection obligations	As a signatory to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees (the Refugees Convention) Australia has formal obligations under international law to people who arrive and claim protection as a refugee. Australia must ensure that refugees are identified and they are not returned to their home country or place of habitual residence. Protection obligations may also arise from the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Civil and Political Rights (ICCPR).
Bogus document	Section 5(1) of the Act defines a bogus document as being a document which the interviewer reasonably suspects was not genuinely issued to the applicant or; is counterfeit or has been altered by a person who does not have authority to do so or; was obtained as a result of a false or misleading statement (whether or not made knowingly).
Complementary Protection	Complementary Protection refers to the legal mechanism for providing protection to a person if they do not fall within the section 5H definition of a refugee but nonetheless engage Australia's non-refoulement obligations.
Country of Origin Information (COI)	COI is information which relates to an applicant's claims for protection about the countries where they fear harm.
Credibility	Determining whether a PV applicant is a person to whom Australia has protection obligations may require the decision maker to determine if claims put forward by the applicant are credible.

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Term	Explanation
Effective protection	Effective protection is where a person has an existing right to enter and reside in any country other than Australia where they will be safe from persecution and safe from being returned to a country where they will be persecuted or subject to 'significant harm'.
Excluded Fast Track Review applicant	An Excluded Fast Track Review applicant is defined in subsection 5(1) of the Act. It includes PV applicants who have made a claim for protection in a country other than Australia that was refused by that country or refused by the United National High Commissioner for Refugees in that country; or has without reasonable explanation provided, given or presented a bogus document to an officer of the Department or to the Minister (or causes such a document to be so provided, given or presented) in support of his or her application.
Fast Track applicant	A Fast Track applicant is a person who entered Australia as an unauthorised maritime arrival on or after 13 August 2012 but before 1 January 2014.
Interview break	Before closing the PV interview the interviewer will give the PV applicant time to consider what has been discussed. The interviewer will turn off the recorder and leave the room during this time.
Judicial review	Judicial review is where the courts determine whether there has been an error of law, that is, jurisdictional error in the decision. Courts do not consider the merits of the case, only whether the conclusion was reached according to law. A PV applicant may seek judicial review of a decision to refuse a visa.
Merits review	Merits review is where a decision is reviewed 'on the merits'. This means a fresh look is taken on the facts, law and policy relating to the decision.
Migration agent	Registered migration agents provide immigration advice and assistance to visa applicants. They can also help with the lodgement of visa applications, and may attend an interview with an applicant.
Migration and Refugee Division (MRD)	The MRD is a division of the AAT and it reviews decisions made by officers of the Department of Immigration and Border Protection to refuse or cancel visas.
Non-disclosure	The deliberate keeping to oneself of information which is confidential or private in nature, or which one does not wish to reveal even though there is an obligation to do so.
Oath or affirmation	PV applicants may be asked during the interview to make an oath or affirmation that the information provided in, or in connection with, their application, is true.

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Term	Explanation
Procedural fairness	Procedural fairness, or natural justice, in relation to the PV application process is a legislative requirement for dealing fairly, efficiently and quickly with visa applications. An example would be the interviewer giving relevant information to a PV applicant for comment.
Protection Application Information and Guides (PAIGs)	Department guidelines to assist PV applicants to understand the protection visa application process.
Permanent Protection visa (PPV)	A person who is granted a Permanent Protection visa can live and work in Australia as a permanent resident and have access to Medicare and Centrelink services.
Refugee	The <i>Migration Act 1958</i> (the Act) provides a definition of a refugee. A refugee is defined as someone who is outside their country of nationality or former habitual residence, has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership or a particular social group, or political opinion, and is unable to or, owing to such fear, is unwilling to avail themselves of the protection of that country.
Refugees Convention	1951 United Nations Convention Relating to the Status of Refugees as amended by its 1967 Protocol
Relocation	Section 36(2B)(a) of the Act provides that there is taken not to be a real risk that a non-citizen will suffer significant harm in a country if the Minister or ministerial interviewer is satisfied that it would be reasonable for the non-citizen to relocate to an area of the country where there would not be a real risk that the non-citizen will suffer significant harm.
Safe Haven Enterprise Visa (SHEV)	A Safe Haven Enterprise Visa (SHEV) is a type of Temporary Protection Visa. A person who is granted a SHEV can live and work in Australia for five years. They can access Medicare, social security benefits, job matching and short-term counselling.
Sur place claims	A person may become a refugee after leaving their home country due to changes in the circumstances in their country; their own actions that may lead to persecution; Australia's actions, such as allowing information about their case to be provided to their home country; and actions by other parties which reveal that potential applicants will be applying for protection. A person who becomes a refugee this way is called a refugee 'sur place'.
Temporary Protection visa (TPV)	A Temporary Protection visa allows people who arrived in Australia by boat or air without a valid visa and are found to be refugees or in need of Australia's protection to stay in Australia for no more than three years, maybe less. It is not a permanent visa.
Unaccompanied minor	An unaccompanied minor (UAM) is a person under 18 who is not an Australian citizen and has arrived in Australia without a parent or relative aged 21 or over.

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Quality Control (QC) checks – Protection Obligations Assessment

Guidance Document – Humanitarian Program

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1. Purpose

1.1. Summary

To provide guidance on conducting a Quality Control (QC) check on a protection obligations assessment (POA) within the Humanitarian Program Operations (HPO) Branch for both temporary and permanent onshore protection. The document guides QC checkers on engaging with the QC questions in the Evidence of Quality in Performance system (EQuIP) and provides a consistent approach to providing QC feedback, so that protection obligations decision makers (PODMs) can meaningfully engage with the feedback to improve their decision making.

Guidance on how to use EQuIP is provided in separate tip sheets, see the Quality Control page on the Humanitarian Program SharePoint site.

1.2. Target Audience and Expectations

The target audience for this document are relevant operational stakeholders: PODMs, PODM supervisors and specialist QC checkers.

It is expected that supervisors and specialist QC checkers follow the guidance in this document to conduct QC and provide QC feedback to PODMs.

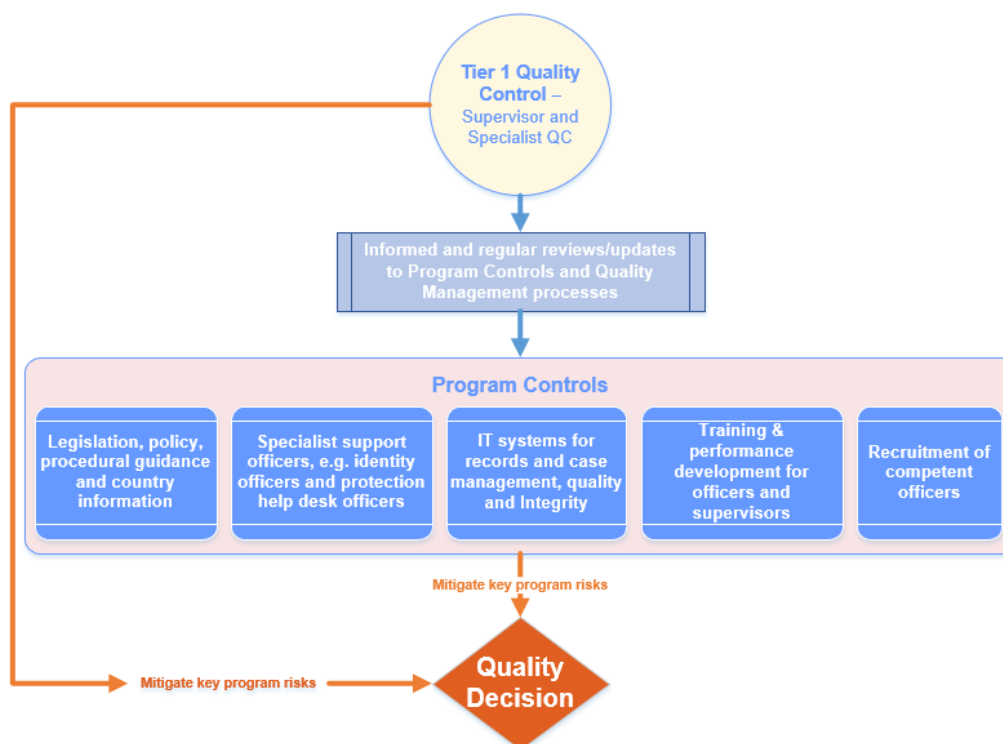
It is expected that PODMs engage with the QC feedback to pro-actively develop their decision making and ensure their decisions are made in line with departmental policy and applicable legislation.

2. Understanding Quality Control

2.1. Purpose of Quality Control Checks

QC is one of the activities within the department's Humanitarian Program Quality Management (HPQM) framework to manage risk and integrity in decision making, as well as officer performance. Attachment A visualises how QC fits into the HPQM framework.

The diagram below focuses on QC within the framework.



2.1.1. Defining a quality decision

A quality decision is defined in the HPQM Framework (see [ADD2018/3807037](#))

In summary, a quality decision is:

- legally sound
- logical, balanced and based on sound reasoning
- supported by sufficient evidence

And where appropriate:

- consistent with other determinations based on like circumstances.

Decision-making processes must also be:

- efficient
- effective
- economical
- ethical
- support program integrity

2.1.2. Risk Management

Every program area has a responsibility to ensure there are quality management processes in place to mitigate key risks. The Humanitarian Program has an onshore risk plan (see [ADD2018/1361719](#)). The risks considered in QC checking are listed below (taken from [ADD2018/1361719](#)):

- **Risk 1:** Failure to prevent a person of national security concern remaining in the community due to inadequate identity assessment, failure of delegates to identify that a person requires a security assessment, or failure to refer them for further assessment
- **Risk 2:** Failure to identify and address visa application fraud
 - Risk 2.1: Applicant's visa is granted where their identity is fraudulent and/or their relationship with the primary applicant is fraudulent
 - Risk 2.2: Applicant is granted a visa based on fraudulent protection claims

- Risk 2.3: Failure to prevent, detect, record and/or respond to fraud and malpractice during visa processing results in significant issues downstream. E.g. a person acquires citizenship based on a visa granted on fraudulent grounds
- **Risk 3:** The Refugee and Humanitarian program does not uphold Australia's *non-refoulement* obligations
- **Risk 4:** Failure to manage and deliver the onshore permanent protection program in accordance with legal, policy and administrative requirements
 - Risk 4.1: Failure to manage and deliver the onshore permanent protection component of the refugee and humanitarian program
 - Risk 4.2: Failure to manage and deliver the IMA legacy caseload in accordance with legal, policy and administrative requirements and the Minister's expectations
- **Risk 6:** Failure to protect staff/service providers/clients
 - Risk 6.2: Failure to identify and manage vulnerable applicants
- **Risk 7:** Departmental staff (including contractors) act unlawfully
- **Risk 8:** The Department is not able to provide accurate program reporting to manage programs efficiently and effectively.

QC manages the above risks within the expectations of the QC being conducted.

2.2. QC Requirements

For details on QC requirements see the HPQM framework ([ADD2018/3807037](#))

2.2.1. Supervisor QC

Supervisors are expected to conduct mandatory QC until they are satisfied a PODM is meeting expected levels of decision quality before sample rates are reduced. There is also an expected minimum number of decisions that should be checked before a supervisor starts to make considerations in reducing the amount of QC based on the quality of the decisions (see Attachment A in the HPQM framework – [ADD2018/3807037](#)).

Once a supervisor is no longer conducting mandatory QC, the sample rates in the HPQM framework are the minimum, and supervisors may decide to conduct more QC than the minimum level.

Some considerations for supervisors deciding on whether to conduct more than the minimum level of required QC may be:

- the officer has recently come back from extended leave
- the officer is working on a new cohort
- the case involves a type of assessment the officer has not dealt with before, e.g. complex s91W/91WA assessment or identity assessment, s91P considerations, MSFU assessment.

Noting that on a case by case or PODM by PODM basis you may consider other support activities (see section 2.3) are sufficient to manage PODMs, rather than increasing above the minimum level of QC.

Supervisors also have a mandatory and targeted requirement for conducting QC on certain complex cases (see Attachment A in the HPQM framework – [ADD2018/3807037](#)).

Targeted quality control (TQC) is also another way supervisors may be required to conduct QC. TQC is:

- QC that supervisors are directed to conduct which will involve more in-depth checking of material to ascertain whether specific error(s) are occurring.
- Supervisors will be instructed what to check, what error(s) they are checking for and which question(s) to assign and comment on the error should it be occurring.
- Initiating TQC will be evidenced based from other HPQM activities (e.g. IAA reporting, GFU feedback, Ombudsman reporting, QA reports) which are indicating there are potential issues. It may

also occur when there is a significant change to legislation, policy or processes where non-compliance would put the department at risk.

TQC will be used when there is a need to focus supervisor QC on checking a certain aspect of decision making at a more detailed level (which may be for the caseload more generally or specific caseloads) due to evidence of higher risk to the department in relation to those aspects.

2.2.2. Mentor QC

While mentor QC is not recorded in EQuIP, supervisors can liaise with the mentors about the checks they have completed to inform the depth of QC that the supervisor will need to undertake to be satisfied of the quality of the decision.

Mentors should be familiar with this document and consider guidance in this document when conducting QC and supporting mentees.

2.2.3. Specialist QC

Specialist Quality Control in the International Obligations and Special Humanitarian Program section (IOSHPS) is the single referral point for specialist QC and sending cases for legal process checks.

Specialist QC requirements are outlined in the HPQM framework (see [ADD2018/3807037](#)) and processes for specialist QC are detailed on the QC page in the Humanitarian Program section of the divisional SharePoint site.

It is expected that PODMs and supervisors should be familiar with the processes for referral to specialist QC and for legal process checks via specialist QC, noting that from time to time, the protection sensitive case register or specialist QC may notify supervisors and PODMs of cohorts of cases that may require mandatory specialist QC at the request of the program's senior executive service (SES).

2.3. QC and other support activities in decision making

QC is one of the activities within the decision making process for supporting and developing PODMs to be efficient and effective decision makers and to monitor their ongoing performance.

Attachment B outlines how QC and other supervisor support activities and tasks fit into the decision making process.

The following activities are examples of performance and development activities that supervisors may utilise to support their PODMs:

- Weekly/fortnightly team meetings which may involve case conferencing
- General one on one case conferencing or small group case conferencing
- One on one discussions around feedback from supervisor QC and/or specialist QC feedback and/or legal/policy advice provided
- Periodic reviews of interviews and providing feedback
- Reviewing draft s56 and s57 letters for new and developing PODMs and providing feedback
- Holding periodic team workshops to train on specific aspects of PV processing

Attachment C provides a guide of estimated work effort for conducting some of the QC or support activities for PODMS.

2.4. Advice for Conducting QC and providing feedback

2.4.1. Refer to applicable Case Law, Legislation, Policy and Guidance Material

When deciding whether an error has occurred always refer to applicable case law, legislation, policy and guidance material. If you are unsure, seek the assistance of a more experienced colleague or the Protection visa help desk.

Main policy documents are listed below, however, it is not an exhaustive list:

Refugee and Humanitarian specific policy:

- [Ref-Onshore] The Protection Visa Processing Guidelines
- Refugee Law Guidelines
- Complementary Protection Guidelines
- Gender Guidelines
- Asylum claims - Use of Country of Origin Information
- Child soldiers

Wider departmental policy:

- PAM3: GenGuideA - All visas - Visa application procedures
- PAM3: Act - Code of procedure
- PAM3: Act - Migration agents instructions
- PAM3: Act - Identity, biometrics and immigration status
- PAM3: Act – Character and security instructions
- Security Checking Handbook and the Weapons of Mass Destruction (WMD) Handbook

You should also refer to up to date guidance documents published on the Humanitarian Program SharePoint site.

2.4.2. PODM feedback and recording notes in EQuIP

When undertaking QC, feedback is provided to the PODM on their draft decision record and also recorded in EQuIP. You may decide to also give the PODM a copy of the QC report from EQuIP so they can be informed holistically of any errors or recommendations, as well as any high quality work. For reports, see relevant EQuIP tip sheets on the QC page in the Humanitarian Program section of the divisional SharePoint site.

Below provides details on giving feedback to PODMS and recording in EQuIP.

- **Mark the question 'no' in EQuIP and provide the following guidance to PODM within the decision record.**

Required	Where a comment is preceded with the word 'Required' the content of the comment <u>must be addressed and resolved before the decision is finalised</u> , as a legal error, failure to engage with critical evidence, significant factual error or other significant error has been identified.
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Notes in EQuIP and on the draft decision should be recorded as: Required: <<explain error>>

- **Mark the question 'yes' in EQuIP and provide the following guidance to the PODM within the decision record**

Consider	Where a comment is preceded with the word 'Consider' the PODM can exercise discretion as to how they engage with the feedback and if they choose to make the change. These comments capture issues that if included make the decision more robust. For example, where there is additional evidence available that if included and referenced will strengthen the decision, or where there are structural issues with how the decision is drafted and while not affecting the overall legibility of the decision would be strengthened if considered.
Best Practice (BP)	Where a comment is preceded with the term 'BP' the content of the comment is targeted at strengthening the PODM's general approach to decision making, but the issue does not need to be addressed in this decision. For example, where there are lines of questioning at interview that PODM may want to consider where they are interviewing similar cases in future, or where there is a more direct line of reasoning that could be applied to reach the same outcome.

Notes in EQuIP and on the draft decision should be recorded as: Consider: <<explain concerns>> or BP: <<explain concerns>>

- **Mark the question 'yes' in EQuIP**

QC is not always about identifying errors, it can also highlight high quality work, especially where PODMs have dealt well with a complex aspect in their decision making.

High Quality Work (Hqw)	Where a comment is preceded with the term 'Hqw' the content of the comment is to provide positive feedback to the PODM to let them know when they have produced high quality work in regard to an aspect of their assessment.
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Notes in EQuIP and on the draft decision should be recorded as: Hqw: <<explain>>

For more detailed tips on how to answer questions within EQuIP to ensure data records are accurate, see over the page, section 2.5.

2.4.3. PODM engagement with feedback

It is expected that PODMs will be familiar with the QC process and engage with feedback provided through QC.

If a PODM has concerns about the feedback they are being provided through QC from either their supervisor or specialist QC, they should in the first instance discuss this with their supervisor.

To assist PODMs to understand the relevance and importance of the feedback, where feedback is indicated as 'required', it is recommended that the QC checker when giving feedback to the PODM references the relevant policy, legislation or program process guidance.

2.5. Tips on how to answer QC questions in EQuIP

2.5.1. Assigning an error to the appropriate question in EQuIP

It is important that you assign an error to the correct QC question in EQuIP and only record it once to:

- avoid duplication of the same error being counted multiple times and lowering a PODM's accuracy rating incorrectly
- ensure that if there are multiple different errors occurring that they are separately recorded under the appropriate QC question to accurately record a lower accuracy rating and to better understand where there are systemic issues.

2.5.2. Choosing the significant error for the 'specific note' and making further notes

In EQuIP, for some QC questions, there are specific notes that you can choose to identify the error occurring and then there is free text for further comments. For some questions there is only free text.

Some points to remember:

- As only one specific note can be chosen from the drop-down list, if more than one error has occurred that fits within the question, choose the most significant note, but in the notes field provide information about all relevant errors that relate to the question
- If there is a specific note that is appropriate to choose, then it should be selected.

2.5.3. Recording 'n/a', 'no' or 'yes' to a question

It is important to ensure that when selecting your answer to the question you do so correctly, note that:

- If the question does not apply, you answer N/A. Do not answer 'no'. The answering of 'no' indicates there is an error (unless the question has been entered as an EQuIP *choice question* and currently there are no *choice questions* in the QC question set for PODMs). If you answer N/A, do not include any notes.
- Only answer 'yes' if there was no error and the question is applicable, and only answer 'no', if there was an error. For more guidance, see previous section 2.4.2.
- If answering 'yes', there is no need to justify a 'yes' answer, that is, there is no need to provide commentary as to what the PODM did. For example, for the QC question on identity, if you answered 'yes' then a comment like: 'ID documents trimmed, M5 match considered, principal identity and aliases recorded in ICSE correctly', is not necessary.
- If there is an error, but it was not the fault of the PODM, the question can be answered 'yes', and notes can be included to indicate what the error is. **For issues with the design of or information included in templates, this should be reported immediately to the template owner.**

2.6. Check the checker – Quality Assurance

To ensure the program is checking the validity and reliability of the QC that is being conducted, part of the HPQM framework involves quality assurance (QA) activities where checks are conducted on QC records.

Should check the checker activities be undertaken, they are recorded in EQuIP and as appropriate results provided to management and the network to inform, as relevant, how QC can be better conducted and/or how QC question sets and guidance can be updated to improve QC validity and reliability.

3. Standard POA QC checks

3.1. Advice to QC checkers

3.1.1. What are the QC questions focusing on?

The QC questions focus on ensuring the PODM has made a quality decision as defined in the Humanitarian Program HPQM framework.

The Protection Visa Processing Guidelines (PVPG) section 4.89 Making an assessment also outlines expectations on how PV assessments are to be conducted and recorded by a PODM in reaching a decision on the application.

In EQuIP, the QC questions focus on the key assessments in PV decision making:

- Identity assessment (including 91P considerations as relevant)
- s91W/91WA considerations (including assessments of ID documents)
- Member of the same family unit (MSFU) assessments
- Findings of Fact assessment
- Refugee and Complementary Protection (CP) assessments
- Character and Security (exclusion and ineligibility) assessments
- Excluded fast track assessment (for 'fast track' cases only)

And seek to ensure that the assessments are:

- supported by evidence that is accurate, current, relevant, and traceable
- logical, balanced and based on sound reasoning
- lawful in accordance with legislation, case law and policy

And were made by following correct procedures ensuring program integrity.

3.1.2. What to review when conducting a QC check

At a minimum when conducting QC you should review:

- the draft decision AND
- relevant ICSE entries (including PIC4002, PIC4003(a), PIC4001)

To support your QC in checking claims have been identified in refusal decisions you should also review:

- statement of claims information included in the PV application and any further submissions

In reviewing the draft decision and relevant ICSE entries, if you have significant concerns or wish to examine a specific element of a case further, you may also choose to review aspects of the following material as part of conducting QC:

- The PV application and any further submissions (in particular, reviewing ID documents)
- ICSE/portal for the applicant and any MSFUs (including MSFUs separate to the application, as appropriate)
- Any information obtained through system checks, e.g. AUSTRAC reports, previous ID reports, entry interview script/recording, M5 match reports, any other integrity report matches, previous visa applications where appropriate (this is not an exhaustive list).
- Any legal/policy advice sought
- Any s57 or s56 letters sent by the PODM
- The PV interview (where the applicant was interviewed)

Considering information beyond the decision record and ICSE entries is advised when conducting a QC check on draft decisions made by either new decision makers or those assessing a new cohort or complex case. Conducting QC that involves checking in depth for a certain aspect of PV processing is also advised where a decision maker is new or developing in that particular aspect, for example: cases involving assessing complex identity, MSFUs and/or complex multiple claims.

You may also consider discussing with the decision maker about the processes they undertook if you have concerns when reviewing the draft decision. For new starters, it is recommended to discuss with the mentor regarding what material they have engaged with and checked in supporting the mentee, which may reduce your own time for conducting QC.

3.1.3. Being satisfied to answer a QC question 'yes' or 'no'

As a QC checker, your decision on whether to answer a QC question 'yes' or 'no' is on the basis of reviewing the draft decision record and relevant ICSE entries.

For each QC question, it is caveated with being 'evidenced from the decision record itself or relevant ICSE entries'. If question marks are raised from reviewing a draft decision record/ICSE entries, strategic considerations on needing to delve deeper into a case for you to be satisfied to answer a question 'yes' or 'no' and to ensure the QC you are conducting is managing key program risks would be made on a case by case and officer by officer basis.

There is not an expectation that cases that undergo QC are guaranteed as error free, as this would be unrealistic. However, it is expected that the QC being conducted is consistent and you are strategic and evidence based in conducting QC and in your considerations of deciding whether to answer a QC question 'yes' or 'no'.

It is important to ensure the QC you are conducting is achieving its purpose of identifying errors made by decision makers that put the department at risk. This is to ensure QC supports evidenced based decisions on what support officers need to develop and where program controls require improvement.

3.2. List of QC questions in EQuIP

Question list link

QC questions in EQuIP - Colour Legend
Negative QC Question Set only
Positive QC Question Set only
Both Positive and Negative QC question sets

There are hyperlinks for the questions below. Press Ctrl and click on the question and it will take you to the guidance for that question.
There are 'Question list links' on each page, press Ctrl and click on the Question list link and you will return to this page.

No.	QC Question
1	Has the decision been drafted appropriately and/or ICSE entries correctly completed?
2	Has a clear Identity finding been made on the available evidence for each applicant?
3	As appropriate, have s91W/s91WA considerations been made on the available evidence for each applicant?
4	Where the application includes MSFU: has the test for MSFU been assessed correctly for each claimed MSFU and appropriate follow up undertaken if any person was found not to be an MSFU?
5	Has the officer appropriately identified all claims raised by the applicant(s) including any that arise on the material before them?
6	Has the officer appropriately addressed all identified claims?
7	Has the officer clearly set out their reasons for finding the applicant to meet the refugee or complementary protection criteria and clearly dealt with any adverse information that would not support the finding?
8	Have the relevant legal concepts been considered and applied correctly in the refugee assessment?
9	Have all the relevant legal tests been applied correctly in the complementary protection assessment?
10	Is the decision supported by COI that is relevant and in line with policy?
11	Is the COI held in the appropriate departmental system and cited appropriately?
12	Has the officer appropriately considered and weighed all other available evidence?
13	Is all other available and relevant evidence held in the appropriate departmental system and cited appropriately?
14	Has the officer identified and addressed all character and exclusion issues (including where they arise in relation to a MSFU), as appropriate to the decision pathway?
15	Did the officer adhere to code of procedure requirements and meet procedural fairness obligations?
16	Was the case assessment free of any other significant errors?
17	Have the excluded fast track provisions been considered and applied correctly? ¹

¹ Only relevant for QCing Fast Track negative cases. The QC question is only on the Temporary Protection Assessment – Negative QC question set.

3.3. Guidance – Question by Question

[Question List Link](#)

QC Question	Answer
1 Has the decision been drafted appropriately and/or ISCE entries correctly completed?	Y / N
<p>Purpose: To ensure quality records management</p> <p>Policy: PVPG – Part 15 Finalising an application</p> <p>Other Guidance: SharePoint announcements and guides on ICSE recording and writing decision records</p> <p>Answering the question:</p> <p>If the case officer has made an error, then the question is answered 'no' and appropriate comments entered in the <i>notes field</i> to describe the error.</p> <p>This QC question covers checking whether the PODM has used the correct template for those decisions that are templated. It is important to note the 'date of application' as the most recent template may not be the correct template for that application.</p> <p>Only ICSE entries that an officer would be expected to have entered at the time of having the draft decision QCed should be considered when answering this question.</p> <p>To mitigate security and character risks, a PODM <u>must</u> complete their ICSE entries for PICs and s36(1B) – (recorded in ICSE as PIC4002) prior to QC (for both negative and positive pathway). The QC question is to be answered as appropriate to the visa subclass being applied for and the pathway of the decision.</p>	

QC Question	Answer
2 Has a clear Identity finding been made on the available evidence for each applicant?	Y / N
<p>Purpose: To ensure robust identity findings are being made</p> <p>Policy:</p> <p>PVPG (Part 3 - Assessing identity, nationality or citizenship, specifically 4.10 and 4.12, also 4.46.3 Considering the information provided in an M5 match report, also Annexures 1, 3 and 4, as relevant), ImmiCards and the Identity Lockdown policy (for Unauthorised Maritime Arrivals (UMAs), Enterprise Identity, Age determination – IMAs and SIEV crew, Assessing the identity of visa applicants and policy related to the Privacy Act</p> <p>Other Guidance: SharePoint: Integrity and Risk page</p> <p>Answering the question:</p> <p>If the PODM has made an error, then the question is answered 'no' and appropriate comments entered in the <i>notes field</i> to describe the error.</p> <p>This question is for all applicants. The QC question is checking that the Identity assessment is:</p> <ul style="list-style-type: none"> supported by evidence that is accurate, current, relevant, and traceable logical, balanced and based on sound reasoning lawful in accordance with legislation and policy <p>QC specifically in relation to ID document findings is not recorded here, but considered in the separate QC question relating to s91W/91WA.</p> <p>If an identity finding is adverse for the protection finding or MSFU finding, the procedural fairness aspects and how the identity finding is used within the decision making are not QCed in this question. Noting that identity assessments for UMAs and Unauthorised Air Arrivals (UAAs) can be more complex than immigration cleared applicants.</p> <p>Key factors:</p> <p>Has the PODM demonstratively considered the following evidence where it is available: M5 match, offspring match/chameleon match, AUSTRAC report, previous ID report(s) and/or previous applications or the applications of family members?</p> <p>As relevant, was COI appropriately used and cited in the Identity assessment?</p>	

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Where the applicant's Facebook page or other forms of social media have been used, is there evidence that this information has been saved to the applicant's client file in TRIM?

Does the 91W finding (ID document(s) finding(s)) support the Identity finding?

Was the applicant's life story explored and considered in making the identity finding? Was any adverse information appropriately considered?

Was the identity assessment and finding logical, balanced and based on sound reasoning?

Is the identity decision in adherence to applicable identity policy and legislation?

If there was any information that indicated the applicant could be a dual national, was this explored and accurate findings made in this regard? (If the applicant is a dual national, was there a 91Q bar lift, prior to the application being made?)

If any policy/legal advice was sought, was it adhered to, but not directly referred to in the decision?

Is the principal identity recorded in ICSE (name, birth date and citizenship) matching the decision record?

Are the accepted aliases recorded in ICSE?

If there is an accepted genuine passport (original sighted), is it recorded as the principal identity on ICSE?

[Question List Link](#)

QC Question	Answer
3 As appropriate, have s91W/s91WA considerations been made on the available evidence for each applicant?	Y / N / N/A
<p>Purpose: To ensure the s91W and/or s91WA findings are supported by sufficient evidence, well-reasoned and legally sound, and for positive pathway cases, that the case does not meet for refusal under s91W(2) and/or s91WA(1)</p> <p>Policy: PVPG: (Part 4 - Assessing identity, nationality or citizenship)</p> <p>Other Guidance: SharePoint: PV Case Officer support – Identity and Integrity page</p> <p>Answering the question:</p> <p>If the PODM has made an error, then the question is answered 'no' and appropriate comments entered in the <i>notes field</i> to describe the error.</p> <p>This question is for all applicants. The QC question is checking that the s91W/s91WA considerations are supported by COI and other available evidence, are logical and well-reasoned and in adherence with relevant legislation and policy (apart from procedural fairness).</p> <p>If there were any errors in relation to procedural fairness, this should be recorded in the procedural fairness QC question. Noting however, if there was any adverse information put to the applicant and/or further information requested, this question does QC whether the response or lack of was considered and a logical and sound assessment was made in reference to that information. (The procedural fairness QC question is about notification and ensuring the adverse information/further requested information was clearly articulated to the applicant).</p> <p>Noting that s91/s91WA considerations for UMAs and UAAs can be more complex than immigration cleared applicants.</p> <p>Key factors:</p> <p>If there were any ID documents that were relied on to confirm the claimed identity, were appropriate steps taken, in adherence with policy and legislation, in accepting the documents as genuine?</p> <p>If any ID documents were sent to the Documentation Examination Unit (DEU), were the findings appropriately explained and considered in the document finding?</p> <p>If a document provided was not considered an ID document for the purposes of s91WA, was this sufficiently explained?</p> <p>If a document was found to be bogus, is the assessment logical and legally sound?</p> <p>If an ID document was considered bogus/destroyed and the applicant was not refused under s91W/s91WA, was the 'reasonable explanation' finding made in adherence to policy and legislation?</p> <p>If there was a finding to refuse under s91W, was it made in adherence with policy and legislation?</p>	

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Were any findings, as applicable, supported by COI and/or other information/evidence, as relevant?
 Was the assessment logical, balanced and based on sound reasoning?
 Was relevant legislation cited correctly and has it been quoted accurately?
 If any policy/legal advice was sought, was it adhered to, but not directly referred to in the decision?

[Question List Link](#)

QC Question	Answer
4 Where the application includes MSFU: has the test for MSFU been assessed correctly for each claimed MSFU and appropriate follow up undertaken if any person was found not to be an MSFU?	Y / N / N/A
<p>Purpose and risk managed: To ensure robust members of the same family unit (MSFU) findings are being made – Risk 2, 3 and 4.</p> <p>Policy: PVPg: (Part 7 – members of the same family unit) For Fast track applicants: PVPg 4.76. Deciding applications of members of families under the fast track process</p> <p>Other Guidance: MSFU training package</p> <p>Answering the question: If the PODM has made an error, then the question is answered 'no' and appropriate comments entered in the <i>notes field</i> to describe the error. The QC question is checking that the MSFU assessment is supported by COI and other available evidence, is logical and well-reasoned and in adherence with relevant legislation and policy (apart from procedural fairness). If there were any errors in relation to procedural fairness, this should be recorded in the procedural fairness QC question. Noting however, if there was any adverse information put to the applicant and/or further information requested, this question does QC whether the response or lack of was considered and a logical and sound assessment was made in reference to that information. (The procedural fairness QC question is about notification and ensuring the adverse information/further requested information was clearly articulated to the applicant).</p> <p>Key factors: Has a clear finding, based on evidence, been made to indicate whether the PODM is satisfied that the claimed MSFU is in fact an MSFU of the claimant? Note this assessment has to be made for each applicant identified as an MSFU. Is the finding logical, balanced and based on sound reasoning? In considering whether a finding on an applicant being an MSFU is logical, where relevant, if the claim of being an MSFU is impacted by the identity finding, is the 'identity finding' and 'the finding in regard to MSFU' in support of each other? As applicable, is the MSFU finding supported by COI and other available information/evidence? If applicable, if a claimed MSFU is found not be an MSFU were correct processes followed in making a decision on the claimed MSFU? (See PVPg 4.18.3 Deciding applications made by family groups – Schedule 2 criteria). Was relevant legislation cited correctly and has it been quoted accurately? If any policy/legal advice was sought, was it adhered to, but not directly referred to in the decision?</p>	

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QC Question	Answer	Specific Notes
5 Has the officer appropriately identified all claims raised by the applicant(s) including any that arise on the material before them?	Y/ N	<ul style="list-style-type: none"> - Claim(s) not identified in claims summary - Claim(s) missing in making Findings of Fact - Accepted Claim(s) missing from refugee and/or CP assessment - Claim(s) included incorrectly in refugee and/or CP assessment - Claim(s) by a MSFU not identified
<p>Purpose and risk managed: To ensure all claims are: identified in the summary of claims, not missing in making findings of fact and not missing from the appropriate protection obligations assessment sections – Risk 3, 4 and 7.</p> <p>Policy: PVP: Part 8 – Research relating to the application, Part 9 – Interviewing, Part 12 – Assessing Credibility (also Annexure 3, 4 and 5 as relevant), Refugee Law Guidelines and Complementary Protection Guidelines</p> <p>Answering the question: If the PODM has made an error, then the question is answered 'no' and the appropriate specific note chosen. Should more than one specific note be applicable, the QC checker can choose the one that is most significant and in the <i>notes</i> field add in further details.</p> <p>This question is targeted at identifying where the PODM has not identified the applicant's claims, as appropriate, throughout the recording of the decision. 'As appropriate', will depend on the type of decision being made and current guidance on the recording of decisions.</p> <p>It is not QCing if a claim was identified incorrectly under 'type of refugee claim', (that is, political opinion or particular social group etc.), as this is QCed in the legal QC question (Refugee claims s5J(1), s5K, s5L). This question is only QCing if the claim, it self, is missing from the appropriate assessments.</p> <p>Key factors: Were all claims identified in the claims summary? Were all claims identified in making findings of fact? Are the claims that were found credible (and only those claims) identified, as appropriate, in the refugee and/or CP sections of the decision?</p>		

[Question List Link](#)

QC Question	Answer	Specific Notes
6 Has the officer appropriately addressed all identified claims?	Y/ N	<ul style="list-style-type: none"> - Claim(s) not clearly articulated - Findings of Fact not logical, balanced and/or based on sound reasoning - Conflated Refugee/CP assessment with Findings of Fact assessment - No clear finding on claim(s) in making findings of fact - Refugee/CP assessment of claim(s) not logical, balanced and/or based on sound reasoning - No clear finding on claim in Refugee/CP assessment - Failed to assess claims cumulatively
<p>Purpose: To ensure identified claims are addressed in the findings of fact and protection obligations assessment sections of the decision record.</p> <p>Policy: PVP: Part 8 – Research relating to the application, Part 9 – Interviewing, Part 12 – Assessing Credibility (also Annexure 3, 4 and 5 as relevant), Refugee Law Guidelines and Complementary Protection Guidelines</p> <p>Answering the question: If the PODM has made an error, then the question is answered 'no' and the appropriate specific note chosen. Should more than one specific note be applicable, the QC checker can choose the one that is most significant and in the <i>notes</i> field add in further details.</p>		

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This question is targeted at checking whether the assessment of the applicant's claims is logical, balanced and/or based on sound reasoning throughout the entire decision record.

For one of the potential errors: 'No clear finding on claim(s) in making findings of fact' – this is to be considered in reference to PVPG 4.53.2 Findings that may be reached).

This QC question is not intended to address errors in how the PODM has undertaken their assessment in regard to: legal errors, COI, other available evidence and procedural fairness/code of procedure. These aspects are covered by separate QC questions. Errors in relation to these aspects should not be recorded under this question.

Noting however:

- If there was any adverse information put to the applicant and/or further information requested, this question does QC whether the response or lack of response was considered and a logical and sound assessment made in reference to that information. (The code of procedure/procedural fairness QC question is to check for errors in regard to notification and whether the adverse information/further requested information was clearly articulated to the applicant. It also is for checking 'bias').
- When QCing 'Findings of Fact' and considering if it is 'logical, balanced and/or based on sound reasoning', the following PVPG sections are key to consider:
 - 4.49.1. Materiality – relevance
 - 4.50.2. Inconsistencies, contradictions or omissions
 - 4.50.3. Implausible, vague or incoherent claims
 - 4.50.4. Demeanour
 - 4.50.5. Delay in claiming refugee status or presenting other information
 - 4.50.6. Mitigating circumstances
 - 4.52. Benefit of the doubt

Key factors:

Has a clear finding been made on each identified claim?

Is the assessment of each claim in making Findings of Fact logical, balanced and based on sound reasoning?

Has each identified credible claim been assessed with a finding (as appropriate under refugee criteria and/or CP)?

Is the assessment and Refugee/CP findings on the claims logical, balanced and based on sound reasoning?

In considering whether a finding on a claim is logical and reasonable, where relevant, if the claim is interlinked to the applicant's identity, is the 'identity finding' and 'the finding in regard to the claim' in support of each other?

Question List [Link](#)

QC Question	Answer
7 Has the officer clearly set out their reasons for finding the applicant to meet the refugee or complementary protection criteria and clearly dealt with any adverse information that would not support the finding?	Y / N
<p>Purpose: Ensure robust findings have been made in relation to the key claim(s) for finding the applicant to be owed protection.</p> <p>Policy: PVPG Part 8 – Research relating to the application, Part 9 – Interviewing, Part 12 – Assessing Credibility (also Annexure 3, 4 and 5 as relevant), Refugee Law Guidelines and Complementary Protection Guidelines</p> <p>Answering the question: If the PODM has made an error, then the question is answered 'no' and appropriate comments entered in the <i>notes field</i> to describe the error. The QC question is checking that the findings on key claims in the Findings of Fact section and Refugee or CP assessment section is logical, balanced and based on sound reasoning. Noting that the QC of</p>	

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legal errors, and whether the decision is supported by COI and other available evidence are covered by separate QC questions.

When QCing 'Findings of Fact' and considering if it is 'logical, balanced and/or based on sound reasoning', the following PVPG sections are key to consider: same as question 6 above.

Key factors:

Is the findings of fact assessment logical, balanced and based on sound reasoning for the key claims?

Are clear findings made in the findings of fact section?

If there was any adverse information, relevant to the decision, was it considered and a logical and sound assessment with a clear finding made?

Is the protection obligations assessment logical, balanced and based on sound reasoning?

If any policy/legal advice was sought, was it adhered to, but not directly referred to in the decision?

Is the decision free of irrelevant considerations?

[Question List Link](#)

QC Question	Answer	Specific notes
8 Have all the relevant legal concepts been considered and applied correctly in the refugee assessment?	Y / N / N/A	<ul style="list-style-type: none"> - Protection in another country [s36(3) – (7)] - Refugee claims [s5J(1), s5K, s5L] - Persecution [s5J(4), s5J(5)] - Real Chance [s5J(1)(b)] - All areas of the receiving country [s5J(1)(c)] - Effective Protection [s5J(2), s5LA] - Behaviour Modification [s5J(3)] - Bad faith conduct [s5J(6)]
9 Have all the relevant legal tests been applied correctly in the complementary protection assessment?	Y / N / N/A	<ul style="list-style-type: none"> - Significant Harm [s36(2A), s5] - Real Risk [s36(2)(aa)] - Relocation [s36(2B)(a)] - Protection from an authority [s36(2B)(b)] - Generalised violence [s36(2B)(c)]*

Purpose: To ensure the protection obligations decision is legally sound

Relevant policy:

PVPG, and Refugee Law Guidelines and Complementary Protection Guidelines

Answering the question:

There is a N/A choice available in answering the questions, as for positive pathway, a QC checker will only need to answer 'yes' or 'no' for one of the questions. For negative decisions, both questions will need to be answered (unless the case is being refused under ineligibility/exclusion criteria). If the PODM has made an error, then the question is answered 'no' and the appropriate specific note chosen. Should more than one specific note be applicable, the QC checker can choose the one that is most significant and in the *notes* field add in further details.

This question is **only** covering an error in the application of the relevant legal test(s) in the refugee and/or complementary protection assessment.

*In understanding the meaning of the *Specific note* 'Generalised violence' be sure to refer to relevant policy in the Complementary Protection Guidelines.

Key Factors

Was relevant legislation cited correctly and has it been quoted accurately?

If any policy/legal advice was sought, was it adhered to, but not directly referred to in the decision?

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QC Question	Answer	Specific notes
10 Is the decision supported by COI that is relevant, current and in line with current policy?	Y / N	<ul style="list-style-type: none"> - Irrelevant COI considered - COI not clearly linked to applicant's claims - COI not current - COI not considered in line with policy or Ministerial Directions - Content of COI mischaracterised - Concern with weighting of COI - Relevant COI not considered - Other
11 Is the COI held in the appropriate departmental system and cited appropriately?	Y / N	<ul style="list-style-type: none"> - COI not uploaded to CISNET or TRIM - COI not cited correctly

Purpose: To ensure the protection obligations decision is supported by sufficient COI evidence.

Relevant policy:

PVPG (4.89.1 Completing the record of assessment), Refugee Law Guidelines, Complementary Protection Guidelines and Asylum Claims – Use of Country of Origin Information, Ministerial Direction 56

Answering the question:

There are two QC questions. The first one is considering the use of the COI in the assessment and the second question is whether the COI has been uploaded to CISNET or TRIM and correctly cited. If the PODM has made an error, then the question is answered 'no' and the appropriate specific note chosen. Should more than one specific note be applicable, the QC checker can choose the one that is most significant and in the *notes* field add in further details.

In relation to Clause 2 and 3 of Direction No. 56, if COI covered by these clauses is considered not relevant to the decision, this QC question is also checking that the PODM has still given regard to the COI, as is expected by Direction No. 56, and thus stated within the decision that they gave the COI regard and included their determination that the COI was not relevant and this determination is sound (use specific note 'COI not considered in line with policy or Ministerial Directions', if this error occurs).

These questions cover the use of COI in the Findings of Fact, refugee assessment and complementary protection assessment. In the *notes* field, a QC checker can provide details regarding the error and in which assessment the error(s) was made. Note that these questions are for COI **only**. The next QC questions covers 'other available evidence'.

Key Factors

Has the PODM made an error in relation to one or more of the specific notes?

If any policy/legal advice was sought, was it adhered to, but not directly referred to in the decision?

[Question List](#) [Link](#)

QC Question	Answer	Specific notes
12 Has the officer appropriately considered and weighed all other available evidence?	Y / N	<ul style="list-style-type: none"> - Evidence as part of application not considered - Evidence on departmental systems not considered - Other evidence not considered - Evidence mischaracterised - Failure to engage with evidence - Failure weigh evidence reasonably - Other
13 Is all other available and relevant evidence held in the appropriate departmental system and cited appropriately?	Y / N	<ul style="list-style-type: none"> - Not stored correctly - Not cited correctly

Purpose: To ensure the POA is supported by sufficient evidence (apart from COI).

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Relevant policy:

PVPG (specifically 4.33 Information to take into account and provision of information s54 and s55), , Gender Guidelines, Refugee Law Guidelines and Complementary Protection Guidelines.

Answering the question:

There are two QC questions. The first one is considering the use of the evidence in the assessment and the second question is whether the evidence has been correctly stored and cited. If the PODM has made an error, the question is answered 'no' and the appropriate comment chosen. Should more than one comment be applicable, the QC checker can choose the one that is most significant and in the *notes* field add in further details. It is also important that when considering errors in regard to the comments involving 'information provided the applicant', this can include in the application, at interview, post interview submissions or any other information the applicant has provided to the department at any time. These questions cover the use of evidence in the findings of fact, refugee assessment and complementary assessment. These questions are not for errors involving the use of COI. The preceding QC questions cover COI.

If there were any errors in relation to procedural fairness/code of procedure, these should be recorded in the procedural fairness QC question.

Key Factors

Has the PODM made an error in relation to one or more of the specific notes?

If there was any relevant information, was it considered appropriately in the findings of fact, refugee assessment and/or complementary protection assessment?

If any policy/legal advice was sought, was it adhered to, but not directly referred to in the decision?

[Question List Link](#)

QC Question	Answer	Specific notes
<p>14 Has the officer identified and addressed all character and exclusion issues (including where they arise in relation to a MSFU), as appropriate to the decision pathway?</p> <p><i>*Ensure consideration of and adherence to Ministerial Direction 75</i></p>	Y / N / N/A	<ul style="list-style-type: none"> - s5H(2) – exclusions to the refugee criteria - s36(1B) – ASIO Adverse Security Assessment - s36(1C) – danger to Australia's security or community - s36(2C) – ineligibility criteria relating to complementary protection - Not considered for MSFU - Incorrect application of exclusion clauses to MSFU
<p>Purpose: Robust findings made in relation to character and security.</p> <p>Policy: PVPG – Exclusion, character and security</p> <p>Other Guidance: Relevant SharePoint process documents</p> <p>Answering the question:</p> <p>If the PODM has made an error, then the question is answered 'no' and the appropriate <i>specific note</i> chosen. Should more than one <i>specific note</i> be applicable, the QC checker can choose the one that is most significant and in the <i>notes</i> field add in further details.</p> <p>The QC question is checking that the consideration of character and exclusion issues is supported by COI and other available evidence, as appropriate, is logical and well-reasoned and in adherence with relevant legislation and policy (apart from procedural fairness).</p> <p>If there were any errors in relation to procedural fairness/code of procedure, this should be recorded in the procedural fairness QC question. Noting however, if there was any adverse information put to the applicant and/or further information requested, this question does QC whether the response or lack of was considered and a logical and sound assessment was made in reference to that information. (The procedural fairness QC question is about notification and ensuring the adverse information/further requested information was clearly articulated to the applicant).</p> <p>Note that processes differ whether the case is on a positive pathway, negative pathway ((refusal under s36(2)(a) (not in relation to s5H(2)), and under s36(2)(aa), s36(2)(b) and (c)) or negative pathway (refusal under exclusion/ineligibility criteria: s5H(2) grounds, s36(1B), s36(1C) and/or s36(2C)).</p> <p>Key factors:</p> <p><u>Positive pathway</u></p>		

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As appropriate, are findings in relation to character and security logical and reasonable?
 As appropriate, are the findings supported by COI and other available evidence?
 Is the finding in adherence with policy and legislation?
 If any policy/legal advice was sought, was it adhered to, but not directly referred to in the decision?
Negative pathway (refusal under s36(2)(a) (not in relation to s5H(2)), and under s36(2)(aa), s36(2)(b) and (c))
 Did the case officer use the standard wording in the decision record and appropriately note any concerns in ICSE (if there were any)?
 Is the assessment in adherence with ministerial direction 75?
Negative pathway (refusal under exclusion/ineligibility criteria: s5H(2) grounds, s36(1B), s36(1C) and/or s36(2C))
 Is the finding logical and reasonable?
 Is the finding, as appropriate, supported by COI and other available evidence?
 Is the finding in adherence with policy and legislation?
 If any policy/legal advice was sought, was it adhered to, but not directly referred to in the decision?

[Question List Link](#)

QC Question	Answer
15 Did the officer adhere to code of procedure requirements and meet procedural fairness obligations?	Y / N
<p>Purpose: To ensure code of procedure requirements are adhered to</p> <p>Policy: PVPG: Part 10 – Further information/comment and procedural fairness requirements, Part 13 – The fast track assessment process (4.66 Code of Procedure under the fast track assessment process), PAM3: Act - Code of procedure - Notification requirements, Migration agents instructions</p> <p>Answering the question:</p> <p>If the PODM has made an error, then the question is answered 'no' and appropriate comments entered in the <i>notes field</i> to describe the error.</p> <p>Firstly, this QC question is checking whether the PODM provided the applicant with an opportunity to respond to adverse information. This question also relates to the request itself under s57 (or s56) of the Act, including at interview.</p> <p>For new decision makers or if there are concerns, the QC checker may check any s57 and s56 letters (including those in relation to s91W/s91WA and/or excluded fast track) and listen to relevant sections of the interview recording, as appropriate, to check that information was clearly articulated to the applicant and there are no notification errors. Code of procedure requirements are different for fast track.</p> <p>This question is also considering whether there is bias or evidence that gives rise to the perception of bias in the PODM's decision making.</p> <p>Key Factors</p> <p>Did the PODM clearly identify information that was adverse to the applicant's visa application, and was this put to applicant for comment at either the interview or via a s57 letter?</p> <p>If the PODM sent a s56 letter, did it clearly articulate the further information required from the applicant?</p> <p>If a s57 or s56 letter was sent, was it free of legal error? (i.e. meet notification requirements)</p> <p>Is the decision making free of bias?</p>	

QC Question	Answer
16 Was the case assessment free of any other significant errors?	Y / N
<p>Purpose: Ensure Program integrity</p> <p>Policy: PVPG sections as relevant</p> <p>Other Guidance: Relevant SharePoint announcements</p> <p>Answering the question:</p> <p>If the PODM has made an error, then the question is answered 'no' and appropriate comments entered in the <i>notes field</i> to describe the error.</p>	

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As relevant, this is to consider the following processes to ensure program integrity:

- seizing and retaining a bogus document (PAM3: Act - Identity, biometrics and immigration status - Bogus Documents - Detection, Seizure and Retention)
- enforcement body activities (PVPG - 4.90.5 Privacy considerations for decision makers)
- complex/sensitive cases (PVPG – 4.7 Managing sensitive cases)
- no evidence of 'conflict of interest' (PVPG - 4.90.4 Conflicts of Interest)
- reporting and escalating responsibilities, as appropriate, e.g. child-related incidents, domestic violence, immediate character and security risks, privacy breach (see relevant policy)
- identified and appropriately managed any vulnerable applicants.

In regard to the writing of the assessment, the following aspect is being QCed by this question: spelling/grammatical and other typos in a decision. Only errors that are so significant that they could give rise to concern of causing a potential administrative legal error, in that, it could evidence that the PODM did not take due care in making their decision and had not considered the individual circumstances of the case, only then would you answer 'no' to this question on the basis of 'spelling/grammatical and other typos'.

This question also covers any other errors not covered by a separate QC question.

[Question List Link](#)

QC Question	Answer	Specific notes
17 Have the excluded fast track provisions been considered and applied correctly?	Y/ N/ N/A	<ul style="list-style-type: none"> - Definition not considered - s 5(1)(a)(i): s91N and 91C of the Act - s 5(1)(a)(ii) - s 5(1)(a)(iii)

Purpose: Robust findings made in relation to excluded fast track provisions

Policy: PVPG:4.67 to 4.75.2 (Excluded Fast track review applicants)

Other Guidance: Relevant SharePoint announcements

Answering the question:

This question is only relevant to the QC of fast track applicants. If the PODM has made an error, then the question is answered 'no' and the appropriate *specific note* chosen. Should more than one *specific note* be applicable, the QC checker can choose the one that is most significant and in the *notes* field add in further details.

The QC question is checking that the consideration of excluded fast track provisions is supported by COI and other available evidence, as appropriate, is logical and well-reasoned and in adherence with relevant legislation and policy (apart from procedural fairness).

If there were any errors in relation to procedural fairness/code of procedure, this should be recorded in the procedural fairness QC question. Noting however, if there was any adverse information put to the applicant and/or further information requested, this question does QC whether the response or lack of was considered and a logical and sound assessment was made in reference to that information. (The procedural fairness QC question is about notification and ensuring the adverse information/further requested information was clearly articulated to the applicant).

4. Specialist QC checks

4.1. Advice to QC checkers

As specialist QC are tasked with conducting QC on complex cases within the program and will have had no engagement with the case or officer during the assessment of the case, it is expected that specialist QC checkers are thorough in their checking and engage with all relevant source data to be satisfied to answer a QC question 'yes' or 'no' and provide the appropriate feedback.

In providing feedback on decisions, specialist QC should engage with both the PODM and the supervisor. It is recommended that when providing feedback, especially for 'required' feedback that the relevant policy or

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legislation or source process guidance document is provided to assist both the EL1 and the PODM to understand the importance of incorporating the feedback into their decision.

4.2. Guidance – Question by Question

For guidance, specialist QC checkers can refer to sections 3.2 and 3.3.

5. Streamlined processing - POA QC checks

5.1. Advice to QC checkers

At a minimum when conducting QC you should review:

- the draft decision
- relevant ICSE entries (including PIC4002, PIC4003(a), PIC4001)
- relevant sections of the PV application form including any submissions

Ensure you are also familiar with the applicable process documents, policy and legislation when conducting QC.

5.2. List of QC questions in EQuiP

There are hyperlinks for the questions below. Press Ctrl and click on the question and it will take you to the guidance for that question. There are 'Question list links' on each page, press Ctrl and click on the Question list link and you will return to this page.

Question List Link

No.	QC Question
1	Has the correct template been used and filled in correctly? 1.1 Has the correct template been completed? 1.2 Have blank and merge fields been correctly completed? 1.3 Has the applicant's migration history been concisely and accurately recorded? 1.4 Is the formatting consistent throughout the decision record?
2	Is the claim summary clear, concise and accurate?
3	Is the supporting documentation consideration clear, concise and accurate?
4	Has the applicant been processed in the correct processing priority group?
5	Has the officer appropriately identified all claims raised by the applicant(s) including any that arise on the material before them?
6	Has the officer appropriately addressed all identified claims?
7	Is the decision supported by COI that is relevant and in line with policy?
8	Have any members of the same family unit been correctly identified and addressed in the decision record?

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5.3. Guidance – Question by Question

[Question List Link](#)

QC Question	Answer
1 Has the correct template been used and filled in correctly? 1.1 Has the correct template been completed? 1.2 Have blank and merge fields been correctly completed? 1.3 Has the applicant's migration history been concisely and accurately recorded? 1.4 Is the formatting consistent throughout the decision record?	Y / N / N/A
Purpose: To ensure the correct template has been used and filled in correctly Relevant policy/guidance: As the decision record is a template, it is important the decision record has been accurately filled in so the decision maker is evidencing that they have considered the individual circumstances of the case. Answering the question: If the case officer has made an error, then the question is answered 'no' and appropriate comments entered in the <i>notes field</i> to describe the error.	

QC Question	Answer
2 Is the claim summary clear, concise and accurate?	Y / N / N/A
Purpose: To ensure claims have been summarised appropriately. Relevant policy/guidance: See relevant points in relation to claims in the Protection visa processing guidelines (PVP): '4.88. Making an assessment' and '4.88.1. Completing the record of assessment' Also see training materials – 'Writing a PV decision Record' participant guide: ADD2017/1854250 Answering the question: If the case officer has made an error, then the question is answered 'no' and appropriate comments entered in the <i>notes field</i> to describe the error.	

QC Question	Answer
3 Is the supporting documentation consideration clear, concise and accurate?	Y / N / N/A
Purpose: To ensure there is evidence that the case officer has considered all of the information in the application as required by s54(1) of the Act. Relevant policy/guidance: See PVP: '4.33. Information to take into account and provision of information, s54 and s55' Answering the question: If the case officer has made an error, then the question is answered 'no' and appropriate comments entered in the <i>notes field</i> to describe the error.	

QC Question	Answer
4 Has the applicant been processed in the correct processing priority group?	Y/N
Purpose: To ensure that the case is being processed correctly. Relevant policy/guidance: Standard Operating Procedure (SOP)- SOP - PSAT Streaming and Claim Setting Procedures-Version 3.0: ADD2018/903731 Answering the question: If the case officer has made an error, then the question is answered 'no' and appropriate comments entered in the <i>notes field</i> to describe the error. This question should only be answered 'no', if the decision being made was through an assessment under the incorrect PPG and the supervisor considers it is necessary to change the PPG to a different number (and the case officer processing the case had not come to this realisation themselves). The consideration that the application falls within a different PPG must be based on reference to the SOP.	

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[Question List Link](#)

QC Question	Answer	Specific Notes
5 Has the officer appropriately identified all claims raised by the applicant(s) including any that arise on the material before them?	Y/ N	<ul style="list-style-type: none"> - Claim(s) not identified in claims summary - Claim(s) missing in making Findings of Fact - Accepted Claim(s) missing from refugee and/or CP assessment - Claim(s) included incorrectly in refugee and/or CP assessment - Claim(s) by a MSFU not identified
6 Has the officer appropriately addressed all identified claims?	Y/ N	<ul style="list-style-type: none"> - Claim(s) not clearly articulated - Findings of Fact not logical, balanced and/or based on sound reasoning - Conflated Refugee/CP assessment with Findings of Fact assessment - No clear finding on claim(s) in making findings of fact - Refugee/CP assessment of claim(s) not logical, balanced and/or based on sound reasoning - No clear finding on claim in Refugee/CP assessment - Failed to assess claims cumulatively

Purpose: To ensure all claims are identified and addressed

Policy: PVPG (4.21. Clarification of particulars and claims, 4.1.5. Codification of other relevant non-refoulement obligations) Failure to Consider a Claim legal handout from Hot topics Forum (ADD2017/3809495) Refugee Law Guidelines (Claims involving multiple s5J(1)(a) reasons)

Answering the question:

If the PODM has made an error, then the question is answered 'no' and the appropriate specific note chosen. Should more than one specific note be applicable, the QC checker can choose the one that is most significant and in the *notes* field add in further details.

The questions QC check three aspects: all claims have been identified, each claim has been assessed, that is, an assessment exists within the decision record (and as appropriate under refugee criteria and/or CP) and then also checking that the assessment of the claim is fair, reasonable and legally sound (noting that the template is designed so that the case officer's assessment should be straight forward and the key aspect being checked is that the assessment is logical). Any other concerns though with the quality of the assessment of the claims can be noted here. Errors specifically in relation to 'filling in the template' should not be noted here, but in the QC questions related to templates.

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[Question List Link](#)

QC Question	Answer	Specific note
7 Is the decision supported by COI that is relevant and in line with policy?	Y / N / N/A	<ul style="list-style-type: none"> - Irrelevant COI considered - COI not clearly linked to applicant's claims - COI not current - COI not considered in line with policy or Ministerial Directions - Content of COI mischaracterised - Concern with weighting of COI - Relevant COI not considered - Other
<p>Purpose: To ensure the protection obligations decision is supported by sufficient COI evidence.</p> <p>Relevant policy/guidance: PVP, Refugee Law Guidelines and Asylum Claims – Use of Country of Origin Information</p> <p>Answering the question:</p> <p>If the case officer has made an error, then the question is answered 'no' and the appropriate <i>specific note</i> chosen. Should more than one <i>specific note</i> be applicable, the QC checker can choose the one that is most significant and in the <i>notes</i> field add in further details.</p> <p>To decide if an error has occurred refer to relevant policy on the use of COI in protection visa decisions. Specifically for the priority processing group 6 and 7 cases, this QC question is to check that officers have deleted the COI that is not relevant from the template and have not deleted relevant COI. If either of these errors occur, choose 'Irrelevant COI considered' or 'Relevant COI not considered', as appropriate, and provide comments in the <i>notes</i> field.</p>		

QC Questions	Answer
8 Have any members of the same family unit been correctly identified and addressed in the decision record?	Y / N / N/A
<p>Purpose:</p> <p>Ensure applicants have been correctly identified as MSFUs and addressed as MSFUs in the decision. Risk of litigation against the department and Risk of Australia not fulfilling its international obligations.</p> <p>Relevant policy/guidance:</p> <p>See PVP: Part 6 – Members of the same family unit and refer to the relevant section of the SOP - PSAT Streaming and Claim Setting Procedures-Version 3.0: ADD2018/903731</p> <p>Answering the question:</p> <p>If the case officer has made an error, then the question is answered 'no' and appropriate comments entered in the <i>notes field</i> to describe the error.</p>	

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6. Related Framework documents

Document TRIM Name	TRIM reference
visa-citizenship-quality-management-framework	ADD2017/3416870
Risk Management Framework for Visa and Citizenship Decision-Making	ADD2017/3003812
Full Caseload Assurance Framework for Visa and Citizenship Services	ADD2017/3002779
HPQM Framework	<u>ADD2018/3807037</u>
RCMPD Humanitarian Program Integrity Framework - Version 0.5 - Apr 2018	ADD2018/1361065
Attachment A - Onshore Humanitarian Program Risk Plan - 2017-18 - v1.4 - Apr 2018	ADD2018/1361719

7. Stakeholders and consultation

7.1. Stakeholders

Role/Responsibility	Name, position and section
Final draft sign off	s. 22(1)(a)(ii) EL2 Director, OPPS s. 22(1)(a)(ii) EL2 Director, AIFS
Author	s. 22(1)(a)(ii) APS 6, OPPS
Input to document drafting - (capabilities and operational)	s. 22(1)(a)(ii) , EL1, HPQM Framework, AIFS s. 22(1)(a)(ii) EL1, Specialist QC, International Obligations and Special Humanitarian Program section (IOSHPS) s. 22(1)(a)(ii) EL1, Supervisor, PA NSW
Operational stakeholders	All Protection Assessment (PA) EL1s and their respective EL2s (including IOSHPS EL2)
Capabilities stakeholders	s. 22(1)(a)(ii) , EL2, Learning and Change Support section (LCSS) s. 22(1)(a)(ii) EL2, Protection Assessment Support section (PASS) s. 22(1)(a)(ii) EL2, Protection Caseload Resolution section (PCRS) s. 22(1)(a)(ii) EL2, Country of Origin Information Services section (COISS)
Legal stakeholders	Legal Opinions B Refugee and International Law Section (RILS) Policy and Procedure Control Framework (PPCF) Advice Section
EQuIP stakeholders	s. 22(1)(a)(ii) APS 6 officer, EQuIP s. 22(1)(a)(ii) EL1 Assistant Director, EQuIP

7.2. Consultation

Multiple drafts of this documents and revisions of sections of this document have been provided to stakeholders (section 7.1) for comment. Feedback provided has been incorporated into drafting. A final draft of the document was provided to legal stakeholders for legal clearance.

8. Document details

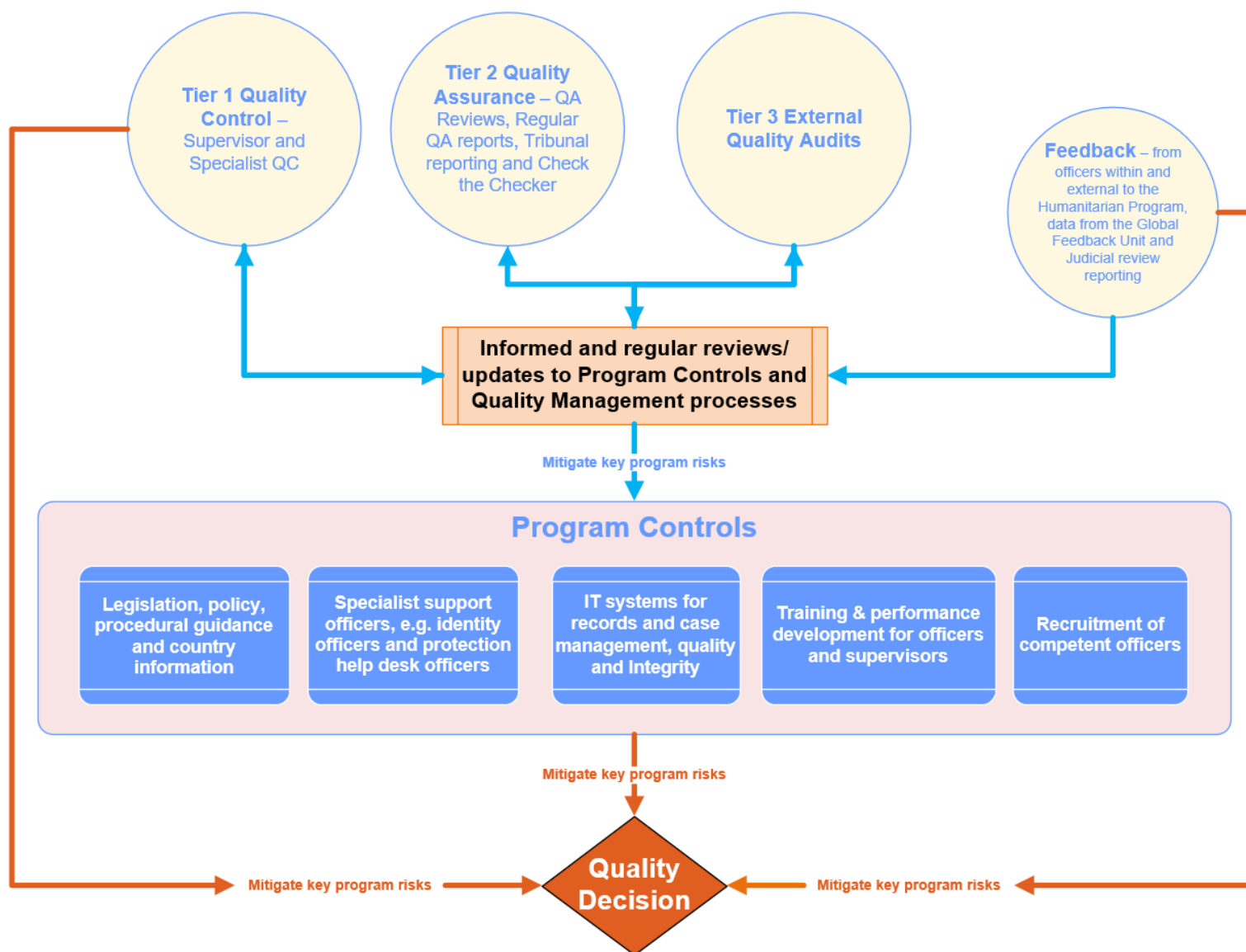
8.1. Document change control

TRIM Revision number	Date of issue	Author(s)	Brief description of change
Rev 3	21/09/2018	s. 22(1)(a)(ii)	First approved version

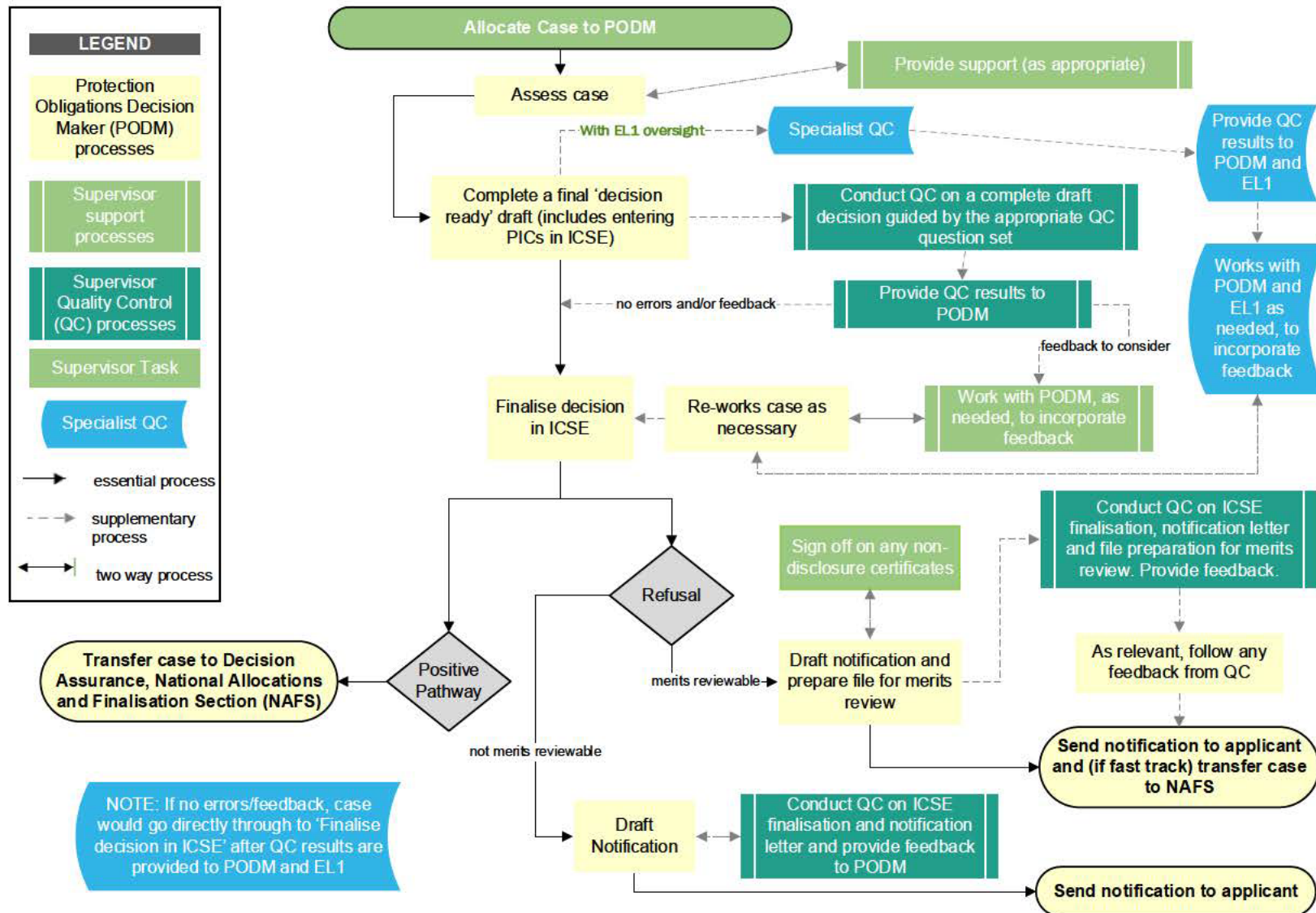
8.2. Approval

Approved by:	Frances Finney, Assistant Secretary, Humanitarian Program Operations Branch
Approved on (date):	21 September 2018

Attachment A

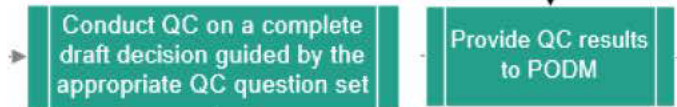


Attachment B



Attachment C

Minimum time for conducting QC



Reviewing Draft Decision and ICSE entries to identify errors

Standard 866	Complex 866	Standard 785/790	Complex 785/790
Up to 60 mins	Up to 120 mins	Up to 60 mins	Up to 150 mins

Feedback

Entering Feedback within the draft, in EQuIP and providing to Officer

little to no feedback	some feedback	extensive feedback
10 mins	15-20mins	30-60mins

Reviewing policy documents when there is a need to provide more detailed feedback:

How long: 15mins

Total for minimum QC – ranging from 40mins to 200mins

Time for additional activities – support activities or during QC



Reviewing PV application and any further submissions as part of the PV application to identify errors

Standard 866	Complex 866	Standard 785/790	Complex 785/790
Up to 30mins	60-90mins	Up to 30mins	60-140mins

Reviewing the PV interview to identify errors

Standard 866	Complex 866	Standard 785/790	Complex 785/790
Up to 60mins	60-90mins	Up to 60mins	60-120mins

Reviewing a s56 or s57 letter sent by the PODM

How long: 20-30mins

Reviewing legal/policy advice sought (just reading over the advice)

How long: 10-40mins (length of advice can vary considerably)

Checking systems to see what information was available to the PODM

How long: 15-30mins

Reviewing information available to the PODM but not provided in the PV application by the applicant (some examples below)

M5 match: 10-20mins

Previous application or family member application: 20-30mins

Previous IDBS report: 20-30mins

CISNET source or COIS advice: 15-20 mins

Checking in with PODM about an aspect of the decision making process

How long: 5-15mins

One on one discussion

How long: 15-60mins