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To: Regional Commanders
RCU, All regions
Border Operations Centre
ICC-One

Subject: Australian Citizen and Permanent Resident Outbound Travel Discretions – seeking approval to travel outside of Australia

Effective: Immediately and concluding when advised. Direction is subject to change based on emerging information

Operation: Operation BANDORA – Exemptions

VERSION: Version 1 – Updated 06 May 2020

Situation:

1. *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with pandemic potential) (overseas travel ban emergency requirements) Determination 2020*, advises that an Australian citizen or permanent resident must not leave the Australian territory as a passenger on an outgoing aircraft or vessel on or after 0001, 25 March 2020 unless:
 - a. an exemption applies to the person or;
 - b. an exemption is granted by an Australian Border Force Officer.
2. The following travellers are exempt:
 - a. a person ordinarily resident in a country other than Australia;
 - b. airline and maritime crew and associated safety workers;
 - c. a New Zealand citizen holding a Special Category (subclass 444) visa
 - d. a person engaged in the day-to-day conduct of inbound and outbound freight;
 - e. a person whose travel is associated with essential work at an offshore facility;
 - f. a person who is travelling on official government business, including a member of the Australian Defence Force).
3. This requirement has been in the public domain for some time with supporting information on the department's website advising passengers of the need to apply for an exemption at least 48 hours prior to the intended departure time. There are increasing cases of passengers not seeking an exemption in advance with a possibility that passengers are seeking to circumvent current border measures by requesting discretion at check-in at the airport of departure.

Advice/Action Required:

4. If a passenger requiring Commissioner's Discretion to depart Australia has not applied online at least 48 hours prior to departure and compelling reasons do not exist for the urgency of travel, the passenger should be advised they cannot travel.

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5. Refused passengers should be directed to the department's website to apply for an exemption before reattempting travel.
6. Where compelling circumstances exist, the Duty Manager should ensure all supporting documentation is provided to the s. 47E(d) mailbox. Where there is no supporting evidence available, the passenger should be refused and referred to the Home Affairs website to submit an application. Depending on the reason for travel, evidence could include:
 - a. proof of ID
 - b. marriage certificates
 - c. birth certificates
 - d. death certificates
 - e. proof of relationship (e.g. shared tenancy agreement, joint bank accounts etc.)
 - f. visa status
 - g. letter from a doctor or hospital indicating why the travel is necessary
 - h. letter from an employer indicating why the travel is necessary or the work undertaken is critical
 - i. letter from a related business or company
 - j. any other proof that supports the claims.
7. All other passengers seeking to depart Australia who are not exempt or have not been granted an exemption should be advised to rebook their flights with their airline and apply via the department's website for a travel exemption.
8. Airport Duty Managers can contact the Border Measures Duty Superintendent between the hours of 0600-2359 daily s. 47E(d) where there is a compelling reason for an exemption to be considered. The Border Measures Duty Superintendent will determine if the request should be escalated to a delegate or not.
9. The ICC will distribute roster updates to RCUs in the event an on-call officer needs to be contacted.
10. Where the urgent request occurs between the hours of 0001-0600, the Airport Duty Manager is required to call the ICC so the on-call duty delegate may be contacted for an urgent decision.

Authorisation:

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

Erin Dale

Assistant Commissioner Port Operations Command

7 May 2020

Any concerns or questions relating to the information subject of this Operational Direction should be directed to ICC-One (Op BANDORA) on 02 s. 22(1)(a)(ii) or s. 47E(d)

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**Australian
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Operation Directive Border Measures – Outward Travel Restriction

To: Assistant Commissioners
Regional Commanders
ABF Outward delegated Officers
Border Operations Centre
RCU

Cc: ISSG
ICC-One
Visa programs

Subject: Operation Direction: Outwards Travel Restriction

Effective: 9 August 2020 and concluding when advised

Operation: Border Measures

Version: Version 1 – 9 August 2020

Situation:

1. From 25 March 2020, all Australian citizens and permanent residents must not travel outside Australia unless exempted, either through being in an exempt category or through obtaining an individual exemption by providing the Australian Border Force (ABF) with a compelling reason to depart.
2. The authority for these restrictions is a determination signed by the Health Minister under s477(1) of the Biosecurity Act 2015.
3. The following categories of traveller are exempt from travel restrictions and are not required to apply for an individual exemption. Persons who are:
 - ordinarily resident in a country other than Australia
 - members of the crew of an aircraft or vessel or a worker associated with the safety or maintenance of an aircraft or vessel
 - New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia
 - engaged in the day-to-day conduct of inbound and outbound freight
 - traveling associated with essential work at an offshore facility
 - travelling on official government business (including members of the Australian Defence Force).

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4. Given the increasing volume of requests, the Commissioner has made a range of changes to outward exemptions decision-making arrangements. A team of decision makers from across the ABF have received training in the Outwards Exemption decision-making process.

Advice/Action Required:

5. Where an outwards traveller presents at the border, a border officer needs to determine if they are in an exempt category or they are holding an individual exemption – in order for the person to depart.
6. A border officer can determine if a traveller is in an exempt category, with reference to a reasonable standard of evidence in the circumstances. There is no numerical calculation as to whether someone is 'ordinarily resident' in another country – it is a matter of judgement.
7. Where a traveller is found to not be in an exempt category and they do not already hold an individual exemption, a Border Force Supervisor (APS6) or Inspector (EL1) who has received exemption decision training may decide a request for exemption from Australia's travel restrictions. The decision must be made in writing and recorded on departmental systems using process outlined in the attached *Outward Travel Exemptions – ABF Decision Maker Process Guide* (s. 22(1)(a)(ii))
8. Border Force Supervisors (APS6) can assess and decide an application where the traveller:
 - a. is attending the funeral of an immediate family member (parent, child, sibling, spouse)
 - b. is travelling due to critical or serious illness of an immediate family member (parent, child, sibling, spouse)
 - c. is travelling for necessary medical treatment not available in Australia
 - d. needs to pick up a minor child (adoption, surrogacy, court order etc) and return to Australia with that child
 - e. intends to commence or continue education overseas, where education period is more than six months
 - f. intends to complete an existing work contract - FIFOs and individuals with a work contract
 - g. is travelling to an Australian territory which is outside migration zone
 - h. will be remaining overseas for at least three months
 - i. has had a previous request approved and the reasons for travel have not changed.
9. Where a traveller presents at the border and has not submitted an application and the reason meets one of the above scenarios please refer to the section titled 'Decision Maker record for decisions made at the border' of the *Outward Travel Exemptions – ABF Decision Maker Process Guide* (s. 22(1)(a)(ii))

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10. Where a traveller presents the border and has not submitted an application and the reason does not meet one of the above scenarios please escalate to the Inspector (EL1) or contact the Duty Superintendent Border Measures on s. 22(1)(a)(ii).
11. **For urgent assistance or advice please** call the Duty Superintendent Border Measures on s. 22(1)(a)(ii).
12. For questions relating to this Operation Directive, refer to the *Outward Travel Exemptions – ABF Decision Maker Process Guide* (s. 22(1)(a)(ii)) attached for ABF decision makers in the first instance. If questions remain, please contact s. 47E(d) for guidance.
13. This Operation Directive supersedes any previous directions provided, to the extent that those guidelines dealt with this particular subject matter.

Authorisation:

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

Kylie Rendina
A/g Deputy Commissioner
Operations Group

9 August 2020

Any concerns or questions relating to the information subject of this Operational Directive should be directed to s. 47E(d)



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COVID-19 Border Measures Procedural Instruction - Outward

Procedural Instruction

Document ID (PPN)	s. 22(1)(a)(ii)
TRIM record number	s. 22(1)(a)(ii)
BCS Function	Border Measures – Travel Exemptions Processing Guidance
Document owner	COVID-19 Border Measures Program Management
Approval date	11 January 2021
Document Contact	COVID-19 Border Measures Program Management s. 47E(d)

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1. Purpose

From 1200 AEDT 25 March 2020, all Australian citizens and Australian permanent residents must not travel outside Australia unless exempt, through either being in an automatic exempt category or obtaining an individual exemption by providing the Australian Border Force (ABF) Commissioner with a compelling reason to depart. The COVID-19 Border Measures Branch manages and decides travel exemption requests in response to Australia's travel restrictions.

This procedural guidance is designed to be used as an explanatory support to exemptions processing staff assessing exemption requests from Australian citizens and Australian permanent residents who seek to leave Australia. Requests are assessed on a case by case basis.

2. Scope

This document provides procedural guidance applicable to the assessment of outward travel exemption requests from Australian citizens and Australian permanent residents.

It is recommended that users read this procedural guidance in conjunction with the following documents:

- Outward Travel Restrictions Operation Directive

Note: Travel restrictions are subject to change at short notice, therefore officers must refer to related documentation via TRIM or published versions on SharePoint or the Home Affairs website (rather than saving or printing a copy) to ensure they access the most up to date versions.

3. Procedural Instruction

3.1. Decision Maker

For cases where a request is assessed under an exempt category:

Exempt (including assessed as automatically exempt) - one stage of assessment is required:

- Decision Maker - Officers at APS3 level and above

Not exempt - two stages of assessment are required:

- Initial Assessment - Officers at APS3 level
- Decision Maker – APS6 level and above

For cases where an individual declares an intent to travel overseas for at least three months:

For both Meeting and/or Not Meeting the guidelines – one stage of assessment is required:

- Decision Maker - Officers at APS3 level and above

For cases where an individual assessment is required (other than where an individual declares an intent to travel overseas for at least three months):

For both Meeting and/or Not Meeting the guidelines - two stages of assessment are required:

- Initial Assessment - Officers at APS3 level
- Decision Maker - APS6 level and above

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OFFICIAL: Sensitive**3.2. For consideration when assessing outward travel exemption requests**

All travel exemption requests must be considered against all categories, other than travel for three months or more, prior to a decision to refuse the request being made.

NOTE: Requests for travel for three months or more are only considered if the traveller specifically requests this category.

The Determination

Outward travel exemption requests are considered under the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* ('the Determination').

Under section 5 of the Determination, an Australian citizen or permanent resident must not leave Australian territory as a passenger on an outgoing aircraft or vessel unless they have an exemption under section 6 or 7 of the Determination.

Outlined in section 6 of the Determination are the categories of Australian citizen and permanent resident travellers who are exempt from travel restrictions and are not required to apply for an individual exemption.

Under section 7 of the Determination, in exceptional circumstances, the ABF Commissioner may grant an individual exemption to an Australian citizen or a permanent resident to leave Australia on a case-by-case basis. This is reliant on the provision of a compelling reason for needing to leave Australian territory (s7(2) of the Determination).

The Outward Travel Restrictions Operation Directive provides examples of reasons an outward travel exemption may be approved.

Note: Appropriately trained ABF and Home Affairs staff are authorised to make decisions on outward travel exemption requests

Outward Travel Restriction Operation Directive

The following categories of traveller are generally exempt from travel restrictions and are not required to apply for an individual exemption. Persons who are:

- s. 22(1)(a)(ii) ;
- usually resident in a country other than Australia;
- members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel;
- New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia;
- engaged in the day-to-day conduct of inbound and outbound freight;
- travelling in association with essential work at an offshore facility in Australian waters;
- travelling on official Government business (including members of the Australian Defence Force and any Australian government official travelling on a diplomatic or official passport).

The following situation can be assessed and decided by APS3 officers and above, where the traveller:

- a. has declared an intent to travel overseas for a compelling reason for at least three months.

Assessing and deciding exemption requests under category 'Travel for three months or longer'

As of 2300 AEDT on Friday 8 January 2021, requests for an exemption on the basis of 'travel for three months or longer' will not be approved unless suitable documentary evidence is provided to support the claimed travel period and also to evidence a compelling reason for travel.

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The presentation of a properly completed Commonwealth Statutory Declaration is now a mandatory requirement for approvals under this category, as is the requirement for a compelling reason for travel.

From 11 January 2021 - 24 January 2021 (inclusive), all requests (either new or on-hand) for travel under this category must have a Request for Information (RFI) sent to the client prior to any decision to refuse the case.

Any request for travel under this category lodged after midnight on 24 January 2021, that lacks the required evidence may be refused and the client referred to the website for further information.

RFI and Refusal templates have been updated to support communication with clients.

Persons who seek an exemption from Australia's outbound travel restrictions on the basis that they are leaving Australia for three months or longer **must** present a compelling reason for travel and **must** provide a properly completed Commonwealth Statutory Declaration **and** evidence to support their claims.

For the purpose of assessing this category, 'compelling reason' includes circumstances such as:

- visiting with, or providing care and support to, sick family members
- attending a course of study overseas, or other educational opportunity of at least three months
- beginning or continuing an employment contract
- relocating overseas for a time period of three months or more
- other reason which falls within the ordinary meaning of 'compelling'

Travel for the purpose of leisure, holidays, or any other non-compelling reason, should not be approved.

When assessing an exemption request under this category, in every case regardless of circumstance, the requester **must** provide a properly completed Commonwealth Statutory Declaration which includes a formal statement that they are making an application for a travel exemption on the basis that they intend to be absent from Australia for at least three months and the reason for the travel.

Commonwealth Statutory Declarations

It can generally be accepted that a completed Statutory Declaration has been completed properly unless there is clear evidence to the contrary.

One Statutory Declaration per request is acceptable assuming each traveller is travelling for the same purpose and is named in the Declaration. If a person under 18 years of age intends to travel unaccompanied by family, a Statutory Declaration is required from a parent or guardian.

In addition to the Commonwealth Statutory Declaration, the requester **must also** provide evidence that supports their claimed compelling reason for travel. Examples of evidence that could be provided include:

- confirmed flight itinerary, with return date of at least three months after departure date
- confirmation of leave from their employer for at least three months
- enrolment confirmation for study
- employment contract
- evidence of their goods being transported overseas
- a doctor's certificate to support their claim that the purpose of travel is to provide care or support to sick family members
- any other relevant documentary evidence which supports the reason for travel.

Other Discretionary exemption categories

The following situations would generally be approved, and can be assessed and decided by APS6 officers and above, where the traveller:

- a. is attending the funeral of a close family member (parent, sibling, partner and children) regardless of length of intended travel;

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- b. is travelling due to critical or serious illness of a close family member (parent, sibling, partner and children), regardless of length of intended travel;
- c. is travelling for necessary medical treatment not available in Australia;
- d. needs to pick up a minor child (adoption, surrogacy, court order etc) and return to Australia with that child;
- e. intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract;
- f. is travelling to an Australian territory which is outside the migration zone;
- g. has another compelling reason for travel where travel is for less than three months;
- h. is travelling on business, regardless of length of intended travel;
- i. has had a previous request approved and the reasons for travel have not changed;
- j. is travelling in the national interest;
- k. is travelling in response to the COVID-19 outbreak, including the provision of aid.

Other considerations

Decision makers should treat the best interests of minor children in Australia as a primary consideration.

Decision makers should consider the impacts on family unity of the person seeking to depart Australia.

Decision makers should also bear in mind the Australian Government's intent for imposing the travel restrictions, that is, the potential health risks posed to the Australian community by international travellers, given that Australian citizens and permanent residents are not required to seek an exemption from the Department to return to Australia.

Once a travel exemption request has been considered against all categories (other than travel for three months or more); if it is evident that the claimed circumstances do not meet current travel exemption requirements, decision makers should either request further information (expected to be appropriate in only a small number of cases) or refuse the travel exemption request.

3.3. Supporting documentation

The onus is on the individual to provide sufficient evidence (officially translated into English where required) to support their travel exemption request.

Officers should assess any information provided by an individual, as well as any information held in Departmental systems including but not limited to, movement records, visa applications and passenger cards.

Requests for further information should be kept to a minimum. In most cases if an individual has not provided sufficient information the request should be refused and the individual advised to reapply with any relevant information that is required.

The following is to be used as a guide when assessing evidentiary requirements.

Exempt Categories**Usually resident in a country other than Australia**

- government issued documentation (for example foreign driver's licence) which is supported by one other type of documentation confirming:
 - owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement);
 - location of immediate family members; and / or
 - employment contract.

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Note: Length of time spent onshore in Australia prior to last departure (movement record history) and significant ties offshore should be taken into consideration when determining residency status, for this purpose.

Members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel

- If the individual is a crew member of an aircraft or vessel;
 - A copy of the individual's crew identification
 - A copy of a letter from the individual's employer
 - Evidence that travel is necessary at this time
 - Any other evidence to support claims
- If the individual is a worker associated with the safety or maintenance of an aircraft or vessel;
 - A copy of a letter from the individual's employer
 - Evidence that travel is necessary at this time
 - Any other evidence to support claims

New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia

- Systems check to confirm the individual is a New Zealand citizen and subclass 444 visa holder

Engaged in the day-to-day conduct of inbound and outbound freight

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling in association with essential work at an offshore facility in Australian waters

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling on official Government business (including members of the Australian Defence Force (ADF) and any Australian government official travelling on a diplomatic or official passport)

- If the individual is a member of the ADF:
 - A copy of the individual's military order, requiring travel at this time; and
 - A copy of the individual's military identification.
- If the individual is an Australian government official:
 - A copy of letter from an official Government source, requiring the individual to travel at this time; and
 - A copy of the individual's official or diplomatic passport
- If the individual is an approved companion of a person travelling on official Government business:
 - A copy of a letter from an official Government source; and
 - Evidence the person travelling on official Government business is exempt from travel restrictions.

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OFFICIAL: Sensitive**Individual exemption requests****Has declared an intent to travel overseas for a compelling reason for at least three months**

- Employment contracts and evidence goods are being transported;
- Lease or other evidence of longer term living arrangements overseas;
- Confirmed flight itinerary, with return date of least 3 months after departure date;
- Doctor's certificate to support the claim for travelling in order to provide care for sick family members
- Enrolment details for study;
- Confirmation of leave from employment for over 3 months
- Other compelling reason for essential travel;

AND (in all cases)

- Commonwealth Statutory declaration regarding the intended length and purpose of travel.

Note: Every request for this category must be accompanied by a properly completed Commonwealth Statutory declaration, in addition to the above mandatory documentary evidence to substantiate the reason for travel.

Is attending a funeral or travelling due to the serious illness of a close family member (parent, child, sibling, spouse)

- Proof of relationship such as birth and/or marriage certificates, or any other evidence of relationship; and
- Death certificate (or a letter from a medical professional) or
- A letter from a medical professional or hospital records; and
- A statement on when the individual intends to return to Australia.

Is travelling for necessary medical treatment not available in Australia

- A letter from the treating Doctor outlining the individual's intended treatment and clearly stating that treatment is not available in Australia.

Needs to pick up a minor child (adoption, surrogacy, court order etc.) and return to Australia with that child

- Medical certificates and adoption papers from the State (if available); and / or
- Evidence in the form of a letter from the hospital or from the foreign country's government; and / or
- Proof of relationship such as birth and / or marriage certificates / court order, or any other evidence of relationship.

Intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract

- Evidence that the individual has an existing work contract for employment outside of Australia;
- Evidence that travel is necessary at this time

Is travelling to an Australian territory which is outside the migration zone

- Travel itinerary showing that the individual has confirmed travel arrangements to an Australian territory outside the migration zone.
- Evidence that travel is necessary at this time

Has another compelling reason for travel where travel is for less than three months

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- Evidence that the individual has compelling reason(s) to travel overseas

Is travelling on business regardless of length of intended travel

- Evidence of business meetings/conferences; and / or
- Evidence of involvement in international trade such as purchase orders, non-disclosure agreements, order forms, invoices, legal contracts; and / or
- Business reports, feasibility studies, marketing plans; and / or
- Evidence of development of a new business, such as start-up venture capital; and / or
- Any other evidence that the individual intends to travel outside Australia on business.

Has had a previous request approved and the reasons for travel have not changed

- Evidence that the individual intends to travel outside Australia for the same reason(s) as a previous request, where the reason(s) for travel have not changed including but not limited to one or more of the following:
 - Letter from a medical professional; and / or
 - Employment contract, for example for fly-in-fly-out (FIFO) workers.

Is travelling in the national interest

- Evidence that the individual is required to travel outside Australia for reasons in the national interest of Australia, including but not limited to specialised projects, participation in elite sporting teams, relief support for disasters, and emergency service support such as fire or police work.

Is travelling in response to the COVID-19 outbreak, including the provision of aid

- A letter from a government or private entity outlining the requirement for the individual to travel outside of Australia in response to COVID-19;

3.4. Client communication

The following standard words should be included in requests for information and refusal communication with clients, using the TEP template.

Note: Officers should not request further information if it is likely that the individual will not meet the guidelines, even with provision of additional documentation.

Client Communication – additional script for use when requesting further information

[If you think it appropriate to request specific documentation, please list the requested documents, as per 'expected supporting document' here. s. 22(1)(a)(ii)]

Exempt Categories**Usually resident in a country other than Australia**

- *Foreign government issued documentation (for example foreign driver's licence) and*
 - *owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement);*
 - *location of immediate family members; and / or*
 - *employment contract.*

Members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel

- *If the individual is a crew member of an aircraft or vessel;*
 - *A copy of the individual's crew identification*

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- A copy of a letter from the individual's employer
- Evidence that travel is required at this time
- Any other evidence to support claims
- If the individual is a worker associated with the safety or maintenance of an aircraft or vessel;
 - A copy of a letter from the individual's employer
 - Evidence that travel is required at this time
 - Any other evidence to support claims

New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia

- Systems check to confirm the individual is a New Zealand citizen and subclass 444 visa holder

Engaged in the day-to-day conduct of inbound and outbound freight

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling in association with essential work at an offshore facility in Australian waters

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling on official Government business (including members of the Australian Defence Force (ADF) and any Australian government official travelling on a diplomatic or official passport)

- If the individual is a member of the ADF:
 - A copy of the individual's military order, requiring travel at this time; and
 - A copy of the individual's military identification.
- If the individual is an Australian government official:
 - A copy of letter from an official Government source, requiring the individual to travel at this time; and
 - A copy of the individual's official or diplomatic passport
- If the individual is an approved companion of a person travelling on official Government business:
 - A copy of a letter from an official Government source; and
 - Evidence the person travelling on official Government business is exempt from travel restrictions.

Individual exemption requests**Has declared an intent to travel overseas for a compelling reason for at least three months**

- Employment contract;
- Lease or other evidence of longer term living arrangements overseas
- Evidence your goods are being transported overseas;
- Confirmed flight itinerary, with return date of least 3 months after departure date;
- Doctor's certificate to support the claim for travelling in order to provide care for sick family members;

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- Enrolment details for study;
- Confirmation of leave from employment for over 3 months and compelling reason for essential travel;
- Any other evidence you consider supports your intention to travel overseas for at least 3 months

AND (in all cases)

- A Commonwealth Statutory declaration regarding the intended length and purpose of travel.

Note: Every request for this category must be accompanied by a properly completed Commonwealth Statutory Declaration in addition to the above mandatory documentary evidence to substantiate the reason for travel.

Is attending the funeral of or travelling due to serious illness of close family member (parent, sibling, partner and children)

- Proof of relationship such as birth and/or marriage certificates, or any other evidence of relationship; and
- Death certificate (or a letter from a medical professional) or
- A letter from a medical professional or hospital records; and
- A statement on when the individual intends to return to Australia.

Is travelling for necessary medical treatment not available in Australia

- A letter from the treating Doctor outlining the individual's intended treatment and clearly stating that treatment is not available in Australia.

Needs to pick up a minor child (adoption, surrogacy, court order etc.) and return to Australia with that child

- Medical certificates and adoption papers from the State (if available); and / or
- Evidence in the form of a letter from the hospital or from the foreign country's government; and / or
- Proof of relationship such as birth and / or marriage certificates, or any other evidence of relationship.

Intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract

- Evidence that the individual has an existing work contract for employment outside of Australia.
- Evidence that travel is necessary at this time

Is travelling to an Australian territory which is outside the migration zone

- Travel itinerary showing that the individual has confirmed travel arrangements to an Australian territory outside the migration zone.

Has another compelling reason for travel where travel is for less than three months

- Evidence that the individual has compelling reason(s) to travel overseas
- Evidence that travel is necessary at this time

Is travelling on business regardless of length of intended travel

- Evidence of business meetings/conferences; and / or
- Evidence of involvement in international trade such as purchase orders, non-disclosure agreements, order forms, invoices, legal contracts; and / or
- Business reports, feasibility studies, marketing plans; and / or
- Evidence of development of a new business, such as start-up venture capital; and / or

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- Any other evidence that the individual intends to travel outside Australia on business.

Has had a previous request approved and the reasons for travel have not changed

- Evidence that the individual intends to travel outside Australia for the same reason(s) as a previous request, where the reason(s) for travel have not changed including but not limited to one or more of the following:
 - Letter from a medical professional; and / or
 - Employment contract, for example for fly-in-fly-out (FIFO) workers.

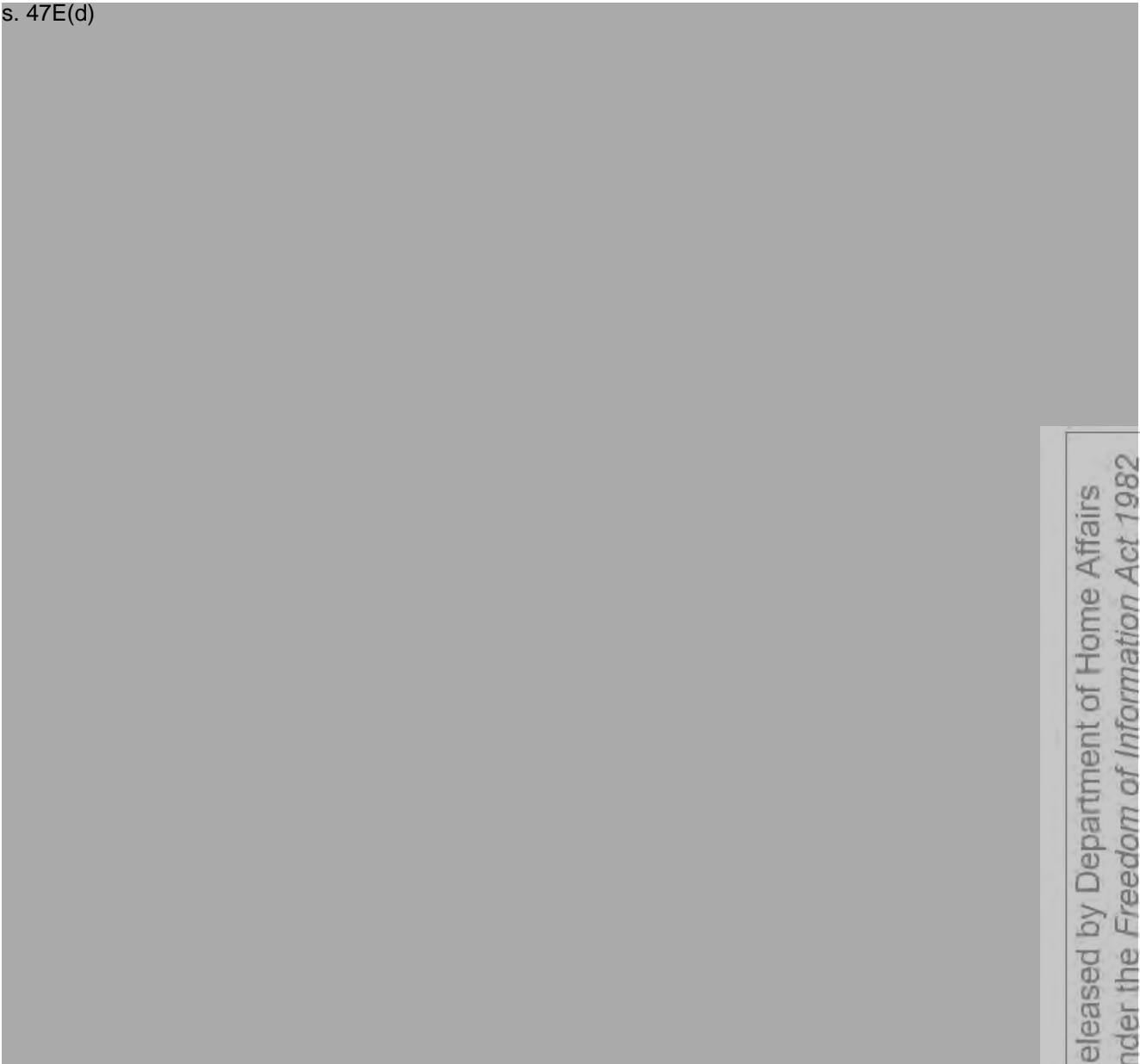
Is travelling in the national interest

- Evidence that the individual is required to travel outside Australia for reasons in the national interest of Australia, including but not limited to specialised projects, participation in elite sporting teams, relief support for disasters, and emergency service support such as fire or police work.

Is travelling in response to the COVID-19 outbreak, including the provision of aid

- A letter from a government or private entity outlining the requirement for the individual to travel outside of Australia in response to COVID-19;

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4. Accountability and Responsibility

Role	Description
AS Border Measures Operations	Document owners are responsible for: approving documents for release
FAS Immigration & Settlement Services Groups	Document reviewers are responsible for: verifying the need for a document, and reviewing drafts.
Document drafter	Document drafters are responsible for: drafting documents, consulting with stakeholders.

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1.0		Program Management	First issue.

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

7 Attachment B – Assurance and Control Matrix

1.1. Powers and Obligations

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
Outbound decision making	subsection 477(1)	Subsection 477(1) of the <i>Biosecurity Act 2015</i> <i>Biosecurity (Human Biosecurity Emergency) (Human coronavirus with Pandemic Potential) (Overseas Travel</i>	No	

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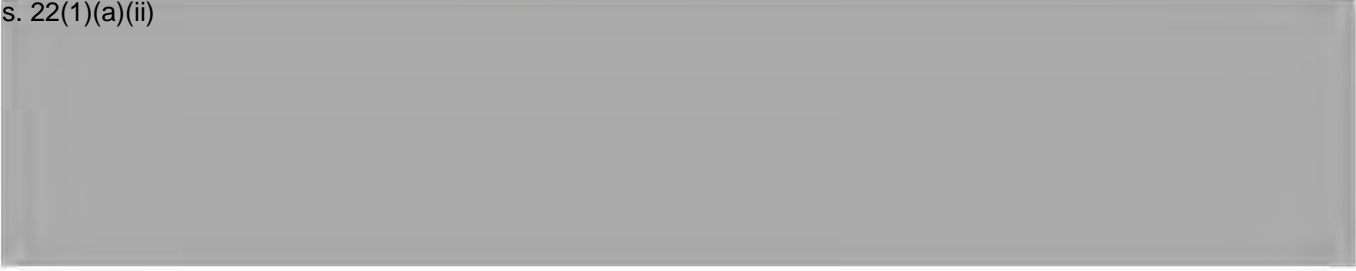
Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
		<i>Ban Emergency Requirements) Determination 2020</i> Reference: F2020C00870		
Inwards decision making	N/A	The ABF Commissioner has been authorised by the Prime Minister to consider exemption requests on a case-by-case basis	N/A	

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COVID-19 Border Measures Procedural Instruction - Outward

Procedural Instruction

Document ID (PPN)	s. 22(1)(a)(ii)
TRIM record number	s. 22(1)(a)(ii)
BCS Function	Border Measures – Travel Exemptions Procedural Instruction
Document owner	COVID-19 Border Measures Program Management
Approval date	11 January 2021
Document Contact	COVID-19 Border Measures Program Management s. 47E(d)

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1. Purpose

From 1200 AEDT 25 March 2020, all Australian citizens and Australian permanent residents must not travel outside Australia unless exempt, through either being in an automatic exempt category or obtaining an individual exemption by providing the Australian Border Force (ABF) Commissioner with a compelling reason to depart. The COVID-19 Border Measures Branch manages and decides travel exemption requests in response to Australia's travel restrictions.

This procedural guidance is designed to be used as an explanatory support to exemptions processing staff assessing exemption requests from Australian citizens and Australian permanent residents who seek to leave Australia. Requests are assessed on a case by case basis.

2. Scope

This document provides procedural guidance applicable to the assessment of outward travel exemption requests from Australian citizens and Australian permanent residents.

It is recommended that users read this procedural guidance in conjunction with the following documents:

- Outward Travel Restrictions Operation Directive

Note: Travel restrictions are subject to change at short notice, therefore officers must refer to related documentation via TRIM or published versions on SharePoint or the Home Affairs website (rather than saving or printing a copy) to ensure they access the most up to date versions.

3. Procedural Instruction

3.1. Decision Maker

For cases where a request is assessed under an exempt category:

Exempt (including assessed as automatically exempt) - one stage of assessment is required:

- Decision Maker - Officers at APS3 level and above

Not exempt - two stages of assessment are required:

- Initial Assessment - Officers at APS3 level
- Decision Maker – APS6 level and above

For cases where an individual declares an intent to travel overseas for at least three months:

For both Meeting and/or Not Meeting the guidelines – one stage of assessment is required:

- Decision Maker - Officers at APS3 level and above

For cases where an individual assessment is required (other than where an individual declares an intent to travel overseas for at least three months):

For both Meeting and/or Not Meeting the guidelines - two stages of assessment are required:

- Initial Assessment - Officers at APS3 level
- Decision Maker - APS6 level and above

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OFFICIAL: Sensitive**3.2. For consideration when assessing outward travel exemption requests**

All travel exemption requests must be considered against all categories, prior to a decision to refuse the request being made.

The Determination

Outward travel exemption requests are considered under the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* ('the Determination').

Under section 5 of the Determination, an Australian citizen or permanent resident must not leave Australian territory as a passenger on an outgoing aircraft or vessel unless they have an exemption under section 6 or 7 of the Determination.

Outlined in section 6 of the Determination are the categories of Australian citizen and permanent resident travellers who are exempt from travel restrictions and are not required to apply for an individual exemption.

Under section 7 of the Determination, in exceptional circumstances, the ABF Commissioner may grant an individual exemption to an Australian citizen or a permanent resident to leave Australia on a case-by-case basis. This is reliant on the provision of a compelling reason for needing to leave Australian territory (s7(2) of the Determination).

Note: Appropriately trained ABF and Home Affairs staff are authorised to make decisions on outward travel exemption requests

The Outward Travel Restrictions Operation Directive provides examples of reasons an outward travel exemption may be approved.

Outward Travel Restriction Operation Directive

The following categories of traveller are generally exempt from travel restrictions and are not required to apply for an individual exemption. Persons who are:

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

- usually resident in a country other than Australia;
- members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel;
- New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia;
- engaged in the day-to-day conduct of inbound and outbound freight;
- travelling in association with essential work at an offshore facility in Australian waters;
- travelling on official Government business (including members of the Australian Defence Force and any Australian government official travelling on a diplomatic or official passport).

The following situation can be assessed and decided by APS3 officers and above, where the traveller:

- a. has declared an intent to travel overseas for a compelling reason for at least three months.

Assessing and deciding exemption requests under category 'Travel for three months or longer'

As of 2300 AEDT on Friday 8 January 2021, requests for an exemption on the basis of 'travel for three months or longer' will not be approved unless suitable documentary evidence is provided to support the claimed travel period and also to evidence a compelling reason for travel.

The presentation of a properly completed Commonwealth Statutory Declaration is now a mandatory requirement for approvals under this category, as is the requirement for a compelling reason for travel.

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Any request for travel under this category, that lacks the required evidence may be refused and the client referred to the website for further information.

If you refuse an application due to a lack of sufficient information or evidence, you should provide the client with advice about evidentiary requirements in the refusal notification letter. RFI and Refusal templates have been updated to support communication with clients.

Persons who seek an exemption from Australia's outbound travel restrictions on the basis that they are leaving Australia for three months or longer **must** present a compelling reason for travel and **must** provide a properly completed Commonwealth Statutory Declaration **and** evidence to support their claims.

For the purpose of assessing this category, 'compelling reason' may include circumstances such as:

- visiting with, or providing care and support to, sick family members
- attending a course of study overseas, or other educational opportunity of at least three months
- beginning or continuing an employment contract
- relocating overseas for a time period of six months or more
- other reason which falls within the ordinary meaning of 'compelling'.

Please refer to 'Assessing Compelling Reasons' below, for further information, if you are unsure about the reasons provided by a client.

Travel for the sole purpose of leisure or holidays would not be considered a compelling reason.

When assessing an exemption request under this category, in every case regardless of circumstance, the requester **must** provide a properly completed Commonwealth Statutory Declaration which includes a formal statement that they are making an application for a travel exemption on the basis that they intend to be absent from Australia for at least three months and the reason for the travel.

Commonwealth Statutory Declarations

It can generally be accepted that a completed Commonwealth Statutory Declaration has been completed properly unless there is clear evidence to the contrary.

One Commonwealth Statutory Declaration per request is acceptable assuming each traveller is travelling for the same purpose and is covered by the Declaration. If a person under 18 years of age intends to travel unaccompanied by their parents or guardian, a Commonwealth Statutory Declaration is required from at least one parent or guardian.

In addition to the Commonwealth Statutory Declaration, the requester **must also** provide evidence that supports their claimed compelling reason for travel.

Examples of other supporting evidence that could be provided include:

- confirmed flight itinerary, with return date of at least three months after departure date
- confirmation of leave from their employer for at least three months
- enrolment confirmation for study
- employment contract
- evidence of their goods being transported overseas
- a doctor's certificate to support their claim that the purpose of travel is to provide care or support to sick family members (Please note: the doctor does not have to explicitly state that physical care is required for the patient. Emotional support is a relevant compelling reason under this category).
- any other relevant documentary evidence which supports the reason for travel.

Other Discretionary exemption categories

The following situations would generally be approved, and can be assessed and decided by APS6 officers and above, where the traveller:

- a. is attending the funeral of a close family member (parent, sibling, partner and child) regardless of length of intended travel;

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- b. is travelling due to critical or serious illness of a close family member (parent, sibling, partner and child), regardless of length of intended travel;
- c. is travelling for necessary medical treatment not available in Australia;
- d. needs to pick up a minor child (adoption, surrogacy, court order etc) and return to Australia with that child;
- e. intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract;
- f. is travelling to an Australian territory which is outside the migration zone;
- g. has another compelling reason for travel where travel is for less than three months;
- h. is travelling on business, regardless of length of intended travel;
- i. has had a previous request approved and the reasons for travel have not changed;
- j. is travelling in the national interest;
- k. is travelling in response to the COVID-19 outbreak, including the provision of aid.

Assessing Compelling Reasons – all categories

The term 'compelling' has no defined meaning in reference to Australia's travel restrictions and travel exemptions, and therefore its ordinary meaning is to be applied.

Compelling reasons may stem from compassionate factors, or may also arise from a person's circumstances or the circumstances of another person (for example, a close family member).

Australia's travel restrictions are an emergency response of Government designed to manage a public health threat as a result of the COVID-19 pandemic. This is important context to considering when determining whether a case has presented 'compelling' reasons to travel.

Where an individual has proposed travel of a short duration (ie. less than three months), our understanding of what constitutes a 'compelling reason' has a high test. Any individual proposing an overseas journey of less than 3 months is expected to provide documents supporting strong compelling and/or compassionate circumstances, and this is captured in the requirements of the Outwards Operation Directive.

Where an individual has proposed travel of three months or more, Government has determined that the length of travel means the public health risk has been lessened, when compared with trips of shorter duration. Therefore, proposed travel of three months or more for any purpose other than leisure or a holiday is generally considered to satisfy the definition of 'compelling' for this category. It is therefore possible for a person to propose a family reunification activity under this category (such as a wedding or other significant life event) and this may be considered to meet 'compelling reason', provided that you are satisfied the declared travel period is genuine and relevant supporting evidence and documents have been provided.

Other considerations

Decision makers should treat the best interests of minor children in/outside of Australia as a primary consideration.

Decision makers should consider the impacts on family unity of the person seeking to depart Australia.

Decision makers should also bear in mind the Australian Government's intent for imposing the travel restrictions, that is, the potential health risks posed to the Australian community by international travellers, given that Australian citizens and permanent residents are not required to seek an exemption from the Department to return to Australia.

Once a travel exemption request has been considered against all categories, if it is evident that the claimed circumstances do not meet current travel exemption requirements, decision makers should either request further information (expected to be appropriate in only a small number of cases) or refuse the travel exemption request.

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OFFICIAL: Sensitive**3.3. Supporting documentation**

The onus is on the individual to provide sufficient evidence (officially translated into English where required) to support their travel exemption request.

Officers should assess any information provided by an individual, as well as any information held in Departmental systems including but not limited to, movement records, visa applications and passenger cards.

Requests for further information should be kept to a minimum. In most cases if an individual has not provided sufficient information the request should be refused and the individual advised to reapply with any relevant information that is required.

The following is to be used as a guide when assessing evidentiary requirements.

Exempt Categories**Usually resident in a country other than Australia**

- government issued documentation (for example foreign driver's licence) which is supported by one other type of documentation confirming:
 - owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement);
 - location of immediate family members; and / or
 - employment contract.

Note: Length of time spent onshore in Australia prior to last departure (movement record history) and significant ties offshore should be taken into consideration when determining residency status, for this purpose.

Members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel

- If the individual is a crew member of an aircraft or vessel;
 - A copy of the individual's crew identification
 - A copy of a letter from the individual's employer
 - Evidence that travel is necessary at this time
 - Any other evidence to support claims
- If the individual is a worker associated with the safety or maintenance of an aircraft or vessel;
 - A copy of a letter from the individual's employer
 - Evidence that travel is necessary at this time
 - Any other evidence to support claims

New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia

- Systems check to confirm the individual is a New Zealand citizen and subclass 444 visa holder

Engaged in the day-to-day conduct of inbound and outbound freight

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling in association with essential work at an offshore facility in Australian waters

- A copy of a letter from the individual's employer

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- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling on official Government business (including members of the Australian Defence Force (ADF) and any Australian government official travelling on a diplomatic or official passport)

- If the individual is a member of the ADF:
 - A copy of the individual's military order, requiring travel at this time; and
 - A copy of the individual's military identification.
- If the individual is an Australian government official:
 - A copy of letter from an official Government source, requiring the individual to travel at this time; and
 - A copy of the individual's official or diplomatic passport
- If the individual is an approved companion of a person travelling on official Government business:
 - A copy of a letter from an official Government source; and
 - Evidence the person travelling on official Government business is exempt from travel restrictions.

Individual exemption requests**Has declared an intent to travel overseas for a compelling reason for at least three months**

- Employment contracts and evidence goods are being transported;
- Lease or other evidence of longer term living arrangements overseas;
- Confirmed flight itinerary, with return date of least 3 months after departure date;
- Doctor's certificate to support the claim for travelling in order to provide care for sick family members
- Enrolment details for study;
- Confirmation of leave from employment for over 3 months
- Other compelling reason for essential travel;

AND (in all cases)

- Commonwealth Statutory declaration regarding the intended length and purpose of travel.

Note: Every request for this category must be accompanied by a properly completed Commonwealth Statutory declaration, in addition to the above mandatory documentary evidence to substantiate the reason for travel.

Is attending a funeral or travelling due to the serious illness of a close family member (parent, child, sibling, spouse)

- Proof of relationship such as birth and/or marriage certificates, or any other evidence of relationship; and
- Death certificate or a letter from a medical professional; or
Please note in some instances a death certificate may not be issued for several weeks and a letter from a medical professional should be accepted
- A letter from a medical professional or hospital records; and
- A statement on when the individual intends to return to Australia.

Is travelling for necessary medical treatment not available in Australia

- A letter from the treating Doctor outlining the individual's intended treatment and clearly stating that treatment is not available in Australia.

OFFICIAL: Sensitive**Needs to pick up a minor child (adoption, surrogacy, court order etc.) and return to Australia with that child**

- Medical certificates and adoption papers from the State (if available); and / or
- Evidence in the form of a letter from the hospital or from the foreign country's government; and / or
- Proof of relationship such as birth and / or marriage certificates / court order, or any other evidence of relationship.

Intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract

- Evidence that the individual has an existing work contract for employment outside of Australia;
- Evidence that travel is necessary at this time

Is travelling to an Australian territory which is outside the migration zone

- Travel itinerary showing that the individual has confirmed travel arrangements to an Australian territory outside the migration zone.
- Evidence that travel is necessary at this time

Has another compelling reason for travel where travel is for less than three months

- Evidence that the individual has compelling reason(s) to travel overseas

Is travelling on business regardless of length of intended travel

- Evidence of business meetings/conferences; and / or
- Evidence of involvement in international trade such as purchase orders, non-disclosure agreements, order forms, invoices, legal contracts; and / or
- Business reports, feasibility studies, marketing plans; and / or
- Evidence of development of a new business, such as start-up venture capital; and / or
- Any other evidence that the individual intends to travel outside Australia on business.

Has had a previous request approved and the reasons for travel have not changed

- Evidence that the individual intends to travel outside Australia for the same reason(s) as a previous request, where the reason(s) for travel have not changed including but not limited to one or more of the following:
 - Letter from a medical professional; and / or
 - Employment contract, for example for fly-in-fly-out (FIFO) workers.

Is travelling in the national interest

- Evidence that the individual is required to travel outside Australia for reasons in the national interest of Australia, including but not limited to specialised projects, participation in elite sporting teams, relief support for disasters, and emergency service support such as fire or police work.

Is travelling in response to the COVID-19 outbreak, including the provision of aid

- A letter from a government or private entity outlining the requirement for the individual to travel outside of Australia in response to COVID-19;

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OFFICIAL: Sensitive**3.4. Validity of outward travel exemption approvals****Single use travel exemption**

Outward travel exemption request approvals will be valid for 3 months from the date of approval. If the travel exemption is not used in this timeframe or the circumstances relating to the approval of the travel exemption change, the individual will need to submit a new exemption request with supporting documentation.

Client notification templates in the Travel Exemption Portal have been updated to reflect this requirement; however, the system does not automatically calculate the dates at this stage, and decision makers will need to manually add the date.

How to calculate the date:

Travel exemptions are valid for 3 calendar months. For example, if you approve the travel request on 9 February 2021 the travel exemption will be valid until 9 May 2021.

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

Multiple use travel exemption

Individuals who need to leave and return to Australia for reasons within scope of travel exemptions policy, on a regular basis, for example Fly-in Fly-out (FIFO) workers with an ongoing contract, may be eligible for a "multiple use" travel exemption for a period of 6 months; provided the reason for the individual's travel to and from Australia, remains the same as that provided in the original approved travel exemption request.

For any cases where it may be appropriate to provide a multiple use travel exemption, please contact Travel Exemption Program Management for approval and for tailored communication templates and CAI notes.

3.5. Client communication

The following standard words should be included in requests for information and refusal communication with clients, using the TEP template.

Note: Officers should not request further information if it is likely that the individual will not meet the guidelines, even with provision of additional documentation.

Client Communication – additional script for use when requesting further information

[If you think it appropriate to request specific documentation, please list the requested documents, as per 'expected supporting document' here. s. 22(1)(a)(ii)]

Exempt Categories**Usually resident in a country other than Australia**

- *Foreign government issued documentation (for example foreign driver's licence) and*
 - *owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement);*
 - *location of immediate family members; and / or*
 - *employment contract.*

OFFICIAL: Sensitive**Members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel**

- If the individual is a crew member of an aircraft or vessel;
 - A copy of the individual's crew identification
 - A copy of a letter from the individual's employer
 - Evidence that travel is required at this time
 - Any other evidence to support claims
- If the individual is a worker associated with the safety or maintenance of an aircraft or vessel;
 - A copy of a letter from the individual's employer
 - Evidence that travel is required at this time
 - Any other evidence to support claims

New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia

- Systems check to confirm the individual is a New Zealand citizen and subclass 444 visa holder

Engaged in the day-to-day conduct of inbound and outbound freight

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling in association with essential work at an offshore facility in Australian waters

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling on official Government business (including members of the Australian Defence Force (ADF) and any Australian government official travelling on a diplomatic or official passport)

- If the individual is a member of the ADF:
 - A copy of the individual's military order, requiring travel at this time; and
 - A copy of the individual's military identification.
- If the individual is an Australian government official:
 - A copy of letter from an official Government source, requiring the individual to travel at this time; and
 - A copy of the individual's official or diplomatic passport
- If the individual is an approved companion of a person travelling on official Government business:
 - A copy of a letter from an official Government source; and
 - Evidence the person travelling on official Government business is exempt from travel restrictions.

Individual exemption requests**Has declared an intent to travel overseas for a compelling reason for at least three months**

- Employment contract;
- Lease or other evidence of longer term living arrangements overseas

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- Evidence your goods are being transported overseas;
- Confirmed flight itinerary, with return date of least 3 months after departure date;
- Doctor's certificate to support the claim for travelling in order to provide care for sick family members;
- Enrolment details for study;
- Confirmation of leave from employment for over 3 months and compelling reason for essential travel;
- Any other evidence you consider supports your intention to travel overseas for at least 3 months

AND (in all cases)

- A Commonwealth Statutory declaration regarding the intended length and purpose of travel.

Note: Every request for this category must be accompanied by a properly completed Commonwealth Statutory Declaration in addition to the above mandatory documentary evidence to substantiate the reason for travel.

Is attending the funeral of or travelling due to serious illness of an immediate family member (parent, child, sibling, spouse)

- Proof of relationship such as birth and/or marriage certificates, or any other evidence of relationship; and
- Death certificate (or a letter from a medical professional) or
- A letter from a medical professional or hospital records; and
- A statement on when the individual intends to return to Australia.

Is travelling for necessary medical treatment not available in Australia

- A letter from the treating Doctor outlining the individual's intended treatment and clearly stating that treatment is not available in Australia.

Needs to pick up a minor child (adoption, surrogacy, court order etc.) and return to Australia with that child

- Medical certificates and adoption papers from the State (if available); and / or
- Evidence in the form of a letter from the hospital or from the foreign country's government; and / or
- Proof of relationship such as birth and / or marriage certificates, or any other evidence of relationship.

Intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract

- Evidence that the individual has an existing work contract for employment outside of Australia.
- Evidence that travel is necessary at this time

Is travelling to an Australian territory which is outside the migration zone

- Travel itinerary showing that the individual has confirmed travel arrangements to an Australian territory outside the migration zone.

Has another compelling reason for travel where travel is for less than three months

- Evidence that the individual has compelling reason(s) to travel overseas
- Evidence that travel is necessary at this time

Is travelling on business regardless of length of intended travel

- Evidence of business meetings/conferences; and / or

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- Evidence of involvement in international trade such as purchase orders, non-disclosure agreements, order forms, invoices, legal contracts; and / or
- Business reports, feasibility studies, marketing plans; and / or
- Evidence of development of a new business, such as start-up venture capital; and / or
- Any other evidence that the individual intends to travel outside Australia on business.

Has had a previous request approved and the reasons for travel have not changed

- Evidence that the individual intends to travel outside Australia for the same reason(s) as a previous request, where the reason(s) for travel have not changed including but not limited to one or more of the following:
 - Letter from a medical professional; and / or
 - Employment contract, for example for fly-in-fly-out (FIFO) workers.

Is travelling in the national interest

- Evidence that the individual is required to travel outside Australia for reasons in the national interest of Australia, including but not limited to specialised projects, participation in elite sporting teams, relief support for disasters, and emergency service support such as fire or police work.

Is travelling in response to the COVID-19 outbreak, including the provision of aid


- A letter from a government or private entity outlining the requirement for the individual to travel outside of Australia in response to COVID-19;

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4. Accountability and Responsibility

Role	Description
Senior Director Measures Branch	Document owners are responsible for: approving documents for release
FAS Immigration & Settlement Services Groups	Document reviewers are responsible for: verifying the need for a document, and reviewing drafts.
Document drafter	Document drafters are responsible for: drafting documents, consulting with stakeholders.

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1.0	11 January 2021	Program Management	First issue
1.1	12 February 2021	Program Management	3m validity for single-use exemptions and expansion on compelling reasons

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

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7 Attachment B – Assurance and Control Matrix

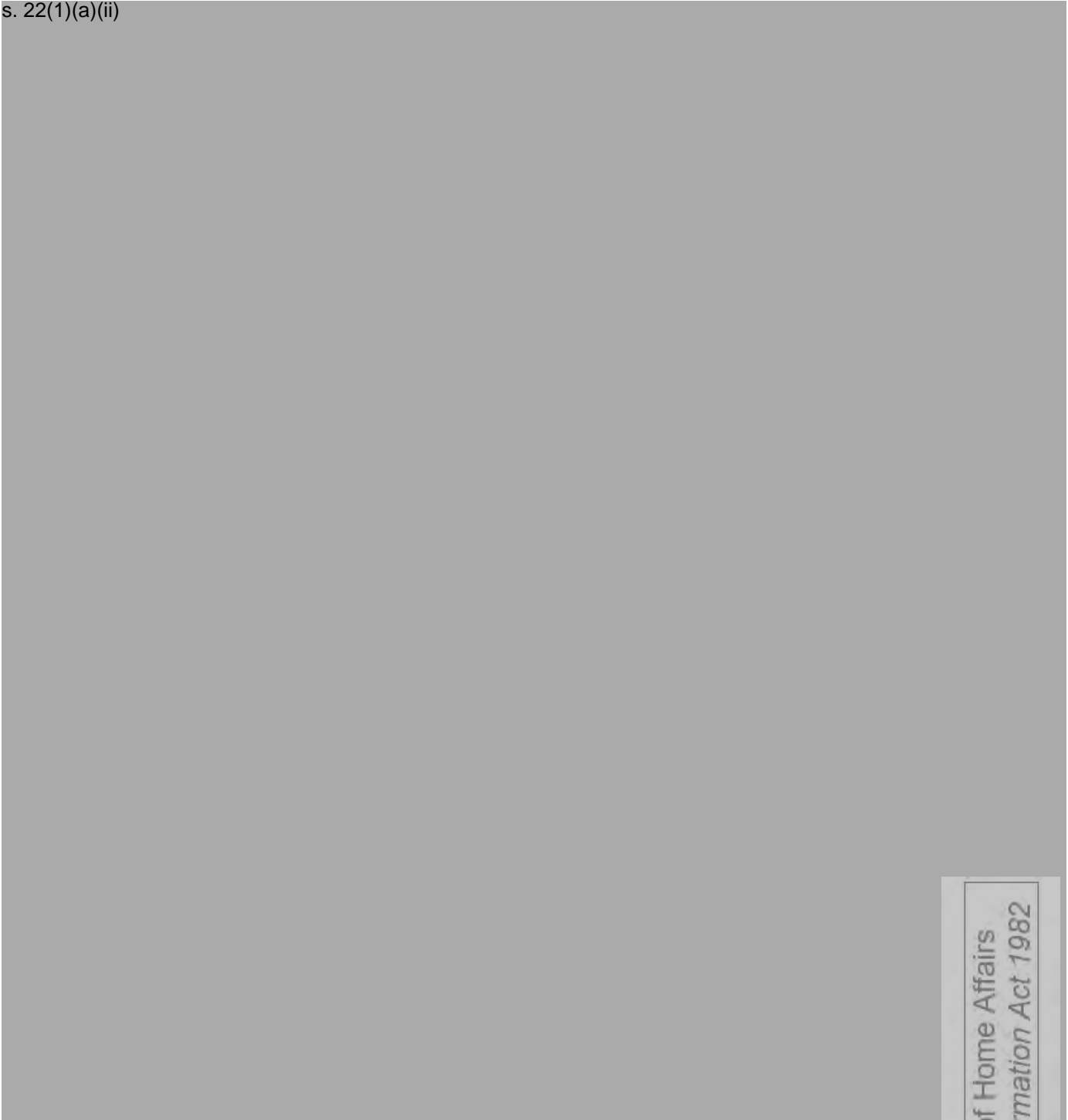
1.1. Powers and Obligations

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
Outbound decision making	subsection 477(1)	Subsection 477(1) of the <i>Biosecurity Act 2015</i> <i>Biosecurity (Human Biosecurity Emergency) (Human coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020</i> Reference: F2020C00870	No	
Inwards decision making	N/A	The ABF Commissioner has been authorised by the Prime Minister to consider exemption requests on a case-by-case basis	N/A	

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COVID-19 Border Measures Procedural Instruction - Outward

Procedural Instruction

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BCS Function	Border Measures – Travel Exemptions Procedural Instruction
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1. Purpose

From 1200 AEDT 25 March 2020, all Australian citizens and Australian permanent residents must not travel outside Australia unless exempt, through either being in an automatic exempt category or obtaining an individual exemption by providing the Australian Border Force (ABF) Commissioner with a compelling reason to depart. The COVID-19 Border Measures Branch manages and decides travel exemption requests in response to Australia's travel restrictions.

This procedural guidance is designed to be used as an explanatory support to exemptions processing staff assessing exemption requests from Australian citizens and Australian permanent residents who seek to leave Australia. Requests are assessed on a case by case basis.

2. Scope

This document provides procedural guidance applicable to the assessment of outward travel exemption requests from Australian citizens and Australian permanent residents.

It is recommended that users read this procedural guidance in conjunction with the following documents:

- Outward Travel Restrictions Operation Directive

Note: Travel restrictions are subject to change at short notice, therefore officers must refer to related documentation via TRIM or published versions on SharePoint or the Home Affairs website (rather than saving or printing a copy) to ensure they access the most up to date versions.

3. Procedural Instruction

3.1. Decision Maker

For cases where a request is assessed under an exempt category:

Exempt (including assessed as automatically exempt) - one stage of assessment is required:

- Decision Maker - Officers at APS3 level and above

Not exempt - two stages of assessment are required:

- Initial Assessment - Officers at APS3 level
- Decision Maker – APS6 level and above

For cases where an individual declares an intent to travel overseas for at least three months for a compelling reason:

For both Meeting and/or Not Meeting the guidelines – one stage of assessment is required:

- Decision Maker - Officers at APS3 level and above

For cases where an individual assessment is required (other than where an individual declares an intent to travel overseas for at least three months for a compelling reason):

For both Meeting and/or Not Meeting the guidelines - two stages of assessment are required:

- Initial Assessment - Officers at APS3 level
- Decision Maker - APS6 level and above

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OFFICIAL: Sensitive**3.2. For consideration when assessing outward travel exemption requests**

All travel exemption requests must be considered against all categories, prior to a decision to refuse the request being made.

The Determination

Outward travel exemption requests are considered under the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* ('the Determination').

Under section 5 of the Determination, an Australian citizen or permanent resident must not leave Australian territory as a passenger on an outgoing aircraft or vessel unless they have an exemption under section 6 or 7 of the Determination.

Outlined in section 6 of the Determination are the categories of Australian citizen and permanent resident travellers who are exempt from travel restrictions and are not required to apply for an individual exemption.

Under section 7 of the Determination, in exceptional circumstances, the ABF Commissioner may grant an individual exemption to an Australian citizen or a permanent resident to leave Australia on a case-by-case basis. This is reliant on the provision of a compelling reason for needing to leave Australian territory (s7(2) of the Determination).

Note: Appropriately trained ABF and Home Affairs staff are authorised to make decisions on outward travel exemption requests

The Outward Travel Restrictions Operation Directive provides examples of reasons an outward travel exemption may be approved.

Outward Travel Restriction Operation Directive

The following categories of traveller are generally exempt from travel restrictions and are not required to apply for an individual exemption. Persons who are:

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- usually resident in a country other than Australia;
- members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel;
- New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia;
- engaged in the day-to-day conduct of inbound and outbound freight;
- travelling in association with essential work at an offshore facility in Australian waters;
- travelling on official Government business (including members of the Australian Defence Force and any Australian government official travelling on a diplomatic or official passport).

The following situation can be assessed and decided by APS3 officers and above, where the traveller:

- a. has declared an intent to travel overseas for at least three months for a compelling reason.

Assessing and deciding exemption requests under category 'Travel for three months or longer'

As of 2300 AEDT on Friday 8 January 2021, requests for an exemption on the basis of 'travel for three months or longer' will not be approved unless suitable documentary evidence is provided to support the claimed travel period and also to evidence a compelling reason for travel.

The presentation of a properly completed Commonwealth Statutory Declaration is now a mandatory requirement for approvals under this category, as is the requirement for a compelling reason for travel.

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Any request for travel under this category, that lacks the required evidence may be refused and the client referred to the website for further information.

If you refuse an application due to a lack of sufficient information or evidence, you should provide the client with advice about evidentiary requirements in the refusal notification letter. RFI and Refusal templates have been updated to support communication with clients.

Persons who seek an exemption from Australia's outbound travel restrictions on the basis that they are leaving Australia for three months or longer **must** present a compelling reason for travel and **must** provide a properly completed Commonwealth Statutory Declaration **and** evidence to support their claims.

For the purpose of assessing this category, 'compelling reason' may include circumstances such as:

- visiting with, or providing care and support to, sick family members
- attending a course of study overseas, or other educational opportunity of at least three months
- beginning or continuing an employment contract
- relocating overseas for a time period of six months or more
- other reason which falls within the ordinary meaning of 'compelling'.

Please refer to 'Assessing Compelling Reasons' below, for further information, if you are unsure about the reasons provided by a client.

Travel for the sole purpose of leisure or holidays would not be considered a compelling reason.

When assessing an exemption request under this category, in every case regardless of circumstance, the requester **must** provide a properly completed Commonwealth Statutory Declaration which includes a formal statement that they are making an application for a travel exemption on the basis that they intend to be absent from Australia for at least three months and the reason for the travel.

Commonwealth Statutory Declarations

It can generally be accepted that a completed Commonwealth Statutory Declaration has been completed properly unless there is clear evidence to the contrary.

One Commonwealth Statutory Declaration per request is acceptable assuming each traveller is travelling for the same purpose and is covered by the Declaration. If a person under 18 years of age intends to travel unaccompanied by their parents or guardian, a Commonwealth Statutory Declaration is required from at least one parent or guardian.

In addition to the Commonwealth Statutory Declaration, the requester **must also** provide evidence that supports their claimed compelling reason for travel.

Examples of other supporting evidence that could be provided include:

- confirmed flight itinerary, with return date of at least three months after departure date
- confirmation of leave from their employer for at least three months
- enrolment confirmation for study
- employment contract
- evidence of their goods being transported overseas
- a doctor's certificate to support their claim that the purpose of travel is to provide care or support to sick family members (Please note: the doctor does not have to explicitly state that physical care is required for the patient. Emotional support is a relevant compelling reason under this category).
- any other relevant documentary evidence which supports the reason for travel.

Other Discretionary exemption categories

The following situations would generally be approved, and can be assessed and decided by APS6 officers and above, where the traveller:

- a. is attending the funeral of a close family member (parent, sibling, partner, child or grandparent) regardless of length of intended travel;

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- b. is travelling due to critical or serious illness of a close family member (parent, sibling, partner, child or grandparent), regardless of length of intended travel;
- c. is travelling for necessary medical treatment not available in Australia;
- d. needs to pick up a minor child (adoption, surrogacy, court order etc) and return to Australia with that child;
- e. intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract;
- f. is travelling to an Australian territory which is outside the migration zone;
- g. has another compelling reason for travel where travel is for less than three months;
- h. is travelling on business, regardless of length of intended travel;
- i. has had a previous request approved and the reasons for travel have not changed;
- j. is travelling in the national interest;
- k. is travelling in response to the COVID-19 outbreak, including the provision of aid.

Note: A family unit wishing to travel for a funeral/to visit seriously ill parent/grandparent, will now be able to travel together (including the son/daughter-in law) if supporting evidence confirming the reason for travel is submitted with the application.

Assessing Compelling Reasons – all categories

The term 'compelling' has no defined meaning in reference to Australia's travel restrictions and travel exemptions, and therefore its ordinary meaning is to be applied.

Compelling reasons may stem from compassionate factors, or may also arise from a person's circumstances or the circumstances of another person (for example, a close family member).

Australia's travel restrictions are an emergency response of Government designed to manage a public health threat as a result of the COVID-19 pandemic. This is important context to consider when determining whether a case has presented 'compelling' reasons to travel.

Where an individual has proposed travel of a short duration (ie. less than three months), our understanding of what constitutes a 'compelling reason' has a high test. Any individual proposing an overseas journey of less than 3 months is expected to provide documents supporting strong compelling and/or compassionate circumstances, and this is captured in the requirements of the Outwards Operation Directive.

Where an individual has proposed travel of three months or more, Government has determined that the length of travel means the public health risk has been lessened, when compared with trips of shorter duration. Therefore, proposed travel of three months or more for any purpose other than leisure or a holiday is generally considered to satisfy the definition of 'compelling' for this category. It is therefore possible for a person to propose a family reunification activity under this category (such as a wedding or other significant life event) and this may be considered to meet 'compelling reason', provided that you are satisfied the declared travel period is genuine and relevant supporting evidence and documents have been provided.

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OFFICIAL: Sensitive**Assessing usually resident in a country other than Australia**

As explained in the Outward Travel Restrictions Operation Directive, there is no one fixed numerical calculation as to whether someone is 'usually resident' in a country other than Australia – it is a matter of judgement. Acceptable evidence may include, but is not limited to:

- a. government issued documentation (for example foreign driver's licence) which is supported by one other type of documentation confirming:
- b. owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement)
- c. location of immediate family members
- d. employment contract in a foreign country

For cases where it is difficult to rely solely on an assessment of the length of time spent onshore in Australia prior to last departure (movement record history) due to the COVID-19 travel restrictions, more weight should be given to significant ties offshore when determining residency status.

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Other considerations

Decision makers should treat the best interests of minor children in/outside of Australia as a primary consideration.

Decision makers should consider the impacts on family unity of the person seeking to depart Australia.

Decision makers should also bear in mind the Australian Government's intent for imposing the travel restrictions, that is, the potential health risks posed to the Australian community by international travellers, given that Australian citizens and permanent residents are not required to seek an exemption from the Department to return to Australia.

Once a travel exemption request has been considered against all categories, if it is evident that the claimed circumstances do not meet current travel exemption requirements, decision makers should either request further information (expected to be appropriate in only a small number of cases) or refuse the travel exemption request.

3.3. Supporting documentation

The onus is on the individual to provide sufficient evidence (officially translated into English where required) to support their travel exemption request.

Officers should assess any information provided by an individual, as well as any information held in Departmental systems including but not limited to, movement records, visa applications and passenger cards.

Requests for further information should be kept to a minimum. In most cases if an individual has not provided sufficient information the request should be refused and the individual advised to reapply with any relevant information that is required.

The following is to be used as a guide when assessing evidentiary requirements.

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OFFICIAL: Sensitive**Exempt Categories****Usually resident in a country other than Australia**

- government issued documentation (for example foreign driver's licence) which is supported by one other type of documentation confirming:
 - owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement);
 - location of immediate family members; and / or
 - employment contract.

Note: Length of time spent onshore in Australia prior to last departure (movement record history) and significant ties offshore should be taken into consideration when determining residency status, for this purpose.

Members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel

- If the individual is a crew member of an aircraft or vessel;
 - A copy of the individual's crew identification
 - A copy of a letter from the individual's employer
 - Evidence that travel is necessary at this time
 - Any other evidence to support claims
- If the individual is a worker associated with the safety or maintenance of an aircraft or vessel;
 - A copy of a letter from the individual's employer
 - Evidence that travel is necessary at this time
 - Any other evidence to support claims

New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia

- Systems check to confirm the individual is a New Zealand citizen and subclass 444 visa holder

Engaged in the day-to-day conduct of inbound and outbound freight

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling in association with essential work at an offshore facility in Australian waters

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling on official Government business (including members of the Australian Defence Force (ADF) and any Australian government official travelling on a diplomatic or official passport)

- If the individual is a member of the ADF:
 - A copy of the individual's military order, requiring travel at this time; and
 - A copy of the individual's military identification.
- If the individual is an Australian government official:

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- A copy of letter from an official Government source, requiring the individual to travel at this time; and
- A copy of the individual's official or diplomatic passport
- If the individual is an approved companion of a person travelling on official Government business:
 - A copy of a letter from an official Government source; and
 - Evidence the person travelling on official Government business is exempt from travel restrictions.

Individual exemption requests**Has declared an intent to travel overseas for a compelling reason for at least three months**

- Employment contracts and evidence goods are being transported;
- Lease or other evidence of longer term living arrangements overseas;
- Confirmed flight itinerary, with return date of least 3 months after departure date;
- Doctor's certificate to support the claim for travelling in order to provide care for sick family members
- Enrolment details for study;
- Confirmation of leave from employment for over 3 months
- Other compelling reason for essential travel;

AND (in all cases)

- Commonwealth Statutory declaration regarding the intended length and purpose of travel.

Note: Every request for this category must be accompanied by a properly completed Commonwealth Statutory declaration, in addition to the above mandatory documentary evidence to substantiate the reason for travel.

Is attending a funeral or travelling due to the serious illness of a close family member (parent, child, sibling, partner or grandparent)

- Proof of relationship such as birth and/or marriage certificates, or any other evidence of relationship; and
- Death certificate or a letter from a medical professional; or
Please note in some instances a death certificate may not be issued for several weeks and a letter from a medical professional should be accepted
- A letter from a medical professional outlining diagnosis and/or prognosis, as appropriate to the circumstances.
- .

Is travelling for necessary medical treatment not available in Australia

- A letter from the treating Doctor outlining the individual's intended treatment and clearly stating that treatment is not available in Australia.

Needs to pick up a minor child (adoption, surrogacy, court order etc.) and return to Australia with that child

- Medical certificates and adoption papers from the State (if available); and / or
- Evidence in the form of a letter from the hospital or from the foreign country's government; and / or
- Proof of relationship such as birth and / or marriage certificates / court order, or any other evidence of relationship.

Intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract

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- Evidence that the individual has an existing work contract for employment outside of Australia;
- Evidence that travel is necessary at this time

Is travelling to an Australian territory which is outside the migration zone

- Travel itinerary showing that the individual has confirmed travel arrangements to an Australian territory outside the migration zone.
- Evidence that travel is necessary at this time

Has another compelling reason for travel where travel is for less than three months

- Evidence that the individual has compelling reason(s) to travel overseas

Is travelling on business regardless of length of intended travel

- Evidence of business meetings/conferences; and / or
- Evidence of involvement in international trade such as purchase orders, non-disclosure agreements, order forms, invoices, legal contracts; and / or
- Business reports, feasibility studies, marketing plans; and / or
- Evidence of development of a new business, such as start-up venture capital; and / or
- Any other evidence that the individual intends to travel outside Australia on business.

Has had a previous request approved and the reasons for travel have not changed

- Evidence that the individual intends to travel outside Australia for the same reason(s) as a previous request, where the reason(s) for travel have not changed including but not limited to one or more of the following:
 - Letter from a medical professional; and / or
 - Employment contract, for example for fly-in-fly-out (FIFO) workers.

Is travelling in the national interest

- Evidence that the individual is required to travel outside Australia for reasons in the national interest of Australia, including but not limited to specialised projects, participation in elite sporting teams representing Australia, relief support for disasters, and emergency service support such as fire or police work.

Is travelling in response to the COVID-19 outbreak, including the provision of aid

- A letter from a government or private entity outlining the requirement for the individual to travel outside of Australia in response to COVID-19;

3.4. Validity of outward travel exemption approvals**Single use travel exemption**

Outward travel exemption request approvals will be valid for 3 months from the date of approval. If the travel exemption is not used in this timeframe or the circumstances relating to the approval of the travel exemption change, the individual will need to submit a new exemption request with supporting documentation.

Client notification templates in the Travel Exemption Portal have been updated to reflect this requirement; however, the system does not automatically calculate the dates at this stage, and decision makers will need to manually add the date.

How to calculate the date:

Travel exemptions are valid for 3 calendar months. For example, if you approve the travel request on 9 February 2021 the travel exemption will be valid until 9 May 2021.

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Multiple use travel exemption

Individuals who need to leave and return to Australia for reasons within scope of travel exemptions policy, on a regular basis, for example Fly-in Fly-out (FIFO) workers with an ongoing contract, may be eligible for a “multiple use” travel exemption for a period of 6 months; provided the reason for the individual’s travel to and from Australia, remains the same as that provided in the original approved travel exemption request.

For any cases where it may be appropriate to provide a multiple use travel exemption, please contact Travel Exemption Program Management for approval and for tailored communication templates and CAI notes.

3.5. Client communication

The following standard words should be included in requests for information and refusal communication with clients, using the TEP template.

Note: Officers should not request further information if it is likely that the individual will not meet the guidelines, even with provision of additional documentation.

Client Communication – additional script for use when requesting further information

[If you think it appropriate to request specific documentation, please list the requested documents, as per ‘expected supporting document’ here. s. 22(1)(a)(ii)]

Exempt Categories**Usually resident in a country other than Australia**

- Foreign government issued documentation (for example foreign driver’s licence) and
 - owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement);
 - location of immediate family members; and / or
 - employment contract.

Members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel

- If the individual is a crew member of an aircraft or vessel;
 - A copy of the individual’s crew identification
 - A copy of a letter from the individual’s employer
 - Evidence that travel is required at this time
 - Any other evidence to support claims
- If the individual is a worker associated with the safety or maintenance of an aircraft or vessel;
 - A copy of a letter from the individual’s employer
 - Evidence that travel is required at this time

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- Any other evidence to support claims

New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia

- Systems check to confirm the individual is a New Zealand citizen and subclass 444 visa holder

Engaged in the day-to-day conduct of inbound and outbound freight

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling in association with essential work at an offshore facility in Australian waters

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling on official Government business (including members of the Australian Defence Force (ADF) and any Australian government official travelling on a diplomatic or official passport)

- If the individual is a member of the ADF:
 - A copy of the individual's military order, requiring travel at this time; and
 - A copy of the individual's military identification.
- If the individual is an Australian government official:
 - A copy of letter from an official Government source, requiring the individual to travel at this time; and
 - A copy of the individual's official or diplomatic passport
- If the individual is an approved companion of a person travelling on official Government business:
 - A copy of a letter from an official Government source; and
 - Evidence the person travelling on official Government business is exempt from travel restrictions.

Individual exemption requests**Has declared an intent to travel overseas for a compelling reason for at least three months**

- Employment contract;
- Lease or other evidence of longer term living arrangements overseas
- Evidence your goods are being transported overseas;
- Confirmed flight itinerary, with return date of least 3 months after departure date;
- Doctor's certificate to support the claim for travelling in order to provide care for sick family members;
- Enrolment details for study;
- Confirmation of leave from employment for over 3 months and compelling reason for essential travel;
- Any other evidence you consider supports your intention to travel overseas for at least 3 months

AND (in all cases)

- A Commonwealth Statutory declaration regarding the intended length and purpose of travel.

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Note: Every request for this category must be accompanied by a properly completed Commonwealth Statutory Declaration in addition to the above mandatory documentary evidence to substantiate the reason for travel.

Is attending the funeral of or travelling due to serious illness of an immediate family member (parent, child, sibling, partner or grandparent)

- Proof of relationship such as birth and/or marriage certificates, or any other evidence of relationship; and
- Death certificate (or a letter from a medical professional) or
- A letter from a medical professional outlining diagnosis and/or prognosis, as appropriate to the circumstances.

Is travelling for necessary medical treatment not available in Australia

- A letter from the treating Doctor outlining the individual's intended treatment and clearly stating that treatment is not available in Australia.

Needs to pick up a minor child (adoption, surrogacy, court order etc.) and return to Australia with that child

- Medical certificates and adoption papers from the State (if available); and / or
- Evidence in the form of a letter from the hospital or from the foreign country's government; and / or
- Proof of relationship such as birth and / or marriage certificates, or any other evidence of relationship.

Intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract

- Evidence that the individual has an existing work contract for employment outside of Australia.
- Evidence that travel is necessary at this time

Is travelling to an Australian territory which is outside the migration zone

- Travel itinerary showing that the individual has confirmed travel arrangements to an Australian territory outside the migration zone.

Has another compelling reason for travel where travel is for less than three months

- Evidence that the individual has compelling reason(s) to travel overseas
- Evidence that travel is necessary at this time

Is travelling on business regardless of length of intended travel

- Evidence of business meetings/conferences; and / or
- Evidence of involvement in international trade such as purchase orders, non-disclosure agreements, order forms, invoices, legal contracts; and / or
- Business reports, feasibility studies, marketing plans; and / or
- Evidence of development of a new business, such as start-up venture capital; and / or
- Any other evidence that the individual intends to travel outside Australia on business.

Has had a previous request approved and the reasons for travel have not changed

- Evidence that the individual intends to travel outside Australia for the same reason(s) as a previous request, where the reason(s) for travel have not changed including but not limited to one or more of the following:
 - Letter from a medical professional; and / or

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- *Employment contract, for example for fly-in-fly-out (FIFO) workers.*

Is travelling in the national interest

- *Evidence that the individual is required to travel outside Australia for reasons in the national interest of Australia, including but not limited to specialised projects, participation in elite sporting teams representing Australia, relief support for disasters, and emergency service support such as fire or police work.*

Is travelling in response to the COVID-19 outbreak, including the provision of aid

- *A letter from a government or private entity outlining the requirement for the individual to travel outside of Australia in response to COVID-19;*

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4. Accountability and Responsibility

Role	Description
AS Temporary Visas and Border Measures	Document owners are responsible for: approving documents for release
FAS Immigration Programs Division	Document reviewers are responsible for: verifying the need for a document, and reviewing drafts.
Document drafter	Document drafters are responsible for: drafting documents, consulting with stakeholders.

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1.0	11 January 2021	Border Measures Program Management	First issue
1.1	12 February 2021	Border Measures Program Management	3m validity for single-use exemptions and expansion on compelling reasons
1.2	25 February 2021	Border Measures Program Management	Minor change to definition of close family and explanation of assessing usually resident in another country.

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7 Attachment B – Assurance and Control Matrix

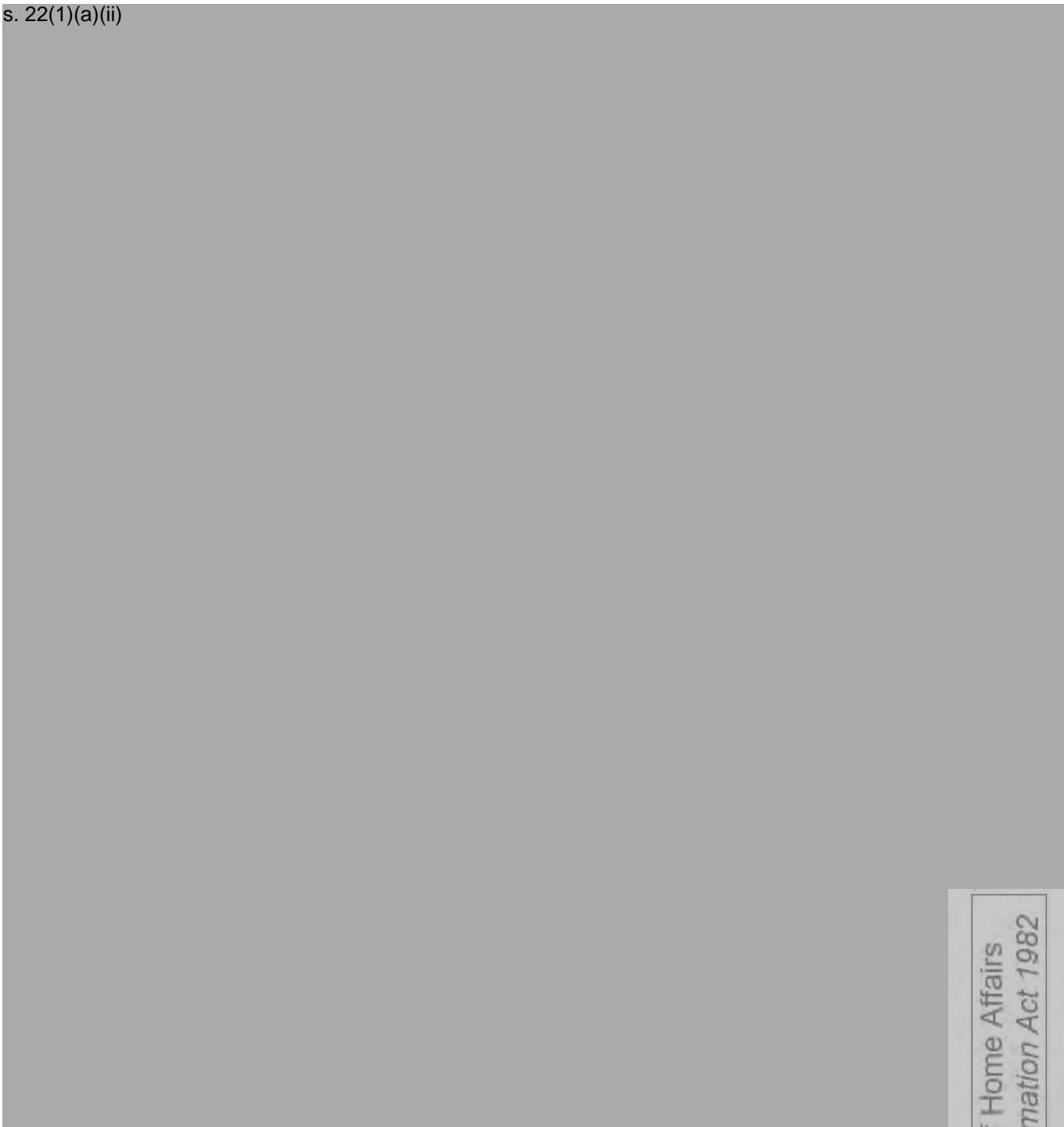
1.1. Powers and Obligations

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
Outbound decision making	subsection 477(1)	Subsection 477(1) of the <i>Biosecurity Act 2015</i> <i>Biosecurity (Human Biosecurity Emergency) (Human coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020</i> Reference: F2020C00870	No	
Inwards decision making	N/A	The ABF Commissioner has been authorised by the Prime Minister to consider exemption requests on a case-by-case basis	N/A	

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COVID-19 Border Measures Procedural Instruction - Outward

Procedural Instruction

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1. Purpose

From 1200 AEDT 25 March 2020, all Australian citizens and Australian permanent residents must not travel outside Australia unless exempt, through either being in an automatic exempt category or obtaining an individual exemption by providing the Australian Border Force (ABF) Commissioner with a compelling reason to depart. The COVID-19 Border Measures Branch manages and decides travel exemption requests in response to Australia's travel restrictions.

This procedural guidance is designed to be used as an explanatory support to exemptions processing staff assessing exemption requests from Australian citizens and Australian permanent residents who seek to leave Australia. Requests are assessed on a case by case basis.

2. Scope

This document provides procedural guidance applicable to the assessment of outward travel exemption requests from Australian citizens and Australian permanent residents.

It is recommended that users read this procedural guidance in conjunction with the following documents:

- Outward Travel Restrictions Operation Directive

Note: Travel restrictions are subject to change at short notice, therefore officers must refer to related documentation via TRIM or published versions on SharePoint or the Home Affairs website (rather than saving or printing a copy) to ensure they access the most up to date versions.

3. Procedural Instruction

3.1. Decision Maker

All requests for travel exemptions from individuals intending to travel to **Papua New Guinea (PNG)** **MUST** be referred to the Commissioner for decision.

Note: All submissions that are prepared for referral to the Commissioner must follow the Commissioner Discretion pathway in the Travel Exemption Portal (TEP), which requires review by an EL1 or above.

For cases where a request is assessed under an exempt category:

Exempt (including assessed as automatically exempt) - one stage of assessment is required:

- Decision Maker - Officers at APS3 level and above

Not exempt - two stages of assessment are required:

- Initial Assessment - Officers at APS3 level
- Decision Maker – APS6 level and above

For cases where an individual declares an intent to travel overseas for at least three months for a compelling reason:

For both Meeting and/or Not Meeting the guidelines – one stage of assessment is required:

- Decision Maker - Officers at APS3 level and above

For cases where an individual assessment is required (other than where an individual declares an intent to travel overseas for at least three months for a compelling reason):

For both Meeting and/or Not Meeting the guidelines - two stages of assessment are required:

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- Initial Assessment - Officers at APS3 level
- Decision Maker - APS6 level and above

3.2. For consideration when assessing outward travel exemption requests

All travel exemption requests must be considered against all categories, prior to a decision to refuse the request being made.

The Determination

Outward travel exemption requests are considered under the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* ('the Determination').

Under section 5 of the Determination, an Australian citizen or permanent resident must not leave Australian territory as a passenger on an outgoing aircraft or vessel unless they have an exemption under section 6 or 7 of the Determination.

Outlined in section 6 of the Determination are the categories of Australian citizen and permanent resident travellers who are exempt from travel restrictions and are not required to apply for an individual exemption.

Under section 7 of the Determination, in exceptional circumstances, the ABF Commissioner may grant an individual exemption to an Australian citizen or a permanent resident to leave Australia on a case-by-case basis. This is reliant on the provision of a compelling reason for needing to leave Australian territory (s7(2) of the Determination).

Note: Appropriately trained ABF and Home Affairs staff are authorised to make decisions on outward travel exemption requests

The Outward Travel Restrictions Operation Directive provides examples of reasons an outward travel exemption may be approved.

Outward Travel Restriction Operation Directive

The following categories of traveller are generally exempt from travel restrictions and are not required to apply for an individual exemption. Persons who are:

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

- usually resident in a country other than Australia;
- members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel;
- New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia;
- engaged in the day-to-day conduct of inbound and outbound freight;
- travelling in association with essential work at an offshore facility in Australian waters;
- travelling on official Government business (including members of the Australian Defence Force and any Australian government official travelling on a diplomatic or official passport).

The following situation can be assessed and decided by APS3 officers and above, where the traveller:

- a. has declared an intent to travel overseas for at least three months for a compelling reason.

PNG Outbreak

Based on current health advice, the COVID-19 outbreak in PNG means travel to PNG from Australia presents a serious health risk to the Australian community. Individuals seeking an 'exceptional

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circumstances' exemption to travel from Australia to PNG will not be approved until further notice, except in extremely limited circumstances, for example:

- for critical workers providing assistance to PNG's COVID-19 response; and
- persons undertaking critical safety roles.

The 'exceptional circumstances' individual/discretionary exemption criteria, do not currently apply to individuals seeking to travel to PNG.

Assessing and deciding exemption requests under category 'Travel for three months or longer'

As of 2300 AEDT on Friday 8 January 2021, requests for an exemption on the basis of 'travel for three months or longer' will not be approved unless suitable documentary evidence is provided to support the claimed travel period and also to evidence a compelling reason for travel.

The presentation of a properly completed Commonwealth Statutory Declaration is now a mandatory requirement for approvals under this category, as is the requirement for a compelling reason for travel.

Any request for travel under this category, that lacks the required evidence may be refused and the client referred to the website for further information.

If you refuse an application due to a lack of sufficient information or evidence, you should provide the client with advice about evidentiary requirements in the refusal notification letter. RFI and Refusal templates have been updated to support communication with clients.

Persons who seek an exemption from Australia's outbound travel restrictions on the basis that they are leaving Australia for three months or longer **must** present a compelling reason for travel and **must** provide a properly completed Commonwealth Statutory Declaration **and** evidence to support their claims.

For the purpose of assessing this category, 'compelling reason' may include circumstances such as:

- visiting with, or providing care and support to, sick family members
- attending a course of study overseas, or other educational opportunity of at least three months
- beginning or continuing an employment contract
- relocating overseas for a time period of six months or more
- other reason which falls within the ordinary meaning of 'compelling'.

Please refer to 'Assessing Compelling Reasons' below, for further information, if you are unsure about the reasons provided by a client.

Travel for the sole purpose of leisure or holidays would not be considered a compelling reason.

When assessing an exemption request under this category, in every case regardless of circumstance, the requester **must** provide a properly completed Commonwealth Statutory Declaration which includes a formal statement that they are making an application for a travel exemption on the basis that they intend to be absent from Australia for at least three months and the reason for the travel.

Commonwealth Statutory Declarations

It can generally be accepted that a completed Commonwealth Statutory Declaration has been completed properly unless there is clear evidence to the contrary.

One Commonwealth Statutory Declaration per request is acceptable assuming each traveller is travelling for the same purpose and is covered by the Declaration. If a person under 18 years of age intends to travel unaccompanied by their parents or guardian, a Commonwealth Statutory Declaration is required from at least one parent or guardian.

In addition to the Commonwealth Statutory Declaration, the requester **must also** provide evidence that supports their claimed compelling reason for travel.

Examples of other supporting evidence that could be provided include:

- confirmed flight itinerary, with return date of at least three months after departure date
- confirmation of leave from their employer for at least three months
- enrolment confirmation for study

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- employment contract
- evidence of their goods being transported overseas
- a doctor's certificate to support their claim that the purpose of travel is to provide care or support to sick family members (Please note: the doctor does not have to explicitly state that physical care is required for the patient. Emotional support is a relevant compelling reason under this category).
- any other relevant documentary evidence which supports the reason for travel.

Other Discretionary exemption categories

The following situations would generally be approved, and can be assessed and decided by APS6 officers and above, where the traveller:

- is attending the funeral of a close family member (parent, sibling, partner, child or grandparent) regardless of length of intended travel;
- is travelling due to critical or serious illness of a close family member (parent, sibling, partner, child or grandparent), regardless of length of intended travel;
- is travelling for necessary medical treatment not available in Australia;
- needs to pick up a minor child (adoption, surrogacy, court order etc) and return to Australia with that child;
- intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract;
- is travelling to an Australian territory which is outside the migration zone;
- has another compelling reason for travel where travel is for less than three months;
- is travelling on business, regardless of length of intended travel;
- has had a previous request approved and the reasons for travel have not changed;
- is travelling in the national interest;
- is travelling in response to the COVID-19 outbreak, including the provision of aid.

Note: A family unit wishing to travel for a funeral/to visit seriously ill parent/grandparent, will now be able to travel together (including the son/daughter-in law) if supporting evidence confirming the reason for travel is submitted with the application.

Assessing Compelling Reasons – all categories

The term 'compelling' has no defined meaning in reference to Australia's travel restrictions and travel exemptions, and therefore its ordinary meaning is to be applied.

Compelling reasons may stem from compassionate factors, or may also arise from a person's circumstances or the circumstances of another person (for example, a close family member).

Australia's travel restrictions are an emergency response of Government designed to manage a public health threat as a result of the COVID-19 pandemic. This is important context to consider when determining whether a case has presented 'compelling' reasons to travel.

Where an individual has proposed travel of a short duration (ie. less than three months), our understanding of what constitutes a 'compelling reason' has a high test. Any individual proposing an overseas journey of less than 3 months is expected to provide documents supporting strong compelling and/or compassionate circumstances, and this is captured in the requirements of the Outwards Operation Directive.

Where an individual has proposed travel of three months or more, Government has determined that the length of travel means the public health risk has been lessened, when compared with trips of shorter duration. Therefore, proposed travel of three months or more for any purpose other than leisure or a holiday is generally considered to satisfy the definition of 'compelling' for this category. It is therefore possible for a person to propose a family reunification activity under this category (such as a wedding or other significant

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life event) and this may be considered to meet 'compelling reason', provided that you are satisfied the declared travel period is genuine and relevant supporting evidence and documents have been provided.

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

Assessing usually resident in a country other than Australia

As explained in the Outward Travel Restrictions Operation Directive, there is no one fixed numerical calculation as to whether someone is 'usually resident' in a country other than Australia – it is a matter of judgement. Acceptable evidence may include, but is not limited to:

- a. government issued documentation (for example foreign driver's licence) which is supported by one other type of documentation confirming:
- b. owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement)
- c. location of immediate family members
- d. employment contract in a foreign country

For cases where it is difficult to rely solely on an assessment of the length of time spent onshore in Australia prior to last departure (movement record history) due to the COVID-19 travel restrictions, more weight should be given to significant ties offshore when determining residency status.

s. 47E(d)

Other considerations

Decision makers should treat the best interests of minor children in/outside of Australia as a primary consideration.

Decision makers should consider the impacts on family unity of the person seeking to depart Australia.

Decision makers should also bear in mind the Australian Government's intent for imposing the travel restrictions, that is, the potential health risks posed to the Australian community by international travellers, given that Australian citizens and permanent residents are not required to seek an exemption from the Department to return to Australia.

Once a travel exemption request has been considered against all categories, if it is evident that the claimed circumstances do not meet current travel exemption requirements, decision makers should either request further information (expected to be appropriate in only a small number of cases) or refuse the travel exemption request.

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The onus is on the individual to provide sufficient evidence (officially translated into English where required) to support their travel exemption request.

Officers should assess any information provided by an individual, as well as any information held in Departmental systems including but not limited to, movement records, visa applications and passenger cards.

Requests for further information should be kept to a minimum. In most cases if an individual has not provided sufficient information the request should be refused and the individual advised to reapply with any relevant information that is required.

The following is to be used as a guide when assessing evidentiary requirements.

Exempt Categories**Usually resident in a country other than Australia**

- government issued documentation (for example foreign driver's licence) which is supported by one other type of documentation confirming:
 - owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement);
 - location of immediate family members; and / or
 - employment contract.

Note: Length of time spent onshore in Australia prior to last departure (movement record history) and significant ties offshore should be taken into consideration when determining residency status, for this purpose.

Members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel

- If the individual is a crew member of an aircraft or vessel;
 - A copy of the individual's crew identification
 - A copy of a letter from the individual's employer
 - Evidence that travel is necessary at this time
 - Any other evidence to support claims
- If the individual is a worker associated with the safety or maintenance of an aircraft or vessel;
 - A copy of a letter from the individual's employer
 - Evidence that travel is necessary at this time
 - Any other evidence to support claims

New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia

- Systems check to confirm the individual is a New Zealand citizen and subclass 444 visa holder

Engaged in the day-to-day conduct of inbound and outbound freight

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling in association with essential work at an offshore facility in Australian waters

- A copy of a letter from the individual's employer

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- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling on official Government business (including members of the Australian Defence Force (ADF) and any Australian government official travelling on a diplomatic or official passport)

- If the individual is a member of the ADF:
 - A copy of the individual's military order, requiring travel at this time; and
 - A copy of the individual's military identification.
- If the individual is an Australian government official:
 - Evidence the individual is travelling on an official or diplomatic passport
- If the individual is an approved companion of a person travelling on official Government business who is not travelling at the same time as principal traveller:
 - A copy of a letter from an official Government source; and
 - Evidence the person is travelling on an official or diplomatic passport.
 - Evidence that a child is travelling on a passport that has been endorsed by the Department of Foreign Affairs and Trade, if they do not hold an official or diplomatic passport

Individual exemption requests**Has declared an intent to travel overseas for a compelling reason for at least three months**

- Employment contracts and evidence goods are being transported;
- Lease or other evidence of longer term living arrangements overseas;
- Confirmed flight itinerary, with return date of least 3 months after departure date;
- Doctor's certificate to support the claim for travelling in order to provide care for sick family members
- Enrolment details for study;
- Confirmation of leave from employment for over 3 months
- Other compelling reason for essential travel;

AND (in all cases)

- Commonwealth Statutory declaration regarding the intended length and purpose of travel.

Note: Every request for this category must be accompanied by a properly completed Commonwealth Statutory declaration, in addition to the above mandatory documentary evidence to substantiate the reason for travel.

Is attending a funeral or travelling due to the serious illness of a close family member (parent, child, sibling, partner or grandparent)

- Proof of relationship such as birth and/or marriage certificates, or any other evidence of relationship; and
- Death certificate or a letter from a medical professional; or
Please note in some instances a death certificate may not be issued for several weeks and a letter from a medical professional should be accepted
- A letter from a medical professional outlining diagnosis and/or prognosis, as appropriate to the circumstances.

Is travelling for necessary medical treatment not available in Australia

- A letter from the treating Doctor outlining the individual's intended treatment and clearly stating that treatment is not available in Australia.

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- Medical certificates and adoption papers from the State (if available); and / or
- Evidence in the form of a letter from the hospital or from the foreign country's government; and / or
- Proof of relationship such as birth and / or marriage certificates / court order, or any other evidence of relationship.

Intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract

- Evidence that the individual has an existing work contract for employment outside of Australia;
- Evidence that travel is necessary at this time

Is travelling to an Australian territory which is outside the migration zone

- Travel itinerary showing that the individual has confirmed travel arrangements to an Australian territory outside the migration zone.
- Evidence that travel is necessary at this time

Has another compelling reason for travel where travel is for less than three months

- Evidence that the individual has compelling reason(s) to travel overseas

Is travelling on business regardless of length of intended travel

- Evidence of business meetings/conferences; and / or
- Evidence of involvement in international trade such as purchase orders, non-disclosure agreements, order forms, invoices, legal contracts; and / or
- Business reports, feasibility studies, marketing plans; and / or
- Evidence of development of a new business, such as start-up venture capital; and / or
- Any other evidence that the individual intends to travel outside Australia on business.

Has had a previous request approved and the reasons for travel have not changed

- Evidence that the individual intends to travel outside Australia for the same reason(s) as a previous request, where the reason(s) for travel have not changed including but not limited to one or more of the following:
 - Letter from a medical professional; and / or
 - Employment contract, for example for fly-in-fly-out (FIFO) workers.

Is travelling in the national interest

- Evidence that the individual is required to travel outside Australia for reasons in the national interest of Australia, including but not limited to specialised projects, participation in elite sporting teams representing Australia, relief support for disasters, and emergency service support such as fire or police work.

Is travelling in response to the COVID-19 outbreak, including the provision of aid

- A letter from a government or private entity outlining the requirement for the individual to travel outside of Australia in response to COVID-19;

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OFFICIAL: Sensitive**3.4. Validity of outward travel exemption approvals****Single use travel exemption**

Outward travel exemption request approvals will be valid for 3 months from the date of approval. If the travel exemption is not used in this timeframe or the circumstances relating to the approval of the travel exemption change, the individual will need to submit a new exemption request with supporting documentation.

Client notification templates in the Travel Exemption Portal have been updated to reflect this requirement; however, the system does not automatically calculate the dates at this stage, and decision makers will need to manually add the date.

How to calculate the date:

Travel exemptions are valid for 3 calendar months. For example, if you approve the travel request on 9 February 2021 the travel exemption will be valid until 9 May 2021.

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

Multiple use travel exemption

Individuals who need to leave and return to Australia for reasons within scope of travel exemptions policy, on a regular basis, for example Fly-in Fly-out (FIFO) workers with an ongoing contract, may be eligible for a "multiple use" travel exemption for a period of 6 months; provided the reason for the individual's travel to and from Australia, remains the same as that provided in the original approved travel exemption request.

For any cases where it may be appropriate to provide a multiple use travel exemption, please contact Travel Exemption Program Management for approval and for tailored communication templates and CAI notes.

3.5. Client communication

The following standard words should be included in requests for information and refusal communication with clients, using the TEP template.

Note: Officers should not request further information if it is likely that the individual will not meet the guidelines, even with provision of additional documentation.

Client Communication – additional script for use when requesting further information

[If you think it appropriate to request specific documentation, please list the requested documents, as per 'expected supporting document' here. s. 22(1)(a)(ii)]

Exempt Categories**Usually resident in a country other than Australia**

- Foreign government issued documentation (for example foreign driver's licence) and
 - owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement);
 - location of immediate family members; and / or
 - employment contract.

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OFFICIAL: Sensitive**Members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel**

- If the individual is a crew member of an aircraft or vessel;
 - A copy of the individual's crew identification
 - A copy of a letter from the individual's employer
 - Evidence that travel is required at this time
 - Any other evidence to support claims
- If the individual is a worker associated with the safety or maintenance of an aircraft or vessel;
 - A copy of a letter from the individual's employer
 - Evidence that travel is required at this time
 - Any other evidence to support claims

New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia

- Systems check to confirm the individual is a New Zealand citizen and subclass 444 visa holder

Engaged in the day-to-day conduct of inbound and outbound freight

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling in association with essential work at an offshore facility in Australian waters

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling on official Government business (including members of the Australian Defence Force (ADF) and any Australian government official travelling on a diplomatic or official passport)

- If the individual is a member of the ADF:
 - A copy of the individual's military order, requiring travel at this time; and
 - A copy of the individual's military identification.
- If the individual is an Australian government official:
 - A copy of letter from an official Government source, requiring the individual to travel at this time; and
 - A copy of the individual's official or diplomatic passport
- If the individual is an approved companion of a person travelling on official Government business:
 - A copy of a letter from an official Government source; and
 - Evidence the person travelling on official Government business is exempt from travel restrictions.

Individual exemption requests**Has declared an intent to travel overseas for a compelling reason for at least three months**

- Employment contract;
- Lease or other evidence of longer term living arrangements overseas

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- Evidence your goods are being transported overseas;
- Confirmed flight itinerary, with return date of least 3 months after departure date;
- Doctor's certificate to support the claim for travelling in order to provide care for sick family members;
- Enrolment details for study;
- Confirmation of leave from employment for over 3 months and compelling reason for essential travel;
- Any other evidence you consider supports your intention to travel overseas for at least 3 months

AND (in all cases)

- A Commonwealth Statutory declaration regarding the intended length and purpose of travel.

Note: Every request for this category must be accompanied by a properly completed Commonwealth Statutory Declaration in addition to the above mandatory documentary evidence to substantiate the reason for travel.

Is attending the funeral of or travelling due to serious illness of an immediate family member (parent, child, sibling, partner or grandparent)

- Proof of relationship such as birth and/or marriage certificates, or any other evidence of relationship; and
- Death certificate (or a letter from a medical professional) or
- A letter from a medical professional outlining diagnosis and/or prognosis, as appropriate to the circumstances.

Is travelling for necessary medical treatment not available in Australia

- A letter from the treating Doctor outlining the individual's intended treatment and clearly stating that treatment is not available in Australia.

Needs to pick up a minor child (adoption, surrogacy, court order etc.) and return to Australia with that child

- Medical certificates and adoption papers from the State (if available); and / or
- Evidence in the form of a letter from the hospital or from the foreign country's government; and / or
- Proof of relationship such as birth and / or marriage certificates, or any other evidence of relationship.

Intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract

- Evidence that the individual has an existing work contract for employment outside of Australia.
- Evidence that travel is necessary at this time

Is travelling to an Australian territory which is outside the migration zone

- Travel itinerary showing that the individual has confirmed travel arrangements to an Australian territory outside the migration zone.

Has another compelling reason for travel where travel is for less than three months

- Evidence that the individual has compelling reason(s) to travel overseas
- Evidence that travel is necessary at this time

Is travelling on business regardless of length of intended travel

- Evidence of business meetings/conferences; and / or

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- Evidence of involvement in international trade such as purchase orders, non-disclosure agreements, order forms, invoices, legal contracts; and / or
- Business reports, feasibility studies, marketing plans; and / or
- Evidence of development of a new business, such as start-up venture capital; and / or
- Any other evidence that the individual intends to travel outside Australia on business.

Has had a previous request approved and the reasons for travel have not changed

- Evidence that the individual intends to travel outside Australia for the same reason(s) as a previous request, where the reason(s) for travel have not changed including but not limited to one or more of the following:
 - Letter from a medical professional; and / or
 - Employment contract, for example for fly-in-fly-out (FIFO) workers.

Is travelling in the national interest

- Evidence that the individual is required to travel outside Australia for reasons in the national interest of Australia, including but not limited to specialised projects, participation in elite sporting teams representing Australia, relief support for disasters, and emergency service support such as fire or police work.

Is travelling in response to the COVID-19 outbreak, including the provision of aid

- A letter from a government or private entity outlining the requirement for the individual to travel outside of Australia in response to COVID-19;

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4. Accountability and Responsibility

Role	Description
AS Temporary Visas and Border Measures	Document owners are responsible for: approving documents for release
FAS Immigration Programs Division	Document reviewers are responsible for: verifying the need for a document, and reviewing drafts.
Document drafter	Document drafters are responsible for: drafting documents, consulting with stakeholders.

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1.0	11 January 2021	Border Measures Program Management	First issue
1.1	12 February 2021	Border Measures Program Management	3m validity for single-use exemptions and expansion on compelling reasons
1.2	25 February 2021	Border Measures Program Management	Minor change to definition of close family and explanation of assessing usually resident in another country.
1.3	18 March 2021	Border Measures Program Management	Treatment of PNG caseload

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

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7 Attachment B – Assurance and Control Matrix

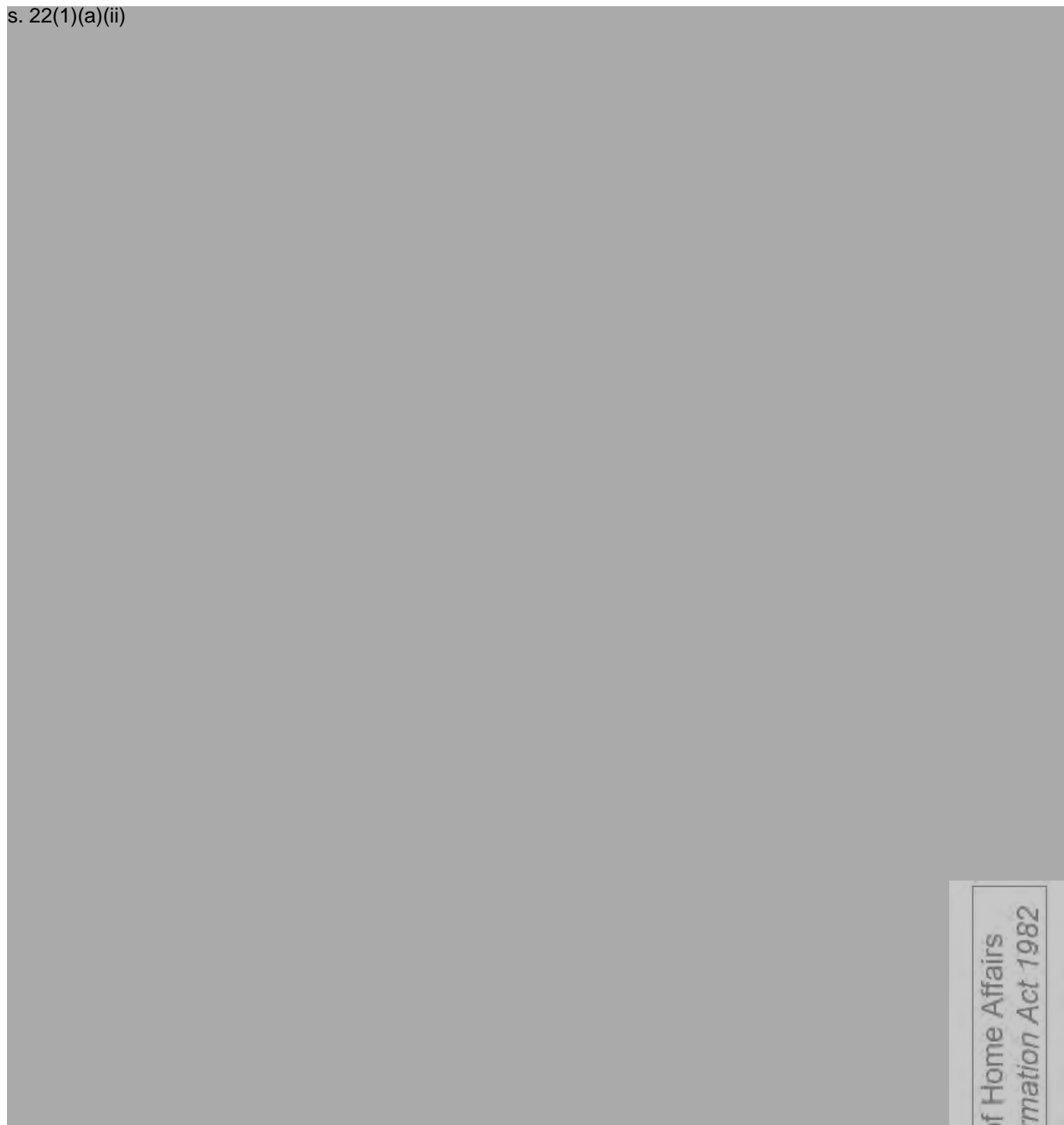
1.1. Powers and Obligations

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
Outbound decision making	subsection 477(1)	Subsection 477(1) of the <i>Biosecurity Act 2015</i> <i>Biosecurity (Human Biosecurity Emergency) (Human coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020</i> Reference: F2020C00870	No	
Inwards decision making	N/A	The ABF Commissioner has been authorised by the Prime Minister to consider exemption requests on a case-by-case basis	N/A	

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COVID-19 Border Measures Procedural Instruction - Outward

Procedural Instruction

Document ID (PPN)	s. 22(1)(a)(ii)
TRIM record number	s. 22(1)(a)(ii)
BCS Function	Border Measures – Travel Exemptions Procedural Instruction
Document owner	COVID-19 Border Measures Program Management
Approval date	11 January 2021
Document Contact	COVID-19 Border Measures Program Management s. 47E(d)

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1. Purpose

From 1200 AEDT 25 March 2020, all Australian citizens and Australian permanent residents must not travel outside Australia unless exempt, through either being in an automatic exempt category or obtaining an individual exemption by providing the Australian Border Force (ABF) Commissioner with a compelling reason to depart. The COVID-19 Border Measures Branch manages and decides travel exemption requests in response to Australia's travel restrictions.

This procedural guidance is designed to be used as an explanatory support to exemptions processing staff assessing exemption requests from Australian citizens and Australian permanent residents who seek to leave Australia. Requests are assessed on a case by case basis.

2. Scope

This document provides procedural guidance applicable to the assessment of outward travel exemption requests from Australian citizens and Australian permanent residents.

It is recommended that users read this procedural guidance in conjunction with the following documents:

- Outward Travel Restrictions Operation Directive

Note: Travel restrictions are subject to change at short notice, therefore officers must refer to related documentation via TRIM or published versions on SharePoint or the Home Affairs website (rather than saving or printing a copy) to ensure they access the most up to date versions.

3. Procedural Instruction

3.1. Decision Maker

All requests for travel exemptions from individuals intending to travel to **Papua New Guinea (PNG) MUST** be referred to the Commissioner for decision.

Note: All submissions that are prepared for referral to the Commissioner must follow the Commissioner Discretion pathway in the Travel Exemption Portal (TEP), which requires review by an EL1 or above.

For cases where a request is assessed under an exempt category:

Exempt (including assessed as automatically exempt) - one stage of assessment is required:

- Decision Maker - Officers at APS3 level and above

Not exempt - two stages of assessment are required:

- Initial Assessment - Officers at APS3 level
- Decision Maker – APS6 level and above

For cases where an individual declares an intent to travel overseas for at least three months for a compelling reason:

For both Meeting and/or Not Meeting the guidelines – one stage of assessment is required:

- Decision Maker - Officers at APS3 level and above

For cases where an individual assessment is required (other than where an individual declares an intent to travel overseas for at least three months for a compelling reason):

For both Meeting and/or Not Meeting the guidelines - two stages of assessment are required:

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- Initial Assessment - Officers at APS3 level
- Decision Maker - APS6 level and above

3.2. For consideration when assessing outward travel exemption requests

All travel exemption requests must be considered against all categories, prior to a decision to refuse the request being made.

The Determination

Outward travel exemption requests are considered under the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* ('the Determination').

Under section 5 of the Determination, an Australian citizen or permanent resident must not leave Australian territory as a passenger on an outgoing aircraft or vessel unless they have an exemption under section 6 or 7 of the Determination.

Outlined in section 6 of the Determination are the categories of Australian citizen and permanent resident travellers who are exempt from travel restrictions and are not required to apply for an individual exemption.

Under section 7 of the Determination, in exceptional circumstances, the ABF Commissioner may grant an individual exemption to an Australian citizen or a permanent resident to leave Australia on a case-by-case basis. This is reliant on the provision of a compelling reason for needing to leave Australian territory (s7(2) of the Determination).

Note: Appropriately trained ABF and Home Affairs staff are authorised to make decisions on outward travel exemption requests

The Outward Travel Restrictions Operation Directive provides examples of reasons an outward travel exemption may be approved.

Outward Travel Restriction Operation Directive

The following categories of traveller are generally exempt from travel restrictions and are not required to apply for an individual exemption. Persons who are:

- s. 22(1)(a)(ii) ;
- usually resident in a country other than Australia;
- members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel;
- New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia;
- engaged in the day-to-day conduct of inbound and outbound freight;
- travelling in association with essential work at an offshore facility in Australian waters;
- travelling on official Government business (including members of the Australian Defence Force and any Australian government official travelling on a diplomatic or official passport).

The following situation can be assessed and decided by APS3 officers and above, where the traveller:

- a. has declared an intent to travel overseas for at least three months for a compelling reason.

New Zealand addition to exemption categories

Effective Monday, 22 March 2021, an amendment to the overseas travel restrictions was approved. Travel to New Zealand is exempt from the current travel restrictions, allowing people who have been in Australia for 14 days to travel to New Zealand without applying for an exemption.

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All people (including temporary residents) who have been in Australia or New Zealand for at least 14 days immediately prior to departure are able to travel between Australia and New Zealand without applying for a travel exemption. This **ONLY** applies for travel within the STZ. The intention of this policy is to facilitate frequent travel between Australia and New Zealand and provide associated economic benefits to each country, including tourism opportunities. Temporary residents in Australia are also able to access holiday travel within the STZ.

The *TER Decision not required – Outward NZ* template **must be used** if requests are received from individuals intending to travel between Australia and New Zealand **ONLY**, as someone can only be assessed as meeting this exemption category at the time of departure. It is not possible to undertake this assessment in advance through TEP. No CAI note is to be recorded in ICSE.

Do NOT issue an exemption notification for these travellers

Note: the *Travel Exemptions Operating Instructions for Border Operations Centre and Airport Operations* has detailed information for officers to assess this category at time of departure.

PNG Outbreak

Based on current health advice, the COVID-19 outbreak in PNG means travel to PNG from Australia presents a serious health risk to the Australian community. Individuals seeking an 'exceptional circumstances' exemption to travel from Australia to PNG will not be approved until further notice, except in extremely limited circumstances, for example:

- for critical workers providing assistance to PNG's COVID-19 response; and
- persons undertaking critical safety roles.

The 'exceptional circumstances' individual/discretionary exemption criteria, do not currently apply to individuals seeking to travel to PNG.

All approvals for Outwards travel to PNG will be decided by the Chief Superintendent until further notice.

Travel to high-risk COVID-19 countries

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

- *Republic of India*

Individuals seeking an 'exceptional circumstances' exemption to travel from Australia to these high-risk COVID-19 countries will only be approved for the following very limited circumstances:

- critical workers providing assistance to the country of destination's COVID-19 response;
- persons undertaking travel in Australia's national interest; or
- persons seeking urgent medical treatment for a critical illness that is unable to be treated in Australia.

Supporting evidence must be provided.

The 'exceptional circumstances' exemption criteria outlined in the Outward Travel Restrictions Operation Directive does not currently apply to people seeking to travel to any high-risk COVID-19 country listed above.

All approvals for Outwards travel to high-risk COVID-19 countries will be decided by the Chief Superintendent until further notice.

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Assessing and deciding exemption requests under category 'Travel for three months or longer'

As of 2300 AEDT on Friday 8 January 2021, requests for an exemption on the basis of 'travel for three months or longer' will not be approved unless suitable documentary evidence is provided to support the claimed travel period and also to evidence a compelling reason for travel.

The presentation of a properly completed Commonwealth Statutory Declaration is now a mandatory requirement for approvals under this category, as is the requirement for a compelling reason for travel.

Any request for travel under this category, that lacks the required evidence may be refused and the client referred to the website for further information.

If you refuse an application due to a lack of sufficient information or evidence, you should provide the client with advice about evidentiary requirements in the refusal notification letter. RFI and Refusal templates have been updated to support communication with clients.

Persons who seek an exemption from Australia's outbound travel restrictions on the basis that they are leaving Australia for three months or longer **must** present a compelling reason for travel and **must** provide a properly completed Commonwealth Statutory Declaration **and** evidence to support their claims.

For the purpose of assessing this category, 'compelling reason' may include circumstances such as:

- visiting with, or providing care and support to, sick family members
- attending a course of study overseas, or other educational opportunity of at least three months
- beginning or continuing an employment contract
- relocating overseas for a time period of six months or more
- other reason which falls within the ordinary meaning of 'compelling'.

Please refer to 'Assessing Compelling Reasons' below, for further information, if you are unsure about the reasons provided by a client.

Travel for the sole purpose of leisure or holidays would not be considered a compelling reason.

When assessing an exemption request under this category, in every case regardless of circumstance, the requester **must** provide a properly completed Commonwealth Statutory Declaration which includes a formal statement that they are making an application for a travel exemption on the basis that they intend to be absent from Australia for at least three months and the reason for the travel.

Commonwealth Statutory Declarations

It can generally be accepted that a completed Commonwealth Statutory Declaration has been completed properly unless there is clear evidence to the contrary.

One Commonwealth Statutory Declaration per request is acceptable assuming each traveller is travelling for the same purpose and is covered by the Declaration. If a person under 18 years of age intends to travel unaccompanied by their parents or guardian, a Commonwealth Statutory Declaration is required from at least one parent or guardian.

In addition to the Commonwealth Statutory Declaration, the requester **must also** provide evidence that supports their claimed compelling reason for travel.

Examples of other supporting evidence that could be provided include:

- confirmed flight itinerary, with return date of at least three months after departure date
- confirmation of leave from their employer for at least three months
- enrolment confirmation for study
- employment contract
- evidence of their goods being transported overseas
- a doctor's certificate to support their claim that the purpose of travel is to provide care or support to sick family members (Please note: the doctor does not have to explicitly state that physical care is required for the patient. Emotional support is a relevant compelling reason under this category).

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- any other relevant documentary evidence which supports the reason for travel.

Other Discretionary exemption categories

The following situations would generally be approved, and can be assessed and decided by APS6 officers and above, where the traveller:

- is attending the funeral of a close family member (parent, sibling, partner, child or grandparent) regardless of length of intended travel;
- is travelling due to critical or serious illness of a close family member (parent, sibling, partner, child or grandparent), regardless of length of intended travel;
- is travelling for necessary medical treatment not available in Australia;
- needs to pick up a minor child (adoption, surrogacy, court order etc) and return to Australia with that child;
- intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract;
- is travelling to an Australian territory which is outside the migration zone;
- has another compelling reason for travel where travel is for less than three months;
- is travelling on business, regardless of length of intended travel;
- has had a previous request approved and the reasons for travel have not changed;
- is travelling in the national interest;
- is travelling in response to the COVID-19 outbreak, including the provision of aid.

Note: A family unit wishing to travel for a funeral/to visit seriously ill parent/grandparent, will now be able to travel together (including the son/daughter-in law) if supporting evidence confirming the reason for travel is submitted with the application.

Assessing Compelling Reasons – all categories

The term 'compelling' has no defined meaning in reference to Australia's travel restrictions and travel exemptions, and therefore its ordinary meaning is to be applied.

Compelling reasons may stem from compassionate factors, or may also arise from a person's circumstances or the circumstances of another person (for example, a close family member).

Australia's travel restrictions are an emergency response of Government designed to manage a public health threat as a result of the COVID-19 pandemic. This is important context to consider when determining whether a case has presented 'compelling' reasons to travel.

Where an individual has proposed travel of a short duration (ie. less than three months), our understanding of what constitutes a 'compelling reason' has a high test. Any individual proposing an overseas journey of less than 3 months is expected to provide documents supporting strong compelling and/or compassionate circumstances, and this is captured in the requirements of the Outwards Operation Directive.

Where an individual has proposed travel of three months or more, Government has determined that the length of travel means the public health risk has been lessened, when compared with trips of shorter duration. Therefore, proposed travel of three months or more for any purpose other than leisure or a holiday is generally considered to satisfy the definition of 'compelling' for this category. It is therefore possible for a person to propose a family reunification activity under this category (such as a wedding or other significant life event) and this may be considered to meet 'compelling reason', provided that you are satisfied the declared travel period is genuine and relevant supporting evidence and documents have been provided.

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

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

Assessing usually resident in a country other than Australia

As explained in the Outward Travel Restrictions Operation Directive, there is no one fixed numerical calculation as to whether someone is 'usually resident' in a country other than Australia – it is a matter of judgement. Acceptable evidence may include, but is not limited to:

- a. government issued documentation (for example foreign driver's licence) which is supported by one other type of documentation confirming:
- b. owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement)
- c. location of immediate family members
- d. employment contract in a foreign country

For cases where it is difficult to rely solely on an assessment of the length of time spent onshore in Australia prior to last departure (movement record history) due to the COVID-19 travel restrictions, more weight should be given to significant ties offshore when determining residency status.

s. 47E(d)

Other considerations

Decision makers should treat the best interests of minor children in/outside of Australia as a primary consideration.

Decision makers should consider the impacts on family unity of the person seeking to depart Australia.

Decision makers should also bear in mind the Australian Government's intent for imposing the travel restrictions, that is, the potential health risks posed to the Australian community by international travellers, given that Australian citizens and permanent residents are not required to seek an exemption from the Department to return to Australia.

Once a travel exemption request has been considered against all categories, if it is evident that the claimed circumstances do not meet current travel exemption requirements, decision makers should either request further information (expected to be appropriate in only a small number of cases) or refuse the travel exemption request.

3.3. Supporting documentation

The onus is on the individual to provide sufficient evidence (officially translated into English where required) to support their travel exemption request.

Officers should assess any information provided by an individual, as well as any information held in Departmental systems including but not limited to, movement records, visa applications and passenger cards.

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Requests for further information should be kept to a minimum. In most cases if an individual has not provided sufficient information the request should be refused and the individual advised to reapply with any relevant information that is required.

The following is to be used as a guide when assessing evidentiary requirements.

Exempt Categories**Usually resident in a country other than Australia**

- government issued documentation (for example foreign driver's licence) which is supported by one other type of documentation confirming:
 - owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement);
 - location of immediate family members; and / or
 - employment contract.

Note: Length of time spent onshore in Australia prior to last departure (movement record history) and significant ties offshore should be taken into consideration when determining residency status, for this purpose.

Members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel

- If the individual is a crew member of an aircraft or vessel;
 - A copy of the individual's crew identification
 - A copy of a letter from the individual's employer
 - Evidence that travel is necessary at this time
 - Any other evidence to support claims
- If the individual is a worker associated with the safety or maintenance of an aircraft or vessel;
 - A copy of a letter from the individual's employer
 - Evidence that travel is necessary at this time
 - Any other evidence to support claims

New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia

- Systems check to confirm the individual is a New Zealand citizen and subclass 444 visa holder

Engaged in the day-to-day conduct of inbound and outbound freight

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling in association with essential work at an offshore facility in Australian waters

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling on official Government business (including members of the Australian Defence Force (ADF) and any Australian government official travelling on a diplomatic or official passport)

- If the individual is a member of the ADF:
 - A copy of the individual's military order, requiring travel at this time; and

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- A copy of the individual's military identification.
- If the individual is an Australian government official:
 - Evidence the individual is travelling on an official or diplomatic passport
- If the individual is an approved companion of a person travelling on official Government business who is not travelling at the same time as principal traveller:
 - A copy of a letter from an official Government source; and
 - Evidence the person is travelling on an official or diplomatic passport.
 - Evidence that a child is travelling on a passport that has been endorsed by the Department of Foreign Affairs and Trade, if they do not hold an official or diplomatic passport

Individual exemption requests**Has declared an intent to travel overseas for a compelling reason for at least three months**

- Employment contracts and evidence goods are being transported;
- Lease or other evidence of longer term living arrangements overseas;
- Confirmed flight itinerary, with return date of least 3 months after departure date;
- Doctor's certificate to support the claim for travelling in order to provide care for sick family members
- Enrolment details for study;
- Confirmation of leave from employment for over 3 months
- Other compelling reason for essential travel;

AND (in all cases)

- Commonwealth Statutory declaration regarding the intended length and purpose of travel.

Note: Every request for this category must be accompanied by a properly completed Commonwealth Statutory declaration, in addition to the above mandatory documentary evidence to substantiate the reason for travel.

Is attending a funeral or travelling due to the serious illness of a close family member (parent, child, sibling, partner or grandparent)

- Proof of relationship such as birth and/or marriage certificates, or any other evidence of relationship; and
- Death certificate or a letter from a medical professional; or
Please note in some instances a death certificate may not be issued for several weeks and a letter from a medical professional should be accepted
- A letter from a medical professional outlining diagnosis and/or prognosis, as appropriate to the circumstances.

Is travelling for necessary medical treatment not available in Australia

- A letter from the treating Doctor outlining the individual's intended treatment and clearly stating that treatment is not available in Australia.

Needs to pick up a minor child (adoption, surrogacy, court order etc.) and return to Australia with that child

- Medical certificates and adoption papers from the State (if available); and / or
- Evidence in the form of a letter from the hospital or from the foreign country's government; and / or
- Proof of relationship such as birth and / or marriage certificates / court order, or any other evidence of relationship.

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OFFICIAL: Sensitive**Intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract**

- Evidence that the individual has an existing work contract for employment outside of Australia;
- Evidence that travel is necessary at this time

Is travelling to an Australian territory which is outside the migration zone

- Travel itinerary showing that the individual has confirmed travel arrangements to an Australian territory outside the migration zone.
- Evidence that travel is necessary at this time

Has another compelling reason for travel where travel is for less than three months

- Evidence that the individual has compelling reason(s) to travel overseas

Is travelling on business regardless of length of intended travel

- Evidence of business meetings/conferences; and / or
- Evidence of involvement in international trade such as purchase orders, non-disclosure agreements, order forms, invoices, legal contracts; and / or
- Business reports, feasibility studies, marketing plans; and / or
- Evidence of development of a new business, such as start-up venture capital; and / or
- Any other evidence that the individual intends to travel outside Australia on business.

Has had a previous request approved and the reasons for travel have not changed

- Evidence that the individual intends to travel outside Australia for the same reason(s) as a previous request, where the reason(s) for travel have not changed including but not limited to one or more of the following:
 - Letter from a medical professional; and / or
 - Employment contract, for example for fly-in-fly-out (FIFO) workers.

Is travelling in the national interest

- Evidence that the individual is required to travel outside Australia for reasons in the national interest of Australia, including but not limited to specialised projects, participation in elite sporting teams representing Australia, relief support for disasters, and emergency service support such as fire or police work.

Is travelling in response to the COVID-19 outbreak, including the provision of aid

- A letter from a government or private entity outlining the requirement for the individual to travel outside of Australia in response to COVID-19;

3.4. Validity of outward travel exemption approvals**Single use travel exemption**

Outward travel exemption request approvals will be valid for 3 months from the date of approval. If the travel exemption is not used in this timeframe or the circumstances relating to the approval of the travel exemption change, the individual will need to submit a new exemption request with supporting documentation.

Client notification templates in the Travel Exemption Portal have been updated to reflect this requirement and the system automatically calculate the date when generating the template.

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

Multiple use travel exemption

Individuals who need to leave and return to Australia for reasons within scope of travel exemptions policy, on a regular basis, for example Fly-in Fly-out (FIFO) workers with an ongoing contract, may be eligible for a “multiple use” travel exemption for a period of 6 months; provided the reason for the individual’s travel to and from Australia, remains the same as that provided in the original approved travel exemption request.

For any cases where it may be appropriate to provide a multiple use travel exemption, please contact Travel Exemption Program Management for approval and for tailored communication templates and CAI notes.

3.5. Client communication

The following standard words should be included in requests for information and refusal communication with clients, using the TEP template.

Note: Officers should not request further information if it is likely that the individual will not meet the guidelines, even with provision of additional documentation.

Client Communication – additional script for use when requesting further information

[If you think it appropriate to request specific documentation, please list the requested documents, as per ‘expected supporting document’ here. s. 22(1)(a)(ii)]

Exempt Categories**Usually resident in a country other than Australia**

- Foreign government issued documentation (for example foreign driver’s licence) and
 - owning or renting property in a foreign country (e.g. utility bills, rates notices, lease agreement);
 - location of immediate family members; and / or
 - employment contract.

Members of the crew of an aircraft or vessel, or a worker associated with the safety or maintenance of an aircraft or vessel

- If the individual is a crew member of an aircraft or vessel;
 - A copy of the individual’s crew identification
 - A copy of a letter from the individual’s employer
 - Evidence that travel is required at this time
 - Any other evidence to support claims
- If the individual is a worker associated with the safety or maintenance of an aircraft or vessel;
 - A copy of a letter from the individual’s employer
 - Evidence that travel is required at this time

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- Any other evidence to support claims

New Zealand citizens holding a Special Category (subclass 444) visa, even if they are usually resident in Australia

- Systems check to confirm the individual is a New Zealand citizen and subclass 444 visa holder

Engaged in the day-to-day conduct of inbound and outbound freight

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling in association with essential work at an offshore facility in Australian waters

- A copy of a letter from the individual's employer
- Evidence that travel is necessary at this time
- Any other evidence to support claims

Travelling on official Government business (including members of the Australian Defence Force (ADF) and any Australian government official travelling on a diplomatic or official passport)

- If the individual is a member of the ADF:
 - A copy of the individual's military order, requiring travel at this time; and
 - A copy of the individual's military identification.
- If the individual is an Australian government official:
 - A copy of letter from an official Government source, requiring the individual to travel at this time; and
 - A copy of the individual's official or diplomatic passport
- If the individual is an approved companion of a person travelling on official Government business:
 - A copy of a letter from an official Government source; and
 - Evidence the person travelling on official Government business is exempt from travel restrictions.

Individual exemption requests**Has declared an intent to travel overseas for a compelling reason for at least three months**

- Employment contract;
- Lease or other evidence of longer term living arrangements overseas
- Evidence your goods are being transported overseas;
- Confirmed flight itinerary, with return date of least 3 months after departure date;
- Doctor's certificate to support the claim for travelling in order to provide care for sick family members;
- Enrolment details for study;
- Confirmation of leave from employment for over 3 months and compelling reason for essential travel;
- Any other evidence you consider supports your intention to travel overseas for at least 3 months

AND (in all cases)

- A Commonwealth Statutory declaration regarding the intended length and purpose of travel.

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Note: Every request for this category must be accompanied by a properly completed Commonwealth Statutory Declaration in addition to the above mandatory documentary evidence to substantiate the reason for travel.

Is attending the funeral of or travelling due to serious illness of an immediate family member (parent, child, sibling, partner or grandparent)

- Proof of relationship such as birth and/or marriage certificates, or any other evidence of relationship; and
- Death certificate (or a letter from a medical professional) or
- A letter from a medical professional outlining diagnosis and/or prognosis, as appropriate to the circumstances.

Is travelling for necessary medical treatment not available in Australia

- A letter from the treating Doctor outlining the individual's intended treatment and clearly stating that treatment is not available in Australia.

Needs to pick up a minor child (adoption, surrogacy, court order etc.) and return to Australia with that child

- Medical certificates and adoption papers from the State (if available); and / or
- Evidence in the form of a letter from the hospital or from the foreign country's government; and / or
- Proof of relationship such as birth and / or marriage certificates, or any other evidence of relationship.

Intends to complete an existing work contract – for example fly-in-fly-out (FIFO) workers and individuals with a work contract

- Evidence that the individual has an existing work contract for employment outside of Australia.
- Evidence that travel is necessary at this time

Is travelling to an Australian territory which is outside the migration zone

- Travel itinerary showing that the individual has confirmed travel arrangements to an Australian territory outside the migration zone.

Has another compelling reason for travel where travel is for less than three months

- Evidence that the individual has compelling reason(s) to travel overseas
- Evidence that travel is necessary at this time

Is travelling on business regardless of length of intended travel

- Evidence of business meetings/conferences; and / or
- Evidence of involvement in international trade such as purchase orders, non-disclosure agreements, order forms, invoices, legal contracts; and / or
- Business reports, feasibility studies, marketing plans; and / or
- Evidence of development of a new business, such as start-up venture capital; and / or
- Any other evidence that the individual intends to travel outside Australia on business.

Has had a previous request approved and the reasons for travel have not changed

- Evidence that the individual intends to travel outside Australia for the same reason(s) as a previous request, where the reason(s) for travel have not changed including but not limited to one or more of the following:
 - Letter from a medical professional; and / or

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- Employment contract, for example for fly-in-fly-out (FIFO) workers.

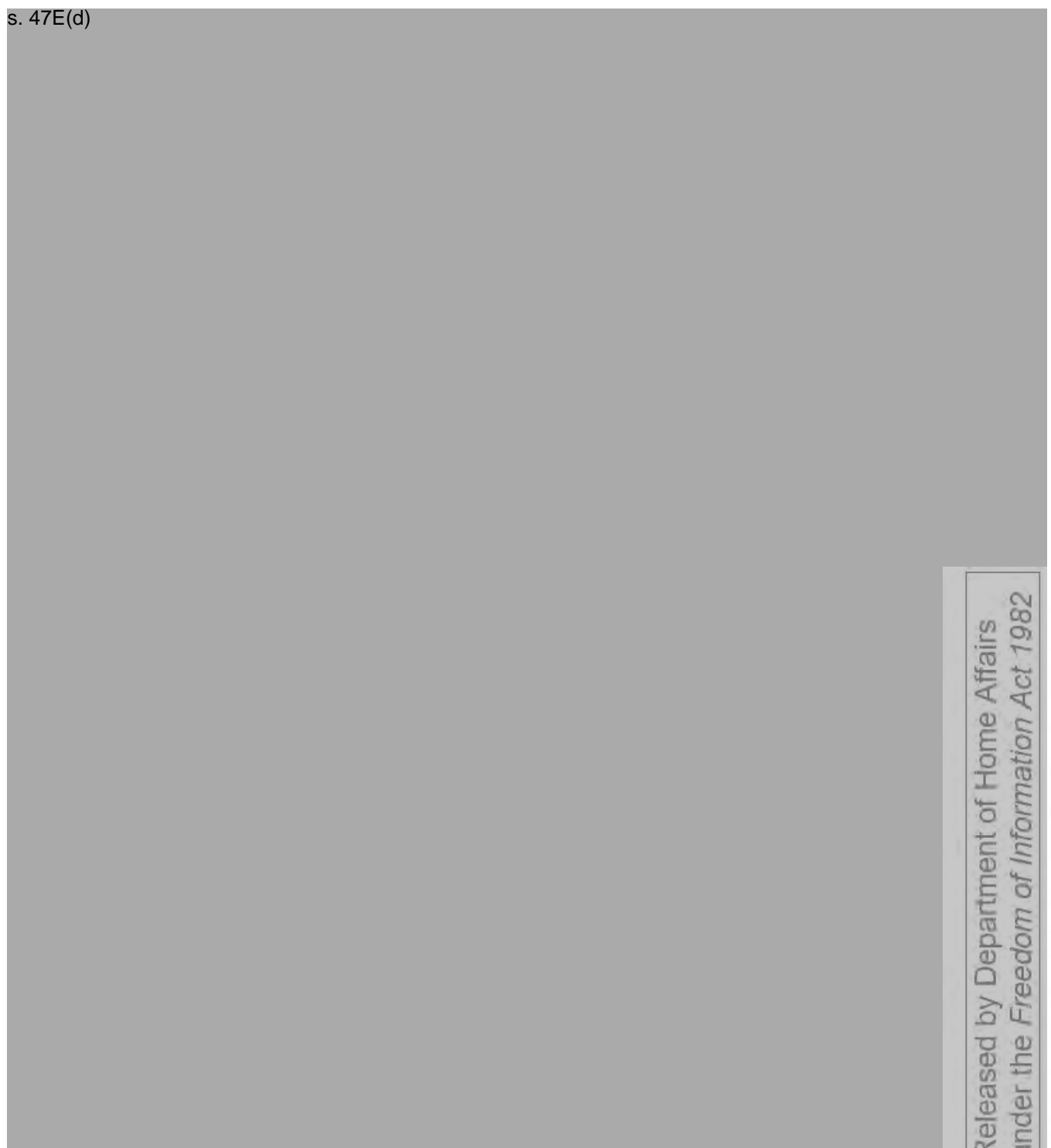
Is travelling in the national interest

- Evidence that the individual is required to travel outside Australia for reasons in the national interest of Australia, including but not limited to specialised projects, participation in elite sporting teams representing Australia, relief support for disasters, and emergency service support such as fire or police work.

Is travelling in response to the COVID-19 outbreak, including the provision of aid

- A letter from a government or private entity outlining the requirement for the individual to travel outside of Australia in response to COVID-19;

s. 47E(d)



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4. Accountability and Responsibility

Role	Description
AS Temporary Visas and Border Measures	Document owners are responsible for: approving documents for release
FAS Immigration Programs Division	Document reviewers are responsible for: verifying the need for a document, and reviewing drafts.
Document drafter	Document drafters are responsible for: drafting documents, consulting with stakeholders.

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1.0	11 January 2021	Border Measures Program Management	First issue
1.1	12 February 2021	Border Measures Program Management	3m validity for single-use exemptions and expansion on compelling reasons
1.2	25 February 2021	Border Measures Program Management	Minor change to definition of close family and explanation of assessing usually resident in another country.
1.3	18 March 2021	Border Measures Program Management	Treatment of PNG caseload
1.4	4 May 2021	Border Measures Program Management	New Zealand addition to exemption categories and Travel to high-risk COVID-19 countries

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

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7 Attachment B – Assurance and Control Matrix

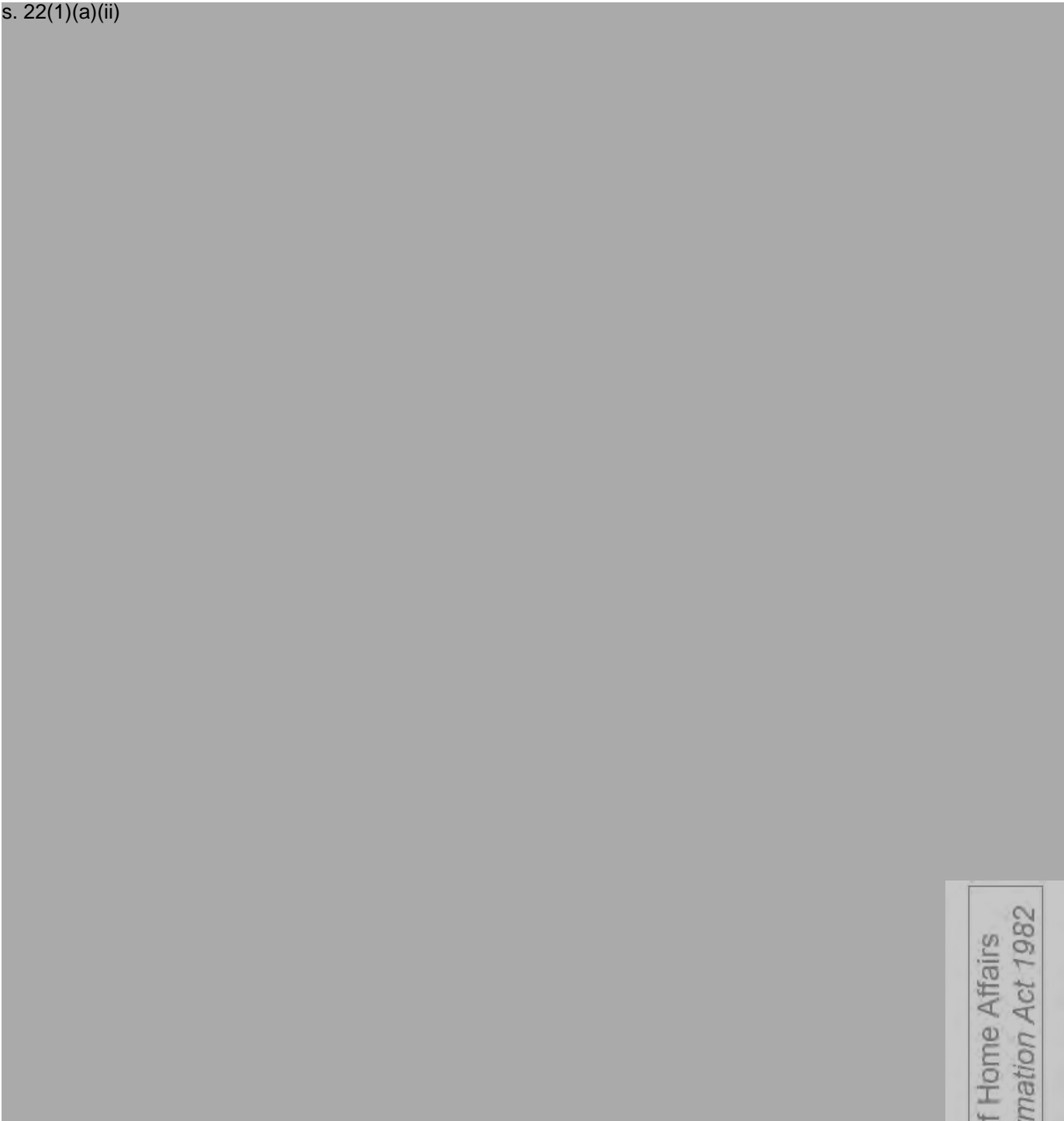
1.1. Powers and Obligations

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
Outbound decision making	subsection 477(1)	Subsection 477(1) of the <i>Biosecurity Act 2015</i> <i>Biosecurity (Human Biosecurity Emergency) (Human coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020</i> Reference: F2020C00870	No	
Inwards decision making	N/A	The ABF Commissioner has been authorised by the Prime Minister to consider exemption requests on a case-by-case basis	N/A	

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




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FOI Request FA 21/02/00605

Response to part 12 of the FOI request.

12. Please provide the number of decisions - and the number of decisions month by month - made from 17 July 2020 where the Australian Department of Home Affairs granted an exemption for overseas travel to an Australian citizen or permanent resident a) travelling outside Australia for a compelling reason for three months or longer b) travelling on compassionate or humanitarian grounds.

Travel exemptions approved to depart Australia from 1 July 2020 to 28 February 2021, by month
Where discretionary category is compassionate and compelling reasons or travelling overseas for a compelling reason for three months or longer

Month	Compassionate and compelling	Travelling overseas for a compelling reason for three months or longer*
Jul-20	4,129	N/A
Aug-20	5,509	10,202
Sep-20	4,685	7,303
Oct-20	4,385	13,699
Nov-20	3,239	11,717
Dec-20	2,495	8,872
Jan-21	1,609	4,308
Feb-21	2,062	4,635
Total	28,113	60,736

Notes:

- Prior to 1 August, when processing moved to the Travel Exemption Portal, datasets are only available for a full month period.
- "For a compelling reason" was added on 8 January 2021.