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# Enterprise Identity

## Procedural Instruction

This procedural instruction focuses on the procedures required to resolve the identity of departmental clients.

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

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# 1. Introduction

Identity is central to the Department of Immigration and Border Protection's (the Department's) mission to protect Australia's border and manage the movement of people and goods across it. Identity underpins every aspect of the Department's operations, and supports and enables the Department's ability to conduct national security, character, and health assessments that are essential to protect not only the immigration and border protection program but also Australia's national, economic, and social interests.

Early and accurate identification of the people and organisations the Department interacts with is integral to all applications assessed under *Migration Act 1958*, *Australian Citizenship Act 2007*, and, if falsified, may result in refusal of those applications as well as being an offence under the *Criminal Code Act 1995*.

This instruction:

- Provides policy and procedural guidance comprehensive to all departmental and Australian Border Force (ABF) officers to enable early and accurate establishment of identity for non-citizens, people and entities who seek trade at the border.
- Corresponds with the Department's policy objectives to protect the Australian public by mitigating the risks associated with unknown people and entities, and upholding the integrity of the Australian border continuum.
- Is based on the provisions provided throughout the *Migration Act 1958 (the Act)* and *Migration Regulations 1994* and the *Australian Citizenship Act 2007*, particularly in relation to satisfying identity requirements for the delegates of the Minister.

## 1.1. Identity and Biometrics Division services

The Identity and Biometrics Division provides enterprise leadership on matters of identity and biometrics through the provision of expertise, unique capabilities, and trusted advice.

This includes:

- Identity Support Helpline (03 s. 22(1)(a))
- specialist complex identity support
- centralised entry point for queries
- managing international biometric data querying
- biometric advice and leadership
- facial image services
- fingerprint services
- document examination services
- Document Verification Service (DVS)
- assisting program areas with establishing identity
- caseload analysis and advice documentation for program lines
- support to program areas to implement risk based identity frameworks and identity assurance layers
- tailored training packages for program lines
- providing commencement of identity credentials (ImmiCards) to undocumented arrivals.

## 2. Scope

This document provides departmental officers with a central point of reference for identity related information relevant to establishing the identity of people that engage with the Department, both onshore and offshore.

### 2.1. Out of Scope

Customs, Trade, Industry, and some ABF related procedural instructions are not contained in this Procedural Instruction. For more advice contact s. 47E(d)

**Note:** Future versions of the procedural instruction will include these programs, as well as broader departmental messaging including identity policy statements and evolving Enterprise Identity policy.

### 3. Glossary

Table 1 –Procedural Instruction Glossary

Term	Acronym (if applicable)	Definition
Age determination		The assessment of whether a person claiming to be a minor or adult is a minor or adult.
Alias		Names or identities a person has been formally or informally known by and has used during their lifetime.
Australian Privacy Principles	APP	Outline how the Department must handle, use and manage personal information and are contained in Schedule 1 of the <i>Privacy Act 1988</i> (Privacy Act).
Biographic information		Personal information that can be supported by documentation. This includes a person's: <ul style="list-style-type: none"> <li>• first name</li> <li>• family name</li> <li>• date of birth</li> <li>• sex or gender</li> <li>• citizenship</li> <li>• country of birth</li> </ul>
Biometric		Refers to a measurable characteristic that is unique to a person such as fingerprints, facial structure, the iris, or a person's voice.
Bogus document		A document the Minister reasonably suspects is a document that: <ul style="list-style-type: none"> <li>• purports to have been, but was not issued in respect of the person, or</li> <li>• is counterfeit or has been altered by a person who does not have authority to do so, or</li> <li>• was obtained because of a false or misleading statement; whether or not made knowingly.</li> </ul>
Complex Identity Advice section	CIA	CIA uses specialised techniques and expertise to assess a person's information in order to identify and/or resolve complex identity matters. This function also includes a triage function for work request through IMtel for Complex Identity Assessment.
Complex identity case		A case where there are inconsistencies or concerns regarding a person's identity that cannot easily be resolved.



Term	Acronym (if applicable)	Definition
Counterfeit		Documents that have not been legitimately manufactured or issued, that is, an attempt to simulate a genuine document.
Deoxyribonucleic acid	DNA	The hereditary material that is the carrier of genetic information.
Document Verification Service	DVS	The DVS is a secure, national, on-line system that provides authorised organisations with a means of electronically matching identifying information on a physical or electronic credential with the Australian organisation that issued it.
Exclusion Period		Periods of time during which a person cannot be granted another visa if they apply for it.
False identity		Identity that is fraudulently obtained, fabricated, or stolen.
Fraudulently obtained genuine document		A genuinely issued document that has been obtained by using fraudulent means.
Identity Assurance		Identity Assurance is a series of activities undertaken which together provide a level of assurance or certainty about the genuineness of a person or organisation's claimed identity.
Identity document		A document issued by an issuing authority or other issuing body that provides personal information relevant to the person to whom it has been issued. A document may or may not be issued with the intention of providing identity information.
Identity fraud		Identity fraud is a crime where one person uses another person's personal details, such as name, date of birth, address and/or other details with or without authorisation. Identity fraud can involve the fabrication, theft, adoption, or fraudulent acquisition of identities.
Identity information		Any information, from a source that can be used as evidence to support any level of identity assurance.
Identity Supported		Indicates at a point in time, that based on assessing available information no identity concerns have been identified or inconsistencies left unresolved.
Incapable person		Is defined in <u>s5</u> of the Migration Act as a person who is incapable of understanding the general nature, effect of and purpose of a requirement.
Independent observer	IO	An independent person over the age of 18 who is requested to be present at all interviews and meetings between an unaccompanied minor and the Department and/or other

Term	Acronym (if applicable)	Definition
		agencies to ensure that the treatment of a minor during certain immigration processes is fair, appropriate and reasonable.
Inter-country check		The Department's arrangement with several countries to exchange information such as personal identifiers and biographic and/or criminal information.
Illegal Maritime Arrival	IMA	An IMA is an unlawful non-citizen who arrived in the migration zone (Australia) other than by air.
Issuing authority		The person or organisation authorised to issue an official credential, usually at a national or state government level.
Life story		A record or narrative description of an individual's life including past events and/or an account of the events that happened to someone during their life.
Migration 5	M5	A forum for practical co-operation on immigration issues between Australia, Canada, New Zealand, the United States, and the United Kingdom.
Minor		A minor is a person under 18 years of age.
Naming Convention Guide (for the purpose of identity)		Naming guidelines according to different ethnic conventions, cultures, and languages. For departmental purposes this may also mean the order in which names are entered into systems.
Natural justice		Requires that the applicant be given the opportunity to comment on any information that may be relied on by the delegate in making the decision.
Non-refoulement obligations		<p>An obligation not to forcibly return, deport or expel a person to a place where the person will be at risk of a specific type of harm as defined in <u>s5(1)</u> of the <i>Migration Act 1958</i> (Migration Act).</p> <p><b>non-refoulement obligations</b> includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>(a) non-refoulement obligations that may arise because Australia is a party to: <ul style="list-style-type: none"> <li>(i) the Refugees Convention; or</li> <li>(ii) the Covenant; or</li> <li>(iii) the Convention Against Torture; and</li> </ul> </li> <li>(b) any obligations accorded by customary international law that are of a similar kind to those mentioned in paragraph (a).</li> </ul>



Term	Acronym (if applicable)	Definition
		The types of harm are persecution, arbitrary deprivation of life, application of the death penalty, torture and other cruel, inhumane, or degrading treatment or punishment.
Officer		Under the Migration Act, the term 'officer' relevantly includes an officer of the Department, a person who is an officer for the purposes of the <i>Customs Act 1901</i> , a member of the Australian Federal Police or state / territory police force, a person who is authorised in writing by the Minister to be an officer for the purposes of the Migration Act.
Open source		External data sources or information that is publicly available and not classified. This can include information that can be obtained by purchase and through publicly accessible platforms such as media content or the internet. For more information about Open Source refer to the EIPI Annex 1 s. 22(1)(a)(ii)
Personal identifiers		<p>A 'personal identifier' is defined in <u>s5A</u> of the Migration Act and <u>s10</u> of the Citizenship Act and means any of the following (including in digital form):</p> <ul style="list-style-type: none"> <li>• a person's fingerprints or handprints, including those taken using paper and ink or digital live scanning technologies</li> <li>• a measurement of a person's height and weight</li> <li>• a photograph or other image of a person's face and shoulders</li> <li>• an audio or a video recording of a person (other than a video recording under s261AJ of the Migration Act)</li> <li>• an iris scan</li> <li>• a person's signature</li> </ul> <p>any other identifier prescribed by the Migration Regulations 1994, other than an identifier the obtaining of which would involve the carrying out of an intimate forensic procedure within the meaning of s23WA of the Crimes Act 1914 (the Crimes Act).</p>
Personal information		<p>In the <i>Privacy Act 1988</i> (the Privacy Act), 'personal information' is defined as</p> <p>"...information or an opinion about an identified individual, or a person who is reasonably identifiable:</p> <p>a) whether the information or opinion is true or not; and</p> <p>b) whether the information or opinion is recorded in a material form or not."</p>

Term	Acronym (if applicable)	Definition
Protected information		According to the <i>Australian Border Force Amendment (Protected Information) Bill 2017</i> , Subsection 4(4) states: Omit “ <b>protected information</b> ,” substitute “ <b>Immigration and Border Protection information</b> .” ‘protected information’ means information that was obtained by a person in the person’s capacity as an entrusted person.
Record		A document, or an object, in any form (including any electronic form) that is, or has been, kept by reason of:  (a) any information or matter that it contains or that can be obtained from it; or  (b) its connection with any event, person, circumstance, or thing.
Referral		A referral is the assigning of tasks or cases by one division, program, or business line to another.
Reliable identity document		Documents that are generally government-issued with robust identity proofing processes, along with issuance protocols and security features. They will usually contain a biometric (such as a photo or fingerprint/s).
Secondary identity document		A document that contains information relating to the identity of a person that is supported by moderate identity proofing processes, issuance, and management processes.
Service Delivery Partner	SDP	Commercial companies that provide visa support services on behalf of the Department.
Sensitive information		In the Privacy Act, ‘sensitive information’ is defined as: <ul style="list-style-type: none"> <li>information or an opinion about an individual’s: <ul style="list-style-type: none"> <li>racial or ethnic origin; or</li> <li>political opinions; or</li> <li>membership of a political association; or</li> <li>religious beliefs or affiliations; or</li> <li>philosophical beliefs; or</li> <li>membership of a professional or trade association; or</li> <li>membership of a trade union; or</li> <li>sexual orientation or practices; or</li> <li>criminal record;</li> </ul> </li> </ul> that is also personal information; or



Term	Acronym (if applicable)	Definition
		<ul style="list-style-type: none"> <li>• <i>health information about an individual; or</i></li> <li>• <i>genetic information about a person that is not otherwise health information; or</i></li> <li>• <i>biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or</i></li> <li>• <i>Biometric templates.</i></li> </ul>
Stateless person		A stateless person is a person who is not considered a national by any State under the operation of its laws. (Statelessness is not defined in the Migration Act and there is no legislative basis for making a specific statelessness status determination.)
Travel document		An identity document issued by a government or international treaty organization to facilitate the movement of individuals or small groups of people across international boundaries, such as a passport.
Unaccompanied humanitarian minor	UHM	A policy term for an unaccompanied minor who is residing in Australia on a visa determined by the Department to be within the scope of the UHM Program. Most UHMs hold a permanent visa under Australia's Refugee and Humanitarian Program.
Unaccompanied minor	UAM	A policy term for a person under 18 years of age who arrives in Australia without being in the charge of or being cared for by a parent or legal guardian over the age of 21 years of age, as recognised under Australian law.
Undocumented Arrival		<p>An undocumented arrival is when a person has arrived in Australia and cannot provide evidence to support the required level of identity.</p> <p>For ImmiCard purposes undocumented means visa or non-visa holders who do not have, or cannot obtain a passport recognised by the Australian government.</p>
Verification		The process of checking information (for example, name, and date of birth) provided at application by comparing it with previously corroborated information. For example, against the database of the organisation that issued an identity credential.
Ward		A child who is pursuant to a court order or administrative action, declared to be under the protective guardianship of the State.

## 4. Procedural Instruction

### 4.1. Background

The Department's primary role in identity management is formally identifying each person that intends to cross Australia's border, whether for a temporary or permanent stay. Additional roles include:

- working in collaboration with national security and law enforcement agencies to identify people who pose a threat to Australia's security
- establishing and maintaining identity records of people who were born overseas as required by Australian law
- assisting other agencies at the Federal, State and Territory level to verify the identity of people.
- identifying people who are suspected of committing or orchestrating migration fraud, people smuggling and trafficking, nefarious trade and cargo activities
- being satisfied with the identity of people throughout their immigration pathway, to the required level of assurance including; visa grant, citizenship conferral, evidence of citizenship, detention, or removal purposes.

Early and accurate identification of people and entities is integral to all applications assessed under the Migration Act and Citizenship Act which if falsified may result in the refusal of those applications as well as being a criminal act under the *Criminal Code Act 1995* (Criminal Code Act).

### 4.2. Related Provisions

#### 4.2.1. General Cancellations

Legislative provisions are available to delegates within the Department to enable visa cancellation if not satisfied as to the person's identity.

**Important:** If there are identity concerns with a person, an identity assessment should be carried out prior to any visa cancellation consideration.

Types of information that can be taken into consideration in relation to visa cancellation can be found under s109 of the Migration Act.

The power to cancel under s116(1)(A)(A) of the Migration Act can be used if a delegate is not satisfied as to the holder's identity in situations where contradictory or conflicting identity advise about a visa holder has been provided and the correct identity information is not known. For more information, refer to Boqus Documents – Detection, Seizure, and Retention procedural instruction.

References to identity when considering cancellation of a visa on character grounds:

Delegates of the Minister must be satisfied of a visa holder's identity to determine liability under s501 (3A) of the Migration Act.

- Penal Checking Handbook (PCH) – PAM3: Sch4/4001 Penal Checking Procedures

For further advice on general cancellations refer to: General visa cancellation powers (s109, s116, s128, s134B and s140).

#### 4.2.2. Public Interest Criteria (PIC) 4020 – The integrity PIC

PIC 4020 is intended to increase the level of integrity in visa applications by providing a strong disincentive to those considering giving, or causing to be given, a bogus document or information that is false or misleading in a material particular. PIC 4020 also requires the applicant to satisfy the Minister as to the applicant's identity.

Where PIC 4020 is among the criteria for grant of a visa, unless the requirement to satisfy PIC 4020 is waived under [PIC 4020\(4\)](#), it **must be met** in order for the visa to be granted. Failure to satisfy PIC 4020 is grounds for visa refusal not for visa cancellation.

PIC 4020 contains two key areas:

1. Fraud relating to bogus documents and false or misleading information.
2. Satisfaction with the applicant's identity.

If a person provides a bogus document, or information that is false or misleading in a material particular in relation to the current application for a visa, or in relation to a visa that they held in the period of 12 months before the application was made, the person may fail to satisfy PIC 4020.

If a person cannot satisfy the Minister as to their identity, they may fail to satisfy PIC 4020 (2A). For more information, refer to [Doubt the applicant is who they say they are](#).

There is no case law or judicial guidance on the correct interpretation of PIC 4020(2A). Therefore, the words in **PIC 4020(2A)** should be given their ordinary meaning. This means, if non-cooperation or failure on the part of a visa applicant to provide adequate documentation and/or information to support their claim to an identity can result in a delegate not being satisfied that the visa applicant is the person they claim to be. It is up to the applicant to satisfy the delegate that they are who they say they are, to satisfy PIC 4020 (2A).

PIC 4020 requires a visa applicant and each [member of their family](#) unit of the applicant unit to satisfy the Department of their identity. An applicant or a member of their family unit who is unable to satisfy the Department as to their identity can be refused the visa under PIC 4020(2A).

PIC 4020 is intended to provide a strong disincentive to those considering giving, or causing to be given, a bogus document or information that is false or misleading in a material particular, or not applying in their true identity.

If a visa application is refused under PIC4020 (2A) a ten (10) year exclusion period applies. For more information about exclusion periods, refer to [Exclusion periods](#) procedural instruction.

**Note:** For further information about visa refusal based on PIC 4020, refer to [Schedule 4 - 4020 - The integrity PIC](#).

## 4.3. Fundamentals of Identity

### 4.3.1. Definition of Identity

A person's identity is defined by a certain combination of characteristics or attributes that allow that person to be uniquely distinguished from others within a specific context.

- 4.3.1.1. The Department's role as a commencement of Identity issuing authority

The Department's role as a Commencement of Identity (COI) issuing authority and supplier of information to the Document Verification Service (DVS) enables client interaction with Federal and State/Territory government agencies. The Department issues identity credentials for all people born overseas in the form of



a visa, an ImmiCard or a Citizenship Certificate. Government agencies and organisations are required to verify a person's proof of identity evidence in Australia before they can be enrolled for any government or non-government service.

The intention of effective identity proofing and assurance frameworks is to ensure the creation of and maintenance of one identity and one credential at any one time. The Department's records become the source of truth for identity information for all non-citizens and naturalised Australians and the onus is on officers to ensure records are updated to allow them to be verified through the DVS.

s. 47E(d)

**Note:** The *Identity Assurance Framework* is now under development. In the meantime, officers must continue assessing identity using the three pillars of identity. For more information email

s. 47E(d)

s. 47E(d)

**Note:** Procedural policy is under development. For more information email

s. 47E(d)

## 4.5. The Three Pillars of Identity

The Department relies on a combination of three elements to establish a person's identity:

1. **Biometrics** - refers to a measurable characteristic that is unique to a person such as fingerprints, facial structure, the iris, or a person's voice.
2. **Documents** – only 'reliable identity documents' can satisfy the document pillar. A reliable identity document is issued with robust identity proofing processes along with issuance protocols and security features.

**Note:** Documents that do not meet the definition of 'reliable identity documents' should be considered as part of the Life Story, as well as evidence of a continuity of identity in the overseas community.

3. **Life story** - an account of the events that happened to a person during their lifetime.

A comprehensive life story from birth is not required for all applications. However, depending on the service being applied for officers can request specific evidence to support a particular life event claim to become satisfied of a person's identity.

These elements are referred to as the *Three Pillars of Identity* which guide the Department's approach to investigating and assessing a person's identity at a required level of assurance. Combining these elements together provides a strong evidence-based opinion on identity.

#### 4.5.1. Biometrics Pillar

Types of biometrics include but are not limited to:

- fingerprints
- facial image
- hand geometry
- iris scan
- retinal scan
- vascular patterns
- DNA

Biometrics can be used to anchor a person to an identity. Biometrics also place a person at a specific place at a specific time and this is irrefutable.

Biometric collection is an increasingly important tool in identity management globally, helping to reduce identity fraud by assisting in verifying identities.

##### 4.5.1.1. Migration 5 (M5)

Biometric data-sharing agreements exist between Australia, Canada, the United Kingdom (UK), the United States (US) and New Zealand (NZ) known as the Migration 5 (M5).

Under a framework of bilateral Memoranda of Understanding (MOU) between these countries, Australia can request fingerprint checks against the other M5 countries' immigration databases. If there is a match, biographic and other selected information may be shared in accordance with the immigration and privacy laws of the country providing the information.

For guidance on use of Migration 5 match information refer to Asylum claims – Five Country Conference match information.

The Commencement, Verification and Management of Identity (CVMI) section is responsible for requesting biometric checks. Officers who require a biometrics check to be carried out should email

s. 47E(d)

##### 4.5.1.2. Biometrics for offshore visa processing

Biometrics are collected at an Australian Visa Application Centre (AVAC) or an Australian Biometrics Collection Centre (ABCC) when an application is lodged in particular countries, refer to Countries and Visa subclasses included in the Biometrics Programs.

If a person lodges a visa application in a country included in an offshore biometrics program, regardless of nationality, that person may need to provide their biometrics in relation to each visa application they lodge.

For more information regarding biometrics for offshore visa processing, refer to: [Biometrics for offshore visa processing procedural instruction](#).

#### 4.5.2. Document Pillar

Only reliable identity documents can satisfy the Document Pillar. A 'reliable' document is generally government issued with robust identity proofing processes along with issuance protocols and security features.

If a person provides documents that do not meet the definition of 'reliable', the information contained within these documents should be considered as part of their life story.

#### 4.5.3. Life Story


A life story consists of a documented record and/or a description of a person's life events and account of the events that happened to someone during their life. Life events can be researched to inform an officer when assessing a person's claims. Elements of a life story, such as rent receipts or electricity bills, might support a client's claim of where they have lived, and oral evidence such as family history, stories and increasingly, open sources can also be used to support a life story.

Evidence requirements relating to life story claims might depend on (but are not limited to) the eligibility requirements for the service being applied for.


##### 4.5.3.1. Continuity of Identity

Continuity of identity is where a person's biographic information or personal details and life story, as first provided to the Department, has not altered while living in either the Australian or their overseas community.

s. 47E(d)



s. 47E(d)

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## 4.7. Personal identifiers

### 4.7.1. Definition of a personal identifier

A 'personal identifier' is defined under [s5A](#) of the Migration Act and [s10](#) of the Citizenship Act, and means any of the following (including in digital form):

- a person's fingerprints or handprints, including those taken using paper and ink or digital live scanning technologies
- a measurement of a person's height and weight
- a photograph or other image of a person's face and shoulders
- an audio or a video recording of a person (other than a video recording under [s261AJ](#) of the Migration Act)
- an iris scan
- a person's signature

any other identifier prescribed by the Migration Regulations, other than an identifier the obtaining of which would involve the carrying out of an intimate forensic procedure within the meaning of [s23WA](#) under the Crimes Act.

### 4.7.2. Collecting personal identifiers

The collection of personal identifiers assists in establishing a person's identity. Personal identifiers are particularly useful when a person arrives in Australia undocumented or with false or questionable documents. They can also be used to help the Department verify identity fraud.


For more information on the legislative and policy framework and procedural guidelines for the collection and use of personal identifiers collected from onshore and offshore visa applicants, refer to:

[Section 257A of the Migration Act](#)

[Collecting personal identifiers onshore](#)


[Biometrics for offshore visa processing](#)

s. 47E(d)







s. 47E(d)



s. 47E(d)



s. 47E(d)



s. 47E(d)



## Visa

### Where an applicant must satisfy PIC 4020


The Migration Regulations were amended on 22 March 2014 to introduce an identity requirement into PIC 4020. The amendments introduced strict consequences if a visa applicant, or a member of their family unit, fail to satisfy the Minister as to their identity.

PIC 4020 (2A) states '*The applicant satisfies the Minister as to the applicant's identity.*'

This requires that the delegate must be satisfied of a person's identity to meet the requirements of PIC 4020(2A).

### Where an applicant is not required to satisfy PIC 4020

Where an applicant is not required to satisfy PIC 4020, delegates must consider whether any alternative legislative requirement related to identity applies to the application assessment. s. 47E(d)



s. 47E(d)

s. 47E(d)

### Citizenship

In relation to Australian citizenship by conferral applicants, s24 (3) of the Citizenship Act states, '*The Minister must not approve the person becoming an Australian citizen unless the Minister is satisfied of the identity of the person.*' This clause is a prohibition on approving an applicant where their identity cannot be satisfied. There are parallel provisions covering other types of citizenship applications such as citizenship by descent or adoption or resumption.

This requires that the delegate must be satisfied of a person's identity to meet the requirements of s24 (3) of the Citizenship Act. Similarly, s23A (4) of the Citizenship Act prohibits the conferral applicant from sitting the test unless the delegate is satisfied of the identity of the person. Therefore, identity checks and assessments are to be undertaken at two stages for conferral applicants. It underlines the centrality of the delegate's satisfaction on the applicant's identity to the extent where no doubt is left about it.

s. 47E(d)

## 4.10. Undertaking Identity Assessments

### 4.10.1. Establishing identity

When establishing a person's identity, it is important to thoroughly assess the identity using an evidence-based approach.

It is important that officers, at each point of contact with the person, gather all the information provided to the Department and confirm that the information is consistent.

s. 47E(d)

The individual's biometrics, documents, and life story must be consistent for the officer to be satisfied of their identity.


**Important:**

- For more information about open source, refer to the Annexure 1 [s. 22\(1\)\(a\)\(ii\)](#).
- Giving false information to an immigration officer is a criminal offence and any person responsible might be subject to repercussions. For more information, refer to [s234 under the Migration Act](#).

s. 47E(d)



s. 47E(d)




The *Australian Privacy Principles* (APPs) which are contained under Schedule 1 of the Privacy Act outline how departmental officers must collect, use, disclose and store personal information. For more information on privacy and disclosure refer to *Bordnet*. For advice on privacy contact s. 47E(d)

For legal advice and support contact: s. 47E(d)

#### 4.10.3.2. Management of sensitive material or information

In relation to identity, sensitive information is information that is protected against unwarranted disclosure, such as:

s. 47E(d)



Information provided through these channels can be extremely useful when establishing a person's identity.

For information about secrecy and disclosure refer to the ABF Act – Part 6 - Secrecy and Disclosure Provisions.

#### 4.10.3.3. Interviewing sensitivities

Officers need to be aware of sensitivities and cultural differences when interviewing persons. Officers must consider how these differences might limit the person's ability to respond freely to the interviewer.

Factors include:

- ethnicity
- culture
- religion
- gender
- social standing
- age
- incapable persons
- torture and trauma

#### 4.10.3.4. Minors and incapable persons

Establishing identity is essential to ensure the safety and wellbeing of minors and incapable persons, particularly in circumstances where there is an indication of trafficking, smuggling, or exploitation.

Officers must ensure that a parent, guardian or independent observer is present when interviewing a minor or incapable person.

#### 4.10.3.5. Minors

A minor is a person under 18 years old.

Officers might need to build rapport with a minor to elicit information as they might be reluctant to talk due to:

- embarrassment
- emotional upset
- fear or distrust of strangers or people in authority
- past trauma

For information about appropriate behaviour when interacting with children, refer to Principle 1. *Appropriate Treatment*.

Children should be offered an opportunity to share their views independently of their parents, however it is important to have an Independent Observer (IO) or another adult present. If this is not possible, then you should ensure you meet in an open space in view of other adults with prior approval from your manager or supervisor.

#### 4.10.3.6. Incapable persons

A person who may be an "incapable person" include, but are not limited to, people who have an intellectual disability or medical condition that impedes their ability to comprehend information.



#### 4.10.3.7. Presence of a parent, guardian or independent observer

IOs are provided to children and incapable persons whose parent/carer or legal representative is unavailable during formal interviews and meetings with the Department, or other agencies during immigration processes. The role of the IO is to ensure the treatment of the child or incapable person is fair, appropriate, and reasonable.

For more guidance refer to Including Children in Decision Making or contact s. 47E(d)

#### 4.10.4. Telephone Interviews

There are circumstances where a face-to-face interview is not possible. For example, where the officer considers it unreasonable for the person to travel or it is not safe or practical for the officer to travel to the individual.

##### 4.10.4.1. Identification in a telephone setting

In all instances where client contact is conducted via telephone, officers must initially confirm they are communicating with the correct person.

The Australian Privacy Principles (APPs) are contained in Schedule 1 of the Privacy Act and outline how Australian Government agencies must handle, use, and manage personal information.

- *APP 2 - Anonymity and Pseudonymity*: includes an exception to the option of dealing with the Department anonymously or pseudonymously in the event that it is impracticable for an agency to deal with a person who has not identified themselves; and
- *APP 11 - Security of personal information*: requires reasonable steps be taken by an entity to prevent information from being misused or disclosed without authorisation.

These two principles can be used to justify the necessity of identifying a person via phone under the Privacy Act, both to ensure practical handling of calls and to ensure personal information is not unintentionally released to an authorised third party.

For more information contact s. 47E(d) or s. 47E(d)

**Note:** The Enterprise Identity Standard Operating Procedures (EISOP) will provide guidance for officers to use when confirming a person's identity via telephone. For more information contact s. 47E(d)

## 4.11. Case Referral Management (CRM)

Case Referral Management (CRM) is the function that enables the recording and management of referral activity.

Most referrals are made to offshore officers by onshore officers for:


- face-to-face interviews
- verification of information and/or documentation
- site visits.

For more information refer to:

[GenGuide A > Global Working Framework - Output 1.1 Case Referral Management](#)

[GenGuide A > Site Visit Guidelines: Managing and Conducting Site Visits](#)

s. 47E(d)



#### 4.12.2. Claims related to sexual orientation and gender identity

In all instances where a person has presented a claim to their sexual orientation or gender identity, refer to [The Protection Visa Processing Guidelines - Annexure 5: Assessing claims related to sexual orientation and gender identity](#).

These guidelines cover the following and can be used in relation to all visa classes:

- interviewing lesbian, gay, bisexual, transgender or intersex (LGBTI) onshore protection and offshore humanitarian visa applicants, and
- assessing claims relating to sexual orientation and/or gender identity.

### **4.13. Documents treatment**

#### 4.13.1. Documents that contribute to a person's identity

Documents can contain information that support a life story. Examples of documents include, but are not limited to:

- passport
- driver's licence
- birth certificate
- marriage certificate
- government identity document (including military, seafarer or aircrew identity documents and national identity cards)
- household utility bills

- rent agreement / receipts
- firearm's licence
- student card
- Certificate of Evidence of Australian Citizenship
- ImmiCards
- Medicare, Centrelink or Department of Veterans' Affairs card.

#### 4.13.2. Determining document significance


Document significance depends on the details and information contained within the document. Information and feature can include:

- biographic information:
  - title and names, including aliases
  - date of birth
  - place and country of birth
  - gender
  - marital status
  - nationalities or citizenships
  - address
- biometrics
  - fingerprints
  - facial /image
- an individual's signature

When several secondary documents have been provided, they can be used to support an individual's life story if:

- the information on all the documents are consistent
- the documents are consistent with the credible oral account given by the individual
- there are no concerns

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#### 4.13.4. Undocumented Illegal Maritime Arrivals


People that arrive unlawfully by boat are referred to as Illegal Maritime Arrivals (IMAs). Some IMAs do not possess documentation that supports their asserted identity. It is recommended that when officers are interviewing IMAs, identity is covered as part of the interview.

For most visa or travel authority holders seeking to enter or remain in Australia, the identity documents issued by their home government are, under policy, acceptable. However, Migration non-Legislative

Instrument IMMI14/094 s. 22(1)(a)(ii) specifies which passports or travel documents are unacceptable and instrument 14/073 for the purposes of PIC 4021(a) (iii) in Regs and 14/079 for the purposes of Immigration clearance s165 of the Migration Act.

Some IMAs will not have any travel documents or other means of official identification by the time they arrive in Australia for reasons including confiscation, theft, loss, and deliberate disposal.

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## **4.14. Document Verification**

### **4.14.1. Australian government issued documents**

#### **4.14.1.1. Document Verification Service (DVS)**

The DVS is a secure, national, on-line system. It provides the Department with a means of matching identifying advice with the Australian issuing authority to confirm whether the document is current, cancelled, or biographic details match.

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the officer making the disclosure must ensure the *Migration Act*, *ABF Act* and *Privacy Act* permits the disclosure. For example, see s336F (3) of the Migration Act.

#### 4.14.3. Translation of documents

Officers will encounter instances where clients provide documents, including unofficial handwritten documents that have been issued in a language other than English as evidence to support their identity, with no official English translation.

In these circumstances the officer must request that a NAATI-accredited translator translate the document. This is to ensure the document is translated as written.

## 4.15. Change of Name

People can be known by more than one name during their lifetime. Significant events that can initiate a request for change of name can include:

- marriage
- adoption
- divorce
- death of spouse
- gender reassignment

Officers must be aware of instances where a person creates a different name for themselves in Australia by changing their name legitimately through the state and territory Births, Deaths and Marriage (BDM), and continues to use their original name and associated documentation when outside Australia.

Officers can request additional identity documentation and conduct identity interviews when assessing a request for change of name.

#### 4.15.1. Naming Convention Guide

The Naming Convention Guide s. 22(1)(a)(ii) provides information on an individual's name and can help officers determine family and ancestral connections within various cultures.

For more information, contact s. 47E(d)

#### 4.15.2. Legislative requirements for changing personal details

The Privacy Act and FOI Act allows the Department to correct or amend (respectively) an identity record. This includes electronic records and physical files held by the Department. The amendment provisions of the FOI Act do not extend to records not in the possession of the Department. However, the Privacy Act does contain provisions that allow the Department to notify another agency or organisation about the correction or amendment where the:

- Department has previously disclosed that individual's personal information to the agency or organisation
- person has requested the Department do so.



This requirement applies regardless of whether the correction was made under the Privacy Act or the FOI Act.

The Privacy Act requires the Department to ensure that the quality of the client records containing personal information are accurate, up-to-date, and complete.

For more information on correction under the Privacy Act, please contact [s. 47E\(d\)](#)

## **4.16. Duplicate Client Records**

A duplicate client record is a record created in departmental systems where one already exists for that person or organisation. When two (or more) records hold information and transactions that are different and/or contradicts information held within the system record decision makers are unable to view the complete picture relating to the client and may make a decision that is not fully informed or lawful. For example:

- A visa may be granted to an applicant who, on their unidentified duplicate record had their previous visa cancelled for breach of conditions.
- Citizenship may be conferred to a person who has not met requirements and refused to a person who has.

To reduce the chance of creating a duplicate record officers should conduct comprehensive searches for existing client records prior to creating a new one. Being mindful that clients may already hold a record where their name is spelled differently or they an alternate date of birth exists.

Where duplicate records are identified officers must take steps to have the records merged. All client merge requests need to be lodged via the Client Search Portal, refer to [s. 22\(1\)\(a\)\(ii\)](#).

## **4.17. Recordkeeping**

In accordance with the Archives Act, the Department must maintain accurate and reliable records as evidence to ensure that business activities and decisions are transparent and accountable. These records serve as a major component of the Department's corporate memory.

Officers are responsible for managing records and information throughout the life cycle of that record, in accordance with policy and procedural instructions.

For more information relating to the Department's recordkeeping responsibilities contact [s. 47E\(d\)](#)

### **4.17.1. Recording of identity decisions**

Officers are required to make reference to the applicable clause/s detailed in this procedural instruction when recording identity findings relevant to their visa or citizenship decision. [s. 47E\(d\)](#)

[Redacted content]

## 4.18. Handling of identity information

### 4.18.1. Non-disclosure of adverse information

At times the content of an allegation or adverse information may be non-disclosable. This will be the case if disclosure, in any form, will reveal the identity of the informant and the informant has sought to keep their identity from the applicant, or if its disclosure is a threat to national security.

**Important:** The Department is bound by the request if the information appears to have reasonable grounds for fearing harassment or other harm if the informant's identity is disclosed.

### 4.18.2. Natural Justice (invitation to comment)

Officers are required to provide applicant's an opportunity to comment on any adverse information that has been brought to the Department's attention that can affect the visa or citizenship decision.

- For guidance of principles of natural justice and procedural fairness and the Migration Act Code of Procedure (including s57 of the Migration Act), together with relevant procedures, refer to:

Further information/comment and procedural fairness requirement  
PAM – GenguideA – All visas – Visa application procedures

- For more information about disclosure of information from third parties, refer to the Secrecy and Disclosure Provisions (Part 6 of the ABF Act) and the following sections within the Migration Act:

s503A – Protection of information supplied by law enforcement agencies or intelligence agencies

- For more information about disclosure of identity information refer to Identity Information – Access and disclosure.

## 4.19. Freedom of Information (FOI)

The purpose of the FOI Act ensures there is a culture of being open and accountable when providing information under Freedom of Information (FOI). Clients or their representative will be given access to any records the Department has in relation to that client.

It is important for officers to ensure records and recordkeeping are accurate, comprehensive, and up to date, with attention to detail, and of high quality. It is important to maintain a professional tone within all records and ensure that information recorded is factual, unbiased and without emotion.

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## 4.20. Access and disclosure of identifying information

Part 4A of the Migration Act 'Obligations relating to identifying information' regulates how personal identifiers are to be accessed, disclosed, modified, and destroyed. Part 4A creates offences for breaches of these requirements.

Under Part 4A, the Department is permitted to disclose personal identifiers in particular circumstances. For example, for the purposes of data matching in order to combat document and identity fraud in immigration matters, and identifying people who may be a security concern to Australia or a foreign country.

For more information on officer's obligations in relation to access and disclosure of personal identifiers, refer to PAM3: Act - Identity, biometrics, and immigration status - Identity information - Access and Disclosure.

## 4.21. Age Determination

An individual's age or date of birth is an important factor in establishing their identity and ensuring the integrity of the Department's visa decision making and citizenship conferral processes.

The age determination process is not about determining a person's actual age, but forming a view that the person is more likely to be an adult (over 18) or a minor (under 18), taking a range of factors into account.

In circumstances where a person's actual age cannot be established with 'reliable' identity documentation an age determination assessment must be undertaken.

For more information about age determination processes, refer to:

- Age determination - IMAs and SIEV crew
- The Protection Visa Processing Guidelines

**Note:** For more policy and operational information about Age Determination contact s. 47E(d)

### 4.21.1. Minors as secondary applicants

Conducting an interview with a secondary minor under 16 is not necessary, unless there are reasons of direct relevance to assessing the age of a client. These reasons must be clearly documented in the interview report.

Children should be offered an opportunity to share their views independently of their parents; however it is important to have an independent observer or another adult present. If this is not possible, then you should ensure that you meet in an open space in view of other adults with prior approval from your manager or supervisor.

**Important:** Interviewing of minors under 16 should be limited to basic questioning to confirm identity, age and immediate family relationships, including determining whether they are ward or non-ward unaccompanied humanitarian minors (UHMs).

For more guidance contact s. 47E(d)

## 4.22. Program-specific instructions

### 4.22.1. Assessing identity in the field and in detention

#### 4.22.1.1. Status Resolution

Identity is an important consideration when determining immigration status. The Department must take all reasonable steps to confirm an individual's identity for the purpose of detaining.

Determining a person's nationality is necessary to support the issuance of a travel document. Status Resolution Officers must assess an individual's identity on a continuing basis in detention until satisfied of the person's identity. Where a person has multiple identities officers must investigate each of the identities to determine the person's true identity. s189 of the Migration Act states that '*if an officer knows or reasonably suspects that a person in the migration zone (other than an excised offshore place) is an unlawful non-citizen, the officer must detain the person.*'

For more policy and operational information about assessing identity in the field and in detention contact

s. 47E(d)

#### 4.22.2. Health

Most visa applicants are required to meet certain minimum health requirements to be granted a visa.

Panel Members and their clinic staff must confirm the identity of all people who present for an immigration medical examination and record all identity concerns for follow up by the Department. This is done by completing the identity questions included in paper forms or on eMedical.

**Note:** Panel Members must also ensure that the appropriate identity-control mechanisms are in place at all specialist's clinics to which the individual is referred including all pathology laboratories, tuberculosis testing laboratories and treatment programs (eMedical referral letters should be used where possible).

For information on the legislative, policy and procedural guidelines for Health, refer to Schedule 4, Public Interest Criteria 4005-4007 of the Migration Regulations or email s. 47E(d)

##### 4.22.2.1. Identity concerns in electronic health processing

Panel clinics or the Migration Medical Service Provider (MMSP) will raise identity concerns in eMedical if:

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This process is designed to enable the departmental officer to review and verify the applicant's identity during the visa assessment process.

Departmental officers will be required to resolve any identity concerns prior to finalising the application. A decision bar will prevent visa grant until the identity concern is resolved.

For further health information and resources refer to the Immigration Health page on *Bordernet*.

If fraud is suspected, details of the fraud should be referred to the relevant areas of the Department for advice and for any action under PIC 4020 (if applicable) that is considered appropriate.

#### 4.22.3. Humanitarian Program

The Humanitarian Program is one element of the Australian Government's approach to assisting people affected by international humanitarian crises, which also involves the provision of aid, diplomatic initiatives and peacekeeping. The Humanitarian Program comprises of onshore and offshore components.

##### 4.22.3.1. Statelessness

A stateless person is a person that lacks identity as a national of a state for the purpose of law. However, Some people claim to be 'stateless' when they are actually a citizen of a country, for example, a person claiming to be of Rohingya ethnicity (stateless) may be confirmed to be a citizen of Myanmar or another country.

If a non-citizen is supported as stateless there may be practical difficulties in facilitating that person's departure or removal. In such circumstances, officers must consider the Department's non-refoulement

obligations. For information about the non-refoulement obligations refer to [s5 \(1\)](#) of the Migration Act or contact the Refugee and International Law Section for assistance.

#### 4.22.3.2. Commencement of an Identity document (ImmiCard)

Each person granted an offshore Humanitarian visa or a protection visa should be provided with their individual ImmiCard which serves both as a travel document for first entry to Australia and as an official Commencement of Identity (COI) document in Australia. Officers must also ensure that the ImmiCard is issued to the person that applied for the visa and not to an impostor. This document is accepted as the primary document to access government or high-level services in Australia and to obtain other identity documents.

For more information about these travel documents, refer to [ImmiCards and the Identity Lock Down policy](#).

## 5. Accountability and responsibilities

Table 2 – Procedural Instruction roles and responsibilities

Position	Accountability and/or responsibility
Assistant Secretary, Enterprise Identity Branch	Document Owner; responsible for final review and document content approval.
Director, Identity Standards section	Document Reviewer; responsible for review and approval of document.
Assistant Director, Identity Standards section	Document Author; responsible for content update of document.

## 6. Statement of Expectation

- 6.1.1. This Procedural Instruction under the PPCF sets out guidance and directions to workers on how to implement the Department's policy.
- 6.1.2. It is expected that all workers who are subject to this Procedural Instruction will have due regard to it and will only depart from it if:
  - a) the departure is reasonable and justified in the circumstances;
  - b) all risks have been considered; and
  - c) approval has been sought and responsibility accepted for documenting the justification for the decision.
- 6.1.3. Workers are required to comply with all reasonable and lawful directions contained in this Procedural Instruction. Failure to comply with a direction may be considered a breach of the Australian Public Service Code of Conduct (for APS employees) or the *Professional Standards Secretary's Direction* under section 55 of the *Australian Border Force Act 2015* (for non-APS employees).
- 6.1.4. All records created as a result of this procedure must be managed in accordance with the Records Management Policy Statement. Records created as a result of this policy/procedure must be saved in TRIM RM8 or an approved business system.



## 7. Related Framework documents

- Case resolution – Returns and Removals (PPN: BC-827)
- Character and security - Criminal deportations (PPN: VM-993)
- PAM3: Compliance and Case Resolution Instructions - Case resolution - Community Status Resolution Service (PPN: VM-1035)
- PAM3: Compliance and Case resolution - Case Resolution - Case Management – Case Management Service (PPN: VM-1034)
- Detention Services Manual (DSM) (PPN: DM-621)
- Sch4/4005-4007 – 01 - The health requirement (PPN: VM-1027)
- Biometrics for offshore visa processing (PPN: IIB-1486)
- PAM3: Act - Identity, biometrics and immigration status - Collecting personal identifiers onshore under section 257A of the Migration Act (PPN: IIB-4790)
- Identity information - Access and disclosure (PPN: IIB-1537)
- ImmiCards and the Identity Lock Down Policy (PPN: IIB-1541)
- PIC 4020 Procedures Advice Manual (PPN: VM-974)
- Reg1.12 - Member of the family unit - DNA testing (PPN: VM-1102)
- Gender Guidelines (PPN: VM-2339)
- Unaccompanied humanitarian minors (UHM) Programme (PPN: DM-3733)
- Exclusion periods (PPN: VM-990)
- General visa cancellation powers - (s109, s116, s128, s134B and s140) (PPN: VM-991)
- Protection Visa Processing Guidelines Procedural Instruction (PPN: VM-4825)

### 7.1. Others

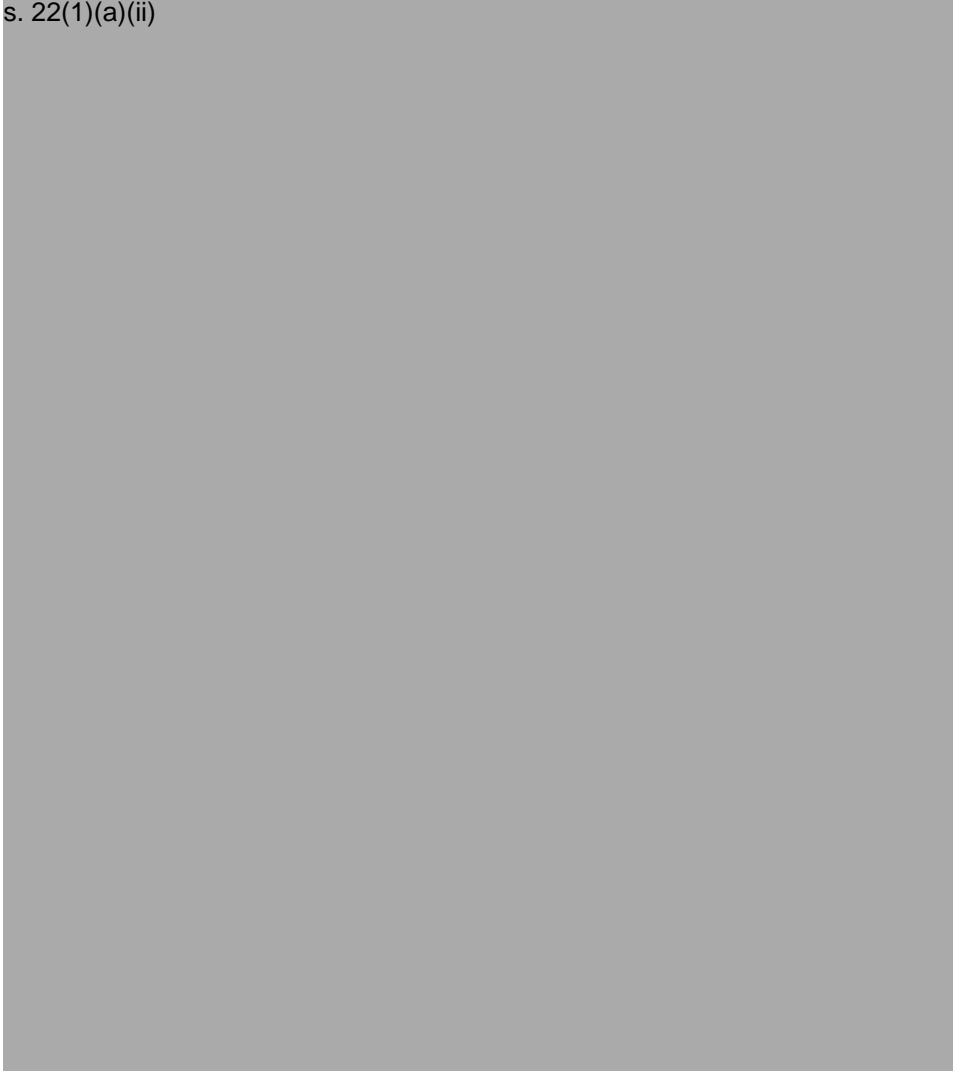
- National Police Checking Service Identity Checklist
- Panel Member Instructions - Australian Immigration Medical Examinations, July 2016
- National Identity Proofing Guidelines 2014 (s. 22(1)(a)(ii) )
- Immigration health processing guidelines for case officers – Specific health care issues – Health identity - Resolving health identity concerns s. 22(1)(a)(ii) )
- Removals – Country reference guide

## 8. References and legislation

- Migration Act 1958 (Migration Act)
- Migration Regulations 1994 (Migration Regulations)
- Migration Amendment (Strengthening Biometrics Integrity) Act 2015
- Australian Citizenship Act 2007 (Citizenship Act)
- Australian Citizenship Regulations 2016 (Citizenship Regulations)

- Customs Act 1901 (Customs Act)
- Customs Regulations 2015 (Customs Regulations)
- Criminal Code Act 1995 (Criminal Code Act)
- Criminal Code Regulations 2002 (Criminal Code Regulations)
- Privacy Act 1988 (Privacy Act)
- Archives Act 1983 (Archives Act)
- Family Law Act 1975 (Family Law Act)
- Australian Border Force 2015 (ABF Act)
- Freedom of Information Act 1982 (FOI Act)
- Financial Transaction Reports Act 1988 (FTR Act)
- National Police Checking Service Identity Checklist
- Panel Member Instructions - Australian Immigration Medical Examinations
- Immigration health processing guidelines for case officers – Specific health care issues –  
Health identity - Resolving health identity concerns

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





- Immigration Compliance Branch

## 10. Document details

BCS Category/Function	IIB (Intelligence, Identity and Biometric Management)
BCS Sub-Category/Sub-Function	IIB-03 (Identity Investigation)
Period of Effect	17 April 2021

### 10.1. Document change control

Version number	Date of issue	Author(s)	Brief description of change
1	01/07/2017	Identity Awareness and Competency	New consolidation of enterprise identity related procedures
2	01/10/2017	Identity Standards	Review and update
3	17/04/2018	Identity Standards	Update

### 10.2. Approval

Approved by:	s. 22(1)(a)(ii) Acting Assistant Secretary, Identity and Biometrics Capability Branch
Approved on (date):	17 April 2018