Australian Government
Department of Home Affairs

Australian BORDER FORCE

OFFICIAL: Sensitive

COVID-19 Border Measures Procedural Instruction - Elite Sportspersons – Inwards

Procedural Instruction

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1. Purpose

From 9pm AEDT on 20 March 2020, travel restrictions have been in place, prohibiting travel into Australia of all foreign nationals unless exempt. 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 for travel exemptions processing staff and decision makers when assessing inwards exemption requests for individuals and members of elite/professional sporting teams. Requests are assessed on a case by case basis.

2. Scope

This document provides procedural guidance applicable to the assessment of exemption requests for an elite sportsperson or sporting teams who are able to demonstrate how their entry and stay is critical to Australia, including support from the relevant Commonwealth, state or territory government agency.

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

- Commissioner's Guidelines – Inwards individual exemptions
- Inwards Travel Restrictions Operation Directive
- COVID-19 Border Measures Procedural Instruction – General s. 22(1)(a)(ii)

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 travel exemption requests from **elite sports persons** are managed by s. 47E(d) , Operations Coordination - Travel Exemptions team**.** Please refer to the '*Event and Group Processing (Dec 2020)*' on SharePoint or via TRIM s. 22(1)(a)(ii) for more information.

Referral to the Commissioner

All inwards travel exemption requests for elite sportspersons or members of elite sporting teams where an exemption request is anticipated for more than a single person, including accompanying family members or other support persons e.g. entourage must be referred to the Commissioner for his personal consideration.

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 guidance on triage for referral, to the Commissioner, please refer to *COVID-19 Border Measures Procedural Instruction* General Inwards - 3.4 Decision Maker.

A single sportsperson not part of a team and with no accompanying persons

Appropriately trained APS6 level and above staff in the Border Measures Operations Coordination Team (Events and Groups) may approve or refuse travel exemption requests from a single sportsperson. **The exception** to this process would be a request from an individual to join a team that has already been considered by the Commissioner, for example if an international rugby team wanted to add an additional player mid-season. In this instance, the individual request would be considered by the Commissioner.

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3.2. High-Profile cases and high volume groups

Border Measures Operations Coordination Team (Events and Groups) EL2 monitor and manage cases that are likely to draw media attention, high-profile cases, sensitive cases and high-volume groups where additional coordination is required.

During large-scale events the Director of Border Measures Operations Coordination Team (Events and Groups) may allocate travel exemption requests to other appropriately trained officers.

Note: Officers are reminded to only access departmental systems when they have a business requirement and a need to know, and not to discuss cases with those who do not have a need to know. High profile cases in particular may attract significant attention and may be sensitive. As such, these cases must not be distributed beyond those with a need to know. If an officer wishes to distribute further, they need to seek approval from the Border Measures Operations Shift Lead.

3.3. Supporting Documentation

Members of elite sporting teams and/or individual sportspersons travelling to Australia

Any request for a travel exemption submitted by an individual sportsperson or sporting team must include the following supporting evidence, however, the Commissioner may request additional information in certain cases:

- Evidence of a viable elite sporting competition
- Confirmation from the relevant sporting code attesting the elite sportsperson, or members of the elite sporting team, are critical to the competition and their entry to and stay in Australia provides a critical benefit to Australia.
- Proof clearly outlining the economic activity expected to be generated in relation to that sport or sporting event
- Support from state or territory government, where the competition is held, confirming that there is community interest, and
- Confirmation that quarantine will be undertaken as directed by the relevant State or Territory government

An 'Elite' sports person would generally be linked to state, territory, national or international level professional sporting codes and events such as AFL, NRL, Australian Open, Grand Prix, cricket, soccer, basketball or netball. This could include development squads where they are linked to 'elite' level programs.

It also includes non-professionals competing at World Championships or Commonwealth Games. However an individual who submits a request in relation to semi-professional or amateur sport at the district, regional or local community level would be unlikely to meet the threshold for submission.

Accompanying family member of an elite sportsperson and/or sporting team member

Any request for a travel exemption submitted by a family member of an individual sportsperson, or sporting team, must include the following supporting evidence:

- Evidence that the person is an immediate family member of an elite sportsperson and/or sporting team member, for example a birth certificate or marriage certificate; and
- Evidence of the persons intended duration of stay in Australia will be 12 months or longer for example the sportsperson's contract.

Exemptions for accompanying family members can only be approved if and when the associated elite sportsperson and/or sporting team member's exemption has been approved. Accompanying family members will generally only be approved where the stay in Australia is for 12 months or more.

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Other support person/s of an elite sportsperson or sporting team, travelling with the team

Any request for a travel exemption submitted by a support person of an individual sportsperson, or sporting team, must include the following supporting evidence:

- Evidence that the person is a support person of an elite sportsperson and/or sporting team member, by way of a letter from the relevant sporting code clarifying the support person/s' role/s and attesting that the support person/s is/are critical to the team competing in the event.

Exemptions for support person/s can only be approved if and when the associated elite sportsperson and/or sporting team member's exemption has been approved.

3.4. Client communication

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

Client Communication – additional script for use when requesting further information:

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

Dear ${consumer.first_name} ${contact.first_name}

I refer to your request for an exemption from Australia's current travel restrictions.

Unfortunately, you have not provided sufficient information for an assessment of whether your circumstances warrant an exemption to the travel restrictions.

Before your request can be considered further, you will need to log in to your account at ${mail_script:tep_portal_url} and upload the following documents:

Members of elite sporting teams and/or individual sportsperson travelling to Australia

- *Evidence of a viable elite sporting competition*
- *Confirmation from the relevant sporting code attesting either the elite sporting individual or the members of the elite sporting teams are critical to the competition*
- *Proof that there is economic activity related to that sportsperson or sporting team (e.g. revenue, contracts etc.)*
- *Support from State or Territory government, where the competition is held, confirming that there is community interest*
- *Confirmation that quarantine will be undertaken as directed by the relevant State or Territory government*

Accompanying family member of an elite sportsperson

[For definition on 'immediate family member – refer to: DRAFT - COVID-19 Border Measures Procedural Instruction - Immediate Family - 04NOV2020 s. 22(1)(a)(ii) s. 22(1)(a)(ii)

- *Evidence that the person is an immediate family member of an elite sportsperson, who is exempt from Australia's travel restrictions.*
- *Evidence to demonstrate the length of time you anticipate residing in Australia as the family member of an elite sportsperson.*

Other support person/s of an elite sporting team, intending to travel with the team

- *Confirmation from the relevant sporting code clarifying the support person/s' role/s and attesting that the support person/s is/are critical to the team competing in the event.*

*If these documents are not provided by midnight (Australian Eastern Standard Time) on **${rfi_due_date}**, your request will continue to be processed based on the information available.*

Kind regards

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${mail_script:tea_officer_first_name}
Travel Exemption Requests
Department of Home Affairs | Australian Border Force
https://covid19.homeaffairs.gov.au/

Client Communication – additional script for refusal communication:

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

Dear ${consumer.first_name} ${contact.first_name}

I refer to your request for an exemption from the current travel restrictions for travel to Australia. This advice applies to the following travellers:

- *${mail_script:tep_outcome_travellers}*

Based on the information provided, your circumstances do not meet the requirements for a travel exemption. If you are able to provide more information, or if your circumstances change, please submit a new request.

***You are still subject to the travel restrictions** and, should you attempt to travel to Australia, your visa may be considered for cancellation while those travel restrictions remain in force.*

If you submit a new request you will need to provide evidence of:

Members of elite sporting teams and/or individual sportsperson travelling to Australia

- *Evidence of a viable elite sporting competition*
- *Confirmation from the relevant sporting code attesting either the elite sporting individual or the members of the elite sporting teams are critical to the competition*
- *Proof that there is economic activity related to that sportsperson or sporting*
- *Support from State or Territory government, where the competition is held, confirming that there is community interest*
- *Confirmation that quarantine will be undertaken as directed by the relevant State or Territory government*

Accompanying family member of an elite sportsperson

[For definition on 'immediate family member – refer to: DRAFT - COVID-19 Border Measures Procedural Instruction - Immediate Family - 04NOV2020 s. 22(1)(a)(ii) . s. 22(1)(a)(ii)

- *Evidence that the person is an immediate family ember of an elite sportsperson, who is exempt from Australia's travel restrictions.*
- *Evidence to demonstrate the length of time you anticipate residing in Australia as the family member of an elite sportsperson.*

Other support person/s of an elite sporting team travelling with the team

- *Confirmation from the relevant sporting code clarifying the support person/s' role/s and attesting that the support person/s is/are critical to the team competing in the event*

This assessment is against current COVID-19 travel restrictions and not your entitlement to a visa. It does not affect any future visa application which you may lodge. Any visa application will be assessed on the basis of information available at that time.

For further information on Australia's travel restrictions, please refer to our website at:
https://covid19.homeaffairs.gov.au/

Kind regards

${mail_script:tea_officer_first_name}
Travel Exemption Requests
Department of Home Affairs | Australian Border Force
https://covid19.homeaffairs.gov.au/

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4. Accountability and Responsibility

Role	Description
Senior Director Border Measures Branch	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	09/03/2021	Border Measures Program Management	Approved for release

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

[redacted]

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 *Biosecurity Act 2015* *Biosecurity (Human Biosecurity Emergency) (Human coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* 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)

[redacted]

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

[redacted]

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COVID-19 Border Measures Procedural Instruction - General - Inwards

Procedural Instruction

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

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1. Purpose

From 9pm AEDT on 20 March 2020, travel restrictions have been in place, prohibiting travel into Australia of all foreign nationals unless exempt. 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 for exemptions processing staff and exemptions decision makers.

The purpose of this procedural guidance is to provide support to exemptions processing staff assessing exemption requests. Requests are assessed on a case by case basis.

2. Scope

2.1. In Scope

This document provides general procedural guidance applicable to the assessment of inwards travel exemption requests.

Clients can submit travel exemption requests through the Travel Exemption Portal (TEP) on the Home Affairs website. A request may be submitted by the person seeking exemption from travel restrictions (individual) or someone else may submit the request on an individual's behalf. Refer to the Inward Travel Exemptions Process Guide s. 22(1)(a)(ii) for guidance on processing cases in the TEP.

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

- Commissioner's Guidelines
- Inwards 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.

2.2. Out of Scope

The travel exemption assessment process is designed to manage the current risk to public health as a result of COVID-19. It is not an alternative process to standard immigration integrity or visa cancellation arrangements or law enforcement activity. Pro-active integrity and fraud/character checks against visa applications and/or visa conditions held by clients requesting a travel exemption are **beyond the scope** of travel exemption assessments.

s. 47E(d)

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3. Procedural Instruction

3.1. Categories

When submitting a request, a client will select an "Enquiry Type" (category) in the TEP. Clients may not select the category which best fits their circumstances, they may meet more than one category, or they may be automatically exempt.

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

Automatic exemption categories

Automatic exemption categories are listed in the Inwards Travel Restrictions Operation Directive. Guidance relating to automatically exempt categories is provided in the Operation Directive and in relevant Procedural Instructions. If an individual does not meet an automatic exemption category, officers must consider the individual's request against all individual exemption categories.

From Friday, 16 October 2020, a person who has been in New Zealand for 14 days or more immediately prior to arrival by air in Australia is automatically exempt. Refer to the section titled Safe Travel Zone in this document for further details.

Business Innovation and Investment Subclass 888 (Permanent) visa holders

Travel exemption requests from visa applicants for a Business Innovation and Investment (Permanent) (subclass 888) visa application are afforded the same status as Business Innovation and Investment (Provisional) (subclass 188) visa holders and are considered exempt from inwards travel restrictions. These individuals include:

- Individuals who have successfully lodged a Business Innovation and Investment (subclass 888) (Permanent) visa application while offshore. As a visa application for Business Innovation and Investment (Permanent) (subclass 888) can be lodged either in or outside Australia. A *concession period* provision in the Migration Regulations allows for lodgement of a Business Innovation and Investment (subclass 888) visa if their subclass 188 visa has already ceased. In these instances, the subclass 888 visa applicant must obtain another appropriate visa to travel to Australia;
- BVB holders where the BVB is associated with a permanent subclass 888 onshore visa application.

Individual exemptions categories

A list of categories for individual exemptions can be found in the Commissioner's Guidelines.

The guidelines provide guidance to decision makers considering travel exemption requests, they are not exhaustive and decision makers may encounter a range of cases where the circumstances do not fall neatly within the categories described in the guidelines.

Note: If an officer is not authorised and/or trained to consider a particular category, they should redirect a case for decision. Officers should record the reason they redirected a case in the TEP.

Escorting Australian citizen minors

One non-citizen accompanying family member (for example, aunt, uncle, or grandparent) is pre-approved to escort an Australian citizen minor or Australian permanent resident minor into Australia if their parents are in Australia. Pre-approval is for one non-exempt traveller only. As these circumstances are pre-approved, Assessment Officers may assess and decide these cases under Compelling and Compassionate. Documentary evidence requirements are outlined in the Commissioner's Guidelines.

Any additional proposed traveller must be referred to a Decision Maker for assessment against discretionary exemption criteria as only one family member can be deemed exempt. All other proposed travellers must

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seek a discretionary exemption against another category. These requests must be considered by an authorised decision maker and should include relevant supporting documentation.

BVB associated with Subclass 188 Business Innovation and Investment (Provisional) visa holders

BVB holders where the BVB is associated with a provisional subclass 188 visa application are **not** automatically exempt. However, a BVB holder associated with a subclass 188 visa application may have their exemption request considered by a decision maker against all critical skills/sector guidelines as well as any other category.

3.2. Pre-emptive inwards travel requests

Temporary visa holders in Australia can depart Australia at any time. However they are not permitted to return to Australia except in very limited circumstances.

Temporary visa holders currently in Australia who seek to leave and then return to Australia, may apply for an inwards exemption to return to Australia before departure.

Inwards travel exemption requests can only be approved for temporary visa holders in Australia who:

- have a strong compassionate or compelling reason to **leave Australia** supported by relevant documentary evidence, for example:
    - attending the funeral of a close family member overseas, visiting a close family member who is seriously or critically ill, or seeking necessary medical treatment not available in Australia; or
    - travel is essential for business purposes (anticipated to only be relevant for a small number of critical skills/critical sector exemption applicants);

  and

  - the applicant meets the requirements for an individual exemption from Australia's Inward Travel Restrictions.

If an individual who holds an inwards travel exemption on the basis of critical skills or work in a critical sector, applies for a pre-emptive inwards travel to Australia before departure under 'essential business' and includes a request to be accompanied by their family, the family members cannot be approved unless they are able to independently satisfy pre-emptive inwards requirements, ie. they **must** establish their own compassionate and compelling or essential business reason to leave Australia **and** meet the requirements for an individual exemption from Australia's inward Travel Restrictions. This may result in accompanying family members being refused for travel and only the critical skills client being approved.

However, in circumstances where the request is due to compassionate and compelling circumstances affecting close family members, it is more likely that a family unit may be approved to travel outside Australia and then return together. For example, a family unit, including dependent children, who hold temporary visas wishing to travel for a funeral/to visit seriously ill parent/grandparent, will be able to travel together (including the son/daughter-in law) if supporting evidence confirming the compelling circumstances and close family relationship is submitted with the application. In these instances if they are returning to Australia as a family unit, if one of the parents is able to provide evidence they met the requirements of an exemption from Australia's inwards Travel Restrictions the other family members would also be considered to satisfy requirements.

Please note all travel exemption requests should have relevant documentary evidence, according to the circumstances of the case.

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Assessing inwards exemption requests from temporary visa holders who departed without a pre-emptive inwards request

If a temporary visa holder departs Australia without requesting a pre-emptive inwards travel exemption and then, once they are offshore, submits a new discretionary inwards travel exemption request, the new request should be assessed as you would a pre-emptive inwards request. This is to avoid a scenario where a person who departs Australia without firstly applying for confirmation of return, is provided with more favourable treatment than that afforded to temporary visa holders who request permission before departing.

Decision makers will need to request further information from the client to establish evidence they had a strong compassionate or compelling reason to **leave** Australia **and** that they continue to meet the requirements for a discretionary inwards travel exemption.

Evidence should include outwards reasons limited to:

- attending the funeral of a close family member; or
- visiting a seriously or critically ill close family member; or
- seeking necessary medical treatment not available in Australia; or
- travel is essential for business purposes (only appropriate when the person has an inwards exemption on the basis of their critical skill or work in a critical sector)

AND

Inwards evidence sufficient to satisfy you they continue to meet a discretionary criteria for an inwards travel exemption, such as:

- Evidence they continue to satisfy one of the limited international student circumstances currently available for an inwards travel exemption; or
- Compassionate and compelling circumstances sufficient to satisfy the threshold articulated in the Commissioner's Guidelines and relevant procedural instructions;

  Or, for critical skills inwards exemption requirements:

- Evidence that the individual has full time employment in a position in Australia required to maintain the supply of essential goods and services, such as but not limited to: medical technology, critical infrastructure, telecommunications, engineering and mining, supply chain logistics, aged care, agriculture primary industry, food production, maritime industry; and
- Evidence that the individual has the skills, experience and or qualifications required to undertake the duties of the position.
- Please refer to the Critical Skills PI for complete requirements to assess inwards exemptions under this category.

If an individual, who applied for a pre-emptive inwards exemption before departure was determined as NOT Exempt but chose to depart, you may consider refusing any subsequent inward travel exemption request on the basis that they had departed despite being notified of the negative outcome of a pre-emptive request. IF the individual is likely to be in a position to provide the evidentiary requirements listed above, a decision to refuse in these instances should be made in consultation with the EL1 or above or the Program Management team.

Note: Temporary visa holders who are automatically exempt (for example immediate family member of an Australian citizen or permanent resident) are not subject to 'pre-emptive inwards' assessment criteria. Individuals who are automatically exempt cannot be prevented from returning to Australia after departure under Australia's global inwards travel restrictions.

Additional instructions for pre-emptive inwards requests to Papua New Guinea

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 pre-emptive discretionary

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exemptions, to travel from Australia to PNG and then return to Australia, will not be approved, except in the following extremely limited circumstances:

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

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

All requests for pre-emptive inwards travel to PNG will be decided by the EL2 Shift Leads s. 47E(d) .

Additional instructions for pre-emptive inwards requests – temporary residents requesting access to New Zealand Safe Travel Zone (STZ) arrangements

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.

Temporary visa holders wanting to transit through New Zealand to a third country must apply for 'pre-emptive inwards' exemption assessment prior to departure, if they want to have confirmation of return to Australia. STZ arrangements and the associated automatic exemption do not apply to onwards travel to a third destination.

The TEP template appropriate to the circumstances of the approval should be used in these instances.

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

[redacted]

The following additional standard words (red text) should be included in requests for information and refusal communication with clients for pre-emptive inwards travel request cases, using the TEP templates:

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Client Communication – additional script for use when refusing 'pre-emptive' inwards requests from temporary residents in Australia:

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

Dear ${consumer.first_name}

I refer to your request for an exemption from the current travel restrictions for travel to Australia. This advice applies to the following travellers:

- *${mail_script:tep_outcome_travellers}*

Your circumstances have been assessed against the Australian COVID-19 travel restrictions. Under that policy, the ABF Commissioner or an authorised decision maker may advise that certain persons are to be exempt from the restrictions. On the basis of the information provided, I have concluded that your circumstances do not outweigh the risk to the Australian community. You are not exempt from Australia's travel restrictions.

***You are still subject to the travel restrictions** and, should you attempt to travel to Australia, your visa may be considered for cancellation while those travel restrictions remain in force.*

Temporary visa holders in Australia can depart Australia at any time. However, the ongoing threat of COVID-19 and the serious public health risk presented by international travel means that inwards travel exemption requests can only be approved for temporary visa holders in Australia who:

- *Demonstrate strong compassionate and/or compelling reasons for departing Australia at this time; or*
- *travel is essential for business purposes (where you are employed in a critical skill/critical sector);*

and

- *Meet the requirements for an individual exemption from Australia's Inward Travel Restrictions*

[CHOOSE one option, as per the circumstances of the case you have assessed. s. 22(1)(a)(ii)

Although you have identified strong compassionate and/or compelling reasons for departing Australia at this time, based on the evidence you submitted with your travel exemption request, your circumstances do not meet the requirements for an individual exemption from Australia's Inwards Travel Restrictions.

OR

The circumstances you have described and the evidence you have provided with your travel exemption request does not meet the threshold for strong compassionate and/or compelling reasons to depart Australia at this time.

OR

The circumstances you have described and the evidence you have provided with your travel exemption request does not meet the requirements of 'travel for essential business purposes'.

[INTERNATIONAL Students in boarding arrangements – additional paragraph. s. 22(1)(a)(ii)

Education providers are responsible for approving the welfare of international students under 18 who do not have an approved guardian in Australia, including during school holiday periods. If you do not have appropriate care arrangements in place, please make contact with your school in the first instance.

Travel into and out of Australia should be limited to essential needs only. Please refer to the Home Affairs website for further information https://covid19.homeaffairs.gov.au/

Please refer to the Home Affairs website for further information https://covid19.homeaffairs.gov.au/

Temporary visa holders departing Australia should consider:

- *Any travel restrictions and or quarantine requirements in countries outside Australia.*
- *Flight availability for departing and or returning to Australia.*
- *Quarantine requirements for entering and or travelling within Australia.*

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- *Australian and Australian State or Territory travel restrictions and/or quarantine requirements may change at any time.*
- *Health risks associated with travel.*
- *Visa status*

This assessment is against current COVID-19 travel restrictions and not your entitlement to a visa. It does not affect any future visa application which you may lodge. Any visa application will be assessed on the basis of information available at that time.

For further information on Australia's travel restrictions, please refer to our website at: https://covid19.homeaffairs.gov.au/

Kind regards

${mail_script:tea_officer_first_name}
Travel Exemption Requests
Department of Home Affairs | Australian Border Force
https://covid19.homeaffairs.gov.au/

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3.3. Safe Travel Zone (STZ) – Automatically exempt travellers

From 16 October 2020, individuals who (regardless of nationality):

- have been in New Zealand for 14 days or more immediately prior to travel and have not been in a designated COVID-19 outbreak location; and
- are travelling to Australia via air

are automatically exempt from Australia's inwards travel restrictions (i.e. not required to request an exemption through the TEP).

Airlines and border staff will assess an individual's eligibility for automatic exemption from travel restrictions at time of check-in for their flight. Where evidence is not clear, airlines will contact the Border Operations Centre for advice.

When refusing a travel exemption request for an individual who indicates they are in New Zealand prior to travel to Australia, officers should provide additional information in the refusal notification about the New Zealand STZ as per the below script:

Client Communication – additional script for use when refusing inwards requests from foreign nationals who *may* be eligible for automatic exemption under safe travel zone arrangements:

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

Dear [Name]

I refer to your request for an exemption from the current travel restrictions for travel to Australia. Your request was for the following travellers:

- *[Name] ([Date of Birth]) [Nationality] Passport [Passport number]*

You requested an assessment to determine if you are exempt against the following criteria:

- *[select exemption category from web form]*

Based on the information provided, I am not satisfied that your circumstances meet the requirements for this exemption category.

***Please note** that from Friday, 16 October 2020, you can travel from New Zealand to Australia without needing a travel exemption, if:*

- *You have been in New Zealand for 14 days or more prior to your travel, and*

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- *You will arrive in Australia via air*

For more information, see New Zealand safe travel zone.

***If you have not been in New Zealand for 14 days or more before you travel, or you will not travel to Australia via air, you are still subject to the travel restrictions** and, should you attempt to travel to Australia, your visa may be considered for cancellation while those travel restrictions remain in force.*

This assessment is against current COVID-19 travel restrictions and not your entitlement to a visa. It does not affect any future visa application which you may lodge. Any visa application will be assessed on the basis of information available at that time.

For further information on Australia's travel restrictions, please refer to our website at: https://covid19.homeaffairs.gov.au/

Kind regards

[Officer's first name]
Travel Exemption Requests
Department of Home Affairs | Australian Border Force
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At present, only one safe travel zone (New Zealand) has been established for the purpose of Australia's inwards travel restrictions. If further safe travel zones are established with other countries or economies in the future, updated advice will be provided.

3.4. Decision Maker

The ABF Commissioner will personally consider travel exemption requests as outlined in the Commissioner's Guidelines.

Based on current health advice, the COVID-19 outbreak in PNG means travel to Australia from PNG presents a serious health risk to the Australian community. All inwards exemptions from persons departing PNG are to be managed and decided s. 47E(d) **EL2 Shift leads, regardless of the category of exemption request, until further notice.**

Assessors and decision makers will consider inwards travel exemption requests as outlined in the Commissioner's Guidelines and the Inwards Travel Restrictions Operation Directive in conjunction with the guidance on decision maker levels, provided below:

APS3 Assessing Officers

- Staff at the APS3 level can assess a person as being automatically exempt from travel restrictions and also refuse cases where a person is found to not be automatically exempt. Examples of such cases include an assessment that a person is/is not an Australian citizen; a permanent resident; and their immediate family. Staff at the APS 3 level must not refuse cases where a person makes claims that fall under a compassionate or compelling category, or any other category of individual exemption which requires a discretionary decision to be made by an authorised decision maker. After initial assessment, any case which includes claims against an individual travel exemption category are referred to an authorised decision maker for further assessment.
- Staff at the APS3 level can perform assessment tasks in relation to individual travel exemption requests, including advising individuals that they have provided insufficient information to be considered by a decision maker. After initial assessment, individual travel exemption request cases are referred to an authorised decision maker for assessment. Cases that the Commissioner wishes to consider personally, such as elite sporting teams, are prepared and submitted to the Commissioner by Border Measures ABF officers.

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- Staff at the APS3 level should not triage-out cases as 'not referred'. All exemption request case must have a final outcome recorded against an automatic exemption category or an individual exemption category, as appropriate to the case.

APS4, APS5 Decision Makers

- Staff at the APS4 and APS5 levels are able to perform the same duties as staff at the APS 3 level.
- Further to this, the Commissioner has authorised APS4 and APS5 level staff in Home Affairs to decide inwards travel exemption requests when they are associated with a visa decision for the critical skills/critical sectors categories.

APS6 Decision Makers

- Staff at the APS6 level are able to perform the same duties as staff at lower levels.
- On 29 July 2020, the Commissioner authorised appropriately trained APS6 level staff in the ABF and Home Affairs to assess inwards travel exemption requests in certain circumstances. Staff at this level may approve or refuse travel exemption requests, except those that the Commissioner will personally consider as per the Commissioner's Guidelines. In order to provide appropriate assurance and alignment of decision making, APS6 officers must discuss any case they have assessed as likely to be eligible for an exemption with an EL1 (or above) decision maker prior to making a decision.

EL1 Decision Makers

- Staff at the EL1 level are able to perform the same duties as staff at lower levels.
- On 29 July 2020, the ABF Commissioner authorised appropriately trained EL1 level staff in the ABF and Home Affairs to approve or refuse inwards travel exemptions requests, except for those cases the Commissioner will personally consider as per the Commissioner's Guidelines. A submission should be prepared for cases the Commissioner will personally consider. Officers will refer these submissions to the Commissioner, and will action outcomes.

EL2 decision makers

- Staff at the EL2 level are able to perform the same duties as staff at lower levels.
- On 7 July 2020, the authority to decide requests was expanded to include the EL2 level. Although EL2 decision makers remain authorised and continue to make some decisions, EL2 level staff are primarily focussed on workforce management, stakeholder liaison and quality assurance activities, including supporting the personal decision making of the Commissioner.

3.5. Guidelines

Officers should consider the Commissioner's Guidelines, Commissioner's Inwards Decision Making and Inwards and Outward Travel Restrictions Operation Directives when assessing travel exemption requests. Further guidance is available in category specific Procedural Instructions.

3.6. Service standards

Inwards travel exemption requests should be finalised with seven calendar days and outwards requests within 48 hours.

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3.7. Supporting documentation

The onus is on the individual to provide sufficient evidence (officially translated into English where required) to support their travel exemption request. Examples of supporting documentation for each category are provided in relevant Procedural Instructions.

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

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 closed and the individual advised to reapply with any relevant information that is required. Closing a case based on insufficient information available to make a decision is not a refusal decision.

Note: Where officers doubt the authenticity of supporting documentation provided, they should consult with a supervisor. However, where a visa processing area has previously assessed or accepted the same supporting documentation (or relationship) it should usually be accepted at face value.

3.8. Client communication

Communication with clients should be generated and sent using the TEP templates. Additional standard words that can be included in refusal notifications or requests for further information (where required) are provided in Procedural Instructions.

Officers should not make assumptions about the gender of an individual when entering free text into templates. For example, refer to 'spouse or partner' rather than 'wife or husband'.

Requesting further information

A request for further information email should be sent to a client where it is evident that:

- There is sufficient evidence to demonstrate that the individual meets current travel exemption policy guidelines; and
- If the client were to provide further evidence they may be eligible for a travel exemption; and
- The further evidence required could likely be provided within 48 hours

Any case that is unlikely to be resolved within 48 hours should be refused.

The following additional standard words (red text) should be included in requests for information and refusal communication with clients, using the TEP templates

<u>Client Communication – additional script for use when refusing inwards requests from An Australian citizen or Australian permanent resident minor whose parent or parents are in Australia, where the minor seeks to travel with a non-exempt traveller:</u>

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

Dear ${consumer.first_name} ${contact.first_name}

I refer to your request for an exemption from Australia's current travel restrictions.

Unfortunately, you have not provided sufficient information for an assessment of whether your circumstances warrant an exemption to the travel restrictions.

Before your request can be considered further, you will need to log in to your account at ${mail_script:tep_portal_url} and upload the following documents:

- *A copy of the Australian citizen or Australian permanent resident minor's valid passport; and*
- *A copy of the Australian citizen or Australian permanent resident minor's birth certificate (or other evidence of the minor's relationship with the parent(s)/legal guardian(s)); and*

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- *A copy of the Australian citizen or Australian permanent resident minor's parent's passport(s); and*
- *Evidence that the parent(s) cannot travel with the minor (this may be in the form of an explanatory statement); and*
- *Evidence that the individual seeking to travel to Australia with the minor is a relative of the minor; and*
- *Evidence that the sole purpose of the relative travelling with the Australian citizen or Australian permanent resident minor is to ensure appropriate guardianship and welfare arrangements during the minor's return to Australia; and*
- *Evidence that the parent(s)/legal guardian(s) of the minor consent to the minor's travel with the relative of the minor.*
- *Where more than one relative has requested a travel exemption for the purpose of travelling with the Australian citizen or Australian permanent resident minor:*
    - *a statement from the parent(s) of the minor, advising which adult relative will be travelling with the minor; or*
    - *evidence that there are circumstances that require more than one relative to travel with the minor.*

*If these documents are not provided by midnight (Australian Eastern Standard Time) on **${rfi_due_date}**, your request will continue to be processed based on the information available.*

Kind regards

${mail_script:tea_officer_first_name}
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Refusing a travel exemption request (including advising of relevant information for a future travel exemption request, if appropriate)

A relevant notification email should be sent to a client where it is evident that:

- There is insufficient evidence to demonstrate that the individual meets current travel exemption policy guidelines and even if the client were to provide further evidence they would not likely be eligible for an exemption; or
- It appears that an individual may be eligible for a travel exemption, but you have insufficient evidence to justify a positive outcome. The request should be refused unless likely to be resolved within 48 hours. If you refuse a case in these circumstances, your refusal notice should clearly articulate all the outstanding documentation required for a different outcome in any future requests.

Assessed exempt – No visa held

Email notification for the following scenario:

- There is sufficient evidence to demonstrate that the individual meets current travel exemption policy guidelines for a category that does not require the individual to hold a visa to be eligible for an exemption;
- The individual does not hold a current visa; and
- The individual does not have a current visa application lodged.

Email should include notification that the individual is exempt, but that the person must hold a valid visa prior to travel to Australia.

Assessed exempt

Email notification for the following scenario:

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- There is sufficient evidence to demonstrate that the individual meets current travel exemption policy guidelines.

Email should include notification that the individual is exempt.

3.9. Visa status

All inward travel exemption requests should be finalised within seven calendar days from date of lodgement. A request for travel exemption should not be approved unless the individual is the holder of a current visa, unless the request falls within a 'no visa held' category, which are critical skills, immediate family and automatically exempt.

The following steps should be used as a guide:

Holder of current visa

Where the individual is the holder of a current visa and the travel exemption request meets exemption guidelines, the request can be assessed and approved.

Visa application on-hand and unfinalised

- Where the individual has an unfinalised visa application on-hand and the travel exemption request **does not meet** exemption guidelines, the request can be assessed and refused,
- Where the individual has an unfinalised visa application on-hand and the travel exemption request **does meet** exemption guidelines the request can be assessed and approved **and** the visa processing office is sent an email informing a travel exemption has been approved. The travel exemption does not influence the visa outcome

Dear XXXX

<INSERT Client identifiers>

RID:

Passport Number:

TEP:

The above client(s) have lodged xxx visa subclass application(s) that is allocated to your office for processing.

The client(s) has been confirmed as automatically exempt from Australia's travel restrictions on the basis of being an immediate family member of an Australian citizen or permanent resident. The client(s) has been advised that they must hold a valid visa in order to travel to Australia and that all visa requirements must be met in order for an application to be granted.

There is no requirement to advise this office of the outcome of the visa application.

Kind regards

Officer signature block

No visa application on-hand and no visa held

- Where an individual does not hold a visa or does not have a visa application on-hand, the travel exemption request should be refused as per the standard process, unless the request falls within a 'no visa held' automatic exemption category. If officers establish that the case may meet exemption guidelines, the client should be notified that they can submit a new request after they have lodged a visa application and or hold a current visa.

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3.10. Validity of Travel Exemption approvals

Single use travel exemption

The majority of travel exemption request approvals will be valid for a single travel movement only. The exemption will remain valid until used, unless the circumstances relating to the approval of the travel exemption have changed. Should this situation arise, the individual will need to submit a new exemption request with supporting documentation appropriate to the changed circumstance. Any new travel exemption request must be considered on its own merits and against current policy settings.

Multiple use travel exemption

In limited circumstances, a single entry travel exemption may not be appropriate due to the facts of the case and the expectations associated with an individual's approved 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.

3.11. Recording exemption decisions in ICSE

Prior to assessing a new inwards travel exemption request officers should check Client Additional Information (CAI) notes in ICSE to check previous travel exemption history and to determine if an individual is already exempt.

Officers **must** record travel exemption decision outcomes in the CAI screen in ICSE. Officers should use standard TEP template wording for this purpose.

Where there are 'parent' and linked 'child' cases in the TEP, travel exemption outcomes must be recorded in ICSE for each individual.

Border Operations Centre officers refer to CAI notes to determine whether an individual is exempt from travel restrictions.

3.12. High-Profile cases and high volume groups

Border Measures Operations EL2 Shift Leads monitor and manage cases that are likely to draw media attention, high-profile cases, sensitive cases and high-volume groups where additional coordination is required. For example: international teams or groups participating in events or functions including but not limited to major sporting events, film productions, Australian Defence Force supported groups.

Where officers encounter these requests, cases should be escalated to a Manager for follow-up with Border Measures Operations Shift Leads.

Note: Officers are reminded to only access departmental systems when they have a business requirement and a need to know, and not to discuss cases with those who do not have a need to know. High profile cases in particular may attract significant attention and may be sensitive. As such, these cases must not be distributed beyond those with a genuine need to know. If an officer wishes to distribute further, they need to seek approval from the Border Measures Operations Shift Lead.

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s. 47E(d)

3.16. Conflict of Interest

Whenever officers come across a case where they know the applicant, or they are aware that someone they know is applying for a travel exemption, they must declare a conflict of interest and where relevant have the EL2 allocate the request to another team for decision. Conflicts of interest should be raised by officers with their supervisors who should in turn email the Border Measures Assistant Secretary or Chief Superintendent with relevant details. The Border Measures Assistant Secretary and Chief Superintendent manage a central register of conflict of interest declarations. Refer to the s. 47E(d) for further details.

3.17. Officer Support

If officers require support or additional guidance when processing travel exemption requests, they should approach their Supervisor in the first instance. If Supervisors are unable to provide the required guidance, they can seek assistance from the Border Measures Operations Shift Lead, for processing and handling enquiries; or Border Measures Policy and Program Management section for policy and procedural enquiries: s. 47E(d) (note – this email is for internal use only).

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4. Accountability and Responsibility

Role	Description
Assistant Secretary 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	04/09/2020	Border Measures Program Management	First issue
1.1	30/10/2020	Border Measures Program Management	AS approval to publish
1.2	10/11/2020	Border Measures Program Management	Pre-emptive travel
1.3	25/11/2020	Border Measures Program Management	Pre-emptive travel and family Response to fraud, character or integrity issues
1.4	16/12/2020	Border Measures Program Management	Validity of Travel Exemption approvals
1.5	09/03/2021	Border Measures Program Management	Expansion on the 188/888 issue to clarify that 888 applicants without BVBs can still be confirmed as exempt.
1.6	18/03/2021	Border Measures Program Management	Decision making on PNG caseload
1.7	27/04/2021	Border Measures Program Management	Pre-emptive requests for STZ and High-risk COVI-19 countries. Removed the need to check with post for clients who do not hold a visa – need to advise post following approval.
1.8	04/05/2021	Border Measures Program Management	Travellers from India entering Australia – biosecurity determination.

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Version number	Date of issue	Author(s)	Brief description of change
1.9	17/05/2021	Border Measures Program Management	Removal of Travellers from India entering Australia
2.0	18/05/2021	Border Measures Program Management	Information on assessing inwards exemption requests from temporary visa holders who departed without a pre-emptive inwards request

6. Attachment A – 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 *Biosecurity Act 2015* *Biosecurity (Human Biosecurity Emergency) (Human coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* 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)

[redacted]

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

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

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Australian Government
Department of Home Affairs

Australian BORDER FORCE

OFFICIAL - Sensitive

COVID-19 Border Measures Procedural Instruction - Humanitarian – Inwards

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 February 2021
Document Contact	COVID-19 Border Measures Program Management s. 47E(d)

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Class XA – Protection (Subclass 866) visa: 4

Class XB – Refugee and Humanitarian – Subclasses 200 (Refugee), 201 (in-country Special Humanitarian), 202 (Global Special Humanitarian), 203 (Emergency Rescue) and 204 (Woman at Risk): 4

Class XD – Temporary Protection (subclass 785) (temporary visa) 4

Class XE – Safe Haven Enterprise (subclass 790) (temporary visa) 5

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

Attachment B – Assurance and Control Matrix **8**

1.1. Powers and Obligations 8

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

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

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1. Purpose

From 9pm AEDT on 20 March 2020, travel restrictions have been in place, prohibiting travel into Australia of all foreign nationals unless exempt. 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 for exemptions processing staff and exemptions decision makers.

The purpose of this procedural guidance is to provide support to exemptions processing staff assessing exemption requests for individuals who fall within the Protection, Refugee and Humanitarian cohort. Individuals who fall within the Protection, Refugee and Humanitarian cohort seeking to travel to Australia are generally considered under the discretionary category of compelling and compassionate. Requests are assessed on a case by case basis.

2. Scope

This document provides procedural guidance applicable to the assessment of inwards travel exemption requests for individuals who fall within the Protection, Refugee and Humanitarian cohort only.

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

- Commissioner's Guidelines
- Inwards Travel Restrictions Operation Directive
- COVID-19 Border Measures Procedural Instruction - Genera s. 22(1)(a)(ii)
- Inward Travel Exemptions Process Guide s. 22(1)(a)(ii)

Note: Travel restrictions are subject to change at short notice, therefore officers must refer to related documentation via TRIM or published versions on 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 inwards travel exemption requests for visa holders who fall within the at risk / refugee / humanitarian cohort, e.g. Class XB visa holders, which are supported by the Assistant Secretary Humanitarian Program Capability Branch must be personally considered and decided by the Commissioner.

Travel exemption requests for this visa cohort, which are not supported by the Assistant Secretary Humanitarian Program Capability Branch, can be considered and decided by an ISSG EL2 authorised decision maker.

Where an ISSG EL2 decision maker has any concerns about a case that is not supported by the Assistant Secretary Humanitarian Program Capability Branch, the case should be referred to the Commissioner.

Border Measures Shift Leads will manage the allocation of cases that fall within this cohort.

3.2. For officers who are not trained to manage Protection, Refugee and Humanitarian exemption requests

- Requests for Protection, Refugee and Humanitarian visa holders (subclasses 866, 200, 201, 202, 203, 204,785 and 790) should automatically filter into the Protection, Refugee and Humanitarian list in the Travel Exemption Portal (TEP).

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- Protection, Refugee and Humanitarian cases will be allocated to a trained officer by the Border Measures Operations Shift Lead.
- If you are allocated a Protection, Refugee or Humanitarian case (this may happen if the client did not select the correct Visa Class / subclass in the TEP) and you are not trained to manage this category you should:
    1. Check if the 'Visa Class / subclass' field has been incorrectly recorded and update where required; and
    2. Unallocate the case by removing your name from the 'Assigned to' field.

  The case should then automatically workflow to the Protection, Refugee and Humanitarian list.

3.3. For officers who are trained to manage Protection, Refugee and Humanitarian exemption requests

Class XA – Protection (Subclass 866) visa:

- Subclass 866 visas can only be granted to a person while they are in Australia. Subclass 866 visa holders are permanent residents and are exempt from inwards travel restrictions.
- Where an inwards travel exemption request is submitted for a subclass 866 visa holder, an "Assessed Exempt" notification email can be sent and a Client Additional Information note recorded in ICSE as per instructions in Inward Travel Exemptions Process Guide - s. 22(1)(a)(ii)

Class XB – Refugee and Humanitarian – Subclasses 200 (Refugee), 201 (in-country Special Humanitarian), 202 (Global Special Humanitarian), 203 (Emergency Rescue) and 204 (Woman at Risk):

Refugee and Humanitarian (Class XB) visa holders are not considered to be a permanent resident of Australia unless they have already entered Australia while holding the relevant visa. Class XB visa holders who have not yet travelled to Australia are not able to enter Australia at this time, unless they have applied for and been granted an exemption.

- **For Class XB visa holders who have made their initial entry to Australia**
    a) A Class XB visa holder who has made at least one entry to Australia (while holding a Class XB visa) is therefore a permanent resident and is exempt from inwards travel restrictions.
    b) Check Movement records and visa(s) held while onshore (where applicable).
- **For Class XB visa holders who have not made an initial entry to Australia**
    a) A Class XB visa holder who has not yet made an initial entry to Australia (while holding a Class XB visa) is not considered to be a permanent resident and therefore not exempt from inwards travel restrictions.
    b) Check Movement Records and visa(s) held while onshore (where applicable).
    c) A Class XB visa holder who is not a permanent resident must apply for an inwards travel exemption.
    d) Humanitarian Program Capability Branch has confirmed that Australia's travel restrictions apply to any Class XB visa holder who has not yet entered Australia as the holder of a Class XB visa.

Class XD – Temporary Protection (subclass 785) (temporary visa)

- Subclass 785 visa holders are not permanent residents and are therefore not exempt from travel restrictions.
- Subclass 785 visa holders must apply for an inwards travel exemption, including pre-emptive inwards travel exemption requests, as necessary.

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Class XE – Safe Haven Enterprise (subclass 790) (temporary visa)

- Subclass 790 visa holders are not permanent residents and are therefore not exempt from inwards travel restrictions.
- Subclass 790 visa holders must apply for an inwards travel exemption, including pre-emptive inwards travel exemption requests, as necessary.

Applicable to all travel exemption requests:

If a client lodges a new request containing NO new information, attachments or changes to their circumstances and the request had previously been considered by the Director of the Offshore Humanitarian Program, Assistant Secretary of the Humanitarian Program Capability Branch and the ABF Commissioner to refuse, the subsequent decision to refuse can be decided by the authorised decision maker. Any subsequent request with new information must be referred back to the Humanitarian Program Capability Branch and the ABF Commissioner for consideration, as required.

When submitting a referral for a Commissioner pathway, ensure the relationship of the 'Parent Case' to the 'Child case(s)' e.g. spouse, son or daughter is clearly identified. In general, this information should be recorded in ICSE or ICSE Offspring notes. In case the relationship is not clearly indicated in the notes i.e. it simply says 'relative' you must seek further information from Ref/Hum Branch before finalising the initial assessment for referral.

3.4. Action – Border Measures Shift Lead

1. Check the Protection, Refugee and Humanitarian list each shift
2. Assign any cases in the list to an officer who is trained to process Protection, Refugee and Humanitarian cases
3. ISSG EL2 decision makers consider and decide cases that are **not** supported by Humanitarian Program Capability Branch.
4. Where an ISSG EL2 decision maker has any concerns about a case that is not supported by the Humanitarian Program Capability Branch, the case should be referred to the Commissioner, including sufficient explanatory note to justify departure from usual practice. Travel Exemptions Policy can provide advice on appropriate case handling by exception, as required.

3.5. Action – Trained Processing Officer

1. Review the 'explanation' field in TEP, any attachments and information in Departmental systems. Ensure any Child cases are also reviewed concurrently.
2. Prepare a summary for the Director of the Offshore Humanitarian Program (Director) and Assistant Secretary (AS) of the Humanitarian Program Capability Branch. The summary should include:
   a) details of the person's visa subclass;
   b) their reason for travel;
   c) any family members seeking to travel;
   d) any family members identified in Australia;
   e) any community sponsorship; and
   f) evidence provided.
3. Consideration should be given to all information and documentation provided by a client, as well as any information or documentation in the Department's systems.
4. If the person holds a Protection, Refugee or Humanitarian visa but is applying on the basis of holding critical skills or immediate family, ensure that you provide all relevant information about those

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categories in the summary (e.g. what is their critical skill, do they have a job, what relationship is their family member etc.).

5. Email the summary to the Director and AS of Humanitarian Program Capability Branch, with a request that they respond with either a:
   a) recommendation endorsing the request; or
   b) recommendation not endorsing the request.
6. Enter a 'private work note' in TEP recording: Email sent to Humanitarian Program Capability Branch seeking recommendation on <DD/MM/YYYY>.
7. When the response has been received, attach it to the case in TEP
8. Refer the case for consideration:
   a) For cases endorsed by the Humanitarian Program Capability Branch: Submit the case for the Commissioner's consideration as per the steps outlined in Travel Exemptions Portal Instructions – Inwards s. 22(1)(a)(ii), including the Humanitarian Program Capability Branch response.
   b) For cases not endorsed by the Humanitarian Program Capability Branch: Refer to an ISSG EL2 authorised decision maker for consideration and decision.

3.6. Notification of decision

A notification email should be sent to a client after the Commissioner or ISSG EL2 authorised decision maker has made a decision.

s. 47E(d)

[redacted]

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4. Accountability and Responsibility

Role	Description
Senior Director Border 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	26/11/2020	Border Measures Program Management	First issue
1.1	08/02/2021	Border Measures Program Management	ISSG EL2 delegate or above approved to consider and decide cases not endorsed by the Director and AS of Humanitarian Program Capability Branch.

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

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 *Biosecurity Act 2015* *Biosecurity (Human Biosecurity Emergency) (Human coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* 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)

[redacted]

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

[redacted]

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Australian Government
Department of Home Affairs

Australian BORDER FORCE

OFFICIAL: Sensitive

COVID-19 Border Measures Procedural Instruction – Immediate Family Members of Australian citizens, Australian permanent residents and New Zealand citizens who are usually resident in Australia

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	16 December 2020
Document Contact	COVID-19 Border Measures Program Management s. 47E(d)

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

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1. Purpose

From 9pm AEDT on 20 March 2020, travel restrictions have been in place, prohibiting travel into Australia of all foreign nationals unless exempt. The COVID-19 Border Measures Branch manages and decides travel exemption requests in response to Australia's travel restrictions.

Travel restrictions do not apply to immediate family members of Australian citizens, Australian permanent residents and New Zealand citizens who are usually resident in Australia. This procedural guidance is designed for use as an explanatory support for exemptions processing staff and exemptions decision makers when considering if an applicant meets the definition of immediate family member for the purpose of a travel exemption. Requests are to be assessed on a case by case basis

2. Scope

This document provides procedural guidance applicable to the assessment of inwards travel exemption requests for immediate family members of Australian citizens, Australian permanent residents and New Zealand citizens who are usually resident in Australia only. Specific guidance in relation to the immediate family of New Zealand citizens who are usually resident in Australia is available in the 'New Zealand citizens' document referenced below.

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

- Commissioner's Guidelines
- Inwards Travel Restrictions Operation Directive
- COVID-19 Border Measures Procedural Instruction - General s. 22(1)(a)(ii)
- COVID-19 Border Measures Procedural Instruction - Separation of Family s. 22(1)(a)(ii)
- COVID-19 Border Measures Procedural Instruction - NZ Citizens s. 22(1)(a)(ii)

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

The ABF Commissioner will personally consider travel exemption requests as outlined in the Commissioner's Guidelines.

Assessors and decision makers will consider inwards travel exemption requests as outlined in the Commissioner's Guidelines and the Inwards Travel Restrictions Operation Directive in conjunction with the guidance on decision maker levels, please refer to *COVID-19 Border Measures Procedural Instruction - General* under subheading *3.4. Decision Maker.*

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, and therefore cannot be assessed as exempt, officers should either request further information (expected to be appropriate in only a small number of cases) or refuse the travel exemption request. Additional text to support client communication is provided at section *3.4 Client communication*.

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3.2. For consideration when assessing applications from immediate family members

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

Inwards travel restrictions do not apply to holders of Partner (subclass 100, 309, 801 or 820) or Child (subclass 101, 102 or 445) visa holders. Holders of these visa subclasses are exempt and do not need to submit a request.

Officers should refer to the "supporting documentation" section for travel exemption requests for immediate family members who do not hold one of the abovementioned subclasses of visa.

Clients are expected to provide sufficient information and evidence to satisfy processing officers that they are immediate family members, having regard to the definition in regulation 1.12AA of the *Migration Regulations 1994.*

Reg 1.12AA Member of the immediate family

> ***(1)*** *For these Regulations, a person **A** is a member of the immediate family of another person **B** if:*
>
> *(a) A is a spouse or de facto partner of B; or*
>
> *(b) A is a dependent child of B; or*
>
> *(c) A is a parent of B, and B is not 18 years or more.*

Note: Spouse, de facto partner, dependent child and parent are all defined in migration legislation and these definitions should be applied with reference to relevant policy documents.

However, officers should note that there are some additional regulatory visa criteria (e.g. a minimum length of de facto relationship requirement) for certain visa applications. These criteria should be used to guide assessment of the relationship, but should not be applied inflexibly as the travel exemption process is separate from any visa application assessment.

If a person is holding a Bridging Visa B (BVB), assessing officers should check the type of visa application in progress to determine if the person meets the definition of immediate family member or another travel exemption category. Sponsorship by an Australian citizen, Australian permanent resident or New Zealand citizen who is usually resident in Australia should be considered in an officer's assessment. All evidence available to officers should be taken into consideration when assessing a request.

Prospective Marriage (subclass 300) visa holders **are not** automatically exempt from Australia's travel restrictions. Prospective Marriage visa holders may apply for a travel exemption under a discretionary category, if appropriate for their circumstances. A person's intent to marry is not sufficient, in and of itself, to satisfy the definition of de facto partner or immediate family member. Any request received for a discretionary travel exemption from a Prospective Marriage visa holder will be assessed on its individual merits.

The definition in regulation 1.12AA

The definition of "immediate family member" in regulation 1.12AA has been adopted *by policy* to provide guidance to decision makers when considering travel exemption requests. However, it does not apply by force of law and must therefore be applied flexibly.

Assessing a spousal relationship

To be satisfied that the individual is in a spousal or de facto relationship, officers should consider the four factors listed in regulation 1.15A(3) and 1.09A(3) of the *Migration Regulations 1994* respectively: the financial aspects of the relationship; the nature of the household; the social aspects of the relationship; the nature of the persons' commitment to each other. These factors should be considered and weighted flexibly according to the circumstances of the case. For example, if there is a child of the relationship, this would be given significant weight – even in the absence of other evidence.

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Officers should generally expect that a greater number of supporting documents would be required to evidence a de facto relationship, when compared to a spousal relationship that is evidenced with a marriage certificate.

Under travel exemptions policy, if the individual is in a spousal relationship and has provided a marriage certificate to evidence this, such evidence should generally be considered sufficient to meet "immediate family member" requirements for the purpose of an exemption to Australia's travel restrictions. However, a certificate that evidences a 'proxy marriage', or any other form of marriage that does not require both parties to be physically present for the legal ceremony, will not be accepted without further substantial documentary evidence sufficient to satisfy the four factors listed in regulation 1.15A(3).

If there is significant reason to doubt the genuineness of the marriage certificate, due to obvious signs of fraud or similar, than the individual should be requested to provide further supporting documentary evidence. Please also refer section *3.13 Fraud, character or integrity issues* in the General (Inwards) PI for guidance on escalation and management of cases affected by potential fraud.

Assessing parent relationships:

If the client provides evidence to support they are a parent of a dependent child who is an Australian citizen, Australian permanent resident or New Zealand citizen who is usually resident in Australia, having regard to the definition referred to in regulation 1.12AA, this would generally be considered sufficient to meet "immediate family member" requirements for a travel exemption request.

Assessing legal guardian relationships:

If the client provides evidence to support they are a legal guardian of a dependent child who is an Australian citizen, Australian permanent resident or New Zealand citizen who is usually resident in Australia, having regard to the definition referred to in regulation 1.03 and s5CA, this would generally be considered sufficient to meet "immediate family member" requirements for a travel exemption request.

Officers may have regard to regulation 1.03 and s5CA for guidance if required to assess the relationship between a legal guardian and a child.

Regulation 1.03:

> ***guardian***, in relation to a child, means a person who
>
> *(a) has responsibility for the long-term welfare of the child; and*
>
> *(b) has, in relation to the child, all the powers, rights and duties that are vested by law or custom in the guardian of a child, other than:*
>
> (i) the right to have the daily care and control of the child; and
>
> (ii) the right and responsibility to make decisions concerning the daily care and control of the child

Cases involving legal guardians seeking an inwards travel exemption on the basis of being the immediate family member of a dependent child should be discussed with Travel Exemptions Program Management prior to decision.

Assessing dependent child relationships:

A child is automatically considered to be dependent (on their parent(s) or legal guardian) if they are under 18 years of age.

If the client provides evidence to support their claim that they are a dependent child of an Australian citizen, Australian permanent resident or New Zealand citizen usually resident in Australia, having regard to the definition referred to in regulation 1.03. this would generally be considered sufficient to meet "immediate family member" requirements for a travel exemption request.

Assessing dependent child relationships for individuals who are 18+ years of age

If a child is 18 years or older, they must not be married and either:

- aged between 18 and 25 years old and remain financially dependent on their parent/s, more than any other person, for their basic needs of food, clothing and shelter

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or

- be unable to work to support themselves because they have a disability that affects their ability to live independently.

Children who are 18 years or more and have remained offshore to complete their final year of study, where their intent was to join their family in Australia at the end of their study, should generally be considered favourably.

Note: Please refer to *Border Measures Exemptions - Separation of Family* s. 22(1)(a)(ii)) for further information regarding the assessment of dependents during the visa process, if this is applicable to the circumstances of the case.

Where an individual does not meet the policy guidelines

Individuals who do not meet the policy guidelines for a travel exemption as an immediate family member should be considered under other travel exemption categories, however they would need to provide information and evidence that they meet the requirements of another category.

3.3. Supporting documentation

To be used as a guide when assessing evidentiary requirements:

Consideration should be given to all information and documentation provided by a client, as well as any information or documentation in the Department's systems. Where an officer has concerns about a case, they may discuss the case with an EL1 officer or above prior to decision.

Spouse minimum guidelines:

- Marriage certificate or other evidence that your marriage is valid in Australia

If the client is not able to provide a marriage certificate or you have significant reason to doubt the genuineness of the marriage certificate, documentary evidence of the relationship could include:

- Evidence of a mutual commitment between the parties to the exclusion of all others, such as combined personal matters
- Evidence of a genuine and continuing relationship, including documents that verify the length of the relationship
- Evidence the individuals live together, or don't live apart permanently
- Evidence of shared finances
- Evidence of a shared household, such as documents that prove living arrangements or household bills in both names

De facto Partner minimum guidelines:

- Evidence of a genuine and continuing relationship, including documents that verify the length of the relationship
- Evidence of a mutual commitment between the parties to the exclusion of all others, such as combined personal matters
- Evidence the individuals live together, or don't live apart permanently
- Evidence of shared finances
- Evidence of a shared household, such as documents that prove living arrangements or household bills in both names
- Evidence that others know about the relationship, such as proof of friends in common and/or proof government, public or commercial bodies are aware of the relationship

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Dependent Child minimum guidelines:

For Children under 18 years or age

- Identity documents that prove the relationship with the dependent child, like a birth certificate
- Adoption papers or court orders, if applicable
- Proof of sole custody, if applicable

For Children over 18 years or age

- Evidence the 18+ child is completely or substantially reliant on their parent(s) or legal guardian(s) for financial assistance with basic necessities, such as:
    - food, clothing and lodging
    - assistance with their daily living, medical and educational costs
- Evidence that they have been relying on their parents for a substantial period of time. For example, while undertaking study at university or other tertiary education provider.
- Evidence the 18+ child is unable to work to support themselves because they have a disability that totally or partially affects their physical or mental capacity such that they are unable to live independently or it would be unreasonable to require them to live independently. Such evidence is required to be provided by a qualified medical expert.

Note: You should be confident the 18+ child is more reliant financially on their parents than any other person in order to be satisfied that immediate family member requirements have been met.

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:

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

Dear ${consumer.first_name} ${contact.first_name}

I refer to your request for an exemption from Australia's current travel restrictions.

Unfortunately, you have not provided sufficient information for an assessment of whether your circumstances warrant an exemption to the travel restrictions.

Before your request can be considered further, you will need to log in to your account at ${mail_script:tep_portal_url} and upload the following documents

Parent:

Documentary evidence to provide proof that XXXXX is a parent (or legal guardian) of an Australian citizen, Australian permanent resident or New Zealand citizen usually resident in Australia dependent child, such as:

- *Proof of your relationship with your child, such as a birth certificate or adoption papers or court orders*
- *identity documents for yourself and your child*
- *proof of sole custody, if applicable*

Refer to the following website address for guidance:
https://immi.homeaffairs.gov.au/supporting/Pages/evidence-of-relationship.aspx

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Spouse:

Documentary evidence that you are in a spouse relationship with an Australian citizen, Australian permanent resident, or New Zealand citizen who is usually resident in Australia, such as:

- *Marriage certificate or other evidence that your marriage is valid in Australia*

In the event a marriage certificate is unable to be provided, documentary evidence of the relationship could include:

- *Evidence that you have a genuine and continuing relationship, including documents that verify the length of your relationship*
- *Evidence you have a mutual commitment with your spouse to the exclusion of all others, such as combined personal matters*
- *Evidence you live together, or don't live apart permanently*
- *Evidence of shared finances*
- *Evidence of the nature of your shared household, such as documents that prove your living arrangements or household bills in both names*
- *Evidence that others know about your relationship, such as proof you have friends in common and/or proof you have told government, public or commercial bodies about your relationship*

Note: if you are unable to provide a marriage certificate, you are expected to provide other documents that evidence your genuine and continuing relationship over a significant period of time. Documents that evidence your relationship over a recent period only, may not be sufficient.

Further information can be found at the following website address:
https://immi.homeaffairs.gov.au/supporting/Pages/evidence-of-relationship.aspx

De facto Partner:

Documentary evidence that you are in a de facto relationship with an Australian citizen, Australian permanent resident, or New Zealand citizen who is usually resident in Australia, such as:

- *Evidence that you have a genuine and continuing relationship, including documents that verify the length of your relationship*
- *Evidence you have a mutual commitment with your de facto partner to the exclusion of all others, such as combined personal matters*
- *Evidence you live together, or do not live apart permanently*
- *Evidence of shared finances*
- *Evidence of the nature of your shared household, such as documents that prove your living arrangements or household bills in both names*
- *Evidence that others know about your relationship, such as proof you have friends in common and/or proof you have told government, public or commercial bodies about your relationship*

Note: you are expected to provide documents that evidence your genuine and continuing relationship over a significant period of time. Documents that evidence your relationship over a recent period only may not be sufficient to meet the definition of a de facto relationship.

Further information can be found at the following website address:
https://immi.homeaffairs.gov.au/supporting/Pages/evidence-of-relationship.aspx

Dependent child:

Documentary evidence to provide proof that XXXX is a dependent child of an Australian citizen, Australian permanent resident, or New Zealand citizen who is usually resident in Australia. Documents that can be provided include:

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- *Identity documents*
- *Proof of your relationship with your dependent, like a birth certificate*
- *Adoption papers or court orders, if applicable*
- *Proof of sole custody, if applicable*

For Children over 18 years or age

- *Evidence the child's age is not more than 25 years of age, unless dependency is based on medical incapacity*
- *Evidence the 18+ child is completely or substantially reliant on their parents for financial assistance with the basics such as:*
  - *food, clothing and lodging*
  - *assistance with their daily living, medical and educational costs*
- *Evidence that the child has been relying on their parents for a substantial period of time.*
- Evidence the 18+ child is unable to support themselves because they have a disability that totally or partially affects their physical or mental capacity such that they are unable to live independently, or it would be unreasonable to require them to live independently. Such evidence must be provided by a qualified medical expert.

Refer to the following website address for guidance:
https://immi.homeaffairs.gov.au/supporting/Pages/evidence-of-relationship.aspx

*If these documents are not provided by midnight (Australian Eastern Standard Time) on **${rfi_due_date}**, your request will continue to be processed based on the information available.*

Kind regards

${mail_script:tea_officer_first_name}
Travel Exemption Requests
Department of Home Affairs | Australian Border Force
https://covid19.homeaffairs.gov.au/

Client Communication – additional script for refusal communication:

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

Dear ${consumer.first_name} ${contact.first_name}

I refer to your request for an exemption from the current travel restrictions for travel to Australia. This advice applies to the following travellers:

- *${mail_script:tep_outcome_travellers}*

Based on the information provided, your circumstances do not meet the requirements for a travel exemption. If you are able to provide more information, or if your circumstances change, please submit a new request.

***You remain subject to travel restrictions** and, should you attempt to travel to Australia, your visa may be considered for cancellation while those travel restrictions remain in force.*

If you submit a new request you will need to provide evidence of:

Parent:

Documentary evidence to provide proof that XXXXX is a parent (or legal guardian) of an Australian citizen, Australian permanent resident or New Zealand citizen usually resident in Australia dependent child, such as:

- *Proof of your relationship with your child, such as a birth certificate or adoption papers or court orders*
- *identity documents for yourself and your child*

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- *proof of sole custody, if applicable*

Refer to the following website address for guidance:
https://immi.homeaffairs.gov.au/supporting/Pages/evidence-of-relationship.aspx

Spouse:

Documentary evidence that you are in a spouse relationship with an Australian citizen, Australian permanent resident, or New Zealand citizen who is usually resident in Australia, such as:

- *Marriage certificate or other evidence that your marriage is valid in Australia*

In the event a marriage certificate is unable to be provided, documentary evidence of the relationship could include:

- *Evidence that you have a genuine and continuing relationship, including documents that verify the length of your relationship*
- *Evidence you have a mutual commitment with your spouse to the exclusion of all others, such as combined personal matters*
- *Evidence you live together, or don't live apart permanently*
- *Evidence of shared finances*
- *Evidence of the nature of your shared household, such as documents that prove your living arrangements or household bills in both names*
- *Evidence that others know about your relationship, such as proof you have friends in common and/or proof you have told government, public or commercial bodies about your relationship*

Note: if you are unable to provide a marriage certificate to evidence your relationship you are expected to provide other documents that evidence your genuine and continuing relationship over a significant period of time. Documents that evidence your relationship over a recent period only may not be sufficient.

Further information can be found at the following website address:
https://immi.homeaffairs.gov.au/supporting/Pages/evidence-of-relationship.aspx

De facto Partner:

Documentary evidence that you are in a de facto relationship with an Australian citizen, Australian permanent resident, or New Zealand citizen who is usually resident in Australia, such as:

- *Evidence that you have a genuine and continuing relationship, including documents that verify the length of your relationship*
- *Evidence you have a mutual commitment with your de facto partner to the exclusion of all others, such as combined personal matters*
- *Evidence you live together, or don't live apart permanently*
- *Evidence of shared finances*
- *Evidence of the nature of your shared household, such as documents that prove your living arrangements or household bills in both names*
- *Evidence that others know about your relationship, such as proof you have friends in common and/or proof you have told government, public or commercial bodies about your relationship*

Note: you are expected to provide documents that evidence your genuine and continuing relationship over a significant period of time. Documents that evidence your relationship over a recent period only may not be sufficient to meet the definition of a de facto relationship.

Further information can be found at the following website address:
https://immi.homeaffairs.gov.au/supporting/Pages/evidence-of-relationship.aspx

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Dependent child:

Documentary evidence to provide proof that XXXX is a dependent child of an Australian citizen, Australian permanent resident, or New Zealand citizen who is usually resident in Australia. Documents that can be provided include:

- *Identity documents*
- *Proof of your relationship with your dependent, like a birth certificate*
- *Adoption papers or court orders, if applicable*
- *Proof of sole custody, if applicable*

For Children over 18 years or age

- *Evidence the child's age is not more than 25 years of age, unless dependency is based on medical incapacity*
- *Evidence the 18+ child is completely or substantially reliant on their parents for financial assistance with the basics such as:*
  - *food, clothing and lodging*
  - *assistance with their daily living, medical and educational costs*
- *Evidence that the child has been relying on their parents for a substantial period of time.*

Evidence the 18+ child is unable to support themselves because they have a disability that totally or partially affects their physical or mental capacity such that they are unable to live independently, or it would be unreasonable to require them to live independently. Such evidence must be provided by a qualified medical expert.

Refer to the following website address for guidance:
https://immi.homeaffairs.gov.au/supporting/Pages/evidence-of-relationship.aspx

This assessment is against current COVID-19 travel restrictions and exemptions policy settings only and is not an assessment against any criteria relevant to the grant of a visa. It does not affect any future visa application that may be lodged. Any current or future visa application will be assessed against the relevant legislative criteria.

For further information on Australia's travel restrictions, and the types of evidence needed to support an exemption request, please refer to our website at: https://covid19.homeaffairs.gov.au/

Kind regards

${mail_script:tea_officer_first_name}
Travel Exemption Requests
Department of Home Affairs | Australian Border Force
https://covid19.homeaffairs.gov.au/

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. In cases such as these, it is more appropriate to refuse and advise the outstanding requirements.

s. 47E(d)

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s. 47E(d)

[redacted]

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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	16/12/2020	Program Management	Approved for release
1.1	11/02/2021	Program Management	Clarification of documentary evidence necessary for assessment of a spousal relationship; clarification of difference between documentary requirements for spousal and de facto relationships.

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Attachment A – Definitions

Term	Definition
Immediate Family Member	Legal guardian, spouse, de facto partner or dependent child. Having regard to the definition of the term "member of the immediate family" in regulation 1.12AA of the *Migration Regulations 1994* when determining whether someone is an immediate family member of another person.
Legal guardian	Guardian. Having regard to the definition of the term 'guardian' in r1.03 of the Migration Regulations 1994 and "child of a person' in Section 5CA of the Migration Act 1958
Parent	Someone is the parent of a person if the person is his or her child. Having regard to the definition of the term 'parent' in Part 1 s5(1) of the *Migration Act 1958* and 'dependent' child in r1.03 of the *Migration Regulations 1994*
Spouse	Person in a married relationship. Having regard to Section 5F of the *Migration Act 1958.*
De facto partner	Having regard to Section 5CB of the *Migration Act 1958*
Dependent child	Dependent child. Having regard to the definition of the term 'dependent child' in r1.03 of the *Migration Regulations 1994*
Dependent	Having regard to 1.05A of the Migration Regulations 1994
Usually resident	Have been lawfully resident in Australia for a reasonable period.

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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 *Biosecurity Act 2015* *Biosecurity (Human Biosecurity Emergency) (Human coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* 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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s. 22(1)(a)(ii)

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