



OFFICIAL: Sensitive

COVID-19 Border Measures Procedural Instruction - Religious or Theology Field - 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 exemptions processing staff and exemptions decision makers assessing inwards exemption requests for individuals in the Religious or Theology Fields. Individuals in the Religious or Theology Fields are generally considered under the discretionary category of 'critical skills'. Cases 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 Religious or Theology Fields 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 - General s. 22(1)(a)(ii)
- COVID-19 Border Measures Procedural Instruction - Critical Skills 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 requests for travel exemptions from individuals in the Religious or Theology Fields MUST be referred to the Commissioner for decision.

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

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.

A submission must be prepared and referred to the Commissioner for all individuals in the Religious or Theology Fields who may meet guidelines.

Officers are not authorised to approve travel exemption requests from individuals in the Religious or Theology Fields **unless** they determine the individual is exempt under another category (e.g. immediate family) or a discretionary category as outlined in the Commissioner's Decision Statement (e.g. visiting critically ill family). If this circumstance should arise, the case must be escalated to s. 47E(d) for further advice **before** the case is finalised.

3.2. For consideration when assessing Religious or Theology Fields

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

Religious workers are no longer eligible under the standard Temporary Skill Shortage (TSS) program; they can only apply under the Labour Agreement (LA) stream. Labour agreements enable approved businesses to sponsor skilled overseas workers when there is a demonstrated need that cannot be met in the Australian labour market and where standard temporary or permanent visa programs are not available. Once a sponsor is approved under a LA, this provides for visas to be granted under the TSS program.

Under the TSS LA stream, there is an industry agreement for 'Minister of Religions' (2722-11). When considering an individual's qualifications and experience, officers should have regard to the 'Qualifications and Experience' criteria for Ministers of Religion under the LA which are:

Ministers of Religion must:

- (a) be 'ordained' or have taken 'profession to religious life' as a minister of religion; and
- (b) have minimum qualifications equivalent to an appropriate Australian Qualification Framework (AQF) bachelor degree; or
- (c) have undertaken at least five years of relevant structured training or instruction

3.3. Supporting documentation

As is the case with other requests under the critical skills category, individuals in the Religious or Theology Fields are not required to hold a current visa when seeking an inwards travel exemption.

Sufficient evidence must be provided to support claims that an individual is in a senior leadership / leadership role having regard to the Australian and New Zealand Standard Classification of Occupations (ANZSCO) 272211 Minister of Religion. ANZSCO provides guidance for skilled migration purposes, in respect to occupations. If a person is eligible as a Minister of Religion for TSS purposes, in most cases they would be performing a leadership role of some sort. ANZSCO states:

272211 Minister of Religion

Performs spiritual functions associated with beliefs and practices of a religious faith, and provides motivation, guidance and training in religious life for the people of a congregation or parish, and the wider community. This occupation requires high levels of personal commitment and interest as well as, or in place of, formal qualifications or experience. Registration or licensing may be required. Skill Level: 1

Specialisations:

- Aboriginal Ceremonial Celebrant (Aus)
- Imam
- Priest
- Salvation Army Officer
- Chaplain
- Monk
- Rabbi

Most occupations in this unit group have a level of skill commensurate with a bachelor degree or higher qualification. Registration or licensing may be required.

Tasks may include:

- preparing and conducting services of public worship and acknowledgments of faith
- preparing and delivering sermons, homilies and special talks, and planning music for services
- participating in the social and welfare activities of communities, encouraging people to be aware of their responsibilities, and organising participation in community projects
- conducting classes of religious instruction, and supervising prayer and discussion groups, retreats and seminars

- *conducting premarital and family counselling and referring people to professional service agencies where necessary*
- *performing marriages, funerals and special memorial services according to tradition and ecclesiastical and civil law*
- *visiting members of the community in their homes, hospitals and other institutions to provide advice and religious comfort*
- *keeping records as required by the church and civil law*

To be used as a guide when assessing evidentiary requirements, for referral to the Commissioner:

Senior leadership role in a religious field minimum guidelines:

- Evidence of current sponsorship/support from the most senior body of a religious institution in Australia, for placement in a senior leadership role;
- Evidence that the individual has full time employment in a senior leadership position in Australia, including but not limited to, an employment contract and position description;
- Evidence of skills, experience and/or qualifications in a senior leadership role of a religious institution;
- Evidence that travel to Australia is essential at this time; and
- Evidence that travel to Australia will not have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents

Leadership role in a religious field in a regional area minimum guidelines:

- Evidence of current sponsorship/support from the most senior body of a religious institution in Australia, for placement in a Leadership role in a regional area;
- Evidence that the individual has full time employment in a leadership position in a regional area of Australia, including but not limited to, an employment contract and position description;
- Evidence of skills, experience and/or qualifications in a leadership role of a religious institution;
- Evidence that travel to Australia is essential at this time;
- Evidence of intended residence in a regional area; and
- Evidence that travel to Australia will not have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents

Specialist instructor role in a religious or theology field minimum guidelines:

- Evidence of current sponsorship/support from the most senior body of a religious institution, religious school or University in Australia, in a specialist instructor role;
- Evidence that the individual has full time employment in a specialist instructor position in Australia, including but not limited to, an employment contract and position description;
- Evidence of skills, experience and/or qualifications as a specialist instructor of a religious institution, religious school and/or University;
- Evidence that travel to Australia is essential at this time; and
- Evidence that travel to Australia will not have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents

Theology role minimum guidelines:

- Evidence of current sponsorship/support from the most senior body of a religious institution, religious school or University in Australia, in a senior theology role;

- Evidence that the individual has full time employment in a theology position in Australia, including but not limited to, an employment contract and position description;
- Evidence of skills, experience and/or qualifications in a senior theology role with a religious institution, religious school and/or University;
- Evidence that travel to Australia is essential at this time; and
- Evidence that travel to Australia will not have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents

Note: An individual with support for a placement with an institution other than a religious institution, religious school or University in Australia would not generally meet the guidelines.

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:

Senior leadership role in a religious field:

- *Evidence of current sponsorship/support from the most senior body of a religious institution in Australia, for placement in a senior leadership role; and*
- *Evidence that the individual has full time employment in a senior leadership position in Australia, including but not limited to, an employment contract and position description; and*
- *Evidence of skills, experience and/or qualifications in a senior leadership role of a religious institution; and*
- *Evidence that travel to Australia is essential at this time; and*
- *Evidence that travel to Australia will not have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents*

Leadership role in a religious field in a regional area:

- *Evidence of current sponsorship/support from the most senior body of a religious institution in Australia, for placement in a Leadership role in a regional area; and*
- *Evidence that the individual has full time employment in a leadership position in a regional area of Australia, including but not limited to, an employment contract and position description; and*
- *Evidence of skills, experience and/or qualifications in a leadership role of a religious institution;*
- *Evidence that travel to Australia is essential at this time; and*
- *Evidence of intended residence in a regional area; and*

- Evidence that travel to Australia will not have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents

Specialist instructor role in a religious or theology field:

- Evidence of current sponsorship/support from the most senior body of a religious institution, religious school or University in Australia, in a specialist instructor role; and
- Evidence that the individual has full time employment in a specialist instructor position in Australia, including but not limited to, an employment contract and position description; and
- Evidence of skills, experience and/or qualifications as a specialist instructor of a religious institution, religious school and/or University; and
- Evidence that travel to Australia is essential at this time; and
- Evidence that travel to Australia will not have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents

Senior theology role:

- Evidence of current sponsorship/support from the most senior body of a religious institution, religious school or University in Australia, in a senior theology role; and
- Evidence that the individual has full time employment in a theology position in Australia, including but not limited to, an employment contract and position description; and
- Evidence of skills, experience and/or qualifications as a senior theologian of a religious institution, religious school and/or University; and
- Evidence that travel to Australia is essential at this time; and
- Evidence that travel to Australia will not have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents

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 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:

Senior leadership role in a religious field:

- Evidence of current sponsorship/support from the most senior body of a religious institution in Australia, for placement in a senior leadership role; and

- Evidence that the individual has full time employment in a senior leadership position in Australia, including but not limited to, an employment contract and position description; and
- Evidence of skills, experience and/or qualifications in a senior leadership role of a religious institution; and
- Evidence that travel to Australia is essential at this time; and
- Evidence that travel to Australia will not have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents

Leadership role in a religious field in a regional area:

- Evidence of current sponsorship/support from the most senior body of a religious institution in Australia, for placement in a Leadership role in a regional area; and
- Evidence that the individual has full time employment in a leadership position in a regional area of Australia, including but not limited to, an employment contract and position description; and
- Evidence of skills, experience and/or qualifications in a leadership role of a religious institution;
- Evidence that travel to Australia is essential at this time; and
- Evidence of intended residence in a regional area; and
- Evidence that travel to Australia will not have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents

Specialist instructor role in a religious or theology field:

- Evidence of current sponsorship/support from the most senior body of a religious institution, religious school or University in Australia, in a specialist instructor role; and
- Evidence that the individual has full time employment in a specialist instructor position in Australia, including but not limited to, an employment contract and position description; and
- Evidence of skills, experience and/or qualifications as a specialist instructor of a religious institution, religious school and/or University; and
- Evidence that travel to Australia is essential at this time; and
- Evidence that travel to Australia will not have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents

Senior theology role:

- Evidence of current sponsorship/support from the most senior body of a religious institution, religious school or University in Australia, in a senior theology role; and
- Evidence that the individual has full time employment in a theology position in Australia, including but not limited to, an employment contract and position description; and
- Evidence of skills, experience and/or qualifications as a senior theologian of a religious institution, religious school and/or University; and
- Evidence that travel to Australia is essential at this time; and
- Evidence that travel to Australia will not have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents

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

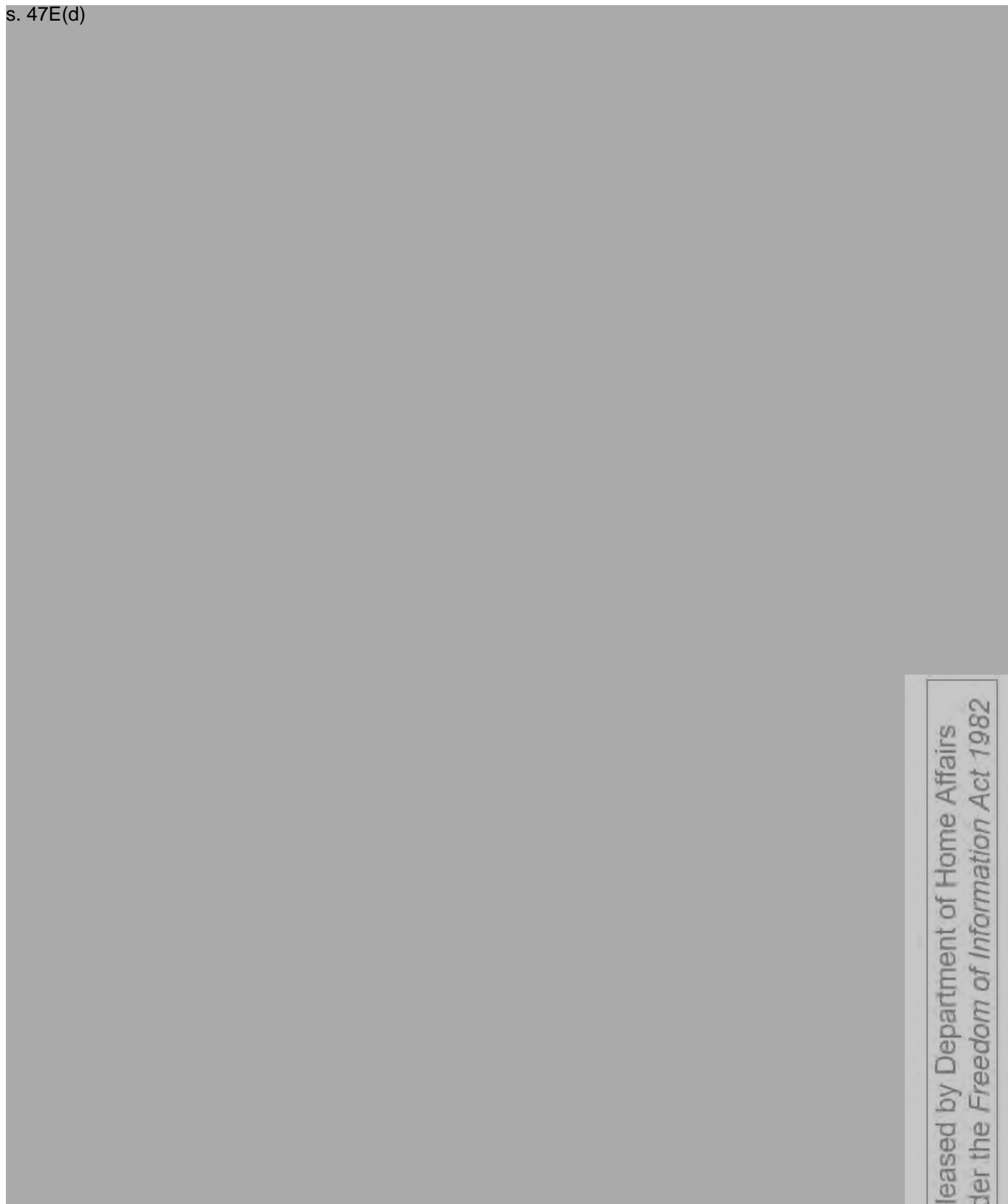
`${mail_script:tea_officer_first_name}`

Travel Exemption Requests

Department of Home Affairs | Australian Border Force


<https://covid19.homeaffairs.gov.au/>

s. 47E(d)



Released by Department of Home Affairs
under the Freedom of Information Act 1982

s. 47E(d)



Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

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

Attachment A – Definitions

Term	Definition
Religious institution	<p>Having regard to definition in reg 1.03 of the <u>Migration Regulations 1994</u>:</p> <p><i>Religious institution</i> means a body:</p> <ul style="list-style-type: none"> (a) the activities of which reflect that it is a body instituted for the promotion of a religious object; and (b) the beliefs and practices of the members of which constitute a religion due to those members: <ul style="list-style-type: none"> (i) believing in a supernatural being, thing or principle; and (ii) accepting the canons of conduct that give effect to that belief, but that do not offend against the ordinary laws; and (c) that meets the requirements of section 50-50 of the <i>Income Tax Assessment Act 1997</i>; and (d) the income of which is exempt from income tax under section 50-1 of that Act.
Religious school	A school that either has a religious component in its operations or its curriculum, or exists primarily for the purpose of teaching aspects of a particular religion.
Religious leader/senior religious leader	The roles and functions of leaders within established religions vary in different religious traditions, but usually involve presiding over specific rituals and teaching their religion's doctrines and practices. A senior leader will be more experienced, and/or hold a higher rank or status within their religion. Example of religious leaders are: bishop, priest, minister, swami, imam or rabbi.
Religious worker (not "religious leader")	A person who provides spiritual leadership, the conduct of worship and ministering, pastoral care or proselytising
Regional area	Having regard to definition in <u>Part 2 of Migration (LIN 19/217: Regional Areas) Instrument 2019</u>
Specialist instructor	A person who is a highly skilled, experienced and/or qualified instructor of religion or theology.
Senior theologian	A person who is experienced in the systematic study of the nature of the divine and/or religious belief, in a religious institution, religious school or University.

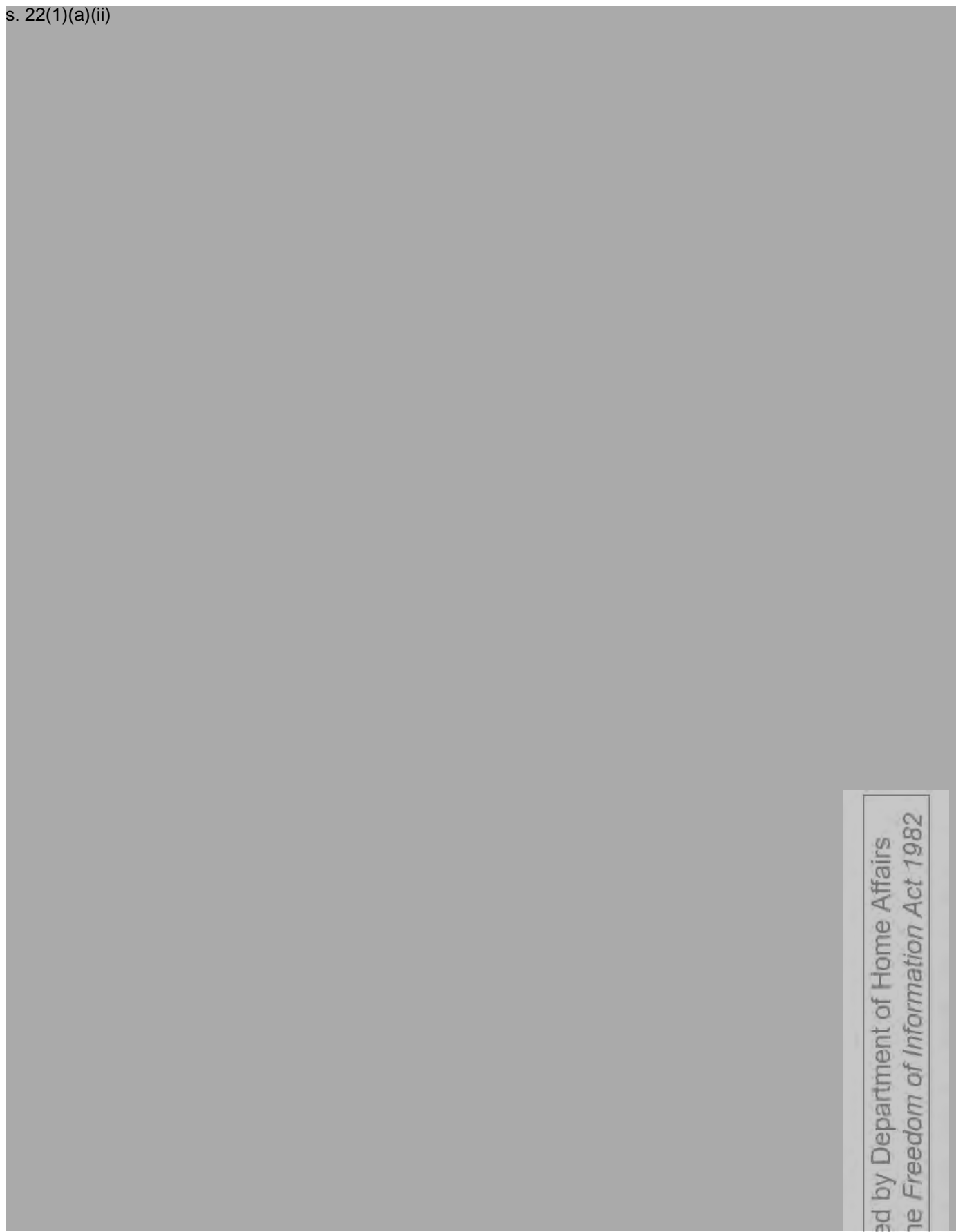
Released by Department of Home Affairs
under the Freedom of Information Act 1982

Attachment B – Assurance and Control Matrix

1.1. Powers and Obligations


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

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



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



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under the *Freedom of Information Act 1982*



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COVID-19 Border Measures Procedural Instruction - Separation of Family (temporary residents) - Inwards

Procedural Instruction

Document ID (PPN)	<i>[PPN number will be allocated when submitted for PPCF Review]</i>
TRIM record number	s. 22(1)(a)(ii)
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s. 22(1)(a)(ii)	
s. 22(1)(a)(ii)	

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.

The purpose of this procedural guidance is to provide support to exemptions processing staff assessing exemption requests in the context of temporary residents/temporary visa holders claiming separation of family issues. Temporary residents' family members seeking to travel to Australia may request an exemption under a range of categories. Requests are assessed on a case by case basis, however circumstances under which approvals can be given remain limited.

2. Scope

This document provides procedural guidance applicable to the assessment of inwards travel exemption requests in the context of temporary residents' claims relating to separation of family.

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 - Immediate Family Member s. 22(1)(a)(ii)
- COVID-19 Border Measures Procedural Instruction - NZ Citizens s. 22(1)(a)(ii)
- COVID-19 Border Measures Procedural Instruction - Critical Skills 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*.

3.2. For consideration when assessing exemption requests, in the context of the separation of family

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

This procedural instruction provides guidance on the following scenarios in the context of separation of family:

- The parent or legal guardian of a minor who is lawfully present in Australia, including when holding a temporary visa, and can establish that the minor was usually resident in Australia before the introduction of Australia's travel restrictions.
- The immediate family member(s) of a temporary or provisional visa holder in Australia where there is a high risk that the person will depart Australia if they are unable to reunite with their immediate family member(s) **and** the visa holder in Australia:
 - Has critical skills; and / or
 - Is working in a critical sector; and / or
 - Brings significant economic benefit to Australia; and / or
 - Their presence in Australia is in Australia's national interest.
- The partner of a temporary or provisional visa holder in Australia who is in the final trimester of pregnancy, or otherwise due to give birth. Refer to the COVID-19 Border Measures Procedural Instruction - Immediate Family Member s. 22(1)(a)(ii) for guidance on assessing 'partner'.
- A close family member (a close family member is defined as a parent, sibling, partner, child or grandparents) of a non-citizen requiring urgent or critical medical treatment in Australia, including medical evacuations.
- Those seeking to visit a close family member who is seriously ill where there is little support in Australia.
- Where a non-citizen requires urgent or critical medical treatment in Australia, including evacuation, an accompanying family member may also be considered where a minor requires treatment; where a medical condition is life threatening; or where medical advice supports the requirement for the family member to travel.
- Those seeking to attend a funeral of a close family member.
- Cases demonstrating strong compassionate circumstances that, if not taken into account, would result in serious, ongoing and irreversible harm and continuing hardship to an Australian citizen or an Australian family unit, where at least one member of the family is an Australian citizen or Australian permanent resident.

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 information and documentation in the Department's systems (e.g. visa applications, movement records, passenger cards). Where an officer has concerns about a case, they should discuss the case with an EL1 officer prior to decision.

The parent or legal guardian of a minor who is lawfully present in Australia

- Evidence the individual is a parent or legal guardian of a minor lawfully present in Australia; and
- Evidence that the minor was usually resident in Australia before the introduction of Australia's travel restrictions.

Note: The best interests of minor children are to be treated as a primary consideration. Officers are reminded to confirm custody arrangements if there are any concerns.

Note: Officers should check a minor's Movement Records to determine that they are lawfully present in Australia at the time of making a decision and that the minor was usually resident in Australia before the introduction of Australia's travel restrictions.

The immediate family member(s) of a temporary or provisional visa holder who is in Australia and there is a high risk that the person will depart Australia if they are unable to reunite with their immediate family member and one of the following applies:

- **Critical skills/ working in a critical sector**
 - Evidence the individual is an immediate family member of a person in Australia;
 - Evidence that the person in Australia has critical skills, experience and or qualifications / is working in a critical sector;
 - Evidence that the person in Australia is working in a position which requires their critical skills / working in a critical sector; and
 - Evidence that the person in Australia who has critical skills, could depart Australia if they are unable to be reunited with their immediate family member(s) in Australia.

Note: Objective evidence of the ongoing criticality of a relevant skill from a State or Territory Government should be given considerable weight.

- **Brings significant economic benefit to Australia**
 - Evidence the individual is an immediate family member of a person in Australia;
 - Evidence that the person in Australia brings significant economic benefit to Australia; and
 - Evidence that the person in Australia who brings significant economic benefit to Australia could depart Australia if they are unable to be reunited with their immediate family member(s) in Australia.
- **Is in Australia's national interest**
 - Evidence the individual is an immediate family member of a person in Australia;
 - Evidence that the person's presence in Australia is in Australia's national interest; and
 - Evidence that the person whose presence in Australia is in Australia's national interest could depart Australia if they are unable to be reunited with their immediate family member(s) in Australia.

Note: An inwards travel exemption request from an immediate family member of a person who is a temporary or provisional visa holder in Australia, would generally satisfy the assessing officer that the person could depart Australia if they are unable to be reunited with their immediate family member(s) in Australia.

The partner of a temporary or provisional visa holder in Australia who is in the final trimester of pregnancy or otherwise due to give birth

- Evidence that a temporary or provisional visa holder in Australia is in the final trimester of pregnancy or otherwise due to give birth (e.g. letter or document from a treating medical professional); and
- Evidence the individual is the partner of the temporary or provisional visa holder in Australia.

Note: Where there are other compassionate or compelling circumstances in relation to a temporary or provisional visa holder in Australia who is pregnant, that do not fit squarely within exemption policy

guidelines, officers should discuss the case with their supervisor prior to decision (e.g. the temporary or provisional visa holder in Australia, who is pregnant, is on medically indicated bed-rest).

A close family member of a non-citizen requiring urgent or critical medical treatment in Australia, including medical evacuations. Examples may include:

- A minor or adult requires urgent treatment / medical evacuation (evacuations are relatively common from the Pacific region)
- A medical condition is life threatening
- Medical advice supports the requirement for the family member to travel
- The required treatment can only be provided in Australia
- Evidence that a non-citizen requires urgent or critical medical treatment in Australia;
- Evidence that the individual requesting an inwards travel exemption is needed to support the non-citizen during travel and / or during the urgent or critical medical treatment in Australia;
- Evidence that the non-citizen who requires urgent or critical medical treatment in Australia is exempt from travel restrictions; and
- Evidence the individual requesting an inwards travel exemption is a close family member of the non-citizen requiring urgent or critical medical treatment in Australia.

Those seeking to visit a close family member who is seriously ill, where there is little support in Australia

Note: The person who is seriously ill could be an Australian citizen, Australian permanent resident or a temporary or provisional visa holder who resides in Australia. To demonstrate 'little support' an individual would need to provide evidence that no other family in Australia could provide the level of support required.

- **General**
 - Evidence that a person in Australia is seriously ill (e.g. letter from a medical professional);
 - Evidence that the purpose of the individual's travel to Australia is to support the person in Australia who is seriously ill;
 - Evidence that the individual requesting an inwards travel exemption is a close family member of the person in Australia who is seriously ill; and
 - Evidence that the person in Australia who is seriously ill has little support in Australia (e.g. are there any identifiable close family members already in Australia?).
- **Postnatal Depression/Anxiety**
 - Evidence that a person in Australia is currently suffering from mild, moderate or severe Postnatal Depression/Anxiety, where the diagnosis was made in the last 6 months by a:
 - Psychologist; and / or
 - Psychiatrist; and / or
 - General Practitioner;
 - Evidence that the individual requesting an inwards travel exemption is a close family member of the person in Australia who was diagnosed;
 - Evidence that the person in Australia who was diagnosed currently has little support in Australia (e.g. are there any identifiable close family members already in Australia? A systems check and statement from the person may suffice);
 - Evidence that the purpose of the individual's travel to Australia is to support the person in Australia who was diagnosed; and

- In instances where support is required due to a partner not being available to provide support, evidence that the individual's partner is unable to provide support, for reasons including but not limited to, currently undertaking critical, frontline, regional and / or "Fly In Fly Out" work.

Note: A letter from a counsellor alone is not sufficient evidence of a diagnosis of postnatal depression/anxiety. Where sufficient evidence has not been provided, a "request for information" must be sent before finalising the case.

Those seeking to attend a funeral of a close family member

- Evidence that a funeral for a close family member will take place in Australia; and
- Evidence that the individual who intends to travel to Australia is a close family member of the person who died.

Cases demonstrating strong compassionate circumstances

- Evidence that an Australian citizen or Australian permanent resident (adult or minor) would experience serious, ongoing and irreversible harm and continuing hardship due to strong compassionate circumstances if a close family member cannot travel to Australia to support them.

Note: The circumstances may include a range of scenarios and therefore a range of evidence may be appropriate. Decision makers should use their judgement and consult with EL1s and above if they need guidance. The best interests of minor children in Australia are to be treated as a primary consideration.

Note: Individuals who do not meet the policy guidelines for one inwards travel exemption category should be considered under all other categories, however they would need to provide evidence that they meet the requirements of another category.

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:

The parent or legal guardian of a minor who is lawfully present in Australia

- *Documentary evidence that the individual is a parent or legal guardian of a minor lawfully present in Australia; and*
- *Evidence that the minor was usually resident in Australia before the introduction of Australia's travel restrictions.*

The immediate family member(s) of a temporary or provisional visa holder who is in Australia and there is a high risk that the person will depart Australia if they are unable to reunite with their immediate family member(s) and:

- **Critical skills/ working in a critical sector**

- Evidence the individual is an immediate family member of a person in Australia;
- Evidence that the person in Australia has critical skills, experience and or qualifications / is working in a critical sector;
- Evidence that the person in Australia is working in a position which requires their critical skills / working in a critical sector; and
- Evidence that the person in Australia who has critical skills, could depart Australia if they are unable to be reunited with their immediate family member(s) in Australia.

- **Brings significant economic benefit to Australia**

- Evidence the individual is an immediate family member of a person in Australia; and
- Evidence that the person in Australia brings significant economic benefit to Australia; and
- A statement from the person in Australia who brings significant economic benefit to Australia that they may depart Australia if they are unable to reunite with their immediate family member(s)

- **Is in Australia's national interest**

- Evidence the individual is an immediate family member of a person in Australia; and
- Evidence that the person's presence in Australia is in Australia's national interest; and
- A statement from the person whose presence in Australia is in Australia's national interest that they may depart Australia if they are unable to reunite with their immediate family member(s)

The partner of a temporary or provisional visa holder in Australia who is in the final trimester of pregnancy or otherwise due to give birth

- Evidence that a temporary or provisional visa holder in Australia is in the final trimester of pregnancy or otherwise due to give birth; and
- Evidence the individual is the partner of the temporary or provisional visa holder in Australia.

A close family member of a non-citizen requiring urgent or critical medical treatment in Australia, including medical evacuations

- Evidence that a non-citizen requires urgent or critical medical treatment in Australia; and
- Evidence that the individual requesting an inwards travel exemption is needed to support the non-citizen during travel and / or during the urgent or critical medical treatment in Australia; and
- Evidence that the non-citizen who requires urgent or critical medical treatment in Australia is exempt from travel restrictions; and
- Evidence the individual requesting an inwards travel exemption is a close family member of the non-citizen requiring urgent or critical medical treatment in Australia.

Those seeking to visit a close family member who is seriously ill where there is little support in Australia

- Evidence that a person in Australia is seriously ill; and
- Evidence that the purpose of the individual's travel to Australia is to provide support to the person in Australia who is seriously ill; and
- Evidence that the individual requesting an inwards travel exemption is a close family member of the person in Australia who is seriously ill; and
- Evidence that the person in Australia who is seriously has little support in Australia;

Those seeking to visit a close family member who has Postnatal Depression/Anxiety

- Evidence that a person in Australia is currently suffering from postnatal Depression/Anxiety (severity to be defined), where the diagnosis was made in the last 6 months by a:
 - Psychologist; and / or
 - Psychiatrist; and / or
 - General Practitioner; and
- Evidence that the individual requesting an inwards travel exemption is a close family member of the person in Australia who was diagnosed; and
- Evidence that the person in Australia who was diagnosed currently has little support in Australia; and
- Evidence that the purpose of the individual's travel to Australia is to provide support to the person in Australia who was diagnosed; and
- Where the individual's spouse or partner is unable to provide support, evidence that the individual's partner is unable to provide support for reasons including but not limited to currently undertaking critical, frontline, regional and / or "Fly In Fly Out" work.

Those seeking to attend a funeral of a close family member

- Evidence that a funeral for a close family member will take place in Australia; and
- Evidence that the individual who intends to travel to Australia is a close family member of the person who died.

Cases demonstrating strong compassionate circumstances

- Evidence that an Australian citizen or Australian permanent resident (adult or minor) would experience serious, ongoing and irreversible harm and continuing hardship due to strong compassionate circumstances if a close family member cannot travel to Australia to support them.

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 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:

The parent or legal guardian of a minor who is lawfully present in Australia

- Evidence that supports the individual is a parent or legal guardian of a minor lawfully present in Australia; and
- Evidence that the minor was usually resident in Australia before the introduction of Australia's travel restrictions.

The immediate family member(s) of a temporary or provisional visa holder who is in Australia and there is a high risk that the person will depart Australia if they are unable to reunite with their immediate family member(s) and:

- **Critical skills/ working in a critical sector**
 - Evidence the individual is an immediate family member of a person in Australia;
 - Evidence that the person in Australia has critical skills, experience and or qualifications / is working in a critical sector;
 - Evidence that the person in Australia is working in a position which requires their critical skills / working in a critical sector; and
 - Evidence that the person in Australia who has critical skills, could depart Australia if they are unable to be reunited with their immediate family member(s) in Australia.
- **Brings significant economic benefit to Australia**
 - Evidence the individual is an immediate family member of a person in Australia; and
 - Evidence that the person in Australia brings significant economic benefit to Australia; and
 - A statement from the person in Australia who brings significant economic benefit to Australia that they may depart Australia if they are unable to reunite with their immediate family member(s)
- **Is in Australia's national interest**
 - Evidence the individual is an immediate family member of a person in Australia; and
 - Evidence that the person's presence in Australia is in Australia's national interest; and
 - A statement from the person whose presence in Australia is in Australia's national interest that they may depart Australia if they are unable to reunite with their immediate family member(s)

The partner of a temporary or provisional visa holder in Australia who is in the final trimester of pregnancy or otherwise due to give birth

- Evidence that a temporary or provisional visa holder in Australia is in the final trimester of pregnancy or otherwise due to give birth; and
- Evidence the individual is the partner of the temporary or provisional visa holder in Australia.

A close family member of a non-citizen requiring urgent or critical medical treatment in Australia, including medical evacuations

- Evidence that a non-citizen requires urgent or critical medical treatment in Australia; and
- Evidence that the individual requesting an inwards travel exemption is needed to support the non-citizen during travel and / or during the urgent or critical medical treatment in Australia; and
- Evidence that the non-citizen who requires urgent or critical medical treatment in Australia is exempt from travel restrictions; and
- Evidence the individual requesting an inwards travel exemption is a close family member of the non-citizen requiring urgent or critical medical treatment in Australia.

Those seeking to visit a close family member who is seriously ill where there is little support in Australia

- **General**

- Evidence that a person in Australia is seriously ill; and
- Evidence that the purpose of the individual's travel to Australia is to provide support to the person in Australia who is seriously ill; and
- Evidence that the individual requesting an inwards travel exemption is a close family member of the person in Australia who is seriously ill; and
- Evidence that the person in Australia who is seriously has little support in Australia;

- **Postnatal Depression/Anxiety**

- Evidence that a person in Australia is currently suffering from postnatal Depression/Anxiety (severity to be defined), where the diagnosis was made in the last 6 months by a;
 - Psychologist; and / or
 - Psychiatrist; and / or
 - General Practitioner; and
- Evidence that the individual requesting an inwards travel exemption is a close family member of the person in Australia who was diagnosed; and
- Evidence that the person in Australia who was diagnosed currently has little support in Australia; and
- Evidence that the purpose of the individual's travel to Australia is to provide support to the person in Australia who was diagnosed; and
- Where the individual's spouse or partner is unable to provide support, evidence that the individual's partner is unable to provide support for reasons including but not limited to currently undertaking critical, frontline, regional and / or "Fly In Fly Out" work.

Those seeking to attend a funeral of a close family member

- Evidence that a funeral for a close family member will take place in Australia; and
- Evidence that the individual who intends to travel to Australia is a close family member of the person who died.

Cases demonstrating strong compassionate circumstances

- Evidence that an Australian citizen or Australian permanent resident (adult or minor) would experience serious, ongoing and irreversible harm and continuing hardship due to strong compassionate circumstances if a close family member cannot travel to Australia to support them.

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, please refer to our website at:
<https://covid19.homeaffairs.gov.au/>

Kind regards

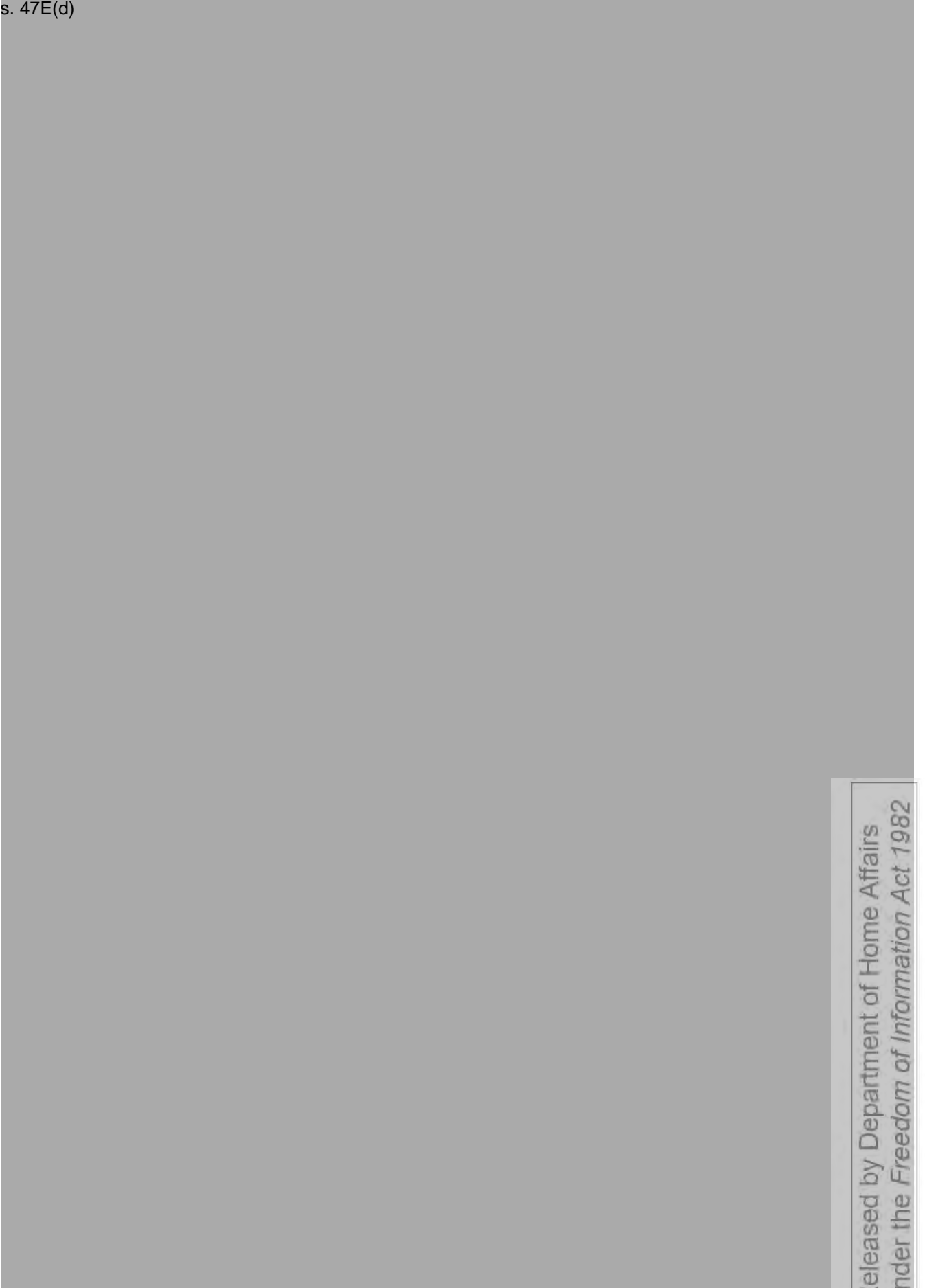
\$(mail_script:tea_officer_first_name)

Travel Exemption Requests

Department of Home Affairs | Australian Border Force


<https://covid19.homeaffairs.gov.au/>

s. 47E(d)



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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	5 February 2021	Program Management	First issue

Attachment A – Definitions

Note: Legislation references are included to provide guidance to decision makers only.

Term	Definition
Immediate Family member	Legal guardian, spouse, de facto partner or dependent child. It is policy to have regard to the definition of the term “member of the immediate family” in <u>regulation 1.12AA of the Migration Regulations 1994</u> when determining whether someone is an immediate family member of another person.
Close family member	A parent, sibling, partner, child and grandparents.
Parent	Someone is the parent of a person if the person is his or her child. The policy is to have regard to the definition of the term ‘parent’ in <u>s5(1) of the Migration Act 1958</u> and ‘dependent’ child in <u>r1.03 of the Migration Regulations 1994</u>
Sibling	A brother, sister, step brother, step sister, half-brother or half-sister.
Partner	De facto partner. The policy is to have regard to <u>Section 5CB of the Migration Act 1958</u>
Spouse	Person in a married relationship. The policy is to have regard to <u>Section 5F of the Migration Act 1958</u> .
Child	Dependent child. Having regard to the definition of the term ‘dependent child’ in <u>r1.03 of the Migration Regulations 1994</u>
Grandparents	A parent of one's father or mother.
Legal guardian	Guardian. The policy is to have regard to the definition of the term ‘guardian’ in <u>r1.03 of the Migration Regulations 1994</u> and “child of a person” in <u>Section 5CA of the Migration Act 1958</u>
Relationships and family members – Custody (parental responsibility) for minor children	The policy is to have regard to <u>s 5G of the Migration Act 1958</u> and the policy guidance at <u>s 5G - Relationships and family members - Custody (parental responsibility) for minor children</u> (which also provides guidance about consent).
National interest	What is best for Australia including economic and security interests.
Usually resident	Have been lawfully resident in Australia for a reasonable period.

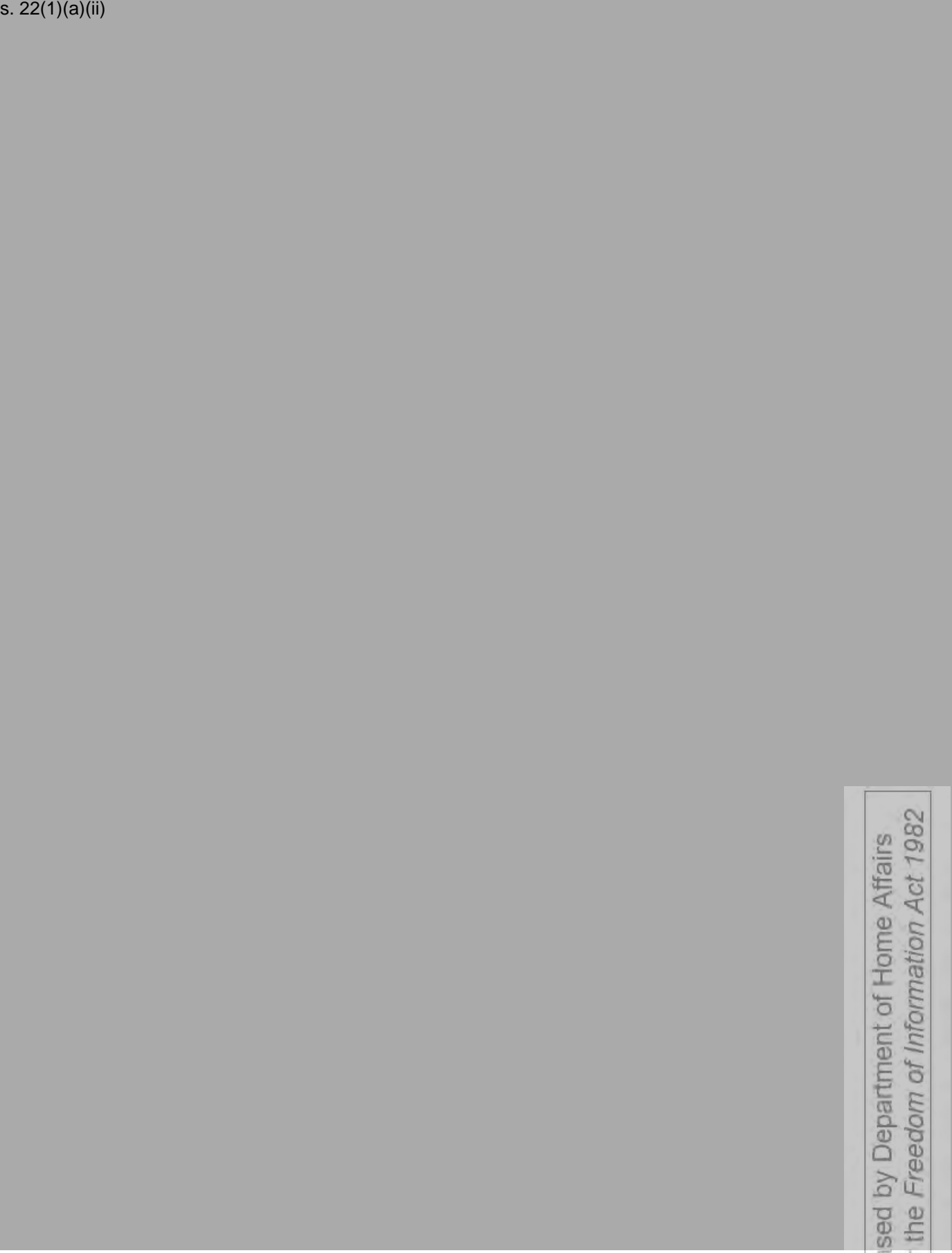
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Attachment B – Assurance and Control Matrix

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 <i>Biosecurity Act 2015</i> <i>Biosecurity (Human Biosecurity Emergency) (Human coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020</i> Reference: F2020C00870	No	
Inwards decision making	N/A	The ABF Commissioner has been authorised by the Prime Minister to consider exemption requests on a case-by-case basis	N/A	

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



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



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COVID-19 Border Measures Procedural Instruction - Students - 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 November 2020
Document Contact	COVID-19 Border Measures Program Management s. 47E(d)

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

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 for use as an explanatory support for exemptions processing staff and exemptions decision makers when assessing exemption requests from student visa holders and prospective student visa holders. Requests are assessed on a case by case basis.

2. Scope

This document provides procedural guidance applicable to the assessment of exemption requests for student visa holders and prospective student visa holders only.

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

- [Commissioner's Guidelines](#)
- [Inwards Travel Restrictions Operation Directive](#)
- Inward Travel Exemptions Process Guide s. 22(1)(a)(ii)
- 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 the Home Affairs website (rather than saving or printing a copy) to ensure they access the most up to date versions.

3. Procedural Instruction

3.1. Decision Maker

For cases where the individual is a University student enrolled in a medical, dental, nursing, pharmacy or allied health degree

Meets the guidelines for an exemption to be approved - two stages of assessment are required:

- Initial Assessment - Officers at any APS level
- Decision Maker - Shift Superintendents COVID-19 Border Measures

Note: Cases referred to the Shift Superintendents must follow the Commissioner Discretion pathway in TEP.

Does not meet guidelines and exemption to be refused - two stages of assessment are required:

- Initial Assessment - Officers at any APS level
- Decision Maker - APS6 level and above

For all other student cases (Year 11 and 12; PhD research)

Meets the guidelines (for referral to Commissioner) three stages of assessment are required:

- Initial Assessment and preparation of submission - Officers at any APS level
- Discretion to refer to Commissioner – APS6 officers and above
- ABF Commissioner

Note: all submissions that are prepared for the Commissioner are reviewed by an EL1 or above via the TEP. Cases referred to the Shift Superintendents must follow the Commissioner Discretion pathway in TEP.

Refusing international student exemption requests two stages of assessment are required:

- Initial Assessment - Officers at any level

Determination to refuse the case (either insufficient evidence provided or has not satisfied guidelines for referral to Shift Superintendents or Commissioner) – APS6 level and above

Officers are not authorised to approve requests for year 11/12 students or PhD students unless they determine the individual is exempt under another category (e.g. immediate family) or grounds outlined in the Commissioner's Guidelines (e.g. visiting critically ill family).

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.

3.2. For consideration when assessing applications from student visa holders and prospective student visa holders

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

Where the travel exemption request has been submitted by an international student who is already present in Australia and is seeking assurance of re-entry to Australia upon return from a proposed overseas trip, please refer to section 3.2 *Pre-emptive inwards travel requests* in *COVID-19 Border Measures Procedural Instruction – General - s. 22(1)(a)(ii)* for policy guidance.

PhD Research Students

Any request from a PhD research student must include evidence of support from a relevant Government agency (federal or state/territory) outlining why the research is considered essential and/or in Australia's national interest and how their role is critical to the research.

If an International PhD research student is a recipient of an Australian Government-funded scholarship/grant, they would generally be considered to satisfy requirements under this category. The funding is provided based on transparent and competitive selection processes by Australian Government's funding bodies including: The Australian Research Council (ARC); the National Health and Medical Research Council (NHMRC); and AusIndustry (Dept. of Industry) and Grains Research and Development Corporation (GRDC). The PhD research student must provide appropriate evidence of this scholarship/grant via a letter from the relevant funding body, confirming that the student has been awarded this research scholarship/grant. Such evidence may be taken in lieu of other sources of federal/state government support for cases that fall within this circumstance.

University Students

A University student studying a degree in a medical, dental, nursing, pharmacy or allied health profession can only be considered if they are in their final two years of study and have a confirmed placement in a hospital or medical practice, which commences in the next two months.

'In their final two years of study' should be taken to mean in the last two years of their study to enable completion of their qualifications. Placements must be in Australian hospitals or medical practices or pharmacies, and must be a course requirement of the medical, dental, nursing, pharmacy or allied health profession university degree. On-campus placements would not generally meet policy guidelines.

It is likely that many students enrolled in degrees in the allied health professions, as defined below, would not be able to satisfy travel exemption policy requirements at this time. If any case raises doubt as to the appropriate treatment, please contact Travel Exemptions Program Management through your team leader.

Allied health professions

Arts therapy, audiology, chiropractic, diagnostic radiographer/medical imaging technologist, dietetics, exercise physiology, genetic counselling, music therapy, occupational therapy, optometry, orthoptics, orthotics/prosthetics, osteopathy, perfusion, physiotherapy, podiatry, psychology, rehabilitation counselling, social work, sonography and speech pathology.

High School Students (Year 11 and 12)

Travel exemption requests for Year 11 and 12 students can be submitted by the student or the relevant State or Territory Education Department, with endorsement from the federal Department of Education, Skills and Employment (DESE). Not all states and territories are taking part in the program.

Students must contact their school in the first instance and their school will work with the relevant State or Territory Education Department to determine the student's eligibility before providing the student's details to DESE.

There are strict procedures the students must follow when they wish to apply for travel exemptions. A summary of the process is:

- Individual students seek support from their school;
- School seeks support from their State/Territory Education Department;
- State/Territory Education Department seeks support from the relevant State/Territory Health Department and once received sends a request to DESE;
- DESE advises State/Territory Education Department of support for the request;
- State/Territory Education Department advises the school/student of support;
- Application for a travel exemption through the TEP, attaching the support from the State/Territory Education Department **and** State/Territory Health **and** DESE;

Further details of this process is available on the [DESE website](#).

3.3. Supporting documentation

To be used as a guide when assessing evidentiary requirements, for referral to the Shift Superintendent or Commissioner:

High School Students minimum guidelines:

- Evidence of current support from the Department of Education, Skills and Employment (DESE); and
- Evidence of current enrolment in a high school in Australia for year 11 and or 12 studies; and
- Evidence of current sponsorship/support from the high school in Australia; and
- Evidence of current endorsement from the relevant Australian State or Territory government health authority and education department

Note: *The Travel Exemption request can be lodged by the student, the school or the relevant State / Territory Education Department*

University Students minimum guidelines:

- Evidence of current enrolment in a University in Australia in their final two years of a medical, dental, nursing, pharmacy or allied health degree;
- Evidence of current sponsorship/support from the University in Australia; and

- Evidence of confirmed clinical placement at an Australian hospital or medical/pharmacy practice

Note – evidence of clinical placements that have expired or have already begun are not valid and new evidence must be requested.

PhD Students minimum guidelines:

- Evidence of current enrolment in a University in Australia as a PhD student undertaking research;
- Evidence of current sponsorship/support from the University in Australia;
- Evidence of support from a relevant Government agency outlining why the research is considered essential and/or in Australia's national interest (note: a letter from the relevant Australian Government funding agency confirming the scholarship/grant award is sufficient to satisfy this requirement, where applicable); and
- Evidence to demonstrate how the student's role is critical to the research (this evidence must come from a source other than the student themselves and is anticipated to most frequently be included in the evidence from either the sponsoring University or the relevant Government agency); or

3.4. Client communication

The following may be used as a guide when communicating with a client, on a case by case basis:

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 is likely to meet 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.

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 referral to the Chief Superintendent or the Commissioner for consideration of 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.

3.4.1 Client communication – example wording

Additional standard words that can be included in communication with clients if appropriate for the case. Please remove ITALICS from the text before sending to the client:

International students are unable to travel to Australia at this time except in very limited circumstances, which are outlined on the Department's website. We look forward to welcoming international students back to Australia in the future when circumstances allow. I encourage you to keep in close contact with your education provider so you are aware of the latest updates regarding student returns.

The Prime Minister's Roadmap to a COVID-safe Australia makes clear that government supports the return of international students to Australia. Careful consideration is being given to how and when that can happen in a COVID-safe way.

- Small-scale pilots will be led by states and territories in partnership with education institutions.
- They will be based on robust health, quarantine, border and provider protocols.
- This will ensure a COVID-safe environment for both Australians and international students.

States and territories will make decisions about how and when to move between steps of the COVID-safe Australia framework based on local conditions and in line with public health advice. The Australian Government is working with states and territories on the arrangements. The timing of any pilots is a matter for state and territory governments.

Any questions about possible future pilot programs should be directed to your education provider in the first instance. Any state or territory government progressing a pilot will work with its education providers in determining the student cohort. Education institutions would be responsible for seeking an expression of interest from prioritised student cohorts.

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

High School Students:

- Evidence of current support from the federal Department of Education, Skills and Employment (DESE); and
- Evidence of current enrolment in a high school in Australia for year 11 and or 12 studies; and
- Evidence of current sponsorship/support from the high school in Australia; and
- Evidence of current endorsement from the relevant Australian state or territory government health authority **and** education department

University Students:

- Evidence of current enrolment in a University in Australia in their final two year of a medical, dental, nursing, pharmacy or allied health degree (see definition of allied health professionals below); and
- Evidence of current sponsorship/support from the University in Australia; and
- Evidence of confirmed placement in an Australian hospital or medical practice or pharmacy:

Allied Health Professions are: Arts therapy, audiology, chiropractic, diagnostic radiographer/medical imaging technologist, dietetics, exercise physiology, genetic counselling, music therapy, occupational therapy, optometry, orthoptics, orthotics/prosthetics, osteopathy, perfusion, physiotherapy, podiatry, psychology, rehabilitation counselling, social work, sonography and speech pathology.

PhD Students:

- Evidence of current enrolment in a university in Australia as a PhD student undertaking research; and
- Evidence of current sponsorship/support from the University in Australia; and
- Evidence of support from a relevant Government agency (including relevant Australian government research funding organisations) outlining why the research is considered essential and/or in Australia's national interest; and
- Evidence to demonstrate how the student's role is critical to the research (this evidence must come from a source other than the student themselves and is anticipated to most frequently be included in the evidence from either the sponsoring University or the relevant Government agency); or

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.

s. 47E(d)



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4. Accountability and Responsibility

Role	Description
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Document drafter	Document drafters are responsible for: drafting documents, consulting with stakeholders.

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1.0	11/11/2020	Border Measures Program Management	Approved for release
1.1	04/12/2020	Border Measures Program Management	Clarification on 'final years' and 'placements' for university students
1.2	29/01/2021	Border Measures Program Management	Inclusion of Pharmacy Students
1.3	17/02/2021	Border Measures Program Management	Clarification of support from DESE for Year 11/12 Students
1.4	02/03/2021	Border Measures Program Management	Scholarship/Grant letters can be accepted for PhD student
1.5	23/03/2021	Border Measures Program Management	Removal of placement length following consultation with universities, state and territory health authorities and the Commonwealth Chief Medical Officer

Attachment A – Definitions

Term	Definition
Allied Health Professions	Arts therapy, audiology, chiropractic, diagnostic radiographer/medical imaging technologist, dietetics, exercise physiology, genetic counselling, music therapy, occupational therapy, optometry, orthoptics, orthotics/prosthetics, osteopathy, perfusion, physiotherapy, podiatry, psychology, rehabilitation counselling, social work, sonography and speech pathology.

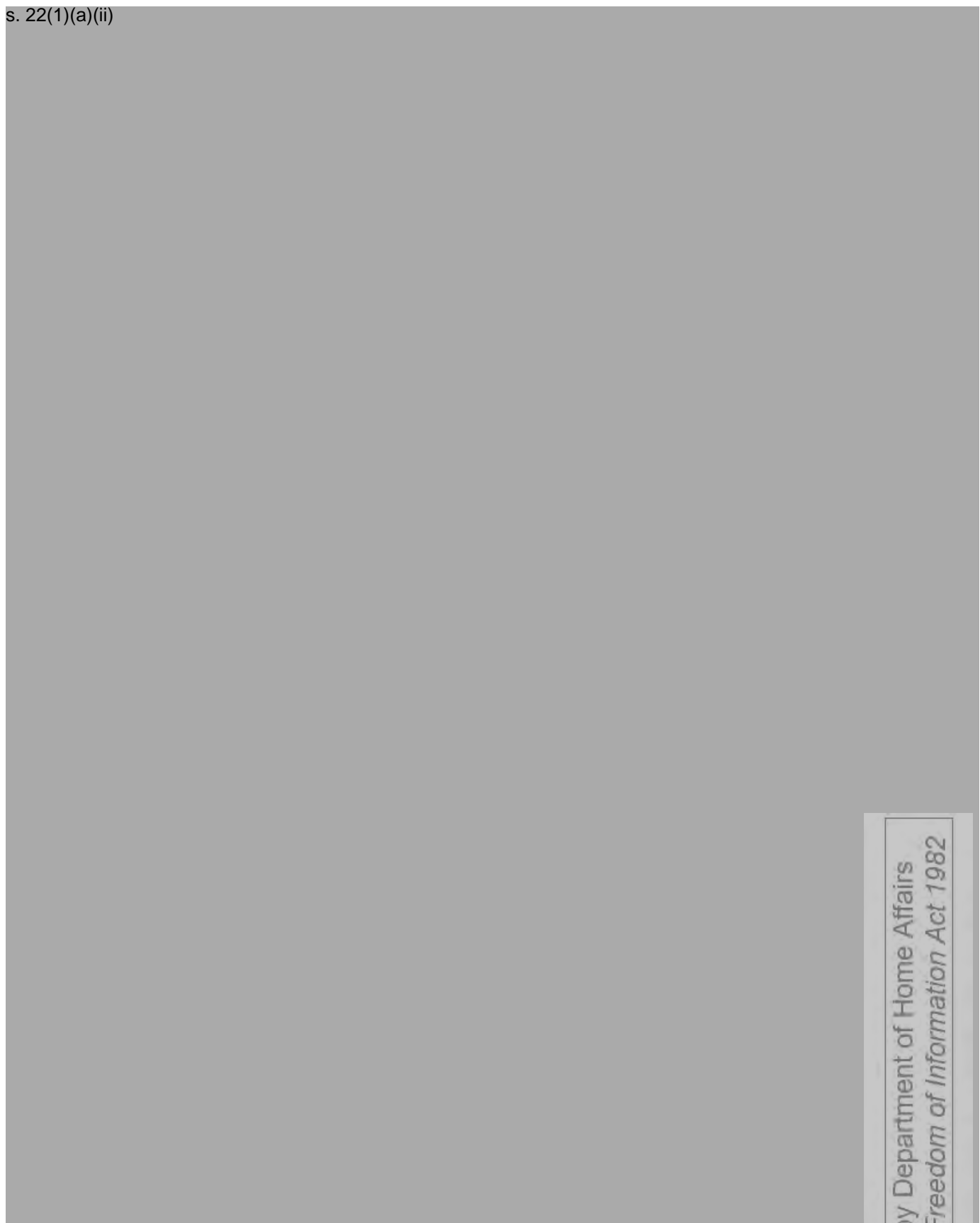
Attachment B – Assurance and Control Matrix

1.1. Powers and Obligations

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


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



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COVID-19 Border Measures Procedural Instruction - Vessels Seeking Safe Haven – 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
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Document Contact	COVID-19 Border Measures Program Management s. 47E(d)

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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 inwards travel exemptions processing staff and inwards travel exemptions decision makers.

The purpose of this procedural guidance is to provide support to inwards travel exemptions processing staff assessing exemption requests for individuals who reside on a vessel seeking safe port for reprovisioning or safety reasons for a limited duration. Requests are assessed on a case by case basis.

2. Scope

This document provides procedural guidance applicable to the assessment of exemption requests for persons who reside on a vessel seeking safe port at the closest appointed port for reprovisioning or safety reasons for a limited duration.

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

Cases where individuals who reside on a vessel are seeking safe port, at the closest appointed port, for reprovisioning or safety reasons, for a limited duration, can only be considered by the ABF Commissioner.

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

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.

Travel exemption requests falling within the scope of this instruction will be managed by s. 22(1)(a)(ii) Border Measures Shift teams.

3.2. For consideration when assessing applications

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

Any request for a travel exemption submitted by individuals who reside on a vessel seeking safe port at the closest appointed port for reprovisioning or safety reasons for a limited duration must include the following supporting evidence:

- Confirmation of residency on the vessel
- Confirmation of the reason for entry to Australia e.g. reprovisioning and/or safety concerns
- Current location of the vessel
- Closest safe appointed port
- Proposed location of arrival in Australia
- Estimated date of arrival in and departure from Australia
- Confirmation of limited duration in Australia (e.g. cyclone season)
- Confirmation that quarantine will be undertaken as directed by the relevant State or Territory government, and
- Support from the relevant State or Territory where safe haven is sought

At this stage, Queensland is the only jurisdiction that has indicated it would support the arrival of vessels in these circumstances. It is possible that other jurisdictions may agree in future.

3.3. Client communication

The following may be used as a guide when communicating with a client, on a case by case basis:

Requesting further information

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

- 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.

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 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 for referral to the Commissioner for consideration. 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.

3.4.1 Client communication – example wording

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

Individuals who reside on a vessel that seeks safe port

- *Confirmation of residency on the vessel*
- *Confirmation of the reason for entry to Australia e.g. reprovisioning and/or safety concerns*
- *Current location of the vessel*
- *Closest safe appointed port*
- *Proposed location of arrival in Australia*

- *Estimated date of arrival in and departure from Australia*
- *Confirmation of limited duration in Australia (e.g. cyclone season)*
- *Confirmation that quarantine will be undertaken as directed by the relevant State or Territory government, and*
- *Evidence of support from the relevant state or territory where safe haven is sought*

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.

s. 47E(d)




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	19/11/2020	Program Management	First issue

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



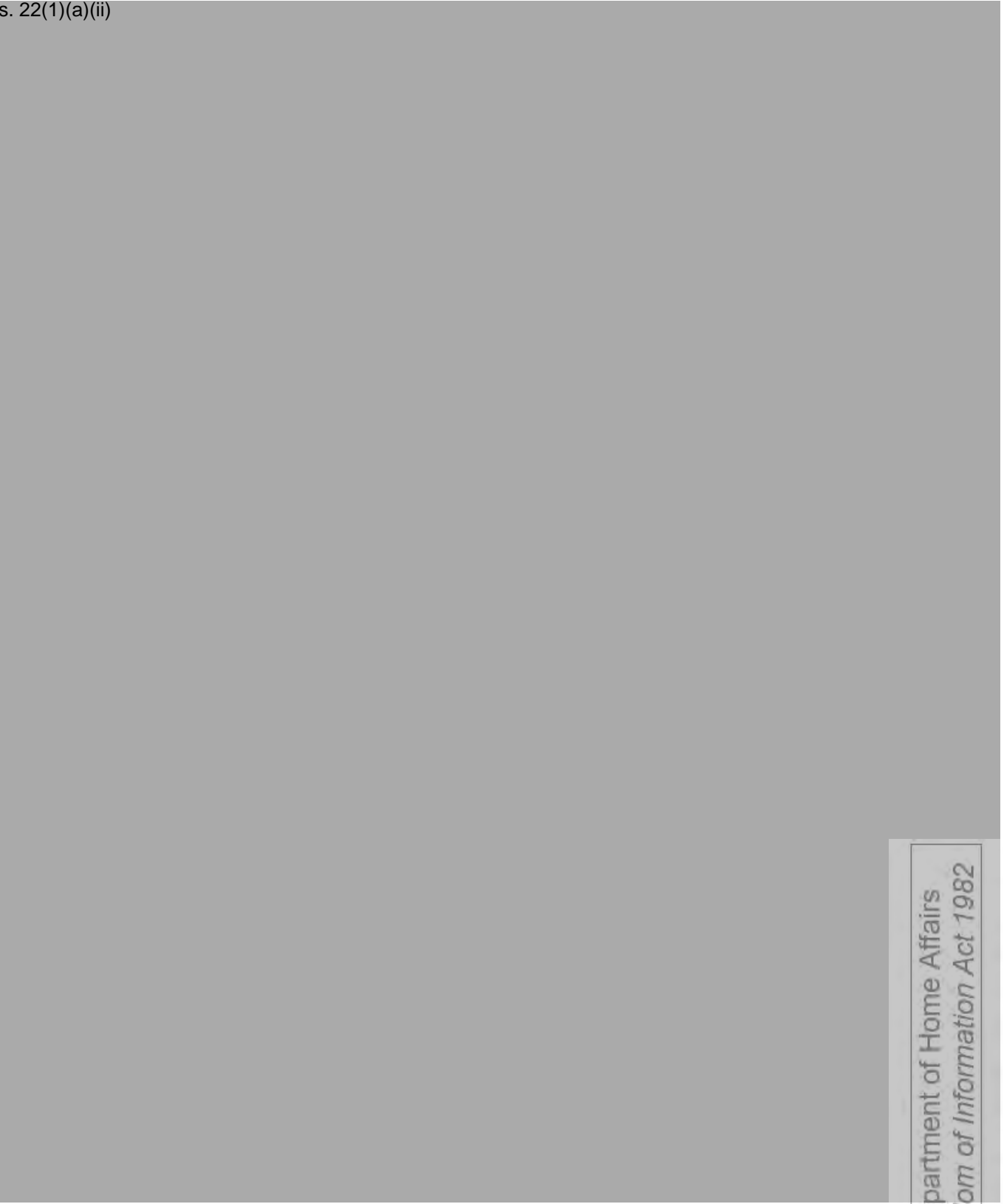
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Attachment B – Assurance and Control Matrix

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 <i>Biosecurity Act 2015</i> <i>Biosecurity (Human Biosecurity Emergency) (Human coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020</i> Reference: F2020C00870	No	
Inwards decision making	N/A	The ABF Commissioner has been authorised by the Prime Minister to consider exemption requests on a case-by-case basis	N/A	

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