



Freedom of Information Request FA 21/07/00666

1. Number of asylum seekers, and refugees from Afghanistan that are in the Legacy Caseload Cohort
2. Number of Afghan refugees within the Legacy Caseload Cohort who have been granted protection in Australia
3. Number of Afghan refugees within the Legacy Caseload Cohort who currently hold a Temporary Protection Visa
4. Number of Afghan refugees with the Legacy Caseload Cohort who currently hold a Safe Have Enterprise Visa
5. Number of Afghan asylum seekers within the Legacy Caseload Cohort who are awaiting primary decision on their application for protection in Australia
6. Number of Afghan nationals within the Legacy Caseload Cohort whose applications for protection have been affirmed by the IAA
7. Number of finally determined protection applicants from Afghanistan within the Legacy Caseload Cohort who have been removed from Australia to Afghanistan
8. Number of Afghan nationals within the Legacy Caseload Cohort who have voluntarily returned to Afghanistan since December 2014
9. Documents relating to voluntary and involuntary return of failed Afghan asylum seekers to Afghanistan, including documents and policies relating to encouraging Afghan asylum seekers to return to Afghanistan through financial and settlement incentives in Afghanistan.

Response:

1. There are 5,160 Afghani's citizens in the IMA legacy caseload (IMALC)
2. There are 4,247 Afghanis citizens in the IMALC that currently temporary protection (785/790) visa holders
3. There are 1,111 Afghanis in the IMALC who hold a current temporary protection visa (subclass 785)
4. There are 3,136 Afghanis in the IMALC who hold a current Safe Haven Enterprise Visa (subclass 790)
5. There are 455 Afghani citizens IMALC onhand
6. There are 328 Afghani citizens from the IMALC remaining awaiting status resolution in Australia who are finally determined
7. Of the 5,160 applicants, 8 Afghanis from the IMALC have been removed with the assistance of the department from immigration detention
8. Of the 5,160 applicants, 31 Afghanis from the IMALC have been returned with the assistance of the department from the community
9. See attached document

Data Notes:

1. As data has been drawn from a dynamic system environment, the information is correct at the time of publication and figures may differ slightly from previous or future reporting.
2. Data was extracted from departmental systems on 13 July 2021.



Unclassified

Return and Reintegration Assistance Program

Procedural Instruction

Document ID (PPN)	BC-827
TRIM record number	ADD2020/939715
BCS Function	Border Enforcement
Document owner	Assistant Secretary, Status Resolution Branch
Approval date	3 March 2020
Document Contact	s. 22(1)(a)(ii)

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

Unclassified

Table of Contents

1. Purpose	4
2. Scope	4
2.1. In In scope	4
2.2. Out of scope	4
3. Procedural Instruction	5
3.1. Summary of return assistance	5
Table 2 – Summary of return assistance	5
3.2. Eligibility	5
3.2.1. Self-funding	6
3.2.2. Ineligible groups	6
3.3. Return to a third country	6
3.4. Return assistance	7
3.4.1. Independent return counselling	7
3.4.2. Travel assistance	7
3.4.3. Travel documents	8
3.4.4. Pre-departure, en route and in-country accommodation	8
3.4.5. Cash allowance for non-IMA travellers	8
3.4.6. Escorts (Medical and Operational)	8
3.5. Reintegration Assistance	9
3.6. Post arrival reintegration assistance	10
3.7. Receiving RA and PARA	10
3.8. Referral to the Program	10
3.8.1. Self-referral	11
3.8.2. Referred by the Department	11
3.8.3. Third party referral	11
3.8.4. Creating a referral to the Program	11
3.8.5. Managing the distribution of referrals to Service Providers	12
3.8.6. The role of the Service Provider in a referral	13
3.8.7. Endorsing assistance	13
3.9. Return assistance eligibility for specific groups	13
3.9.1. No discrimination based upon nationality	13
3.9.2. UAMs voluntarily returning from the community	14
3.9.3. 5H met (previously 1A) IMA asylum seekers	14
3.9.4. Positive ITOA visa applicants	14
3.9.5. Visas with multiple entry facility including Protection-based visa holders	15
3.9.6. Protection-based visa holders	15
3.9.7. Non-citizens likely to meet visa cancellation/refusal provisions	15
3.9.8. Non-citizens who request visa cancellation	16
3.9.9. Stateless non-citizens	17
3.9.10. MA crew members	17

3.9.11. 'Finally determined' visa applications	17
3.10. Return to suspended countries	17
3.11. Debt to the Commonwealth, exclusion periods and re-entry	17
3.12. ICSE Client of Interest notes	18
4. Accountability and Responsibility	18
5. Version Control	18
Attachment A – Definitions	20
Attachment B – Assurance and Control Matrix	24
1.1. Powers and Obligations	24
1.2. Controls and Assurance	24
Attachment C – Consultation	26
1.1. Internal Consultation	26
1.2. External Consultation	26

1. Purpose

The Return and Reintegration Assistance Program (RRAP, the Program) is part of the Department's wider Status Resolution program. The Program provides assistance to non-citizens who choose to depart Australia voluntarily but not able to do so.

The Program operates on the basis that the voluntary return is a freely taken decision by non-citizens encompassing two elements:

- freedom of choice, which is defined by the absence of any physical or psychological pressure; and an
- informed decision, which requires the availability of sufficient, accurate and objective information to decide.

Non-citizens must continue to provide informed consent and actively participate in the decision-making process pertaining to all the stages of return and reintegration.

2. Scope

2.1. In scope

Assistance provided to:

- Voluntary departures of non-citizens, including Illegal Maritime Arrivals (IMA) from the Australian community.
- Voluntary departures of IMAs from Australian immigration detention facilities.
- Voluntary departures from a Regional Processing Country (RPC) facilitated by departmental officers or by Service Providers under contract to the Department.

2.2. Out of scope

Assistance provided for:

- Involuntary removal of non-citizens, including IMAs from Australian immigration detention facilities.
- Involuntary removal of any person (including individuals transferred from Australia to a RPC) from a RPC.
- Voluntary departures from a RPC facilitated by a Service Provider under contract directly with a RPC.

This document does not include procedures related to involuntary removal individuals from detention.

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

3. Procedural Instruction

3.1. Summary of return assistance

Cohort	Community				Detention/Residence Determination		
IMA	Returns assistance	Reintegration assistance (RA)	Post Arrival Reintegration Assistance (PARA)	PRS	Returns assistance	Reintegration assistance (RA)	Post Arrival Reintegration Assistance (PARA)
	✓	✓	x	x	x	x	✓
Returns assistance <ul style="list-style-type: none"> Independent returns counselling Plane ticket Assistance to obtain Travel documents Reception assistance in country of return Travel assistance to final destination Reintegration Assistance (RA) <ul style="list-style-type: none"> Cash allowance, in-kind assistance or a combination of both (to a maximum of USD3,300 or USD4,000 in total) 					Post Arrival Reintegration Assistance (PARA) is available for IMAs who request voluntary removal from detention. All other forms of return assistance are not available for non-citizens in detention.		
Non-IMA	Returns assistance	RA	PARA	PRS	All detainees are removed under the Department's removal program.		
	✓	x	x	x	For more information see Post arrival reintegration assistance .		
Return assistance <ul style="list-style-type: none"> Independent returns counselling Plane ticket Assistance to obtain Travel documents Reception assistance upon arrival in country of return Travel assistance to final destination Limited Cash assistance 					RA and PARA is not available for non-IMAs detainees.		

Table 2 – Summary of return assistance

3.2. Eligibility

To depart Australia via the Program, a person must:

- be a non-citizen,
- not hold a visa that permits re-entry to Australia,
- elect to voluntarily return to a country-of-origin or a country where he/she has a right of entry and long term stay, and
- demonstrate that they are unable to self-fund their return.

Clients are only eligible for returns assistance on one occasion. If a client has previously departed Australia using RRAP, they would not be considered for the program a second time. Departmental staff should cross

reference records in the s. 47E(d) , ICSE and CCMD Portal to identify if the client has previously received returns services. Guidance should be sought by emailing [AVRR](#).

See Clause 4.9.5 for information relating to the voluntary cancellation of a recipients visa.

3.2.1. Self-funding

The Status Resolution Officer (SRO) should be satisfied that the client is unable to self-fund their return before costs are approved. When assessing eligibility, the SRO may assess the following:

- Financial capacity through available funds; evidenced by bank statements etc
- Recent and/or long term employment (if applicable/permitted under their visa)
- Recent domestic or international travel
- Financial support available from family onshore and offshore
- Evidence of contact with family and/or consulate/embassy seeking assistance
- s. 47E(d) .

Taking into consideration the circumstances of the individual, the above list may be called upon to ensure the integrity of the program is upheld.

See also [Return assistance eligibility for specific groups](#).

3.2.2. Ineligible groups

The following categories of non-citizens are currently unable to access the assistance (excluding post removal support):

- Illegal foreign fishers;
- IMA crew members of continuing interest to the Australian Federal Police (see IMA crew members below);
- non-citizens with ongoing matters before any Australian court, for example, family court matters or criminal matters (unless the relevant authority agrees that the non-citizen can leave Australia prior to finalisation of the matter). If there is a Criminal Justice Stay Certificate in place advice should be sought from s. 22(1) ;
- non-citizens who have served a single or cumulative term of imprisonment in an Australian jail for 12 months or more (see Non-citizens likely to meet visa cancellation/refusal provisions); and
- detainees who have been given a Notice of Intention to Remove from Australia (see BE-5504 Removal from Australia – removal notification for further information).

3.3. Return to a third country

A non-citizen may be unwilling or unable to return to their country of origin or citizenship for various reasons, but may be willing/able to travel to a third country where they have a right of lawful entry and long term stay. This will usually be due to:

- Dual citizenship or permanent/temporary residence in the third country;
- Sponsorship options available through friends, family or community groups having family or friends in that particular country, or

- the host country government agreeing to facilitate entry and stay.

The traveller must demonstrate the right of entry and long term stay in the chosen country of return. The Department will assess eligibility for the Program, once right of entry and/or stay into a third country is established. For further information, interpretation or advice on travel to a third country email [S. 22\(1\)](#)

3.4. Return assistance

The Program offers a variety of assistance, broadly categorised under the following headings. A recipient may require one, or any combination of assistance, including:

- Independent returns counselling
- Plane ticket
- Assistance to obtain Travel documents
- Reception assistance in country of return
- Travel assistance to final destination

Return assistance is only available to eligible individuals who depart from the community. PARA (see [Post arrival reintegration assistance](#)) is available to eligible individuals who are removed voluntarily from detention.

3.4.1. Independent return counselling

Return conversations between RRAP recipients and the Service Provider are confidential, independent of all government processes, and do not affect any ongoing immigration matters a person has before the Department.

Return counselling typically includes discussion of general return options and information on the current situation in the proposed country-of-return, with interpreter and translation service assistance if required. Return counselling is a free service and an integral part of the Program and those non-citizens who are undecided about return may benefit from this service. Some non-citizens may receive return counselling and fund their own departure, others may partially fund their departure, and some may require comprehensive financial assistance.

3.4.2. Travel assistance

Travel assistance may include:

- transport assistance to the departure airport;
- assistance at the departure airport;
- an airfare to the country of return;
- specified escort, if required, other than a security escort, during international travel;
- assistance at transit location/s;
- assistance at destination airport;
- transport assistance to final destination; and
- expenses for medical assistance.

3.4.3. Travel documents

Non-citizens can receive assistance from the Service Provider to apply for a travel document (TD) for the purposes of travel under the Program. The Service Provider is not the travel document applicant and can only provide assistance for non-citizens to lodge their own travel document applications.

The Department may endorse travel and accommodation support on a case by case basis where a recipient needs to travel to a foreign mission for interview or collection of travel documentation.

Where a non-citizen has disengaged from the Program and the Service Provider has possession of the TD, the TD is returned to the issuing foreign government mission. This allows the Department to liaise with the issuing foreign government mission for the release of the TD to the Department.

3.4.4. Pre-departure, en route and in-country accommodation

Maximum of seven days accommodation is available at any stage of the return journey (pre-departure, en route and in-country accommodation) Pre-departure accommodation is only available once the traveller holds a valid travel document, or where the issue of the travel document is imminent. Following endorsement from the Department, the Service Provider will make arrangements to book and pay for accommodation. For cases requiring more than seven nights' accommodation, email S. [REDACTED]

22(1)

Where clients require longer term assistance (such as when waiting for travel documents) the SRO and Service Provider should work together to ascertain what appropriate supports are available. Support may be available within the community, other non-governmental organisations or in some cases via the Status Resolution Support Services (SRSS) Program.

3.4.5. Cash allowance for non-IMA travellers

Cash allowances are available to non-IMAs departing via RRAP. This allowance is for expenses agreed between the Department and the Service Provider facilitating travel. In general, most returns require a maximum of \$100 cash assistance. For cases potentially requiring assistance in excess of this amount, the SRO should email S. [REDACTED]

22(1)

3.4.6. Escorts (Medical and Operational)

Complex cases may necessitate an accompanying escort, either fully trained medical personnel or an operational (social/welfare escorts). Clients with physical and/or mental health issues, as well as minors may require someone to assist them during their journey home. Escort requirements are generally determined by a recommendation supported in writing by a treating registered medical professional in Australia, and approved by the Department. Medical and welfare escorts services are to be managed by the Service Provider.

The number and type of escorting officer (medical professional/welfare) may also be impacted by any risk assessments completed by the airline or Service Provider depending on the client's needs, the perceived security risks in-country or any other factors.

Where a recommendation has been made for escort services, the SRO should email S. [REDACTED] for approval and include all relevant documentation, such as a medical report and fit to fly assessment signed by a medical practitioner, supporting the request.

Medical Escorts

Medical escorts usually require:

- Use of an airline/medical stretcher when the client is unable to sit up in their seat for landing and take-off; or,

- Business class seating may be required (or preferred) as a more cost efficient option during travel to provide a medically required level of comfort for the client; or,
- Standard airline seats should be used where the client's medical needs are not impacted by mobility.
- Medication and treatment will need to be carefully considered including transit and arrival countries. Restrictions on the carriage of some medications may impact on departure planning.

Operational Escorts

Complex cases may require an escort other than an accompanying medical professional, Operational escorts (sometimes referred to as *social* or *welfare escorts*) could be requested due to the inability of the clients to manage the journey without support.

Unaccompanied minors may also require an escort to accompany them during their return. The Department's Employment Screening for Child-related Positions Policy mandates that all departmental staff, Australian Border Force (ABF) officers and contracted Service Providers in child-related positions obtain and maintain Working with Children Check (WWCC) clearances in the state or territory in which they are working.

In some instances it may be appropriate to consider family, or a trusted friend to undertake the role of an operational escort. In these circumstances email [s. 22\(1\)](#) discuss.
() (ii)

3.5. Reintegration Assistance

In addition to return assistance, Reintegration Assistance (RA) is available to IMAs within prescribed limits, see Table 3 – Reintegration Assistance amounts. RA is available as a combination of cash and in-kind assistance, cash only, or in-kind only assistance. The Service Provider in the return country and recipient will develop an RA Plan (RAP) after the return journey is completed.

Higher amounts may be available for voluntary departures from an RPC. Consult [s. 22\(1\)](#) in relation to specific cases.

In some instances the Service Provider may not be able to distribute all or part of the RA. This could be due to political, social, financial, disaster-related or operational issues in the relevant country. In these circumstances the Service Provider will work with the Department to discuss options.

Table 3 – Reintegration Assistance amounts

Who	returning to ...	Amount of RA
RA for those who are 18 years or older	Afghanistan and Iraq	Up to USD4,000 per person
RA for those who are 18 years or older	Any other country	Up to USD3,300 per person
RA for each family member under 18 years	To any country	USD500 per person

For cases where an IMA unaccompanied minors (UAMs) is returning alone, consult [s. 22\(1\)](#) in relation to the level of Reintegration Assistance available.

RRAP assistance to members of the family who are under the age of 18 are only eligible for the USD500 RA amount regardless of whether return travel is with family or independent of the family unit.

3.6. Post arrival reintegration assistance

Post arrival reintegration assistance (PARA) is available for IMAs who request voluntary removal from detention under section 189(1) of the Migration Act (*An officer must remove as soon as reasonably practicable an unlawful non-citizen who asks the Minister, in writing, to be so removed*). For more information about voluntary removal, refer to DM-566 – Removal from Australia.

PARA is provided by the contracted Service Providers. To engage a Service Provider, a referral must be created in the CCMD Portal under the “Returns and Removals” service. See [Creating a referral to the Program](#) for instructions.

Where an individual is eligible for PARA, the Service Provider will engage with them to provide information on how the assistance will be arranged and delivered.

If an IMA UAM is being voluntarily removed from detention under section 198(1) of the Migration Act, Status Resolution Program Management Section (SRPMS) is to be consulted to provide the necessary administrative support regarding possible PARA. SRPMS can be contacted by emailing [S. 22\(1\)](#).

The table below provides the amount of PARA available for specific cohorts.

Table 4 – PARA amounts

Who	returning to ...	Amount of PARA
PARA for those who are 18 years or older	Afghanistan and Iraq	Up to USD4,000 per person
PARA for those who are 18 years or older	Any other country	Up to USD3,300 per person
PARA for each family member under 18 years	To any country	USD500 per person

For cases where an UAM is returning alone, consult [S. 22\(1\)](#) in relation to the level of PARA available.

3.7. Receiving RA and PARA

RA and PARA is approved in Australia, and delivered in the country-of-return. Prior to departure, the recipient is advised that they must meet with the in-country Service Provider within 30 days from the date of arrival in the country-of-return in order to access RA/PARA.

If circumstances arise where the recipient is unable to meet with the in-country Service Provider, a nominee may be appointed to receive the RA/PARA on behalf of the recipient. The request must be made in writing to the Service Provider and must specify the reason for the nomination. Where a RA/PARA recipient passes away before receiving their RA/PARA, the assistance will be made available to the family of the deceased. The Service Provider must always seek approval from the Department when a change in recipient is sought.

Payment will not be made where a client (or nominee) fails to contact the in-country Service Provider within 30 days.

3.8. Referral to the Program

Referrals to a Service Provider can occur in any of three following ways:

- self-referral, by contacting a Service Provider (in person, telephone or electronically);

- referred by the Department; or
- referred **by a third party**, (advocates, community workers, hospitals or charitable organisations).

3.8.1. Self-referral

Self-referral can occur at any time. The commencement of service delivery is not dependent on a referral generated in the Portal. If self-referral occurs, the Service Provider will request that the Department generate a referral in the Portal. Requests for referrals from Service Providers to the Department will be made by phone or email, either directly to an SRO, or to a group email mailbox. If requests for referrals are received by phone or email, the referral must be created in the Portal and sent to the provider on the same day or as soon as practicable.

3.8.2. Referred by the Department

Formal referral to the Program must be made via the CCMD Portal. This referral is required regardless of the source of referral to the Program (self referral, via by the Department or through a third-party).

3.8.3. Third party referral

Third parties, such as other Service Providers or community organisations, can introduce non-citizens directly to a Service Provider or via the Department.

3.8.4. Creating a referral to the Program

1. Departmental officer must check person's details in departmental systems to establish if the person has previously received return services. Cases where the person has previously received return services should be referred to S. [REDACTED].
2. Departmental officer will create a referral in the CCMD Portal for all persons who require return services including self-referral cases.
3. Service Provider will acknowledge referral and nominate a case worker. If applicable, the Service Provider will contact the Department with reasons for not accepting a case.
4. The prospective returnee is assisted by the Service Provider to complete the necessary application forms (Forms 1518 and/or 1519).
5. The Service Provider will send the completed forms to the Departmental officer for review and endorsement. All returns must be approved by the Department.
6. If the Department supports the application, the Service Provider will be advised by return email.
7. Once the person has left Australia, the Service Provider can complete the Client Departure details and finalise the referral in the Portal ensuring that all relevant records are uploaded using the attachments feature. Noting that documentation is still able to be uploaded after the referral is closed. Uploading all records ensures that all information is captured as well as meeting the contractual obligations of the Service Provider.
8. Departmental officer will ensure the Client Departure details have been completed, finalise all the services in the Portal with respect to prospective returnee interactions, decisions, referrals, work plans, outcomes and status.
9. Departmental officer will create a client of interest note in ICSE. Refer to ICSE Client of Interest notes for the narrative.

10. s. 47E(d)

If a referral is declined by the Service Provider, the case may be escalated to a departmental line manager, who will liaise directly with the Service Provider. Referring the case to the other Service Provider will be considered in such instances. Departmental staff should advise of any cases of referrals being declined to the s. 22(1) mailbox.

For detailed instructions on how to create a referral in the CCMD Portal, refer:

- RRAP – CCMD Operational Portal Guide – for HA Staff (TRIM ADD2018/4695393)
- RRAP – CCMD Operational Portal Guide – *Return Service Providers* (TRIM ADD2018/4695384).

3.8.5. Managing the distribution of referrals to Service Providers

The Department has contracts with two Service Providers, IOM and Serco/Homeward. Other than the defined case categories below, there must be an equitable distribution of referrals between Service Providers. The table identifies all categories of cases and how these cases are referred to Service Providers.

Table 5 – Categories of cases and Service Providers that manage them

Case Category	Service Provider
IMA cases referred by the Department requiring return assistance <u>and</u> reintegration assistance	IOM
IMA Cases requiring only reintegration assistance	IOM
IMA cases referred by the Department requiring PARA	IOM
IMA or non-IMA cases referred by the Department requiring <u>only</u> return assistance	Equal distribution between IOM and Serco/Homeward
Returns assistance cases IOM is unable to assist	Serco/Homeward
Returns assistance cases Serco/Homeward is unable to assist	IOM
Self-referred cases, i.e. the client makes first contact with a particular Service Provider	The Service Provider who receives the service enquiry
Third-party referred cases, i.e. another organisation or person refers a case to the Program	The Service Provider who receives the service enquiry

Service Providers will work together on a small number of cases. This includes IMA cases where IOM is unable to deliver return assistance, and the Department continues to support a departure from the community. In these instances, the case is to be referred to Serco for returns assistance and, if travel is achievable, Serco will work with IOM for the delivery of any applicable reintegration assistance. The Department is reliant on the IOM receiving (in-country) mission agreeing to provide reintegration assistance in these instances. As there is no guarantee of agreement from the IOM receiving missions, Service Providers will carefully consider how much pre-planning to undertake, as the return may not be possible. In these circumstances please contact AVRR.

3.8.6. The role of the Service Provider in a referral

When a Service Provider is able to provide services, they will submit the necessary forms to the Department via CCMD Portal, for review and endorsement. These forms include:

- Application for Returns Assistance – Form 1518; and/or
- *Application for Reintegration Assistance* – Form 1519.

If there is no active referral in the CCMD Portal, the Service Provider will also contact the Department to request a referral be created in the system. The Portal referral allows the Service Provider to submit forms containing details and costs associated with returns. Once the Service Provider submits the relevant forms, the local departmental office will review the request and either:

- endorses the return plan and associated costs;
- request more information or amendment; or
- refuses the request, and state the reason why.
- refer to National office all cases requiring Escorts.

3.8.7. Endorsing assistance

The Department is required to endorse an application for return assistance and reintegration assistance. For approval purposes, the endorsing officer should be the supervisor of the SRO requesting the assistance under the program.

When a departmental officer endorses return assistance or reintegration assistance, it is not an exercise of financial delegation. There is an existing standing order associated with Financial Framework Supplementary Powers (FFSP) section 32B approval for the expenditure of public moneys against the Program, as approved by the Director, SRPMS, against the relevant cost centre.

The endorsing officer will consider the proposed expenses, based on the recommendations of the Service Provider, and satisfy themselves that these costs are reasonable, offer value for money, and within the program policy. If required, the Department may request further information from the Service Provider, or obtain this information from departmental systems.

Every departure has the potential to require a different volume of assistance. SRPMS is available for interpretation and advice - email [S. 22\(1\)](#).

For accountability purposes, Departmental staff must refer to the RRAP Departmental Approval Guide 2020 (ADD2020/939689), which details the financial value limit an individual staff member can approve for a particular expense type.

3.9. Return assistance eligibility for specific groups

3.9.1. No discrimination based upon nationality

The Program is designed to assist non-citizens return to a country of origin or third country where there is a right of long term stay. The Program does not exclude particular nationalities based upon distance from Australia, ease of travel or lower costs when departing Australia.

Where an application comes to the Department or Service Provider, it will not be assessed based upon destination, rather it will be assessed based upon RRAP eligibility criteria. Departmental officers and Service

Providers do need to be satisfied that services are legitimately required, and should follow clause 3.2.1 Self-Funding for guidance when making their assessments.

3.9.2. UAMs voluntarily returning from the community

The Program can assist UAMs with return from the Australian community, however, there are a number of steps that need to be undertaken prior to commencing the return planning. This includes risk assessments, best interest determinations, family tracing and discussions with care providers/carers (see BE-916 Child safeguarding framework for more information). Contact S. [REDACTED] for further information.

For all UAMs, the Department needs to consider a range of factors prior to departure, particularly for UAMs who fall within the scope of the *Immigration (Guardianship of Children) (IGOC) Act*. IGOC delegates must be informed of any intention or decision to return a UAM. A confirmation of IGOC status must be completed and recorded on the person's portal record prior to return. A client of interest note should also be created to reflect an IGOC status. For further information refer to VM-932 – Guardianship of Minors under the IGOC Act 1946.

3.9.3. 5H met (previously 1A) IMA asylum seekers

The "5H met IMA cohort" are those IMAs who:

- were subject to a Refugee Status Assessment (RSA) or Protection Obligations Assessment (POE); and
- have been determined as being a refugee in accordance with s5H of the Migration Act; or
- have not yet satisfied other visa criteria for the offer of a substantive protection based visa.

Access to the Program for this cohort is determined on a case-by-case basis by the Department. The Service Provider will benefit from understanding why a particular person is 5H met and this information should form part of conversations when referring a person in these circumstances. Service Providers will advise the Department if they refuse to assist 5H met non-citizens and close any active referrals in the CCMD Portal.

Persons in these circumstances must meet the Program's eligibility criteria, and finalise all immigration matters such as visa applications, judicial review or ministerial intervention requests.

For advice on specific cases email S. [REDACTED]
22(1)

3.9.4. Positive ITOA visa applicants

Non-citizens who are found to engage non-refoulement obligations through a positive international treaties obligation assessment (ITOA) can still meet with the Service Provider at any time. Service Providers will advise the Department if they can assist a person in these circumstances.

The Service Provider will benefit from knowing as much information as possible for those clients with a positive ITOA. For example, details about any invitation to make a subsequent visa application, or requests from the Department to the Minister for the grant of a particular visa.

Persons in these circumstances must meet the Program's eligibility criteria, and finalise all immigration matters such as visa applications, judicial review or ministerial intervention requests.

For advice on specific cases email S. [REDACTED]
22(1)

3.9.5. Visas with multiple entry facility including Protection-based visa holders

In order to depart via the Program, a non-citizen must not hold a visa that permits re-entry to Australia; therefore in the case that the non-citizen is a holder of a visa with multiple entry facility, he or she can make a written request for the visa to be cancelled.

In these circumstances, the visa cancellation request must be lodged with the Department prior to referral to a Service Provider. Departmental officers can refer to VM-991 - General visa cancellation powers (sections 109, 116, 128, 134B and 140) or email the Cancellation Support Helpdesk for further information.

SROs will consult with General Cancellations team to ensure cancellation is applicable and completed appropriately.

3.9.6. Protection-based visa holders

Service Providers may provide return assistance to a non-citizen who withdraws their application for protection prior to a determination the client meets Australia's protection obligation, or seeks cancellation of the grant of a protection based visa.

A non-citizen will make their own decision to rescind their application for protection, or seek cancellation of the grant of a protection based visa.

For the visa cancellation process relating to non-citizens departing via RRAP, officers should review ADD2019/3784753 RRAP where a visa cancellation is required process document.

Where protection-based visa holders are requesting visa cancellation in order to depart with returns assistance, officers should refer to:

VM-991 - General visa cancellation powers (s109, s116, s128, s134B and s140); and

VM-3232 – Refugee and Humanitarian > International Treaties Obligations Assessments or email the s. 22(1)(a)(ii)

3.9.7. Non-citizens likely to meet visa cancellation/refusal provisions

Those non-citizens in the community who fall within section 501 or Directions no. 63 or 65 visa cancellation provisions, but have not yet had their visa cancelled, may be able to access the Program.

Those non-citizens in the community **who have not** served a single or cumulative term of imprisonment of 12 months or more are able to be considered for assistance. Similarly, non-citizens who have been charged but not convicted or sentenced, or charged and convicted but not sentenced, are able to be considered for return assistance, providing the relevant police/prosecutor agrees with the non-citizen departing Australia prior to the matter being finalised.

The Program is unable to assist non-citizens convicted of serious offences or where there are ethical or security concerns (related to human trafficking, people smuggling, perpetrating of child abuse, murder, and sexual violence based offences).

Status Resolution Program Management Section can provide advice on eligibility for cases with criminality issues, contact s. 22(1)(a)(ii)

Table 6 – Return assistance for non-citizens who have committed crimes

Location and status	Available return services
IMA and non-IMA in community <ul style="list-style-type: none"> who have been charged, convicted, sentenced and served a single or cumulative term of imprisonment of twelve months or more 	None available.
IMA in community <ul style="list-style-type: none"> who may have committed criminal acts but who have not been charged, convicted or sentenced or <ul style="list-style-type: none"> who have served a single or cumulative term of imprisonment of less than twelve months 	Return and Reintegration Assistance
Non-IMA in community <ul style="list-style-type: none"> who may have committed criminal acts but who have not been charged, convicted or sentenced or <ul style="list-style-type: none"> who have served a single or cumulative term of imprisonment of less than twelve months 	Return assistance
IMA and non-IMA in immigration detention <ul style="list-style-type: none"> who have been charged, convicted, sentenced and served a single or cumulative term of imprisonment of twelve months or more 	None
IMA or non-IMA in immigration detention <ul style="list-style-type: none"> who may have committed criminal acts but who have not been charged, convicted or sentenced or <ul style="list-style-type: none"> who have served a single or cumulative term of imprisonment of less than twelve months 	IMAs - PARA All others - detainee leaves Australia as part of the removals program.

3.9.8. Non-citizens who request visa cancellation

A lawful non-citizen holding a temporary visa may decide to leave Australia voluntarily, but may be unable to self-fund their return travel.

The Migration Act and Regulations allow visa holders to request the Department to cancel their visa in specific circumstances. For example, a visa holder with a visa that will not cease on departure (multiple

entry), who does not have the funds to leave Australia, may ask for their visa to be cancelled so they can depart via the Program.

In all cases, enquiries must be made to ensure the individual is unable to self-fund their departure in the first instance.

For the visa cancellation process relating to non-citizens departing via RRAP, officers should review *ADD2019/3784753 RRAP where a visa cancellation is required process* document.

For more information on visa cancellations refer to VM991 – General visa cancellation powers (sections 109, 116, 128, 134B and 140) or email the s. 22(1)(a)(ii).

3.9.9. Stateless non-citizens

Stateless non-citizens can be referred to the Program, however, departmental officers should be prepared for return to be unachievable for some stateless non-citizens. In these circumstances a client may benefit from return counselling to inform a decision to return to a country where they may have a right of entry and long term stay.

3.9.10. IMA crew members

IMA crew members are unable to access the Program while they are of continuing interest to the Australian Federal Police (AFP). After a client ceases to be of interest to the AFP, they may be able to receive assistance from the Program. Similarly, the family of IMA crew may access the Program, providing they are not of interest to the AFP.

3.9.11. 'Finally determined' visa applications

Any visa application that has been assessed as not meeting visa criteria at primary and review decision points is defined as 'finally determined' (FD). Refer to PAM3: Act - Act-defined terms – sections 5(9)-5(9B) - Finally determined. FD non-citizens who remain in the community are to be strongly encouraged to depart via the Program.

3.10. Return to suspended countries

Service Providers may be unable to deliver Program services in certain countries due to political crisis or operational challenges. The situation of the return countries may change and Service Providers can provide up-to-date information for a particular return country. In these circumstances third country return options should be investigated.

3.11. Debt to the Commonwealth, exclusion periods and re-entry

A non-citizen who returns from the community with the Program and leaves as a lawful non-citizen does not incur a debt to the Commonwealth associated with their departure (Public Interest Criterion (PIC) 4004). However, the non-citizen who departs may be subject to other PICs, such as PIC 4014 (over-stayer). These details are recorded in the s. 47E(d).

Individuals who are voluntarily removed from Australia and access PARA are generally liable for a removal debt and a removal-related exclusion period and special return criterion (SRC) 5002, which may limit future eligibility to be granted a visa to enter and stay in Australia. For further information refer to DM-566 – Removal from Australia.

s. 47E(d)

4. Accountability and Responsibility

Role	Description
Status Resolution Officers (SRO)	SROs facilitate timely status resolution outcomes while managing risks to the community. They are responsible for managing the operational aspects of voluntary return. For more information on the Status Resolution Officer role, refer to the <i>Status Resolution Officer Role PI (VM-6363)</i> .
Status Resolution Program Management (Document owner)	Status Resolution Program Management provides program management support to Status Resolution Programs. It is accountable for managing the Returns Program and providing National Office support to the Status Resolution Network, ensuring a nationally consistent model and consistent practices relating to the Returns Program.

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1.0	December 2016	SRRRPS / SRPMS	Document created

Unclassified

[Document Title]

Version number	Date of issue	Author(s)	Brief description of change
2.0	February 2017	SRRRPS / SRPMS	Consultation feedback incorporated
3.0	October 2018	Status Resolution Program Management Section	Updated to reflect new program model and consultation feedback incorporated
4.0	March 2020	Status Resolution Program Management Section	Annual review for currency

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

Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Assisted Voluntary Return and Reintegration	AVRR	Previous name for the return and reintegration assistance program. The mailbox for the new program remains s. 22(1)(a)(ii) .
s. 47E(d)		
Assisted Voluntary Return and Reintegration	AVRR	Previous name for the return and reintegration assistance program. The mailbox for the new program remains s. 22(1)(a)(ii)
s. 47E(d)		
Compliance Case Management and Detention Portal	CCMD	The Compliance, Case Management and Detention (CCMD) Portal provides users access to CCMD material and serves as a central hub for related information.
Crew member		A person who is identified as a member of the crew of a boat which carries non-citizens to Australia in circumstances that constitutes an offence of people smuggling under s233A of the Act. A crew member may include a person who has been involved in cooking, cleaning, fixing the engine, steering, assisting passengers or other crew members or any other task or duty relating to transporting non-citizens to Australia.
Department of Home Affairs	the Department	Department of Home Affairs, including its National Office and all offices in the States and Territories.
Departmental officer		Any person employed by the Department of Home Affairs. This does not include Service Providers contracted to deliver services on behalf of the Department.
Detention		'immigration detention' within the meaning of section 5(1) of the Migration Act.
Finally Determined	FD	Any visa application that has been assessed as not meeting visa criteria at primary and review decision points is defined as 'finally determined' (FD). Refer to PAM3: Act - Act-defined terms – sections 5(9)-5(9B) - Finally determined. FD non-citizens who remain in the community are to be strongly encouraged to depart via the Program.

Term	Acronym (if applicable)	Definition
<i>Financial Framework (Supplementary Powers) Regulations 1997</i>	FFSP	Commonwealth legislation about the arrangements under which public money is, or may become, payable by the Commonwealth.
Homeward		The operating name of Serco, a Service Provider contracted to provide return assistance.
<i>Immigration (Guardianship of Children) Act 1946 (Cth)</i>	IGOC Act	The <i>Immigration (Guardianship of Children) Act 1946</i> (IGOC Act) provides that the Minister responsible to the administration of the IGOC Act is the legal guardian of certain non-citizen minors in Australia.
Illegal maritime arrival (unauthorised maritime arrival)	IMA	Section 5AA of the Migration Act provides that a person is an unauthorised maritime arrival if: (a) the person entered Australia by sea: (i) at an excised offshore place at any time after the excision time for that place; or (ii) at any other place at any time on or after the commencement of this section; and (b) the person became an unlawful non-citizen because of that entry; and (c) the person is not an excluded maritime arrival.
In-kind assistance		Cash-less assistance.
International Organization for Migration	IOM	A Service Provider contracted to provide return and reintegration assistance.
Long term stay		The United Nations defines "A long-term migrant is a person who moves to a country other than that of his or her usual residence for a period of at least a year (12 months), so that the country of destination effectively becomes his or her new country of usual residence" For the purposes of RRAP this should be considered on a case by case basis by contacting S. 22(1) mailbox.
<i>Migration Act 1958 (Cth)</i>	Migration Act	Commonwealth legislation for the entry into, and presence in, Australia of non-citizens, and the departure or deportation from Australia of non-citizens and certain other persons.
International Treaties Obligations Assessment	ITOA	An ITOA considers whether Australia's non-refoulement obligations are engaged in a person's case.

Term	Acronym (if applicable)	Definition
Post arrival reintegration assistance	PARA	Post-arrival reintegration assistance in the receiving country available to IMAs who are removed from Australia under s198(1) of the Act, after the IMA arrives in the country of return.
<i>Public Governance, Performance and Accountability Act 2013 (Cth)</i>	PGPAA	Commonwealth legislation about the governance, performance and accountability of, and the use and management of public resources by, the Commonwealth, Commonwealth entities and Commonwealth companies, and for related purposes.
Reintegration Assistance	RA	A service to assist IMA clients with reintegration activities following a return journey. Cash and/or in-kind assistance available to Illegal Maritime Arrivals who depart voluntarily from the community to support reintegration through income generating activities for up to six months following arrival in the country of return.
Regional Processing Country	RPC	A country designated by the Minister as a <i>Regional Processing Country</i> .
Return and Reintegration Assistance Program	RRAP	A program to assist non-citizens to leave Australia where they are unable to self-fund their departure.
Return Assistance		A program, provided on behalf of the Australian Government, to assist identified lawful and unlawful non-citizens to voluntarily return to their country of origin.
Serco Australia Pty Ltd	Serco	A Service Provider contracted to provide return assistance. Operating under the name Homeward.
Status Resolution Officer	SRO	Administrative decision makers who apply the legislation to identify status resolution pathways and support timely status resolution outcomes.
Status Resolution Program		A program that provides support and assistance to eligible persons in Australia to resolve their immigration status.
Status Resolution Program Management Section	SRPMS	A section within the Immigration & Settlement Services Group (ISSG) in the Department, responsible for drafting and providing procedural advice on the Returns and Reintegration program.
Status Resolution, Returns and Removal Policy Section	SRRRPS	A section within the Immigration & Settlement Services Group (ISSG) in the Department, responsible for drafting and providing policy advice on status resolution, returns and removals.
Unaccompanied minor	UAM	A UAM is a policy term describing a non-citizen person under 18 years of age who arrives in Australia without being in the charge of, or for the purpose of being cared for by, a parent or legal guardian as recognised under Australian law.

Unclassified

[Document Title]

Term	Acronym (if applicable)	Definition
United Nations High Commissioner for Refugees	UNHCR	Established on 14 December 1950 by United Nations General Assembly resolution 428(V). The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems world-wide. Its primary purpose is to safeguard the rights and well-being of refugees.
Voluntary Return		Voluntary departure of a non-citizen from the Australian community either self-managed or with the assistance from the Australian Government.

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

Attachment B – Assurance and Control Matrix

1.1. Powers and Obligations

The Return and Reintegration Assistance Program is not a legislated program and as such officers assisting clients do so under the SRO PI VM-6363.

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
Privacy Act 1988	APPs	The Australian Privacy Principles (APPs), regulate the handling of personal information, including sensitive information	N/A	N/A

1.2. Controls and Assurance

Related Policy	<ul style="list-style-type: none"> Sch4/4022 – The code of behaviour requirement Policy Statement (BC-758) Work Health and Safety Governance Arrangements (HR-1230)
Procedures / Supporting Materials	<ul style="list-style-type: none"> Status Resolution Officer (SRO) PI (VM-6363)
Training/Certification or Accreditation	<ul style="list-style-type: none"> Status Resolution Foundational Skills training Interviewing Techniques & Introduction to Situational Awareness training
Other required job role requirements	N/A
Other support mechanisms (eg who can provide further assistance in relation to any aspects of this instruction)	Advice and outreach can be provided by the Status Resolution Program Management Section: s. 22(1)(a)(ii)
Escalation arrangements	Advice and outreach can be provided by the Status Resolution Program Management Director.
Recordkeeping (e.g. system based facilities to record decisions)	<ul style="list-style-type: none"> TRIM Integrated Client Services Environment (ICSE) Compliance, Case Management and Detention Portal (CCMD)

Unclassified

[Document Title]

Control Frameworks (please refer to a specific document outlining QA or QC arrangements)	<ul style="list-style-type: none">• Child Safeguarding Framework (BE-916)• Status Resolution System Control Framework (BC-763)• Status Resolution System Control Framework – Mandatory Control Points (BC-6186)
Job Vocational Framework Role	Status Resolution Officer (SRO)

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

Attachment C – Consultation

1.1. Internal Consultation

The following internal stakeholders were consulted in the development of this Procedural Instruction:

- Pacific and Transnational Issues Branch (International Policy Division)
- Status Resolution Framework, Returns and Removal Policy Section (Immigration and Citizenship Policy Division)

1.2. External Consultation

- None

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